

[DE] Temporary Injunction against Save.TV Technical Service Company

IRIS 2010-9:1/17

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According to a press release issued by the online video recording service Save.TV, on 28 July 2010 the Landgericht München (Munich District Court - LG), at the request of television broadcaster RTL, granted a temporary injunction against one of its service companies, obliging it to cease providing technical support so that the RTL channel could no longer be recorded. The reasons for the court's decision were not reported.

The unnamed technical service company is reported to have announced immediately that it would take legal action against the temporary injunction.

The injunction clearly represents a further step in the broadcaster's lengthy efforts to prevent Save.TV and similar providers from making recordings of copyright-protected content available to the public (see IRIS 2009-7: 7/9 on the dispute between RTL and Shift TV). The action against Save.TV's service company is closely related to a legal dispute between Save.TV itself and RTL, which is currently pending before the Oberlandesgericht Dresden (Dresden Appeal Court - OLG) after the Bundesgerichtshof (Federal Supreme Court) quashed the OLG's appeal ruling in April 2009 (case no. I ZR 175/07) and referred the case back to it for review.

The OLG Dresden had upheld the broadcaster's complaint and ruled that its copyright-related right as enshrined in Article 87(1) of the Urheberrechtsgesetz (Copyright Act - UrhG) had been infringed due to unauthorised reproduction. The OLG Dresden had rejected the defendant's argument that the recordings were made for private use in accordance with Article 53(1) UrhG.

Mitteilung von Save.TV

<http://www.save.tv/STV/S/misc/support/miscSupport.cfm?CategoryID=5>

