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High Court
Ref. 1 W 399/25
67 O 173/25 eV LG Berlin II

In the name of the people

Judgment

In the proceedings for a temporary injunction

Democracy Reporting International gGmbH, represented by [redacted]
- Plaintiff

Represented by
Lawyers **Hausfeld LLP**, [redacted] against

X Internet Unlimited Company, represented by [redacted]
- Defendant -

Legal representative:
[redacted]

The Court of Appeal – 1st Civil Division – through [redacted], based on the oral hearing of 17 February 2026, has ruled as follows:

The decision of the Berlin Regional Court II of 23 December 2025 –
Ref. 67 O 173/25 eV – is amended and reworded as follows:

The respondent is obliged to grant the applicant research access to public data on the online platform "X" until
30 June 2026 without quota restrictions via an online interface

. This must transmit at least the following data:

- Tweet data: Detailed information about tweets, including their text, the author's profile name, the time of creation and any context-related public comments (so-called community notes).

- Media data: For tweets that contain media, information about the media type, its URL and metadata (such as geotags).

- Interaction data: Publicly available data about how users interact with Tweets publicly, including likes, retweets, quotes, and replies.

- User data: Public user information such as the creation date of the X account, profile pictures, user names, self-descriptions, and the number and profile names of followers.

- Real-time and historical data: Access to real-time and historical data, to the extent that it is covered by the requested period.

Beyond that, the immediate appeal is dismissed.

The respondent shall bear the costs of the legal proceedings in both instances

.

Reasons:

I.

The plaintiff is a non-profit organisation based in Germany, established as a limited liability company with its registered office in Berlin.

According to the company's registered purpose in the commercial register of the Charlottenburg Local Court, the plaintiff is dedicated to development aid, with a particular focus on democratic governance as a key prerequisite for development cooperation. It further states, among other things:

> *"In doing so, DRI also aims to promote science and research on the subject of development and democracy. The company fulfils its purpose in particular through the following measures, which constitute the company's purpose:*
>
> *a) Organising academic events and research projects on democratic developments, particularly in developing countries (e.g. on elections, the exercise of political rights, democratic constitutions, the influence of parliaments, general assessments of the democratic situation in a country)*."

The respondent is a subsidiary of the US company X Corp. based in Ireland. It operates the real-time communication platform X ("X platform", formerly "Twitter") for

Users in the European Union, the EFTA states and the United Kingdom. In its decision of 25 April 2023, the European Commission designated the respondent as a "very large online platform".

On 5 November 2025, the plaintiff applied to the defendant for an order to grant it unrestricted research access to data from the online platform "X", including real-time data via the X-API, from 1 January 2026 to 30 June 2026, including real-time data via the X API, in order to research systematic risks in connection with the upcoming Hungarian parliamentary elections. For details, please refer to the application "X DSA Researcher Application", Annex AS08.

The parties subsequently corresponded with each other by email regarding the application until the respondent finally rejected it on 12 December 2025.

On 17 December 2025, the plaintiff applied to the Berlin Regional Court II for a preliminary injunction with the aim of obliging the defendant to grant it unrestricted research access to public data (including real-time data) from the online platform "X" via an online interface from 1 January 2026 until 30 June 2026. After hearing the respondent, the Regional Court rejected the application in its decision of 23 December 2025 on the grounds that the court seized did not have international jurisdiction. The plaintiff's immediate appeal of 29 December 2025 is directed against this decision.

The plaintiff argues that an important part of her work consists of researching elections and their environment by evaluating social media data. She claims that her application of

25. November 2025 already contained all the information that needed to be provided in order for the respondent to grant access to the data.

The plaintiff finally requests that

1. The decision of the Berlin Regional Court II of 23 December 2025 – Ref. 67 O 173/25 eV – is set aside.

2. The respondent is obliged to provide the applicant with research access to public data on the online platform "X" until 30 June 2026 without quota restrictions via an online interface. This must transmit at least the following data:

- Tweet data: Detailed information about tweets, including their text, the author's profile name, creation time, and any contextual public comments (known as community notes).

