



# Illegal File Sharing in Germany



**Please note that this Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with a Legal Assistance Attorney.**

**BLUF:** Downloading may be illegal and could result in legal action against you! Contact the Stuttgart Legal Assistance immediately if you receive a letter from a law firm at (DSN 421-4152, CIV 0711-729-4152 or [usarmy.stuttgart.21-tsc.mbx.slcla@mail.mil](mailto:usarmy.stuttgart.21-tsc.mbx.slcla@mail.mil)). Appointments will be on a regular basis.

## Which downloading activities are illegal?

- Downloading or uploading copyright protected material (e.g., movies or music).
- Important: you may also be responsible for the actions of others (children, neighbors, guests, persons accessing your – unprotected - WLAN etc.).

## How are illegal downloading activities identified?

- Copyright holders (e.g. BMG, Sony Music, Warner Bros.) hire companies to scan file sharing software for illegal activity. The companies identify and record the temporary and permanent IP addresses and report the violation to the copyright holder. The IP ties the illegal activity to you or your computer.
- Important: Peer-to-Peer file sharing software (e.g. BitTorrent, Vuze) automatically and simultaneously uploads the file while you download. Thus, the company can identify your temporary and permanent IP address by viewing the file you upload.

## What are the consequences?

- The copyright holder notifies the District Attorney or a civilian court to begin an investigation into illegal activity from the IP address.
- In many cases, the copyright holder will hire a law firm to send a letter to the account holder at the identified IP address requesting compensation and payment of attorney fees. The letters also typically order the account owner to cease all illegal activity.

## What should you do?

- Do not download copyrighted material without paying for the rights and never upload copyrighted material.
- Protect your internet account by restricting its use to trusted family and friends and creating a unique password for wireless internet access. Do not use the default password.
- Do not communicate with the law firm. Do not sign any documents or make any payments without consulting an attorney.

Reference: Act on Copyright and Related Rights (“Urheberrechtsgesetz”), available at [http://www.gesetze-im-internet.de/englisch\\_urhg/englisch\\_urhg.html](http://www.gesetze-im-internet.de/englisch_urhg/englisch_urhg.html)

Reviewed March 5, 2013 by Mr. Werner Sukup, German Attorney Advisor of the Stuttgart Law Center