



Prof. Dr. jur. Jan Bernd Nordemann, LL.M. (Cambridge)

Attorney at Law • Specialist attorney for copyright and
media law Specialist attorney for industrial property law |
Berlin

With over 25 years' experience, Jan Bernd Nordemann is known as one of the leading copyright lawyers in Germany. He also has an excellent reputation in trade mark law and competition law.

The main areas of focus of his copyright law work are:

- Providing representation in court;
- Producing expert opinions on copyright law issues;
- Drafting copyright contracts;
- Verifying chains of title.

He has achieved many landmark court victories for his clients and is also currently leading a number of major out-of-court projects. Such projects include the founding and ongoing guidance of the Clearing Body on Copyright on the Internet (CUll) or expert opinions on the latest major German copyright reform 2021 which implemented the EU DSM Copyright Directive. Many of his clients have been placing their trust in him for many years.

Selected references in regard to copyright law:

- In recent years, Prof. Nordeman has, in particular, worked on the issue of the liability of internet service providers in relation to copyright infringements. In this regard, he has, played a key role in a number of model cases, for example on behalf of an association of international film rightholders or on behalf of a large German sports association, designed to clarify the question of liability of access providers, hosting providers and domain providers.
- In addition, he advises and represents clients in disputes concerning claims for additional remuneration under German copyright law (e.g. Sec. 32, Sec. 32a German Copyright Act (UrhG)).
- Following the major German copyright reform in 2021, Prof. Nordemann produced expert opinions on a number of questions which arose, for example on the new related right for press publishers and on participation of publishers in private copying fees.
- His work also covers the law governing collecting societies and advises clients on antitrust matters in this field.
- Prof. Nordemann works across all sectors where copyright is a factor. In particular, he has proven industry experience in the area of publishing (e.g. scientific, fiction, press). Within the film industry, Jan's clients include producers and authors, as well as their associations in Germany and internationally. On the theatre side, several organisations have chosen him as their legal advisor. As a long-standing co-counsel for the

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largest German design association, he also has extensive expertise in the area of design. Prof. Nordemann also frequently provides expert advice and guidance on copyright disputes in the construction industry.

- The European Parliament and the European Commission have repeatedly consulted Jan as an expert, for example on the issue of the liability of internet service providers for copyright infringements or on the topic of intellectual property in 3D printing.

Prof. Nordemann is also well-known in the area of cartel (**antitrust law**). His work is primarily at the intersection of antitrust law and intellectual property law:

- Antitrust law advice and guidance regarding licensing agreements, R&D agreements, distribution agreements and self-regulation by media associations.
- In the area of press distribution agreements (involving so-called “press wholesalers”), he is regarded as one of the few German experts with relevant industry experience.

In trade mark law, Prof. Nordemann acts on behalf of German and international companies, including in the media and IP industries, as well as the consumer goods sector. **He also enjoys an excellent reputation in those areas.** In trade mark law, he focusses on:

- Managing German and international trade mark portfolios;
- Representing trade mark owners before German and EU authorities and courts.

Another focus of Jan’s work is in unfair competition law.

- Advising on advertising campaigns;
- Providing legal representation in court proceedings.

Prof. Nordemann is a popular speaker. He lectures in Germany and abroad in both English and German in particular within his specialist areas. For many years, he has held two successful seminars at the German Lawyers’ Academy (DeutscheAnwaltAkademie, DAA), on “Copyright Law Practice” and “Current developments in Copyright Law”.

Prof. Nordemann appears in US court proceedings as an expert witness on German law. In the discovery proceedings of one case, he provided, as an expert witness, a detailed expert opinion regarding various questions of German copyright law for a party against whom action had been taken in the USA.

Jan Bernd Nordemann studied law in Berlin, Göttingen and Cambridge. [more] He completed his doctorate in Göttingen under Prof. Dr. Ulrich Immenga on a topic within antitrust law, supported by a grant from the Donors’ Association for the Promotion of Humanities and Sciences in Germany (Stifterverband für die deutsche Wissenschaft). His studies at Cambridge were funded by a British Academy grant.

