



The e-mail address is a mandatory element of an Internet "site notice" (Impressum) - Internet Law

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GRP Rainer Lawyers and Tax Advisors in Cologne, Berlin, Bonn, Dusseldorf, Frankfurt, Hamburg, Munich, Stuttgart and London - www.grprainer.com/en conclude: In a recent decision (File number: 5 U 32/12), the Superior Court (KG) of Berlin ruled that it is mandatory to provide an e-mail address with the "site notice" of an Internet website. The case in question was a dispute between two competitive applicants concerning the mandatory information in a "site notice". At court, the defendant argued that naming a fax number, several telephone numbers and the possibility of contact by means of an online contact form would satisfy the TMG requirements. Neither the Regional Court of Berlin nor the Superior Court of Berlin agreed with the defendant.

In its reasoning, the KG dealt with the mandatory "site notice" requirements in detail. It stated that providing fax and telephone numbers are not an adequate substitute for an e-mail address. Not every Internet user is able to send a fax. Furthermore, this is often more expensive and time-consuming than writing an e-mail message. Neither could a telephone call be compared with an e-mail, since it is regularly difficult to prove the contents of a telephone call.

Making an online contact form available also does not replace the need to provide of an e-mail address. This should be the case because contrary to an e-mail address, such forms create certain conditions for the sender. In the case at hand, for example, the number of characters and the size of attachable files was limited. The court also called the defendant's argument implausible that providing an e-mail address would increase the work load, and found that the defendant was not disadvantaged. All competitors in the EU are bound by the same requirements.

The Internet is now playing a major role in every-day professional and private life. Without an appropriate Internet presence, businesses have a clear disadvantage in comparison with their competitors. Yet the Internet is not a lawless space, and various legal requirements must be observed. A competent lawyer with experience in IT law can reconcile the technical components with the legal requirements. He can also help to develop disclaimers as well as general terms and conditions. An experienced lawyer can also offer advice in exercising claims in connection with legal disputes.

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Anlage: Bild

