

Private Use, Sec. 53 UrhG

Individual (BGH GRUR 1978, 474 – *Vervielfältigungsstücke*: up to seven) copies may be produced for private use. However, the master copy must not have been produced in an obviously illegal manner or made publicly accessible in an illegal manner.

Problematic for music file sharing, file sharing systems, movie downloads

1. Private use, Sec. 53 (1) UrhG

Use within the private sphere by the natural person who makes the reproduction or has it made.

Both analog and digital reproductions are permitted.

In the case of transfer to image or sound carriers and reproduction of works of fine arts, the reproduction by third parties must be free of charge.

Exceptions are regulated in Sec. 53 (4), (5), (7), 69c No. 1 UrhG.

Accordingly, permissible is:

- Taking notes (not recording e.g. via cell phone) of a lecture and handing over the transcript to fellow students
- Transcriptions by hand or PC of borrowed books
- Recording piano pieces for your own control
- Recording of radio broadcasts by tape recorders or video recorders
- Copying CDs or DVDs, insofar as these do not have a protective device against dubbing (cf. Sec. 95a et seq. UrhG).

- Use of an Internet video recorder or an Internet radio recorder if completely automated process and the recordings are not previously stored on servers of the service provider (BGH GRUR 2020, 738 para. 26 et seq. – *Internet radio recorder*)

2. Other personal use, Sec. 53 (2) UrhG

According to paragraph 2, legal persons may also produce duplicate copies.

Beneficiaries are:

- Archival purposes, insofar as it is required for inclusion in its own archive and its own work is used as a template;
- Radio broadcasts may be reproduced for information purposes, i.e. for the purpose of informing oneself about current affairs;
- Other own purposes, if
 - it concerns small parts of a published work or individual contributions;
 - it is a work that has been out of print for at least two years