[DE] Court Bans EPGs from Using Programme Information

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In May, in the dispute over the use of programme information in electronic programme guides (EPGs) on the Internet, the Landgericht Leipzig (Leipzig District Court - LG) ruled in favour of the plaintiff, the collecting society VG Media (case no. 5 O 2742/08). According to this decision, the information may only be used if a licence fee has been paid to the relevant rightsholders (see IRIS 2008-4: 12).

The defendant company, tvtv, operates a website under the domain name tvtv.de, which contains information about television programmes. It uses additional information, such as content descriptions and images that are produced by the broadcasters. VG Media, which claims to represent 36 TV broadcasters, requested a licence fee of EUR 0.0002 per downloaded page of this additional programme information.

The LG Leipzig ruled in favour of the plaintiff. It considered the programme information to be artistically created, which meant it was protected under copyright law. The web service did not represent reporting on events of the day and therefore was not entitled to use the additional programme information free of charge under Art. 50 of the Urheberrechtsgesetz (Copyright Act - UrhG).

The Verband Deutscher Zeitschriftenverleger (association of German magazine publishers - VDZ), whose members often provide Internet services containing programme information, had already submitted to the Landgericht Köln (Cologne District Court - LG) an action for a negative declaratory judgment against VG Media's demand. A ruling on this action is yet to be issued.

Following the LG Leipzig's decision, tvtv removed the additional programme information from its service. However, it also announced that it intends to appeal the ruling.

Entscheidung des Landgerichts Leipzig (Az: 5 O 2742/08)

Decision of the Leipzig District Court (Az: 5 O 2742/08)

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