[DE] MyVideo Wins Legal Dispute with CELAS before Munich District Court I

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In a ruling of 25 June 2009 in favour of the video portal MyVideo, the Landgericht München I (Munich District Court I - LG) decided that MyVideo is not obliged to stop reproducing pieces of music over which the defendant, the licensing company CELAS, asserts mechanical reproduction rights.

The collecting society GEMA (society for musical performance and mechanical reproduction rights) was originally entrusted with the task of managing the rights to the EMI repertoire. However, EMI Music Publishing then demanded some of these rights back from GEMA and transferred responsibility for them to CELAS, a joint venture between GEMA and the British PRS. CELAS was asked to sell licences for EMI's Anglo-American repertoire in the mobile and online sector across Europe. GEMA, which retained the right to make the works accessible to the public, signed a corresponding licensing agreement with MyVideo. CELAS acquired the mechanical reproduction rights, for which it asked MyVideo to pay a licence fee or otherwise stop using the material concerned.

The LG München I ruled that this separation of individual exploitation rights was unlawful. In the online sector, technical conditions meant that the performance of musical works was always dependent on the creation of a copy, which meant it was impossible to separate the right to make a work accessible from the related reproduction rights (Arts. 16 and 19a of the Copyright Act - UrhG). The transfer of the reproduction rights was therefore invalid and CELAS' claim for an injunction was unfounded. The rights were still held by GEMA.

According to reports, CELAS intends to appeal against this decision.

Urteil des Landgerichts (LG) München I vom 25. Juni 2009 (Az: 7 O 4139/08)

http://openjur.de/u/31093-7_o_4139-08.html

Ruling of the Landgericht München I (Munich District Court I - LG) of 25 June 2009 (case no. 7 O 4139/08)

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