[DE] Munich District Court Upholds ProSiebenSat.1 Complaint Against Save.tv Online Video Recorder

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According to ProSiebenSat.1, the Landgericht München I (Munich District Court 1) upheld the media group's complaint against the online video recorder Save.tv in a judgment of 13 August 2012 (case no. 7 O 26557/11). ProSiebenSat.1 had asked for an injunction preventing Save.tv from using its programmes.

In the District Court's view, Save.tv infringed the broadcaster's rights by using its broadcast signals to record and retransmit ProSiebenSat.1 programmes to its users without permission. The online video recorder was inadmissible because it was not simply used to create private copies, as its operators had argued.

The Munich court's decision joins a host of other court rulings concerning the legitimacy of such online video recorders - which have had completely different outcomes. Back in November 2010, the Oberlandesgericht München (Munich Appeal Court - OLG) had ruled in favour of a broadcasting company and prohibited a Save.tv service provider from continuing to provide technical support for the online video recorder (see IRIS 2011-2/19 and IRIS 2010-9/17).

In contrast, the OLG Dresden (Dresden Appeal Court) had decided in July 2011, that the online video recorder operated by Save.tv did not breach the broadcaster's reproduction right (see IRIS 2011-8/21). Previously, however, a similar 2007 ruling by the OLG Dresden in the same case had been referred back to the court by the Bundesgerichtshof (Federal Supreme Court) (see IRIS 2009-7/9).

Urteil des Landgerichts München I vom 13. August 2012 (Az. 7 O 26557/11)

Judgment of the Munich District Court 1, 13 August 2012 (case no. 7 O 26557/11)

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