



Defending moral right warning notices

Have you received a warning notice due to a supposed violation against the moral right law? Have you been accused of violating the naming obligation of an author/originator? Is someone demanding that you cease-and-desist using a work that you created based on distortion of the original work? Is the author/originator demanding the provision of a cease-and-desist declaration, the payment of damages for pain and suffering, the payment of licensing damages, and the reimbursement of resulting warning notice costs? Is the author/originator demanding the destruction, recall, or the transfer of your work?

Before you comply with the corresponding demands, you should seek the advice of an experienced expert attorney and obtain representation. Not every warning notice is legitimate, and even with legitimate warning notices, the demands being asserted go beyond the actually existing claims in many cases.

What we offer

We will examine the legal situation for you and estimate whether the claimed violation of the moral right law is legitimate, whether the author/originator has relinquished his/her naming right, whether this is unnecessary based on what is customary in the industry, or whether he/she must tolerate the revision of his/her work. We will check whether the cease-and-desist declaration being demanded by the author/originator corresponds to the prohibited trade and whether the compensatory damage claims being asserted, particularly regarding amount, are actually legitimate.

If the warning notice is legitimate, the risk of consequential claims being asserted, particularly contractual penalties to be paid, can be minimized or even completely excluded, by an intelligently formulated cease-and-desist declaration.

If the warning notice is not legitimate, it can be defended against as quickly and efficiently as possible and – to the extent possible – resulting costs can be demanded from the opposing party. In addition, the reason for the legitimate warning notices can be ineffective if the formal requirements have not been noted.

The defense of the illegitimate claims of third parties and the representation for official warnings, temporary injunctions, and principal proceedings throughout Germany are part of the special strength of our law practice due to the many years of practical experience and the technical expertise of all of our attorneys and specialized lawyers.

Scope of service



- Examination and assessment of the technical and legal situation
- Review of licensing agreements
- Consulting with respect to the legal options and the strategic procedure
- Out-of-court representation in warning notice proceedings
- Representation before all district and regional courts in Germany in the course of temporary injunction proceedings and in regular complaint proceedings

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.