- Media data: For tweets that contain media, information about the media type, its URL and contained metadata (such as geotags).

- Interaction data: Publicly available data about how users interact with tweets publicly, including likes, retweets, quotes and replies.

- User data: Public user information such as the creation date of the X account, profile pictures, user names, self-descriptions, and the number and profile names of followers.

- Real-time and historical data: Access to real-time and historical data, insofar as this is covered by the requested period.

3. The respondent is threatened that for each case of infringement

a fine of up to EUR 250,000 may be imposed for breach of the obligation set out in clause 2 EUR 250,000 may be imposed for any breach of the obligations set out in section 2, or, if this cannot be collected, administrative detention or administrative detention of up to six months may be imposed.

The respondent finally requests

1. the immediate appeal against the decision of the Berlin Regional Court II of 23 December 2025, ref. 67 O 173/25 eV, be dismissed.

alternatively, in the order specified,

2. in the event that the court seised considers itself to have international jurisdiction and intends to issue the interim measure, to refer questions to the ECJ for a preliminary ruling in accordance with Article 267 TFEU and to stay the proceedings until the ECJ has given its preliminary ruling;

3. in the event that the court seised issues an interim injunction, to make the enforcement of the interim injunction dependent on the plaintiff providing security;

4. in the event that the court seised issues an interim injunction, to order the applicant to bring an action before the court seised of the main proceedings within two weeks of

the judgment is served on the applicant to bring an action before the court hearing the main proceedings.

It claims that the plaintiff is an activist organisation with political objectives and not a research institution.

For further details of the facts and legal arguments, reference is made to the written submissions exchanged between the parties.

II.

1. An immediate appeal is admissible against the decision of the Regional Court, Section 567 (1) No. 2 ZPO. It is admissible, in particular because it was lodged by the plaintiff within two weeks in the proper form and within the prescribed time limit, Section 569 (1) and (2) ZPO.
   After the parties have heard the case before the Senate on 17 February 2026, the appeal must be decided by final judgment, Sections 936, 922 (1) sentence 1 ZPO. The decision is incumbent upon a single judge, as the contested order was issued by a single judge, Section 568 (1) sentence 1 ZPO.

2. The appeal by the plaintiff is well-founded. Only with regard to Section 184 GVG did the Senate not include in the operative part of the judgment the reference contained in the plaintiff's application to her application of 5 November 2025, which was written exclusively in English. However, this does not change the substance of the case.

a) Contrary to the opinion of the Regional Court in the contested decision, the courts seized have international jurisdiction. This follows from Article 7(2) of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (hereinafter: Brussels I Regulation).

According to this, a person domiciled in the territory of a Member State may be sued in the courts of the place where the harmful event occurred or may be likely to occur if the proceedings concern a tort or delict or a claim arising from such a tort or delict.

That is the case here. The plaintiff is asserting a claim based on an act by the defendant that is equivalent to a tortious act. This includes any action seeking to establish the defendant's liability for damages that is not linked to a contract or claims arising from a contract within the meaning of Article 7(1)(a) of the Brussels I Regulation (ECJ, judgment of 10 July 2025 – C-99/24 –
NJW 2025, 3061, 3065; judgment of 9 December 2021 – C 242/20 – NJW 2022, 375, 377; Judgment of 24 November 2020 – C-59/19 – NJW 2021, 144, 146).

aa) Contractual relations between the parties are not the subject of the proceedings. The plaintiff asserts a claim solely under Article 40(12) of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC – Digital Services Act (hereinafter: DSA or Digital Services Act). According to this, providers of very large online platforms must, under certain specified conditions, grant researchers access to data collected via their Online interface are publicly accessible. The standard grants these researchers a subjective right to access data (Albers, in: Mast/Kettemann/Dreyer/Schulz, DSA/DMA, Art. 40 DSA, para. 67). In return, it requires providers to grant access, thus establishing a legal obligation on their part.

bb) The plaintiff also asserts liability for damages against the defendant. A damaging event can be attributed to the defendant (see ECJ, NJW 2025, 3061, 3065; NJW 2022, 375, 378 EuZW 2016, 547, 550).

