

GERMANY



Dr. Peter Schotthöfer
Schotthöfer & Jennes
pwsjur@schotthoefer.de
www.schotthoefer.de

1.	Jurisdiction
Topic:	Transparency in „terms& conditions“ („Allgemeine Geschäftsbedingungen „) have to be clear, easily understandable, and easily readable, particularly on the internet. Otherwise the terms & conditions are not applicable. Author's Remark: Because of the comment made about transparency particularly related to the rules for sweepstakes, games for advertising purposes, etc. on the internet, German participants should follow this guideline.
Who:	LG Köln
When:	vom 29.1.2003
Where:	Az. 26 O 33/02
Published:	Source: Computer und Recht 2003 S. 697.

2.	Bundesgerichtshof (BGH)
Topic:	“Formats” of TV Programs are not protected by copyright law The “frame” of a TV program is not protected by copyright law. A French broadcaster sued a German broadcaster because there had been a French program aired since 1977 in which kids between 6 – 10, presented themselves singing a song, accompanied by a host, their parents, grandparents etc. and a “star” guest. The German broadcaster started a program with the same system under the name “Kinderquatsch mit Michael”. The German Supreme Court held that the German broadcaster did not infringe the French broadcaster's copyright since a frame like this is not protected by copyright.
When:	vom 26. Juni 2003 ;
Where:	Az. I ZR 176/01
Published:	(Wettbewerb in Recht und Praxis) WRP 2003, S. 1135

3.	Legislation
Topic:	Copyright law: The EU Directive 2001/21/EG was implemented into German law. The law deals with a new right of use („öffentliche Zugänglichmachung“); private digital copies, & technical protection against misuse of copyrights.

When:	13.09.2003
Published:	NJW VIII/2003

4	German unfair competition law and EU Directive
Topic:	The German government presented in the Spring a draft of a new unfair competition law („Gesetz gegen den unlauteren Wettbewerb“). It will review the draft and involve the draft of the EU Commission's directive against unfair practices.
Who:	German Government
When:	Autumn 2003
Where:	Berlin
Published:	KOM (2003) 356 endgültig ; 2003/0134 (COD)