



## **Tracking moral right violations**

**Have you transferred a license to use your work to a third party without expressly relinquishing your right to be named as the author/originator. Is an (unauthorized) third party using your photos, visualizations, text, graphics services without naming the author/originator in catalogs, newspapers, magazines, or on the Internet? Is your work being published in a modified form or form that has not been approved by you? Has a third party defaced your work through editing unauthorized by you?**

**As the originator/author, you automatically have an alienable moral right upon creating your work. You thereby have the right to decide on the type and manner of the publishing of your work. Furthermore, as the artist, you have the right to be named as the author/originator next to your work.**

### **What we offer**

We will review the legal situation for you when an (un)authorized third party is using your work without naming you as the author/originator. While doing so, we will initially review any licensing agreements that you currently have in writing or orally. Without an express relinquishment of the naming right, there is an obligation to name the author/originator if there is any doubt.

Furthermore, we will estimate the legal situation for you if you're images, photos, films, visualizations, text, or other works of art are being modified and/or corrupted in public.

If there are violations to moral right law, we will document them and develop a strategy for you in order to stop the violations as quickly and efficiently as possible. Normally, enforcement is carried out initially through a warning notice in which the infringing party is required to provide a cease-and-desist declaration, information, compensatory damages, elimination of the legal infringement, and reimbursement of the attorney's fees. There are strict rules and formal regulations that must be adhered to. Failure to adhere to them may result in nullity of the warning notice.

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.

The tracking of moral right violations 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 the 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
- Court enforcement of your moral rights throughout Germany by means of temporary injunctions or complaints
- Enforcement of cease-and-desist declarations or titles by asserting contractual penalties or fines (in court)

## **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.