

## PRESS RELEASE

**CMS Hasche Sigle**  
**Partnerschaft von Rechtsanwälten**  
**und Steuerberatern mbB**

Public & Media Relations

Lennéstraße 7  
10785 Berlin

T +49 30 20360 2274

F +49 30 20360 288 2274

E [presse@cms-hs.com](mailto:presse@cms-hs.com)

[cms.law](http://cms.law)

---

<b>Date</b>	17 August 2017
<b>Page</b>	1 of 3
<b>Subject</b>	Advising Eyeo GmbH

---

### **Successful action by CMS in Adblock Plus case before Munich Higher Regional Court**

Cologne – Munich Higher Regional Court has confirmed the legal admissibility of Adblock Plus in three judgments of 17 August 2017, thereby taking the same line as all six of the existing rulings by regional courts. Previously, Cologne Higher Regional Court had declared adblockers to be legal, but was the only court in Germany to regard Adblock Plus’ business model with its charge for whitelisting as unlawful. Munich Higher Regional Court has now accepted all aspects of the argumentation put forward by CMS. These rulings by the Munich court thus reject the claims under unfair competition, copyright and cartel law made by ProSieben, RTL and the Süddeutsche Zeitung newspaper.

Dr Hubertus Kolster, managing partner of CMS Hasche Sigle, commented: “Our team working on this case is particularly pleased with this pivotal milestone because it was preceded by a phase of painstaking strategic planning for the court action.”

“The case confirms that adblockers are a fact of life for the digital economy,” said Dr Pietro Graf Fringuelli, Strategy Lead Partner. In taking its decision, the Senate concurred with the legal opinion submitted by Prof. Udo Di Fabio, former presiding judge of the German Federal Constitutional Court, who considers that the use of an adblocker is covered by the right not to be exposed to unwanted information.

“This ruling by Munich Higher Regional Court strengthens the rights of companies to offer consumers products that enable them to take control of their digital privacy,” added Dr Heike

---

Blank, Litigation Lead Partner. “The advertising industry now has the task of developing user-friendly advertising models.”

The judgments by Munich Higher Regional Court are testimony to the long experience of the interdisciplinary CMS litigation team headed by Fringuelli and Blank. As business models are disrupted, traditional companies in the media sector need to face up to the new challenges.

### **CMS Germany**

Dr Pietro Graf Fringuelli, Strategy Lead Partner, TMC

Dr Heike Blank, Litigation Lead Partner, IP

Kai Neuhaus, Partner, Competition & EU

Antonia Witschel, Senior Associate, IP

Thorsten Hemme, Counsel

Dr Alexander Stief, Senior Associate

Dr Jan Patrick Ehinger, Associate

Dr Karin Schmidtman, Senior Associate, all TMC

### **Eyeo GmbH**

Kai Recke – General Legal Counsel

Follow us on Twitter: <https://twitter.com/CMSHascheSigle>

### **About CMS Germany**

CMS is one of the leading commercial law firms in Germany. More than 600 lawyers, tax advisers and notaries advise SMEs and major corporations on all aspects of national and international commercial law. CMS Germany has offices in eight major German business locations, as well as in Beijing, Brussels, Hong Kong, Moscow, Shanghai and Tehran.

For more information, please visit [cms.law](https://cms.law)

### **About CMS**

Founded in 1999, CMS is a top-10 international law firm, ranked by number of lawyers (Am Law 2016 Global 100). With 71 offices in 40 countries across the world, employing over 4,500 lawyers, CMS has longstanding expertise both in its local jurisdictions and across

borders. CMS acts for a large number of Fortune 500 and FT European 500 companies and for the majority of the DAX 30 members.

CMS provides a wide range of expertise across 19 practice and sector areas, including Corporate/M&A, Energy, Funds, Lifesciences, TMC, Tax, Banking and Finance, Commercial, Competition & EU, Dispute Resolution, Employment & Pensions, Intellectual Property and Real Estate & Construction.

CMS locations: Aberdeen, Algiers, Amsterdam, Antwerp, Barcelona, Beijing, Belgrade, Berlin, Bogotá, Bratislava, Bristol, Brussels, Bucharest, Budapest, Casablanca, Cologne, Dubai, Dusseldorf, Edinburgh, Frankfurt, Funchal, Geneva, Glasgow, Hamburg, Hong Kong, Istanbul, Kyiv, Leipzig, Lima, Lisbon, Ljubljana, London, Luxembourg, Lyon, Madrid, Manchester, Medellín, Mexico City, Milan, Monaco, Moscow, Munich, Muscat, Paris, Podgorica, Prague, Reading, Rio de Janeiro, Rome, Santiago de Chile, Sarajevo, Seville, Shanghai, Sheffield, Singapore, Sofia, Strasbourg, Stuttgart, Tehran, Tirana, Utrecht, Vienna, Warsaw, Zagreb, Zurich.