# Netflix series Skylines does not infringe personality rights

**IRIS 2020-2:1/22**

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In a ruling of 21 November 2019, the *Oberlandesgericht Frankfurt am Main* (Frankfurt am Main Regional Appeal Court) decided that the broadcasting of the series 'Skylines' was protected by artistic freedom. The series, which is produced in Germany, did not infringe the individual or corporate personality rights of the owner of a real-life music label called 'Skyline Records'. The artistic depiction of the main characters' lives and the company's business activities was deemed to be sufficiently removed from reality.

The Netflix streaming service launched the first season of the series with six episodes at the end of September 2019. The series tells the story of a Frankfurt music label called 'Skyline Records' and features talented hip-hop artist and producer 'Jinn', who is discovered by 'Skyline Records' and signed up by its boss, 'Kalifa'.

Even before the series started, the rapper and owner of the real-life music label, who is known by his stage name, 'Cousin JMF', had applied for a temporary injunction to prevent it from being broadcast. However, the *Landgericht Frankfurt am Main* (Frankfurt am Main Regional Court) rejected the application. The appeal that was immediately lodged against this decision with the appeal court has now also been dismissed. According to the court, the interest in broadcasting the series outweighed the applicant's personality rights. The artistic depiction and the original story were sufficiently distinguishable. There were clear similarities between the careers of the applicant and the main characters of the series. However, they were not such that the characteristics of the individuals portrayed could be ascribed to the real-life music label and its owner. The average viewer would be able to tell the difference between fiction and reality. Moreover, the similarities with the applicant's life did not extend beyond the typical circumstances of an artist's career. Also, the music used in the series was not particularly similar to that produced by the real-life company.

The judges also decided that the series contained such excessive violence, extreme brutality and serious crime that the average viewer would recognise the high level of exaggeration often found in films of this genre. It would be obvious that the story told in the series did not depict the business practices of a real-life Frankfurt-based company of the same name.

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***Pressemitteilung des Oberlandesgerichts Frankfurt am Main vom 04.12.2019 zum Beschluss vom 21.11.2019, Az. 16 W 56/19***

https://ordentliche-gerichtsbarkeit.hessen.de/pressemitteilungen/Netflix-Serie

*Press release of the Frankfurt am Main Regional Appeal Court of 4 December 2019 on the ruling of 21 November 2019, case no. 16 W 56/19*

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