



Press Release

FEDERAL COURT OF JUSTICE: PROVIDER OF ONLINE GAMES CAN BAN THE DISTRIBUTION OF CHEAT SOFTWARE

Frankfurt, 16 January 2017 – On 12 January 2017, the German Federal Court of Justice (FCJ) has decided that a provider of online games may ban the distribution of automation software (cheat software) (file reference I ZR 253/14).

The proceedings are based on the following issue: Online games allow a large number of gamers to play with and against one another when participating (cooperative or competitive gaming). For many of these products, third parties offer automation software (so-called bots) which provide for functions in the game to be automated. Bot users have a considerable competitive edge over gamers who do not make use of bots.

In the case decided by the Federal Court of Justice, the provider of the game "World of Warcraft" filed a suit against the provider of such bots. The terms of use of "World of Warcraft" prohibit the use of bots. The FCJ confirmed the previous instance and recognised a violation of competition law by the bot software provider. The statement of grounds is not yet available.

"The decision by the Federal Court of Justice is an important step for all game operators. The highest German civil court has confirmed that they are entitled to ban unwanted software which interferes in their game. The judgement is also a victory for honest gamers who are understandably frustrated if others gain an unfair advantage", says Dr. Andreas Lober, Partner in the field of IT/IP/Media with the international law firm Beiten Burkhardt: "The matter is very much like doing sport - it is fun only if all players stick to the rules. For good reasons the use of cheat bots is compared with doping in sport".

Please contact Dr. Lober should you need more information, further statements or guest commentaries on this issue.



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