

[DE] Comparative Advertising on the Web - Court Rules on Liability for Link

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In a judgment given in proceedings for an injunction on 22 September 1997, the Regional Court in Frankfurt/Main (Landesgericht - LG - Frankfurt) ordered a German firm to delete an Internet link to a web-site which carried comparative advertising. The firm, a subsidiary of a Japanese company, had included on its site a link to the site of another, American subsidiary, on which two software products were compared. Comparative advertising is banned in Germany, but permitted in the United States. The Web site material itself had been originated in America, but the court decided that the link constituted advertising by the German subsidiary, which was thus in breach of Section 1 of the Unfair Competition Act. The judgment is not final.

Beschluß des LG Frankfurt vom 22. September 1997, Az. 3-12 O 173/97

Judgement of the Regional Court of Frankfurt, 22 September 1997, Az. 3-12 O 173/97

