[DE] vzbv complains about unlawful streaming service T&Cs

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According to an inspection of 14 video and music streaming services by the Bundesverband der Verbraucherzentrale (Federation of German Consumer Organisations - vzbv), a total of 130 of the general terms and conditions used by the service providers were unlawful because they put consumers at an unreasonable disadvantage.

The vzbv has announced that it has so far cautioned 20 operators including Napster, Watchever, Spotify, Simfy and Amazon. As well as clauses restricting users' warranty rights or operators' liability, the vzbv questioned the operators' right to block or withdraw their services at any time and to unilaterally amend prices and contractual provisions.

There were also serious shortcomings as far as data protection was concerned. For example, many streaming services failed to meet their legal obligation to obtain consent for the use of customer data, which meant that they were often able to decide at their own discretion whether data on service use was collected without the customer's consent and whether data was passed to third parties for advertising purposes. This information was often passed to operators of social networks such as Facebook without users' knowledge.

Finally, the vzbv also reminded the providers that they needed to make their terms and conditions easier to read and understand. It particularly criticised the "sometimes unreasonable length" of the terms and conditions, since it was virtually impossible for the average consumer to fully understand a document that could be up to 19 pages long.

Cease and desist declarations have already been served to 16 of the 20 cautioned operators. The vzbv has not yet exercised its right to instigate court proceedings regarding this matter.

Bundesverband der Verbraucherzentrale - Überblick der Abmahnungen

http://www.vzbv.de/cps/rde/xbcr/vzbv/Streaming-Verfahren-vzbv-Liste-2014.pdf

Federation of German Consumer Organisations - Overview of cautions

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