

German Law Accessible

E-Commerce Law in Germany

von

Dr. Axel Bussche, Freiherr von dem, David Klein

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Preface

Every other German is doing his or her shopping online. Companies in the EU have received more than 30 billion EUR turnover from sales through the internet in 2013. More than 20% of the businesses in Germany distribute their products and services through the internet. For 2014, experts forecast an additional growth of more than 6 billion EUR. On a daily basis new innovative internet-based businesses enter the market. The legal framework must be adjusted to this dynamic development process accordingly.

While the business enhances itself permanently in accordance to new available technologies, law makers lag behind these trends. Even though the internet itself is boundless, the courts lag is still strictly bound by each country's frontier. E-commerce businesses have therefore to comply in general with the local laws of any jurisdiction they distribute products and services to.

This book focuses on the hot topics for a business with headquarters in a third country and activity in the German market. The book provides a practical overview on a multitude of legal issues, regulations and laws which should be considered by distributing and marketing products and services in Germany, based upon the authors' experience in advising international clients in the e-business for years.

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Vorwort

Jeder zweite Deutsche kauft inzwischen online ein. Mehr als 30 Milliarden EUR Umsatz haben Unternehmen in der EU in 2013 durch den Verkauf über das Internet erwirtschaftet. Mehr als 20% der Unternehmen in Deutschland vertreiben ihre Produkte und Dienstleistungen mittlerweile über das Internet. Für 2014 sagen Experten ein weiteres Wachstum um 6 Milliarden EUR voraus. Täglich kommen innovative neue internetbasierte Angebote auf den Markt. Entsprechend sind die rechtlichen Rahmenbedingungen dieser dynamischen Entwicklung fortlaufend anzupassen.

Während sich das E-Commerce Business entlang der neuen technologischen Möglichkeiten permanent weiterentwickelt, formen Gesetzgeber und Rechtsprechung diesen Bereich – zeitverzögert – aus. Und auch wenn das Internet selbst grenzenlos ist, ist das Recht strikt an die jeweiligen Landesgrenzen gebunden. E-Commerce Unternehmen müssen folglich im Regelfall die jeweiligen lokalen Gesetze jedes Landes einhalten, in die sie ihre Produkte und Dienstleistungen vertreiben.

Dieses Buch konzentriert sich auf die „Hot Topics“ für in der Regel im Ausland ansässige Unternehmen, die im deutschen Markt aktiv werden wollen. Es bietet einen praxisbezogenen Überblick über die Vielzahl an rechtlichen Problemen und einschlägigen Gesetzen, welche bei der Vermarktung von Produkten und Dienstleistungen in Deutschland beachtet werden müssen, basierend auf der jahrelangen Erfahrung der Autoren durch die Beratung internationaler Mandanten.

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