Humboldt University Berlin appointed him an honorary professor in 2007. For many years, he has held lectures at the university on copyright law, trade mark law and competition law.

In addition, he has, since 2013, been Legal Director at the Eric Pommer Institute for media law, media industry and media research in Potsdam (EPI). For the EPI, Prof. Nordemann is, among other things, co-moderator and co-organiser of the Copyright Policy Congress, which is held every two years in Berlin by the *Laender* Brandenburg and Berlin and addresses current copyright policy topics.

Prof. Nordemann was Chairman of the Standing Committee on Copyright of the International Association for the Protection of Intellectual Property (AIPPI) for 10 years up to 2021. Up to the end of 2016, Prof. Nordemann was for 8 years also a member of the international Programme Committee of the AIPPI.

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Prof. Nordemann is a member of the German Association for the Protection of Intellectual Property (GRUR) where he is an elected member of the special committee for copyright and publishing law as well as the special committee for cartel (antitrust) law. In the special committee for cartel (antitrust) law, he was elected Vice-Chair.

What others say:

- The *JUVE Handbuch 2022/2023* has once again named Jan as one of the leading German copyright lawyers and as a frequently recommended attorney in media law, contract law.
- The magazine *WirtschaftsWoche 2022* has named him a "Legal All-Star 2021" for copyright law.
- *Best Lawyers 2023* mentions him in the list of recommended attorneys for the fields of Entertainment Law, Media Law and Intellectual Property Law. He was also named "Lawyer of the Year" in 2023 in the category "Entertainment Law, Berlin".
- The 2023 edition of the *World Trademark Review 1000 (WTR1000)* included Jan in its list of outstanding trade mark lawyers in Germany.
- In the *kanzleimonitor 2015/2016*, Jan received the highest number of personal recommendations from legal departments in the "industrial property law" ("Gewerblicher Rechtsschutz") category.

Publications:

Jan Bernd Nordemann publishes articles in legal journals on current issues. In addition, he co-edits and authors numerous other publications on copyright law, trade mark law, competition law and antitrust law.

- Co-editor and co-author of "Fromm/Nordemann", one of the leading German commentaries on copyright law, most recent 12th Edition 2018.
- Co-author of "Ingerl/Rohnke/Nordemann", one of the leading German trade mark law commentaries, 4th Edition 2023.
- Author of numerous chapters in the standard work "Loewenheim: Handbuch des Urheberrechts" (Loewenheim: Copyright Law Handbook), 3rd Edition 2021.
- Together with Dr. Julian Waiblinger, he publishes an annual report in the leading legal journal "NJW" on the most recent developments in copyright legislation and case law.
- Prof. Nordemann is a contributor to the Kluwer Copyright Blog, providing articles in English on European and German copyright law.
- In the newly revised 8th edition of the "Münchener Vertragshandbuchs" (Munich Contract Law Handbook) (2021), Jan is jointly responsible as one of the authors for the "copyright contract law" section.
- Co-author of the well-known standard work "Nordemann - Wettbewerbsrecht - Markenrecht" (Nordemann - competition law - trade mark law), 12th Edition 2012.
- Jan Bernd Nordemann contributed several chapters to the well-known antitrust law commentary "Loewenheim/ Meessen/ Riesenkampff/ Kersting/ Meyer-Lindemann" (4th Edition 2020):
 - Antitrust law, intellectual property law and copyright law - sole author;
 - Individual exemption from European prohibition of restrictive practices (Art. 101(3) TFEU) - co-author;
 - All provisions on the German prohibition of cartels (Sec. 1 to 3 GWB (German Act Against Restraints of Competition)) - co-author;
 - Price fixing for newspapers and magazines; industry agreements in the area of press wholesaling ("Pressegrosso") (Sec. 30 GWB).

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