

Fordham CLIP on Internet Jurisdiction in Germany

Desiree Jaeger-Fine, Joel Reidenberg, Jamela Debelak and Jordan Kovnot (Fordham CLIP) have posted Internet Jurisdiction: A Survey of German Scholarship and Cases on SSRN.

In late June 2013, Fordham CLIP completed a study, "Internet Jurisdiction: A Survey of German Scholarship and Cases." This project provides a survey of the case law and legal literature analyzing jurisdiction for claims arising out of Internet activity in Germany. A companion study, released simultaneously, explores similar issues as they are treated in the United States. The goal of the report is to identify trends in legal literature and case law and to serve as a comprehensive, objective resource to assist scholars and policy-makers looking to learn about the issues of jurisdiction on the Internet with a focus on the German legal system and relevant EU laws.

The research survey shows that, although various trends can be identified within German and EU case law, no consensus on the treatment of international jurisdiction can be ascertained. Although the academic literature demonstrates awareness of the problems and pitfalls in Internet-related cases, clear solutions are seldom offered. Moreover, notwithstanding German Federal Supreme Court and European Court of Justice decisions that have set the stage for further development, the research indicates that the coexistence of German and European Law, as well as the presence of separate subject matter-specific legal regimes, preclude the identification of any real consensus views.