



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

Attorney at Law (Germany) • Certified Copyright and Media
Lawyer • Certified Industrial Property Rights Lawyer | Berlin

— Jan Nordemann is known as one of the leading lawyers for copyright law in Germany. The *JUVE Handbuch Wirtschaftskanzleien* has for many years considered him one of the leading German copyright lawyers. The magazine *WirtschaftsWoche* (44/18 October 2019) afforded him the status of “TOP attorney 2019” for copyright law.

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

- Representation in court;
- Expert opinions on copyright law issues;
- Drafting copyright contracts;
- Copyright law policy advice, in particular for associations and political parties.

He also helps his numerous long-term clients with any copyright-related issues which may arise on a day to day basis.

Selected references in regard to copyright law:

- In recent years, Jan has, in particular, worked on the issue of the liability of internet service providers in relation to copyright infringements. In this regard, he has, for example, conducted a number of test 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 regarding claims for additional remuneration under copyright law (e.g. Sec. 32, Sec. 32a German Copyright Act (UrhG)).
- His work also covers the law governing collecting societies and advises clients on antitrust matters in this field.
- Jan is not dedicated to any sector in particular, he provides advice, guidance and representation across all industries in which copyright law plays a role. 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 stage theatre side, several organisations have chosen him as their legal advisor. As a long-standing co-counsel for the largest German designers’ association, he also has extensive expertise in the area of design. Jan also frequently provides expert advice and guidance on copyright issues in the building and 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 intellectual property and 3D printing.

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Jan is also well-known in the area of **antitrust law**. His work is primarily in the area where antitrust law and intellectual property law intersect:

- 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**, Jan acts on behalf of German and international companies, including in the media and IP industries, as well as the consumer goods sector. The magazine *WirtschaftsWoche* (30/2011) ranked him among the 25 “Top lawyers in trade mark law”. He is also recommended in the 2019/2020 *JUVE-Handbuch* in trade mark and competition law. 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 competition law.

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

Jan is a popular speaker. He lectures in Germany and abroad in both English and German whilst also playing an active role in the in-house training of companies’ employees, in particular within his specialist areas. For many years, he has given two successful seminars at the German Lawyers’ Academy (DeutscheAnwaltAkademie, DAA), on “Copyright law practice” and “Current developments in copyright law”.

Jan increasingly 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. 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. From 1997 until 2019, he worked as an attorney at law and partner for BOEHMERT & BOEHMERT.

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). He is also a member of the supervisory board of the EPI for EPI’s main shareholder, the Film University Babelsberg Konrad Wolf. For the EPI, 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.

Jan has for many years been Chairman of the Standing Committee on Copyright of the International Association for the Protection of Intellectual Property (AIPPI). Up to the end of 2016, Jan had for 8 years also been a member of Programme Committee of the AIPPI.

He 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. The first German Media Court of Arbitration (DMS) in Leipzig appointed Jan as an arbitrator at the time of its founding.

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What others say:

- *The 2019/2020 JUVE Handbuch* has once again named Jan as one of the leading German copyright lawyers and as a frequently recommended attorney in trade mark law, contract law and competition law.
- *The magazine WirtschaftsWoche* (44/18 October 2019) afforded him the status of "TOP attorney 2019" for copyright law.
- *Best Lawyers International 2019* includes him in the list of recommended attorneys in the fields of IP law, entertainment law and media law, copyright and litigation. He was also named "Lawyer of the Year" in 2017 in the category "Entertainment Law, Berlin".
- *In the kanzleimonitor 2015/2016*, Jan received the highest number of personal recommendations from legal departments in the "industrial property law" ("Gewerblicher Rechtsschutz") category.
- *The 2019 edition of the World Trademark Review 1000* included Jan in its list of important trade mark lawyers in Germany.

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.
- Author of numerous chapters in the standard work "Loewenheim: Handbuch des Urheberrechts" (Loewenheim: Copyright Law Handbook), 3rd Edition announced for release in 2020.
- Together with Dr. Christian Czychowski and 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 one of the contributors to the Kluwer Copyright Blog, providing articles in English on European and German copyright law.
- In the newly revised 7th edition of the "Münchener Vertragshandbuchs" (Munich Contract Law Handbook) (2015), Jan is jointly responsible as one of the authors for the "copyright contract law" section. The 8th edition is due to be released in 2020.
- Co-author of the well-known standard work "Nordemann - Wettbewerbsrecht - Markenrecht" (Nordemann - competition law - trade mark law), 12th Edition 2012.
- Jan has provided the commentary text for several chapters of the well-known antitrust law commentary "Loewenheim/Meessen/Riesenkampff/Kersting/Meyer-Lindemann" (4th edition 2020):
 - antitrust law, intellectual property law and copyright law - author;
 - individual exemption from European prohibition of restrictive practices (Art. 101 (3) TFEU) - co-author;
 - all provisions of the German prohibition of restrictive practices (Sec. 1 to Sec. 3 German Act Against Restraints of Competition (GWB)) - co-author;
 - price fixing for newspapers and magazines; industry agreements in the area of press wholesaling ("Pressegrosso") (Sec. 30 GWB) - author.

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