[DE] Appeal Court Rules on Dispute between *RTL* and *Sat.1* over Use of Film Material

IRIS 2010-1:1/15

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In the legal dispute between RTL Television GmbH and Sat.1 Satellitenfernsehen GmbH, the *Oberlandesgericht Köln* (Cologne Appeal Court - OLG) issued a ruling on 30 October 2009, rejecting RTL's complaint and overturning the decision of the court of lower instance.

The underlying case concerns film material from the episode of an RTL talent show broadcast on 23 January 2008. The episode included an appearance by a candidate who broke down after one of the judges gave a devastating appraisal of his performance. On the following two days, the broadcaster Sat.1 reported on this incident, using several excerpts from the recording in its own programmes. RTL argued that this infringed its exclusive right of exploitation, enshrined in Art. 15 of the *Urheberrechtsgesetz* (Copyright Act - UrhG), and demanded compensation.

The OLG Köln rejected this claim. The intrusion into RTL's copyright by Sat.1 had been admissible in this case. The talent show concerned was very popular with the viewing public. The very harsh assessments of this particular judge were regularly the subject of public debate. In this context, the candidate's breakdown was a significant public event, which could be and - through its use in the Sat.1 programmes - had been the subject of topical news reporting (Art. 50 UrhG). Sat.1's use of the film material had been limited to the extent necessary for the purpose of the reporting. Furthermore, the film excerpts used for reference had been covered by the right to quote (Art. 51 UrhG).

The ruling of the OLG Köln is final.

Pressemitteilung des OLG Köln zum Urteil vom 30. Oktober 2009 (Az. 6 U 100/09)

http://www.justiz.nrw.de/Presse/presse_weitere/PresseOLGs/05_11_2009/index.php

Press release of the Cologne Appeal Court on its ruling of 30 October 2009 (case no. 6 U 100/09)

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