

Legal recourse

Recourse to the courts shall be permitted in respect of all legal disputes by means of which a claim is asserted on account of a legal relationship regulated under this Act (copyright litigation matters). As regards copyright litigation matters resulting from employment or service relationships which have as their object only claims for payment of an agreed remuneration, recourse to the labour courts and the administrative courts shall remain unaffected.

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Article 104a Place of jurisdiction

(1) As regards actions brought on account of copyright litigation matters against a natural person who does not use works protected under this Act or other subject-matter protected under this Act for his commercial or self-employed business activity, that court shall have exclusive jurisdiction in whose district that person has his domicile at the time when the action is brought, for want of such domicile his habitual place of residence. Where the defendant neither has his domicile or habitual place of residence in Germany, that court shall have jurisdiction in whose district the act was carried out.

(2) Article 105 shall remain unaffected.

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Article 105 Courts for copyright litigation

(1) The Land (federal state) governments shall be authorised to assign, by way of legal ordinance, copyright litigation matters for which the regional court is competent as court of first instance or as appeal court to one of the several regional courts competent within a district where this serves the administration of justice.

(2) The Land governments shall further be authorised to assign, by way of legal ordinance, copyright litigation matters which are within the jurisdiction of the local courts to one of several local courts within a district where this serves the administration of justice.

(3) The Land governments may transfer the authorisations according to paragraphs (1) and (2) to the Land judicial administrations.

(4) and (5) (repealed)

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Subsection 2 Criminal and regulatory fine provisions

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Article 106 Unlawful exploitation of copyrighted works

(1) Anyone who without the consent of the rightholder reproduces, distributes or communicates to the public a work or an adaptation or transformation of a work in manners other than those permitted by law shall be liable to imprisonment of not more than 3 years or a fine.

(2) Any attempt shall be punishable.

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Article 107 Unlawful affixing of designation of author

(1) Any person who

1. without the consent of the author affixes to the original of an artistic work the designation of author (Article 10 (1)) or distributes an original bearing such designation,