



4.7. DE – Germany⁵⁹

4.7.1. Key findings

Notions	Existence of definitions/rules
Independent production	No
Independent producer	No
Legal provisions concerning the transfer or cession of authors'/performers' rights to the producer (e.g. legal presumption, etc.) (Relationship author-producer)	Yes ⁶⁰
Specific rules related to the assignment or retention of IP rights by independent producers (Relationship independent producer-AVMS)	No

- The concept of the independent producer of audiovisual works is not defined by the German Interstate legislation.⁶¹
- The national legislation does not include rules on the retention of IP rights by independent producers in their relationship with broadcasters.

⁵⁹ The summary on Germany incorporates feedback received from Michel Winkels, European affairs adviser at the Media Authority of North Rhine-Westphalia, and Christina Brandt, European affairs adviser at the Joint Management Office of the Media Authorities (*die Medienanstalten*), during the checking round with the national regulatory authorities.

⁶⁰ According to the Act on Copyright and Related Rights (as amended up to 23 June 2021), section 89 (1) Rights in cinematographic works:

(1) In cases of doubt, anyone who undertakes to participate in the production of a film, in the event that they acquire a copyright in the cinematographic work, grants the producer of the film the exclusive right to use the cinematographic work, as well as translations and other cinematographic adaptations or transformations of the cinematographic work in all manner of uses. Section 31a (1) sentence 3 and 4, and (2) to (4) does not apply.

See the text available at <https://www.wipo.int/wipolex/en/text/586964>.

⁶¹ The Länder may define this notion if deemed relevant.

The concept of the independent producer is, for instance, defined by the State Media Act of North Rhine-Westphalia. Seen as television programmes, this definition is related to its financial independence from broadcasters. Article 3 (2) No. 3 of the State Media Act of North Rhine-Westphalia 2002/2022 (Landesmediengesetz

Nordrhein-Westfalen) [https://www.medienanstalt-](https://www.medienanstalt-nrw.de/fileadmin/user_upload/NeueWebsite_0120/Zum_Nachlesen/Rechtsgrundlagen_ab_2021/Lesefassung-LMG-NRW_13-4-2022.pdf)

[nrw.de/fileadmin/user_upload/NeueWebsite_0120/Zum_Nachlesen/Rechtsgrundlagen_ab_2021/Lesefassung-LMG-NRW_13-4-2022.pdf](https://www.medienanstalt-nrw.de/fileadmin/user_upload/NeueWebsite_0120/Zum_Nachlesen/Rechtsgrundlagen_ab_2021/Lesefassung-LMG-NRW_13-4-2022.pdf).



4.7.2. National definition of independent producer/independent production

Legislation	Summary of the measures
	N/A.

4.7.3. National rules on IPR assignment/retention

Legislation	Summary of the measures
	N/A.