

## **JURISTIC PUBLICATIONS AND PRESENTATIONS**

### **Publications**

Commercialization of Used Software (Vermarktung von Gebrauchtssoftware), in: Kiliian/Heussen, Computer Law Handbook (Computerrechts-Handbuch), 28<sup>th</sup> edition 2010;

Review of Jochen Marly, Practice Handbook Software Law (Praxishandbuch Softwarerecht), 5<sup>th</sup> edition 2009, www.mmr.de (MultiMedia und Recht 2010, VII);

Case Comment on Judgment by the District Court of Mannheim „Prohibition of Splitting Up of Software Licenses“, in: MultiMedia und Recht 2010, 327;

Used Software – Tips for Software License Agreements (Gebrauchte Software – Tipps für Softwarelizenzverträge), in: IT-Szene München, 1+2/2010, 44;

Enforcement of Intellectual Property Rights, Claims – Proceedings – Enforcement (Durchsetzung von Rechten des geistigen Eigentums, Ansprüche - Verfahren – Vollstreckung), C.H. Beck, 2009 (together with Frauke Schmid-Petersen and Irimi Vassilaki);

The European Trend towards Class Actions, in: In-House Defense Quarterly, Summer 2009, 56;

No Copyright Infringement by Sale of „Used Software“ via eBay, Summary & Comment, in: Computer Law Review International 2009, 23;

Dealing With ‘Used’ Software Licences: Update on the Battle in Germany, in: BNA International World Communications Regulation Report, Vol. 3, No. 10, October 2008, 32;

The German Court Cases on “Used” Software Licenses, in: ITechLaw eBulletin, Volume 2, Issue 4, October 2008;

Case Comment on Judgment by the District Court of Munich „Dealing with Used Software Licenses“, in: MultiMedia und Recht 2008, 563;

Case Comment on Judgment by the District Court of Hamburg „Dealing with Used Software Licenses“, in: MultiMedia und Recht 2006, 827 (together with Michael Schmidl);

The Act on Capital Investor Sample Proceedings: Class Actions in German Courts? (KapMuG: Class Actions vor deutschen Gerichten?), in: Zeitschrift für Vergleichende Rechtswissenschaft 105 (2006), 313 (together with Richard Franklin);

Class action culture – Is the spectre of US-style class actions haunting Europe?, in: Global Reinsurance, issue July/August 2006, 34 (together with Liz Williams and Chris Williamson);

Dealing With Used Software: Ingenious Business Model or Piracy?, in: BNA International World Communications Regulation Report, Vol. 1 No. 3, March 2006, 29;

Dealing with Used Software and the Doctrine of Exhaustion (Der Handel mit gebrauchter Software und der Erschöpfungsgrundsatz), in: Kommunikation & Recht, 2006, 74 (together with Michael Schmidl);

The Useless Exchange of Blows Between the Instances on the Test Stand: For an Abolition of the Correction of the Description of Facts in Judgments (Der sinnlose Schlagabtausch zwischen den Instanzen auf dem Prüfstand: Für eine Abschaffung der Tatbestandsberichtigung), in: Neue Juristische Wochenschrift, 2005, 1750 (together with Werner Müller);

Chapter 9, Germany, in: E-Commerce and the Law of Digital Signatures, 2005;

Deep Link: Fire Test Passed – The End of the Protection of Web Content or the Rescue of the World Wide Web? (Deep Link: Feuerprobe bestanden - Das Aus für den Schutz von Web Content oder die Rettung des World Wide Web?), in: Neue Juristische Wochenschrift, 2004, 1361;

Review of Peter Schlechtriem/Ingeborg Schwenzer (eds.), Commentary on the UN Sales Law – CISG – (Kommentar zum Einheitlichen UN-Kaufrecht - CISG -), 4<sup>th</sup> edition 2004, beck-shop.de;

Patent Licensing and Internet Commerce, in: Internet Law for the Business Lawyer, 2001 (together with John Flaim and Bill McSpadden);

Liability of Internet Providers, in: Copyright World, March 2001, Issue 108;

Borderless Market Transparency in the Internet? On the Legal Problem of Automated Price Comparison on the Internet (Grenzenlose Markttransparenz im Internet? Zur rechtlichen Problematik von automatisierten Preisvergleichen im Internet), in: GRUR 2000, 657;

Meta Search Engines Violate Copyright Law, Case Comment, in: Copyright World, August 2000, Issue 102;

Hunting Customers on the Web (Auf Kundenjagd im Web), in: Süddeutsche Zeitung, 4. April 2000 (together with Stephan Spehl);

German Legal Representation Rule: Update, in: Baker & McKenzie European Legal Developments Bulletin, April 2000;

German Legal Representation Rule Relaxed, in: Baker & McKenzie European Legal Developments Bulletin, January 2000;

Internet Hyperlinks Can Become a Legal Pitfall, in: German Brief, issue August 20, 1999;

The succession to shares in professional partnerships (Die erbrechtliche Nachfolge in Anteile an Partnerschaftsgesellschaften), Verlag Dr. Otto Schmidt, Köln, 1999;

The succession to shares in professional partnerships (Die erbrechtliche Nachfolge in Anteile an Partnerschaftsgesellschaften), in: Zeitschrift für Erbrecht und Vermögensnachfolge, 1998, 161.

