

Press Release

by Rauschhofer Rechtsanwälte, Attorneys at Law

Twitter User is liable for Link to illegal website

Frankfurt/Wiesbaden, den 20.04.2010

The Frankfurt District Court yesterday granted an interlocutory injunction against a twitter user, who linked to an unlawful content (Decision on 20.04.2010, file reference 3-08 O 46/10). As recorded, this decision seems to be one of the first court rulings concerning the liability for links on twitter in Germany, maybe one of the first court rulings world wide.

The factual background is that an anonymous user posted several untrue and anti-competitive allegations about a German company. An ex-partner of this company set up a link to these allegations on his two twitter accounts with the comment: "very interesting".

The court followed the argumentation of the petitioner and ruled against the defendant to refrain from providing a link to a website which contains the respective allegations.

The sanction for violations of this court ruling by the defendant is of 250,000 Euros or custody up to six months.

"By wilfully setting this link the defendant adopted the allegations as his own", explained Dr. Hajo Rauschhofer, Specialist Solicitor for IT-Law.

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