

[DE] Satellite Dishes in the Home - Request by a Turkish Expatriot, Now of German Nationality, to Install a Satellite Dish to Receive Foreign Broadcasts.

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In the above case, the Bavarian Supreme Court turned down an application by a Turkish expatriot (the claimant) to install a satellite dish to receive foreign broadcasts.

The claimant acquired German nationality in 1982 and renounced his Turkish nationality at the same time. He owns his own flat in a large apartment complex where a Turkish channel is available by cable. The claimant put up a satellite dish on his balcony to receive more Turkish channels by satellite, and as a result, the other flat owners in the complex successfully brought a case against the man. A deciding factor in the case was that, in the opinion of the court, the other flat owners in the complex were suffering prejudice by the dish because it went beyond reasonable limits for communal living areas. The court found that putting up a satellite dish detracted from the aesthetic look of the apartment block and that this was confirmed in the present case.

The decision that unavoidable prejudice was caused was carefully considered by the court, considering on the one hand the claimant's need for information and the interests of the other flat owners who require protection against prejudice to their communal property. The claimant's need for information from his original home country was considered to be greatly reduced by the fact that he had renounced his Turkish nationality. His need for information about events in his country of origin was considered to be much greater than that of a person having acquired German nationality by birth, for events abroad, but not as great as that of a Turkish subject living in Germany. The court therefore ruled that, in view of all the facts, the claimant could receive a Turkish channel through the cable network thus giving precedence to the interests of the flat owners.

Beschluß des Bayerischen Obersten Landesgerichtes vom 28. Oktober 1994, Az.: 27 BR 77/94.

Ruling by the Bavarian Supreme Court on October 28th 1994, Az.: 27 BR 77/94.

