

## PRESS RELEASE

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<b>Subject</b>	Advising Adblock Plus

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### Distribution of online pop-up blocker Adblock Plus can continue

Cologne – ProSiebenSat1 Digital GmbH withdrew its application for a temporary injunction against distribution of the Internet pop-up blocker Adblock Plus on 26 September 2013.

A team from CMS Hasche Sigle represented Eyeo GmbH in the case before Hamburg Regional Court (ref. LG Hamburg 312 O 341/13). The Cologne-based firm distributes Adblock Plus, one of the world's most successful browser extensions.

One of the grounds put forward by the applicant in support of an injunction was the view that the business model of the Adblock Plus operator represents an "anti-competitive hindrance". This model includes "whitelisting", for which some advertisers pay a fee. The applicant alleged that the "very existence" of online media financed through advertising was jeopardised by the software. It was further alleged that the business model constituted "modern-day highway robbery" and a hindrance to the applicant since the software allows "acceptable" advertising to pass through, in some cases on the basis of fee-based contracts with advertisers. In recent weeks this business model has also been widely discussed in the media and in blogs after it was alleged that advertisers had paid to have their advertising unblocked.

The application was withdrawn following concerns expressed by the court in the oral proceedings about a lack of reasonable justification for the fast-track application.

In its most recent ruling on the subject in 2004 (GRUR 2004, 877), the Federal Court of Justice found in the "Fernsehfee" case that distribution of a TV adblocker does not involve any general market hindrance.

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