



Press Information

Potsdam
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Foundation Prussian Castles and Gardens with BOEHMERT & BOEHMERT successful in BGH case

On 17.12.2010, Civil Senate of the Federal Supreme Court (BGH) held that the Foundation of Prussian Castles and Gardens Berlin-Brandenburg (Stiftung Preussische Schlösser und Gärten Berlin-Brandenburg (SPSG)) may forbid the use of unauthorised film and photograph material taken on their lands for commercial use.

The Foundation had protested against the use of photo and film recordings taken by a photography agency and a DVD company on lands owned by the SPSG without its permission.

The decision by the BGH now sets the direction with respect to the question as to whether commercial use of photographs of public cultural goods (castles as well as artworks in museums) is possible without restriction. The answer to this question is of particular significance for photographers, picture agencies and publishers. BOEHMERT & BOEHMERT partner Dr Christian Czychowski, who has represented and advised the SPSG since 1999 says: This decision brings some clarity for public cultural institutions. It is now clear that the practice of using photographs of objects owned by these institutions (artworks in museums or in castles) is now subject to their express permission. Up to now, it had only been decided that private individuals could protect use of their property in such a way.

The SPSG administers around 150 historic buildings in Berlin and Brandenburg, as well as 800 ha of landscaped gardens. These include, inter alia, Schloss Sanssouci, Cecilienhof, Schloss Charlottenburg, the Jagdschloss Grunewald and the Pfaueninsel (Peacock Island).

BOEHMERT & BOEHMERT law firm has an international focus and is specialised in intellectual property. The firm includes 72 specialised lawyers and patent specialists. The firm is represented in 13 locations and advises clients on both German and international patent law, brand law, copyright law, media and personality law as well as IT law.

The Foundation was represented before the Federal Supreme Court (BGH) by Dr Ackermann.

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