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**BVMI welcomes MusicMonster judgement of Regional Court of Munich:**  
**For the first time, a German court decides that stream ripper also violates the right of making available to the public**

Berlin, February 7, 2019 - The Federal Association of the Music Industry (BVMI) considers yesterday's ruling against MusicMonster.fm by the Regional Court of Munich (LG München) as a further important decision in favor of the rights holders. According to the first-instance decision, the service not only infringes the reproduction rights, but also the right of communication to the public within the meaning of Article 3 (1) of the InfoSoc Directive 2001/29 / EC. This means: MusicMonster makes the content available and is thus liable as perpetrator. For the first time, a court in Germany has ruled that the claim against a stream ripping service can also be based on § 19 a of the German Copyright Act - the right of making available to the public - which means even more extensive liability in the sense of the right holders.

Dr. **Florian Drücke**, BVMI Chairman & CEO: "A groundbreaking judgement! In recent times, it has become increasingly accepted by the courts that the digital license revenues of creatives and their partners can only be protected by reliable liability rules. A very encouraging development that gives hope for the future. At a time when most of the music is being distributed and consumed through online channels, there is no room for freeriding services that circumvent royalty payments and so do not remunerate those who actually funded the content."

In October 2017, it had been discovered that the complete music album "Jennifer Rostock - Worst of Jennifer Rostock" could be obtained from MusicMonster.fm, operated by DEMEKOM Entertainment AG; all songs were available for download on a server. The operators did not respond to a warning letter by Sony Music Entertainment Germany. In January 2018, law firm Rasch filed a complaint against DEMEKOM Entertainment AG and its CEO before the Regional Court of Munich. The lawsuit was directed at the omission of the reproduction and making available to the public of the album "Jennifer Rostock - Worst of Jennifer Rostock" as well as on information, determination of a compensation obligation as well as reimbursement of expenses for the warning letter.

Yesterday's decision of the Regional Court of Munich joins in with judgments of the past months. Among others, on January 17, 2019, the Hanseatic Higher Regional Court of Hamburg had ruled that the stream ripping service ZeeZee Media illegally reproduced music

recordings. The Court considered its own decision confirmed, inter alia, by another MusicMonster.fm judgment of the Higher Regional Court of Munich of 22 November 2018 (29 U 3619/17).

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