[AT] Action Brought against RTL for Being Insulted as the “Monster from the Deep” Dismissed

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According to media reports, the *Landesgericht Korneuburg* (Korneuburg Regional Court) dismissed on 8 November 2012 an action brought against RTL by a man from Lower Austria. The plaintiff had been accidentally filmed by the German TV broadcaster in November 2010 during his holiday on the Maldives, subsequently shown without his consent in the programme “Deutschland sucht den Superstar 2011 - Recall” (Germany seeks 2011 superstar - Recall”), and was referred to by one of the presenters as the “monster from the deep”.

In order to avoid legal action, RTL paid the 70-year-old plaintiff a lump sum of EUR 9,000. He subsequently submitted a psychiatric report proving that he had suffered a mental illness as a result of the broadcast in which he had been insulted and requested the court to award him a further EUR 16,000. However, the judge held that the damages already paid were reasonable. Basing his decision on a comparison with similar defamation cases, he dismissed the action. The plaintiff’s lawyer announced his intention to appeal.

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