

Warsaw, 2015-03-25

**Kochański Zięba Rapala & Partners
wins a case for Ringier Axel Springer against Radosław Sikorski, the former Polish
Foreign Affairs Minister and current Marshal of the Sejm**

On 25 March 2015 the Regional Court in Warsaw entirely dismissed the Statement of Claim submitted by Radosław Sikorski in a case brought against Ringier Axel Springer Polska (RASP), represented by Kochański Zięba Rapala & Partners Law Firm.

Radosław Sikorski was represented by Roman Giertych, advocate. On the side of Radosław Sikorski, as an intervening party, the CHAI Foundation put itself forward to take part in the case, and was also represented by Roman Giertych.

Radosław Sikorski brought a legal action against RASP for the comments of internet users which he alleged infringed his personal interests and were published on the internet portal fakt.pl below an article entitled: "Sikorski informed on anti-Semites through internet fora". Radosław Sikorski took the position that the publisher of the internet portal was responsible for the breach of personal interests by the internet users in accordance with general principles resulting from the Polish Civil Code and Press Law. The claims raised by him, were as follows: removal of comments made by the internet users, publication of apologies on the following internet portals: fakt.pl, interia.pl, onet.pl, pb.pl, wp.pl, se.pl, gazeta.pl, wprost.pl, polityka.pl, tvn24.pl, zyciewarszawy.pl, dziennik.pl, polskatimes.pl, rp.pl, newsweek.pl as well as compensation in the amount of PLN 20,000.

RASP moved to dismiss the legal action in its entirety indicating that it may only bear responsibility based on the general principles specified in the Act on Providing Services by Electronic Means. Pursuant to the provisions of this Act, in view that it did not have access to the comments of the internet users violating personal interests of the Plaintiff, immediately after learning of the existence of the comments as well as their content (which occurred only after delivery of an official copy of the Statement of Claim), RASP's responsibility was excluded.

The Regional Court, while hearing the case, as a Court of 1st instance fully shared the argumentation of RASP's attorneys and entirely dismissed the demand of the Statement of Claim.

The Regional Court, in the verbal grounds for the Judgment, shared the position expressed by RASP in terms of applying the case to the Act on Providing Services by Electronic Means. The Regional Court indicated that to the extent to which RASP allows for publication of comments by internet users, it provides hosting services and the provisions set forth in Articles 14 and 15 of the Act on Providing Services by Electronic Means are applicable.

The evidence proceedings confirmed that RASP had no knowledge of the disputable comments until the time of delivery of the official copy of the Statement of Claim. The Court based its decision on the testimonies of witnesses requested by RASP as well as an expert opinion, which it deemed credible. The expert opinion confirmed that the automatic moderation system applied by RASP did not filter disputable comments since the vulgar language was not written in normal identifiable Polish language, and RASP's employees also did not remove any comments below the article, and as a consequence there was no basis to apply the factual presumptions in the scope of RASP possessing knowledge of comments prior to delivery of the official copy of the Statement of Claim.

In the Court's opinion, it is impossible to attribute responsibility to RASP, since its operations were not unlawful. The Regional Court also pointed out that in accordance with the wording of Article 15 the Act on Providing Services by Electronic Means, RASP was not obligated to check the stored / available data. The Judgment is not final and binding.

Ringier Axel Springer Polska, a publishing house, was represented by the following Partners at Kochański Zięba Rapala & Partners Law Firm: **Rafał Zięba, advocate** and **Anna Cichońska, advocate**.



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Kochański Zięba Rapala & Partners is a full-scope business law firm. The company was founded in 1998 by Mr. Piotr Kochański, advocate. Currently, our legal team consists of over 80 lawyers: advocates, legal counselors, tax counselors, trademark and patent attorneys and trainees, who work together in the Warsaw, Cracow and Lublin offices. Our team has both legal expertise and experience, as well as knowledge of the market and the specific needs of particular industries. We have advised entities, inter alia, from the FMCG, automotive, trade and logistics, retail chains, chemical, pharmaceutical, energy, financial, media and advertising industries.

We have been among the highest ranked law firms in Poland for many years and are recommended as leading experts in many areas of the law by such prestigious professional publications as Chambers & Partners, Legal 500, European Legal Experts, IFLR1000. With a chain of offices in Poland and membership in international legal organizations, e.g., The International Lawyers Network and Mackrell International, KZRP provide its clients with full support both in local as well as multi-jurisdictional projects as well as professional indemnity insurance amounting to PLN 100,000,000.