### **Presentations**

Legal Aspects of Used Licenses and Third Party Maintenance (Rechtliche Aspekte von gebrauchten Lizenzen und Drittwartung), IT Forum Seestern Infotage 2010, Aachen (April 2010);

The ever Increasing Trade in Second Hand Software Licenses – Negotiating the Pitfalls, ITechLaw European Conference, Brussels (November 2009);

Class Actions in the Context of German Civil Procedure Law and Possible Impacts on the Insurance Industry – A Comparative View (Sammelklagen im Kontext des deutschen Zivilprozessrechts und mögliche Auswirkungen auf die Versicherungswirtschaft - Eine rechtsvergleichende Betrachtung), E+S Rück Fachtagung, Hannover (October 2009);

Download, Copy, Burn Music, Films, Software – What is allowed and what isn't? An Introduction on Copyright in Everyday Life for Non-lawyers (Musik, Filme, Software herunterladen, kopieren, brennen – was ist erlaubt und was nicht? Eine Einführung zum Urheberrecht im Alltag für Nichtjuristen), Network Women Grünwald e.V. (October 2009);

Dealing with Used Software – allowed or not allowed? A Tour through the Jungle of Case Law for Non-lawyers (Handel mit gebrauchter Software – erlaubt oder nicht? Eine Führung durch den Dschungel der Rechtsprechung für Nichtjuristen), IT Stammtisch München (October 2009);

Latest Case Law on Used Software, DSRI Herbsttagung, Oldenburg (September 2009), video and slides available online at [http://www.privatrecht.uni-oldenburg.de/download/dsri/08/dsri\\_08.html](http://www.privatrecht.uni-oldenburg.de/download/dsri/08/dsri_08.html) (requires Real Player plugin);

Legal Problems with the new Technical Possibilities of Cooperation (Rechtliche Probleme bei den neuen technischen Möglichkeiten der Zusammenarbeit) (panel discussion), Single Source Forum, Munich (June 2009);

Legal crisis check-up for companies (Juristischer Krisen-TÜV für Unternehmen), teclegal Forum, Munich (June 2009);

Used Software: An Update on How it can go on (Gebraucht-Software: Ein Update dazu, wie es weiter gehen kann), IT Discussion Group, Munich (November 2008);

Evidence in Technology Related Disputes, ITechLaw European Conference, Barcelona (November 2008);

Class Actions and Other Phenomena: The „Americanization“ of the Litigation Landscape in Europe and Germany, DRI Annual Meeting, New Orleans (October 2008);

When Law meets Technology – How to make communication between lawyers and technicians work (Wie Kommunikation zwischen Juristen und Technikern funktionieren kann), ACC Europe Regional In-House Counsel & Networking Event, Munich (June 2008);

Class Actions. Will Europe have to face a US-style litigation culture in the future?, AIDA Europe Inaugural Conference in Association with the Insurance Committee of the IBA, Hamburg (May 2008); an article on this presentation was published in Business Insurance on June 2, 2008;

Transfer or Acquisition of Second Hand Software (Übertragung oder Erwerb von Second Hand Software), 4<sup>th</sup> BME IT-Forum (Munich, April 2008);

"Ich bin ein New Yorker". How American have Europeans become when litigating in Europe?, Baker & McKenzie Client Seminar, Paris (May 2007);

The Essential Update on Class Actions, C5's 10th Annual Forum D&O Liability Insurance, London (March 2007);

Class Action and Mass Litigation Systems in Europe: An Overview, Baker & McKenzie Client Seminar, Milan (January 2007);

European Class Actions: Where Are We Now and Where Are We Heading?, C5's European Forum on D&O Liability Insurance, Munich (October 2006);

Recent Legislative Initiatives in the EU Insurance Market: Class Actions, Baker & McKenzie Client Seminar, Zurich (September 2006);

Dealing With Used Software (Handel mit gebrauchter Software), Herbstakademie der Deutschen Stiftung für Recht und Informatik (DSRI), Rothenburg ob der Tauber (September 2006);

