[DE] Appeal Court Confirms Compensation Obligation for Use of Private Broadcasters' Programmes

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According to media reports, the Oberlandesgericht München (Munich District Appeal Court - OLG) decided on 30 June 2011 that hotel operators and cable companies are obliged to pay reasonable compensation to broadcasters for the use of their television and radio programmes.

In the proceedings, a hotel operator and a private news broadcaster had argued over whether compensation was due for the use of television programmes in hotel rooms.

According to the reports, the OLG found that using the hotel's own distribution equipment to retransmit programme signals to television and radio sets installed in hotel rooms constituted secondary exploitation, which was subject to copyright law and compensation obligations. The hotel operator should be licensed by the broadcaster or the responsible collecting society. The hotel benefited directly from making television channels available to its guests by charging higher room rates. The compensation obligation applied regardless of the hotel's occupancy rate and chosen means of reception. The OLG München also stated that cable companies should pay compensation to broadcasters for the retransmission of television programmes (see IRIS 2010-6/17 and IRIS 2010-4/15).

The decision of the OLG München is final.

Pressemitteilung der VG Media vom 12. September 2011 zum Urteil des OLG München (Az. 6 Sch 14/09 WG)

http://www.vgmedia.de/images/stories/pdfs/presse/110912_pressemitteilung_olgmuenchen.pdf

VG Media press release of 12 September 2011 on the ruling of the OLG München (case no. 6 Sch 14/09 WG)

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