The plaintiff is pursuing a claim against the defendant for access to publicly available data, including data in

Real time. One of the objectives of the Digital Services Act is to effectively identify and mitigate the risks and social and economic damage that may arise from the operation of very large online platforms and very large online search engines, cf. Recital No. 79 DSA. On the one hand, this is to be achieved through a voluntary commitment by the operators of very large online platforms, cf. Art. 34 DSA, and on the other hand through external monitoring and evaluation of compliance with these obligations. The latter is achieved through data access rights for public authorities, Art. 40(1) DSA, and researchers who meet certain requirements, Art. 40(4) and (12) DSA.

The plaintiff argues that it wants to research such risks with the intended access to public data. By denying it access, the defendant is preventing this research, with the result that any risks and economic damage that may exist in this respect cannot be identified and mitigated, at least not in the manner intended by the plaintiff. This, however, threatens at least the occurrence of a damaging event that cannot be identified due to the lack of research. The necessary connection between – future – damage and a damaging event is thus established.

Whether the plaintiff actually has a claim is not a question that needs to be answered in the context of examining the international jurisdiction of the courts seized. Here, it is sufficient for the outset to have a conclusive submission by the party invoking such a claim. Such a submission has been made here.

The dispute between the parties as to whether the claim under Section 40(12) DSA contains a significant injunction aspect or whether the provision is a protective law within the meaning of Section 823(2) BGB and therefore falls under the jurisdiction of tort law (as per LG Berlin II, decision of 13 May 2025 – 41 O. 140/25 eV – juris), does not need to be decided.

cc) The damage is also likely to occur at the location of the courts invoked by the plaintiff. As a regulation, the Digital Services Act is directly applicable at the place of jurisdiction, Art. 288(2) TFEU. The legal interests that may be damaged

are therefore also protected here (see ECJ, judgment of 15 January 2026 in Case C-77/24).

The place where the harmful event occurred, cf. Art. 7 No. 2 Brussels I Regulation, can be both the place where the alleged damage occurred and the place where the event causing the damage occurred (ECJ, NJW 2025, 3061, 3065). The place where the event causing the damage occurred is likely to be the registered office of the respondent, as the action required for the respondent to access the data will take place there.

On the other hand, the plaintiff has its registered office at the place of jurisdiction. It has stated that it intends to carry out and coordinate the planned research here. The location of the intended findings on the risks associated with the operation of the defendant's very large online platform and any potential social and economic damage is therefore also at the location of the adjudicating senate. Even if the plaintiff primarily seeks access to data for the purpose of observing the elections in Hungary, the damage will in any case also be realised at its registered office. This is sufficient to establish jurisdiction under Article 7 No. 2 of the Brussels I Regulation.

The plaintiff has the choice between the place where the alleged damage occurs and the place where the event causing the damage occurred (ECJ, judgment of 12 May 2021 – C-709/19 – NZG 2021, 842, 843). It has opted for the first alternative, which must therefore be accepted by the respondent.

dd) The choice of jurisdiction made by the plaintiff is ultimately in accordance with the meaning and purpose of the provisions in Article 7(2) of the Brussels I Regulation. The courts of the place where the harmful event occurred or threatens to occur should deal with the matter because it is assumed that their close – local – connection to the facts of the case will enable them to conduct the proceedings in an appropriate manner.

and can therefore ensure the proper administration of justice (ECJ, NJW 2025, 3061, 3065).

