

Checklist – what to do in case of illegal use of a work?

What can I do if a work has been used illegally abroad?

- Preserve detailed evidence, e.g. magazine or book, internet address, screenshot plus date and time, written confirmation by uninvolved witnesses.
- Find out who the party responsible for the breach of copyright is, e.g. from the imprint or legal notice. In the case of websites this information can be found out from the domain owner (domain query via DENIC www.denic.de).
- Send a cease and desist letter to the party responsible by certified mail with return receipt requested.
- Demand a fee for use that has already occurred.
- Assert damages claims if actual loss has occurred and can be proven.

Important advice

- Legal positions differ even within the EU itself. If you are considering asserting claims in relation to illegal use abroad, it is recommended that you obtain advice from an experienced legal adviser.
- Outside the EU, litigation is usually only worthwhile if the sums involved are significant.