[DE] OLG Rejects Claim against YouTube for Disclosure of User Data

IRIS 2012-1:1/21

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According to media reports, the Oberlandesgericht München (Munich Appeal Court - OLG) decided in an urgent procedure on 17 November 2011 that YouTube was not obliged to disclose data identifying a user who had uploaded copyrighted material to the copyright holder.

In the case at hand, a YouTube user had published film material, which he had obviously created by filming a cinema screen, on the video portal. The film distributor concerned claimed that this breached its rights and demanded that YouTube remove the material and provide it with information about the user's identity. YouTube immediately complied with the first request, but refused to disclose the user data.

The OLG München has now also rejected the data request, confirming the decision of the lower-instance court. Although it was true that copyright had been breached, the commercial nature of the unlawful action required under Article 101 of the Urheberrechtsgesetz (Copyright Act) to justify the disclosure of information was not apparent in this case. The relevant information provided by the claimant was insufficient and there was, in particular, no evidence that the user had intended to profit financially from his actions.

According to reports, the film distributor is considering pursuing its claim in the main proceedings.

Beschluss des Oberlandesgericht München vom 17. November 2011 (Az. 29 U 3496/11)

Decision of the Munich Appeal Court of 17 November 2011 (case no. 29 U 3496/11)

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