Class Actions: Legislative Reforms and Developments in Germany, C5's Forum on Class Actions in Europe, London (June 2006);

Class Action and Mass Litigation Systems in Europe: An Overview, Baker & McKenzie Client Seminar, Stockholm (June 2006);

Introduction of Class Actions in Europe: An Unstoppable Wave?, C5's 9th Annual Forum D&O Liability Insurance, London (March 2006);

Class Actions – Quo Vadis Germany? (Sammelklagen – Quo Vadis Deutschland?), Baker & McKenzie Client Seminar, Frankfurt (March 2006);

Class Action and Mass Litigation Systems in Europe: An Overview, Baker & McKenzie Client Seminar, London (March 2006);

Sample Proceedings to Increase the Efficiency of Litigation? (Musterklagen zur Förderung der Prozessökonomie?), Baker & McKenzie Client Seminar, Munich (December 2005);

Litigation, Arbitration and Alternative Dispute Resolution Clauses - Last and Unfortunately often Least, Center for International Legal Studies, Salzburg (November 2004);

Warranty, Manufacturer Recourse and Guarantee – How Far is Germany Still Away From the 'Right to return – no questions asked'? (Gewährleistung, Herstellerrückgriff und Garantie – Wie weit ist Deutschland noch vom 'Right to return – no questions asked' entfernt?), Baker & McKenzie Client Seminar, Munich (September 2004);

Legal Framework for Product Management: The Impact of the Modernization of the Law of Obligations – Warranty and Liability Risks (Juristische Rahmenbedingungen für das Produktmanagement: Die Auswirkungen der Schuldrechtsreform – Gewährleistung und Haftungsrisiken), vdi nachrichten Konferenzen, Heidelberg (November 2002);

European E-Commerce Directive: Implementation and Impacts in Germany, Visitor Program of Brazilian Judges in Germany, sponsored by Konrad-Adenauer-Stiftung, Munich (October 2002);

Modernization of the Law of Obligations: Contracts for Works, General Terms and Conditions and Consumer Contracts (Schuldrechtsreform: Werkverträge, Allgemeine Geschäftsbedin-

gungen und Verträge mit Verbrauchern); Baker & McKenzie Client Seminar, Munich (February 2002);

Update on the Modernization of the Law of Obligations: The New Contract Law (Update Schuldrechtsreform: Das neue Vertragsrecht), Management Circle, Munich (January 2002);

Buy Two, Get One Free – Is Everything Possible after the Abolition of the Regulation on Bonuses and the Act on Discounts? (Buy two, get one free - Ist nach der Abschaffung von Zugabeverordnung und Rabattgesetz alles möglich?), Baker & McKenzie Client Seminar, Frankfurt (June 2001); an article on this presentation was published in Frankfurter Allgemeine Zeitung on June 30, 2001;

Intellectual Property and Unfair Competition Aspects of the Use of Hyperlinks, Meta-tags and Search Engines from EU Perspective, I Congresso Internacional do Direito na Tecnologia da Informação, Recife, Brazil (November 2000);

Intellectual Property and Unfair Competition Aspects of the Use of Hyperlinks, Meta-tags and Search Engines from EU Perspective, Baker & McKenzie Client Seminar, São Paulo, Brazil (November 2000);

Intellectual Property and Unfair Competition Aspects of the Use of Hyperlinks, Meta-tags and Search Engines from EU Perspective, Uninove University, São Paulo, Brazil (November 2000);

Intellectual Property and Unfair Competition Aspects of the Use of Hyperlinks, Meta-tags and Search Engines from EU Perspective, 1a Conferência Internacional de Direito da Internet e da Informática, São Paulo, Brazil (November 2000);

Borderless Interconnectedness without Legal Borders? On the Legal Problems of Hyperlinks, Deep Links, Framing, Meta-Tags, Webcrawlers and Spiders (Grenzenlose Vernetzung ohne rechtliche Grenzen? Zur Rechtsproblematik von Hyperlinks, Deep Links, Framing, Meta-Tags, Webcrawlers und Spiders), Baker & McKenzie Client Seminar, Frankfurt (May 2000);

Comparative Advertising in Germany – Influence of the New European Law and the Recent Case Law by the Federal Supreme Court (Vergleichende Werbung in Deutschland - Auswirkungen des neuen EG-Rechts und der jüngsten Rechtsprechung des BGH), Baker & McKenzie Client Seminar, Frankfurt (December 1998).

### **Other Activities**

Interview in ZDF heute-journal on October 25, 2005 on the Act on Capital Investor Sample Proceedings.