



Press release of March 31, 2015

## **German art professor and painter Klaus Fußmann prevails with BARDEHLE PAGENBERG over Munich fashion label in copyright dispute**

Early in 2014, German art professor and painter Klaus Fußmann had to learn from advertisements published in German fashion magazines that motifs from some of his paintings were used on skirts and dresses manufactured and distributed by “Georg et Arend”, a Munich fashion label. Fußmann, represented by BARDEHLE PAGENBERG, immediately took action and sent a copyright-based warning letter to both the company owning the fashion label, Peter Keppler Couture GmbH, and its designer, Arend Zizelmann.

While both accepted to sign a cease-and-desist declaration, further claims for information and damages remained disputed. After further negotiations to reach an amicable solution of the matter had failed, court proceedings on the merits became unavoidable.

In the further course of the proceedings before the Munich District Court (Case No. 7 O 12435/14), Fußmann learned that images of the infringing products were still available on the Facebook page of “Georg et Arend”. This being a breach of obligation resulting from the declaration to cease and desist, Fußmann added a claim for a penalty payment to the pending action.

In the main hearing, the Court indicated that it was prepared to grant the claims asserted by Fußmann. Upon the Court’s suggestion, both parties decided to settle the case, with the defendant’s agreeing to pay a five digit lump sum and to reimburse all costs of the proceedings.

Representatives of Peter Keppler Couture GmbH and Arend Zizelmann:

**RWZH Rechtsanwälte** (Munich):

Michael Zoebisch (Attorney-at-Law)

Representatives of Klaus Fussmann:

**BARDEHLE PAGENBERG** (Munich):

Dr. Henning Hartwig (Attorney-at-Law, Partner)

Adrian Kleinheyer (Attorney-at-Law)

Munich District Court I (7th Civil Chamber)

**Dr. Georg Werner** (Judge)

**BARDEHLE  
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BARDEHLE PAGENBERG combines the professional expert know-how of attorneys-at-law and patent attorneys, European patent attorneys, European trademark attorneys, technical advisors and qualified legal counsel. Hand-selected teams of patent attorneys and attorneys-at-law provide top-quality services tailored to the specific needs of the client and the characteristics of the case.

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