
PRESS RELEASE

BEITEN BURKHARDT Represents ZeniMax before the Federal Review Board for Media Harmful to Minors With Respect to the Video Game Wolfenstein II

Frankfurt am Main, 10 December 2018 – The international law firm BEITEN BURKHARDT has represented ZeniMax Media Inc., a renowned computer game publisher with business seat in Maryland/USA, before the Federal Review Board for Media Harmful to Minors (Bundesprüfstelle für jugendgefährdende Medien - BPjM).

Last Thursday the Review Board had to take a decision on the inclusion of the video game "Wolfenstein II: The New Colossus" in its US-American version for the game console Nintendo Switch in the list of games harmful to young people ("index"). The game constitutes an action-adventure first person shooter game from the perspective of a resistance fighter against the Nazi totalitarian regime, set in an alternate history which takes place in 1961 following the Nazi victory in the Second World War.

Legal consultancy centred on a possible belittlement of National Socialism due to the presentation of the character Adolf Hitler and the question whether National Socialism as such was grossly trivialised through being applied as the game setting or rather, whether this way an understanding of history was conveyed that would jeopardise the personality development of young persons. This was answered in the negative by the Federal Review Board BPjM. In the decision making process particular account had to be taken of the "good versus evil sketching" and the historical classification, in the context of which the NS symbols are being used.

The scope of review carried out by the Federal Review Board BPjM was restricted due to the age rating previously issued in the course of proceedings performed by the German Entertainment Software Self-Regulation Body (USK) with regard to the German version of the game ("X-rated"), thus mainly relating to the impact of the references to National Socialism, substantially increased in its clarity in contrast to the German version, especially through the presentation of swastikas and of the person Adolf Hitler.

Due to the scope of review set forth by the statutory provisions on the protection of young persons, the Review Board did not have to decide on the criminal relevance of the use of symbols of unconstitutional organisations as defined in section 86a German Penal Code. The review was carried out based on factual imperilling of minors, legally standardised in the German Young Persons Protection Act and also further developed in the context of the respective rulings.

"In the games industry, the decision of the Federal Review Board is considered ground-breaking. Yet it is no free ticket for the use of swastikas and Hitler presentations in other games. Rather, the Federal Review Board has very thoroughly assessed the specific product in the individual case. The exceptionally strong artistic performance of the developers has probably played a major role here", said Dr Andreas Lober, Partner of BEITEN BURKHARDT in Frankfurt, the highly respected expert in the gaming sector who represented Zenimax in these proceedings before the Federal Review Board.

CONTACT

Dr Andreas Lober

Phone: +49 69 756095- 582

[E-mail: Andreas.Lober@bblaw.com](mailto:Andreas.Lober@bblaw.com)

Public Relations

Frauke Reuther

Phone: +49 69 75 60 95–570

E-mail: Frauke.Reuther@bblaw.com

Information on BEITEN BURKHARDT

- BEITEN BURKHARDT is an independent international law firm with a focused range of services and some 290 lawyers working in nine locations.
- Through our long-established offices in Germany, Brussels, China and Russia we advise large and mid-sized companies and corporate groups from various industries, banks and financial institutions as well as the public sector.