

## **Defending against spam/unwanted advertising**

**Have you or your company received unwanted advertising, e.g. via e-mail, text, fax, regular mail, or phone? Is one of your competitors using these types of advertising methods? As a competitor of a company using unfair advertising practices or the recipient of bothersome advertising, you can defend yourself provided the sender is identifiable. You can also assert a claim as the person affected regarding the origin of your personal data.**

### **What we offer**

We will examine the technical and legal situation for you if you are the addressee of advertising campaigns you have not agreed to or if you know of a competitor that has not kept to the rules of the game as far as competition law is concerned. If you know of violations in the competition, document them and we will show you how you can stop these violations as quickly and efficiently as possible.

We usually start with an official warning notice demanding cease-and-desist, information, compensatory damages, withdrawal, and reimbursement of attorney's fees. In addition, a claim will be made for information with respect to the origin and use of the personal data used for the advertising campaign in such cases.

If the recipient of the warning notice fails to give sufficient declaration to cease and desist in response to the warning notice or if said person fails to fulfill the other claims, then we will initiate the necessary steps for court proceedings. Claims in this case can be enforced in the form of a temporary injunction or a complaint. We can represent you before all courts in Germany. Take advantage of our many years of experience in countless competition law disputes and court proceedings.

### **Scope of service**

- Examination and assessment of the technical and legal situation
- Consulting with respect to the legal options and the strategic procedure
- Out-of-court representation in warning notice proceedings
- Court enforcement before all district and regional courts in Germany by means of temporary injunctions or complaints
- Enforcement of cease-and-desist claims by asserting contractual penalties or fines

### **Costs**

We normally offer our services to you calculated according to the time spent at a suitable hourly rate or according to the Attorneys Compensation Act (RVG). We believe that cost transparency and cost reliability form the basis of successful cooperation. We will be happy to provide you with an estimate of the expected costs and the cost risk before taking the job.