

Defending text-based warning notices

Have you received a warning notice due to a supposed violation of a protected linguistic work? Have you supposedly violated the rights to a book, a speech, a poem, a citation, operating instructions, a product description, software, or some other type of text? Is the author, the programmer, the publisher, and/or another holder of rights requiring you to provide a cease-and-desist declaration and give information regarding the extent of the utilization of the text used? Is someone demanding that you pay compensatory damages in the amount of a fictitious licensing fee and to reimburse warning notice costs? Are you supposed to destroy or return supposed reproductions? 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 review for you whether the questionable text is even a copyright-protected linguistic work and the party issuing the warning notice has the claimed rights to said text. Furthermore, we will check to determine whether the warning notice is essentially legitimate, 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 are actually legitimate, and if the amount is justified. Subsequently, we will work together with you to determine the further procedure in order to optimally exhaust your legal position and achieve the best-possible result.

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, for example, 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
- 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 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.