

## Piet Bubenzer



### Contact

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**Languages:** German, English

Piet Bubenzer, Partner, is a certified specialist attorney for copyright and media law ("Fachanwalt für Urheber- und Medienrecht"). He is active as a litigator and as a counsel in matters of unfair competition, copyright, digitalization processes and license agreements (including those for patents and trademarks). Formerly general counsel of an international media company, Piet has much experience and a wide-ranging expertise in the field of Entertainment Law at his disposal.

Piet Bubenzer leads the firm's practice group for copyright and media law and is the first contact for matters pertaining to commercial (including e-commerce, digitalization and data protection).

### Specializations

- Render advise and drafting of contract materials for projects of digitalisation, Internet-of-Things, Industry 4.0;
- Advice in regards to e-commerce, liability, data protection and selected areas of regulation.
- Advising and Litigation in the fields of unfair competition, particularly for foods, luxury goods and medical devices
- Advice and litigation in copyright and license agreements as well as representation at the Copyright Tribunal in arbitration matters adverse to copyright collective societies over tariffs;
- Anti-piracy litigation for IP-owners (online and offline);
- Litigation over protection of trade secrets and know-how;

- Advice in the context of M&A transactions, in particular with respect to advising on issues of liability, risk, transferability and due diligence/appraisal of IP/IT assets;
- Counsel on legal aspects of the entertainment and media industry (music, film/television, press/print, photo, advertisement & promotion, e-commerce, sports, etc.) on issues relating to copyright and media law, publishing, press, personality and celebrity and merchandising;
- Focus on legal and economic aspects of content licensing of authors, artists and producers for multimedia, internet and wireless business from copyright owners, publishers and collection societies and liability in these areas;

## Selected Mandates and Projects

- Counsel to Pandora Media, Vodafone, Napster, Deezer, Real Networks, Rhapsody, T-Mobile, Flipboard and other leading service providers in the area of content licensing;
- Counsel to Deutsche Fußball Liga for the auction of audio-visual and audio rights of Bundesliga seasons 2009/2010 to 2012/2013 and 2013/2014 to 2020/2021 as well as 2021/2022 to 2024/2025;
- Representation of FIFA in copyright dispute over FIFA World Cup audio-visual content;
- Advising Deutsche Grammophon and Deutsche Fußball Liga in matters of copyright licensing and contracts;
- Representation of 1&1 Mail & Media at the German copyright tribunal in arbitration against the collection society VG Media in disputes over press publisher rights;
- Counsel to Jamba!/Fox Mobile Distribution in copyright and media law, inter alia representation in litigation against CELAS;
- Advising Deutsche Grammophon and Deutsche Fußball Liga in matters of copyright licensing and contracts;
- Representation of Vodafone, T-Mobile and o2 as well as other leading service providers at the German copyright tribunal in arbitration against collection societies in disputes over online- and mobile tariffs;
- Representation of Napster in the first known case to obtain a court order to prohibit a technology circumventing DRM-measures in Germany, counsel to Napster in areas of e-commerce law and data protection laws;
- Representing Milupa, a leading producer of infant-nutrition, in litigation over unfair competition and food law;
- Co-Counsel in arbitration proceedings (Switzerland) over copyright agreement;
- Representation of companies of the Heraeus-Group in litigation over unfair competition in the areas of medical devices and over protection of trade secrets and know-how as well as in antitrust law;
- Representation of Deezer in court proceedings against the collection society for

live event organizers (GWVR);

