[DE] Copyright Dispute over News Programme Signature Tune

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According to media reports, at the beginning of April 2014 the Oberlandesgericht München (Munich Appeal Court - OLG) recommended an out-of-court settlement in the case concerning the signature tune of the Zweites Deutsches Fernsehen (ZDF) news programme “heute journal” (case no. 6 U 21 65/13).

The case followed a complaint by the Birnbach music publisher about the current version of the news programme’s jingle, written in 2009. The plaintiff argued that the broadcaster’s arrangement of the 1962 classic melody “Fanfarenblues”, created without the composer’s permission, as required by Article 23 of the Urheberrechtsgesetz (Copyright Act), represented a breach of copyright. ZDF replied that the reworked version was a new creation and had therefore been lawfully used since the programme had been updated. The lower-instance court (Landgericht München I - Munich District Court I) had rejected the publisher’s complaint on the grounds that the new melody was a new composition.

Among other things, the plaintiff submitted to the OLG a report confirming the similarity of the two versions. The court expressly gave ZDF two months in which to respond to the report, but called on the parties to reach an out of court settlement before the procedure resumed.

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