[DE] Stuttgart district court allows broadcast of illegally-made film recordings under public right to information

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In a judgment of 9 October 2014 (case no. 11 O 15/14) that has not yet been published, the Landgericht Stuttgart (Stuttgart District Court - LG Stuttgart) ruled that illegally obtained information may be broadcast on television in accordance with the principle of broadcasting freedom.

The case concerned the broadcast on 13 May 2013 of a report on the TV channel “Das Erste” on the theme of “Starvation wages on the production line - how wages are being undermined”, which contained footage filmed secretly at a Daimler car factory.

The video footage was recorded on four hidden cameras by a journalist working for Südwestrundfunk (“SWR”). He had got a job through a temping agency and worked for two weeks at a Daimler factory in Stuttgart-Untertürkheim in order to conduct undercover research.

The footage suggested that the workers employed under a so-called “Werkvertrag” (service contract) were paid less than the company’s permanent staff despite doing the same job, and that they sometimes had to boost their salary by claiming state benefits (“Hartz IV”).

Daimler asked the LG Stuttgart for an injunction prohibiting the further use of the video recordings on the grounds that the footage had been obtained illegally and that broadcasting it would constitute a serious infringement of its rights.

The LG Stuttgart held that the recording of the video footage had infringed the rights of the plaintiff, Daimler, since the journalist had infringed the company’s rights as the factory owner. However, the plaintiff could not stop the report on such a deplorable situation being broadcast because the public right to information clearly took precedence over those rights.

When weighing up the parties’ respective interests, the LG Stuttgart ruled that SWR’s freedom of expression and broadcasting under Article 5 of the Grundgesetz (Basic Law - GG) outweighed the disadvantages suffered by the plaintiff as a result of the illegal acquisition of information. Consequently, the LG Stuttgart dismissed Daimler’s complaint against SWR.

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Pressemitteilung des LG Stuttgart vom 9. Oktober 2014

http://www.landgericht-stuttgart.de/pb/,Lde/Startseite/PRESSE+und+VERANSTALTUNGEN/Daimler+unterliegt+im+Rechtsstreit+gegen+SWR/?LISTPAGE=1195716

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