



Wiesbaden Legal Center Legal Assistance Office



Copyright Infringement by Illegal File Sharing in Germany

Private downloading of music, films, and TV series by at-home internet users has become very popular. Downloading copyright protected material and making it available to the public via peer to peer ("P2P") file sharing software is an offense in Germany, and the internet user can be held liable for damages to the copyright holder under German Copyright laws.

German Copyright laws grant the owner of copyrighted work an exclusive right to reproduce, distribute, publicly perform and publicly display the work or to authorize such. Downloading and uploading copyrighted works without permission contravenes the copyright holder's right of reproduction and distribution.

German law firms acting on behalf of proprietors of copyright of literary/artistic/musical work mail out cease and desist letters to hundreds if not thousands of internet users alleging that those users made unauthorized use of such copyrighted work, by way of having illegally downloaded music, audio books or films from the internet and made those works available to other internet users. The wording of these cease and desist letters are nearly identical and consist of allegations that on a particular day at a particular time the internet user associated with a specific IP address downloaded a protected work and made it available to other users mainly through a P2P file sharing program.

Copyright holders identify illegal downloading activities by using the services of Anti Piracy firms to track and search copyrighted works, which often include current chart hits or movies on popular file sharing P2P networks. The firms can then match an upload available online to a specific IP address. Once an IP address is identified, a court order is applied for. The court order is generally granted ordering internet service providers who store user data to release contact information for the user to whom the investigated IP address is assigned. Requested contact information includes, the name and address of the user.

As a rule, the individual who contracted with the service provider is legally responsible for any illegal download activity, even if it is carried out by family members, visitors, or neighbors. Moreover, leaving a WLAN unsecured makes a user responsible for any violations third parties may cause on the network. As a protection it is recommended to set up a username and password for a Wireless Router or any similar equipment so that only those who know the password are be able to use the Internet connection through the Wireless router. It is mandatory to keep the password safe.



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If you receive a demand letter from a law firm alleging an illegal download, don't ignore it. The issued notice letter is generally considered to be legally sufficient. Most attorneys insist on payment of damages, a statement of cease and desist as well as the respective legal fees. Recent statutory amendments to the Copyright Act have introduced a limitation of legal fees in reference to just a cease and desist letter to €147, 50. It is advisable to consult an attorney prior to communicating with the law firm, signing any documents, or making any payments.

This information paper provides only general guidance. If you require legal advice in relation to an downloading allegation, make an appointment to see a legal assistance attorney at the Wiesbaden Legal Center DSN 537-0664 or Civilian 0611-143-537-0664.