

Do German homepages and foreign providers have legal venue in Germany?

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Facts

Decision

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The parties were in dispute over claims for damages due to a ticket cancellation. In December 2017 the plaintiff used a website with the country code ".de" to book a first-class ticket for a flight from San Francisco to Paris and a business-class ticket for a subsequent flight from Paris to London. The flights were to be operated in Summer 2018. Both tickets together should have cost €600.

The plaintiff paid the full price and received a booking confirmation from the defendant. The electronic ticket showed the entry "DIR - WEB Allemagne, Frankfurt/Main". A German telephone number (with the area code 069 for Frankfurt/Main) was given as a contact.

One day after the booking, the defendant cancelled the tickets and the plaintiff was promptly refunded.

The plaintiff did not book new tickets. Nevertheless, he claimed €10,578.86 in damages from the defendant, which corresponded to the alleged regular ticket price.

The Frankfurt/Main Regional Court had already dismissed the action as inadmissible due to its lack of international jurisdiction. The plaintiff appealed to the Frankfurt/Main Higher Regional Court.

Decision

The Frankfurt/Main Higher Regional Court dismissed the appeal. The court rightly denied the international jurisdiction of German courts.

A legal person can be sued at the seat of its branch office. However, the prerequisite for this is that a dispute has a connection to this branch office. This was lacking in the specific case. The tickets had not been issued by an employee from the branch office in Frankfurt/Main. There were also no other links to the operation of the branch office. The branch office was not responsible for the maintenance and care of the (German language) internet presence. The responsible operator was an external service provider located in Paris. Accordingly, the imprint of the internet presence referred to a French email address.

The mere mention of a German telephone number on a document drawn up after the conclusion of the contract was insufficient to make any legal argument to the detriment of the defendant.

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