- Counsel to the Elite-Cycling-Team HTC-Highroad, successor of the Team T-Mobile, in the areas of sponsoring, in media and press law and with regards to multiple sports-related legal questions;
- Involved as an IP-Expert in multiple M&A matters & transactions, e.g. in the acquisition of a music online service (2021), acquisition of a music online service (2020), performance of vendor due diligence of a technology company in the course of refinancing (2020/2021), acquisition of a record label (2020), acquisition of the vacation home operator business of Wolters Reisen GmbH by Oyo Vacation Homes (OVH) from e-domizil GmbH (e-hoi Group) (2020), acquisition of Deutsche Telefon Standard AG by NFON AG (2019), in the sale of an online fashion lifestyle magazine (2019), acquisition of a printing company (2017/2018), acquisition of a music online service (2015), acquisition of Ampya by Deezer/Odyssey Music Group from Pro7/Sat1 (2014), acquisition of a biogas power plant by Koehler Group (2013), in the sale of Napster from Best Buy Inc. to Rhapsody International (2012/2013), German Due Diligence Counsel in the context of the acquisition of EMI Music by Terra Firma (2008 and 2009) and the sale of EMI assets to Universal Music and Warner Music (2010), in the joint-venture of the French mediagroup Banijay and the German Brainpool-Group (2009), acquisition of a leading computer games/entertainment producer by a private equity investor (2008), the merger of Sony Music's/BMG recorded-music groups (2004).

## Publications/Lectures

- Chapter: „Germany“, together with Piet Bubenzer, in: Global Legal Group, The international Comparative Legal Guide to: Copyright 2019 (5th Ed.), S. 44 ff.
- “Jahresupdate Urheber- und Medienrecht” (“Annual Update on Copyright and Media law”), co-event-organizer and regular speaker for copyright (since 2009);
- Workshops in copyright, libel and competition law, in 2016 in particular with regard to the new copyright contract law;
- Teaching assignment by the University of Applied Science Darmstadt for the study program “Information Law”;
- „Copyright Law in Europe and Germany & EC-Enforcement Directive” – Lecture given at the International Symposium on IP & IT Law, China University of Political Science and Law, Peking (2009);
- “One step forward, two steps back – Die Rechtklärung für Mobile Content ist schwieriger denn je” (“One step forward, two steps back – Rights Clearance for mobile content is has become tougher than ever”) – Article in Mobile Kompass 2009 – the Compendium of the German Mobile Market, published by BVDW (2009);
- „Global Licensing in der Musikwirtschaft - Strukturen und aktuelle Probleme der grenzüberschreitenden Lizenzierung von musikalischen Urheber- und Leistungsschutzrechten” (“Global Licensing in the music industry – Structures and issues of cross-boarder licensing of copyrights and neighboring rights”) – Lecture given at the 4<sup>th</sup> Darmstadt Information Law Day (2008);
- „Nach Music-on-Demand nun Video-on-Demand” (“First Music-on-Demand now Video-on-Demand”) – Lecture given at the 3<sup>rd</sup> Darmstadt Information Law Day

(2007);

- "Online-Auswertung von Musik: Urheberrechtliche Grundlagen und vertragliche Praxis" („Online-exploitation of music: copyright basics and contractual practices“), together with Dr. Stefan Ventroni in: „www.musikverkaufen.de – Die digitale Musikwirtschaft“ („www.musikverkaufen.de – The digital music business“);
- "Musikvertragsrecht" ("Music Entertainment Law") – Lectures given at seminar for specialized lawyers in the areas of copyright and media law (since 2005 till today);
- „Urheberrecht in der Insolvenz“ ("Copyright in Insolvency-Proceedings") – Article together with Dr. jur. Westrick in "Festschrift für Paul W. Hertin", Beck 2000.

## Education and Career

- Founding partner of Klinkert Partners (2010);
- Partner at Heymann & Partner (2007-2009);
- European Counsel at Jones Day (2005 - 2007);
- Vice President Business & Legal Affairs, member of the management board of Sony Music Entertainment Germany (2001 - 2004);
- Admission to the law department of Sony Music Entertainment Germany (1998 - 2001);
- Admission to the bar in 1996 and private practice in litigation, copyright and entertainment law in Bochum (1996 - 1998);
- Legal training with delegations to Berlin and Frankfurt (Second State Exam, 1996);
- Ruhr-University Bochum (First State Exam, 1994).