Such a close relationship to the subject matter of the dispute is justified here by the location specified by the plaintiff in the injunction proceedings – Berlin – from which the research is to be conducted and coordinated.

b) Interim injunctions are also permissible for the purpose of regulating a provisional situation in relation to a disputed legal relationship, provided that such regulation appears necessary to avert significant disadvantages or to prevent imminent violence or for other reasons, Section 940 ZPO. The plaintiff has sufficiently substantiated a claim for an injunction against the defendant as well as grounds for the injunction, Sections 936, 920 (2), 294 (1) ZPO.

aa) Art. 40 para. 12 DSA grants researchers specified therein a right of access to data from providers of very large online platforms.

(1) The respondent was designated by the European Commission in its decision of 25 April 2023 as a very large online platform, cf. Art. 33(4) DSA (Official Journal of the European Union of 14 July 2023 - 2023/C 249/02 -). Since the criterion for designation as a very large online platform is the number of users in the European Union, Art. 33(1) DSA, the number of users in Hungary is irrelevant, even if the evaluation of the data sought by the plaintiff relates to the parliamentary elections there.

(2) The plaintiff is a non-profit organisation, which it has substantiated by submitting the exemption notice from the tax office for corporations dated 4 June 2024, cf. Sections 5 (1) No. 9 KStG, 51 (1), 52 AO. As such, it or the researchers associated with it may be claimants within the meaning of Art. 40(12) DSA if it fulfils the further conditions in Art. 40(8) sentence 1 lit. b), c), d) and e).

(a) The Senate does not share the view expressed by the respondent in the oral hearing that the applicant cannot itself be a researcher within the meaning of the provision. The term "researcher" is not defined in the Digital Services Act. However, the regulation does not imply that the term is restricted to natural persons. The opposite is the case.

The digital services coordinator at the place of establishment may grant the status of authorised researchers to both natural persons and institutions, cf. Art. 40(11) DSA (cf. Oster, in: BeckOK InfoMedienR, Art. 40 DSA, status 11/2025, para. 20). Entities in this sense refer to civil society organisations, cf. Recital 97 DSA (Oster, loc. cit.; Kaesling, in: Hofmann/Raue, DSA, Art. 40, para. 45). It is obvious, if not imperative, that the term "entities" also covers legal persons. It is precisely legal entities that can be independent holders of rights and obligations on the basis of their legal capacity, cf. Section 13 GmbHG. It is not apparent why this should be any different for researchers who do not even require such authorisation under Article 40(12) DSA. The plaintiff in the injunction proceedings can therefore be the holder of a claim to data access itself.

The objection raised by the respondent that the plaintiff is "An activist organisation with political objectives" is not relevant. According to the above, researchers within the meaning of the law can also be civil society organisations. Even if these organisations also pursue political goals, this does not preclude them from acting as researchers within the meaning of Section 40(12) DSA. The same applies to individual members of such organisations, but this is not primarily relevant in the present case due to the legal capacity of the plaintiff.

In any case, the comparison used by the respondent in this regard to a "research institution" is not a suitable criterion for differentiation. The plaintiff has not questioned the fact that it is not a "research institution". The law defines such institutions within the meaning of Art. 2 No. 1 of Directive (EU) 2019/790, cf. Art. 40 (8) sentence 1 lit. a) DSA. However, that is not the issue here. The claim under Article 40(12) DSA is available to researchers who, as discussed, also include organisations of

Civil society. However, this is the plaintiff in the injunction proceedings. It does not have to meet the requirements that apply to a research institution.

(b) The plaintiff has also sufficiently substantiated the other requirements in Art. 40(8) sentence 1 lit. b)-e) DSA.

(aa) The plaintiff is independent of commercial interests, Section 40(8) sentence 1 lit. b) DSA, which results from its recognition as a non-profit organisation.

Recognition requires the pursuit of charitable purposes, which in turn requires the corporation to engage in activities aimed at the selfless promotion of the general public in the material, intellectual or moral sphere, Section 52(1) sentence 1 AO. Promotion in this sense is selfless if it does not primarily pursue its own economic purposes, such as commercial or other profit-making purposes, Section 55 (1) sentence 1 AO.

