

No copyright protection for famous Loriot film quote

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The iconic phrase ‘Früher war mehr Lametta’, coined by German comedian Loriot, is not protected under copyright according to a recently published decision of the *Landgericht München* (Munich Regional Court – LG) of 18 July 2019, which was upheld by the *Oberlandesgericht München* (Munich Regional Appeal Court – OLG) on 14 August 2019.

The heirs of the artist Bernhard-Viktor Christoph-Carl von Bülow, known by the pseudonym Loriot, who died in 2011, had applied for interim legal protection to prevent the sale of T-shirts and other products with the quote printed on them. They claimed that the unauthorised use of the quote entitled them to injunctive relief against a T-shirt manufacturer. The phrase ‘Früher war mehr Lametta’ comes from the film ‘Weihnachten bei Hoppenstedts’, which was first screened in 1978 and is still regularly shown on German television at Christmas. The iconic words, originally spoken by the character ‘Opa Hoppenstedt’, who was played by Loriot himself, has now become part of everyday German language. It is used as a pointed expression meaning that everything used to be better than it is now.

The comedian’s heirs referred to a judgment by the European Court of Justice (Case C-5/08), according to which the reproduction of an extract of a protected work, which comprises 11 consecutive words thereof, can constitute reproduction in part within the meaning of copyright law if the extract contains an element of the work which, as such, expresses the author’s own intellectual creation. They claimed that the quote from the film constituted such a protected sequence of words.

The judges of the 33rd civil chamber of the LG München disagreed and decided that the phrase did not constitute a work in itself. In isolation, it did not reach the threshold of originality to be protected under copyright law. Its uniqueness and originality relied on the fact that it formed part of a film scene and the associated situation comedy. The use of the word ‘Lametta’ as a metaphor at the end of an everyday, frequently heard sequence of words was not sufficiently original or unique to constitute anything more than a common form of expression. The OLG München confirmed the decision that the quote did not constitute a protected work, bringing an end to the interim legal proceedings. No further legal action is currently pending.

Pressemitteilung des Oberlandesgerichts München vom 20.12.2019, Az: 6 W 927/19

<https://www.justiz.bayern.de/gerichte-und-behoerden/oberlandesgerichte/muenchen/presse/2019/55.php>

Press release of the Munich Regional Appeal Court, 20 December 2019, case no. 6 W 927/19

