



Press Release

BEITEN BURKHARDT Supports Bavarian Newspaper Publishers in Filing an Action Against News App BR24

Munich, 16 December 2015 – Yesterday eleven Bavarian newspaper publishers have brought an action before the Regional Court I of Munich against Bayerischer Rundfunk (Bavarian broadcaster; BR). Such action is targeted against the latest news app "BR24" of BR. BEITEN BURKHARDT provides legal advice to Verband Bayerischer Zeitungsverleger (VBZV), the Association of Bavarian Newspaper Publishers, and represents the complainant community of Bavarian newspaper publishers in the court proceedings.

The publishers deem the app launched in September 2015 a press-like product and consider the app thus a product causing unfair competition of the public service broadcaster BR as it infringes by its mere design the German Interstate Treaty on Broadcasting. This Treaty prohibits press-like offers that are not programme-related. With its action for injunctive relief under competition law, the eleven publishers now hope to obtain a decision, prohibiting BR to design the app BR24 as a press-like product.

In spring 2015, the Federal Court of Justice already took a decision in the long-running dispute over the "Tagesschau" app (daily news format of ARD) in favour of the newspaper publishers and against the ARD broadcasters, finding that the online activities of public service broadcasters must not be of press-like character (decision of 30 April 2015, file reference I ZR 13/14). The dispute over the Tagesschau app offered by the ARD broadcaster is again pending before the Higher Regional Court of Cologne. The Court will now examine whether the content offered via the Tagesschau app constitutes in its essence such an unlawful press-like offer.

Representatives of Verband Bayerischer Zeitungsverleger (VBZV):

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Information about BEITEN BURKHARDT

- BEITEN BURKHARDT is an independent international commercial law firm with a focused range of services and some 270 lawyers working in 10 locations.
- Through our long-established offices in Germany, Brussels, China and Russia we advise large and mid-sized companies and corporate groups from various industries, banks and financial institutions as well as the public sector.