

Defending personality right warning notices

Are you a publisher, do you operate an Internet site or a blog, are you part of a press organization, or have you operated such an organization in order to publish your statements? Do you see yourself being subjected to claims to provide a cease-and-desist, retract, make a counter-statement, compensatory damages, and/or damages for pain and suffering due to the warning notice of a potential natural or legal person injured due to the reporting in your general personality right? Has a legal ban already been issued in the form of a temporary injunction? 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 check the legal situation for you, particular regarding the claims being asserted to recant, counter-statement, compensatory damages, and damages for pain and suffering. The particular, we will limit the statements being published by you or in a medium operated by you regarding the presence of factual claims and statements of opinion and estimate the prospects for success and defense against the claims being asserted. We will check whether the cease-and-desist declaration being demanded by the owner of the general personality right corresponds to the prohibited trade and whether the compensatory damage claims being asserted, particularly regarding amount, actually exist.

With knowledge of the urgency that normally exists in this area, we will develop for you the best-possible defense strategy in order to drive the legal matters to a quick and effective clarification and – to the extent possible – to have the resulting costs reimbursed by the opposing side.

The legally reliable evaluation and balancing of infringements of the general personality law in the tense relationship of freedom of the press and opinion and the absolute basic right of personal freedom of each person requires knowledge of an abundance of rulings, in addition to legal specialization. We will represent you in personality law disputes in the warning notice proceedings both throughout Germany in the court proceedings for the temporary injunction or during regular complaint proceedings. Take advantage of the many years of experience of our lawyers and specialized attorneys in countless disputes both in court and out-of-court.

Scope of service

- Consulting with respect to the legal options and the strategic procedure in defending against the claims being asserted



- Out-of-court representation in warning notice proceedings
- Examination and assessment of the technical and legal situation
- (Re)formulation of retractions and counter-statements
- Representation before all district and regional courts in Germany by means 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.