(bb) The plaintiff had already provided information about the financing of the research in its application dated 5 November 2025, cf. Art. 40(8) sentence 1 lit. c DSA. [redacted]

[redacted]

(cc) The plaintiff must be able to comply with the specific data security and confidentiality requirements associated with its request and to protect personal data; it is responsible for describing the appropriate technical and organisational measures it has taken to this end, Art. 40(12), (8) sentence 1 lit. d) DSA.

The plaintiff has explained this in its application of 5 November 2025 to the defendant under the heading "Data Security and Confidentiality*". This describes how only authorised personnel are granted access to the data, how access is secured and how the collected data, in particular personal data, is to be handled. There is no indication that these measures are technically or organisationally unsuitable for ensuring a level of protection appropriate to the risk, cf. Art. 32(1) sentence 1 GDPR. In fact, the respondent has not addressed this issue. Its objections are ultimately limited to the assertion that the measures proposed by the applicant are insufficient, without specifying what exactly is objectionable about the measures described.

(dd) The access sought by the applicant – only to data that is already publicly available – and the time limits specified by it – 1 January to 30 June 2026 – must be appropriate, necessary and proportionate for the purposes of its research work; the expected results of this research must contribute to the detection, investigation and understanding of systemic risks in the Union in accordance with Article 34(1) DSA, including with regard to the assessment of the adequacy, effectiveness and impact of the risk mitigation measures taken by the respondent, Article 40(12), 8(1)(e) and (4), Article 34(1) and Article 35 DSA.

The actual impact on social debate, electoral processes or public security based on the design, operation or use of very large online platforms' services are systemic risks in this sense, Article 34(1) sentences 1 and 2(c) DSA.

debate, electoral processes or public safety are systemic risks in this sense, Art. 34(1) sentence 1 and 2(c) DSA.

The plaintiff's application of 5 November 2025 contains sufficient information on the purpose of its research project, namely the detection and analysis of coordinated inauthentic behaviour (CIB) and foreign information manipulation and interference (FIMI) active in the election campaign on X. The Senate has no doubt that such activities on the online platform operated by the respondent can have a major impact on online security, public opinion formation and public discourse, cf. Recital 79, p. 3 DSA. Therefore, research activities aimed at uncovering such activities are suitable for detecting systemic risks.

Access to the data is necessary in order to achieve the objective pursued by the plaintiff. It is not apparent that the plaintiff would be able to answer the research questions listed in the application of 5 November 2025 without access to the data (see Kaesling, in: Hofmann/Raue, DSA, Art. 40, para. 50). By limiting the period to the original six months around the expected date of the Hungarian parliamentary elections in April of this year, the plaintiff is pursuing the focus of the intended research activity already specified in its application of 5 November 2025.

Finally, access to public data is also proportionate; in her application of 5 November 2025, the plaintiff explained in particular how she intends to deal with the protection of personal data (see Albers, loc. cit., Art. 40 DSA, para. 52).

bb) There is also a reason for issuing the requested interim injunction.

The performance order sought by the plaintiff for the fulfilment of the claim under Section 40(12) DSA requires, in addition to the existence of the asserted claim, an urgent need for the requested urgent measure. The creditor

must be in urgent need of immediate fulfilment of his claim, which must be demonstrated and substantiated. The performance order was developed to grant effective legal protection in accordance with Art. 19 (4) GG in the event of an urgent emergency/compelling situation and in the event of a threat to the creditor's livelihood. However, it is also permissible if the action owed is to be performed at such short notice that it is not possible to obtain an enforcement order in ordinary proceedings and referring the creditor to bring an action on the merits would in practice amount to a denial of justice (OLG Frankfurt/Main, WRP 2023, 749, 750). The latter is the case here.

After the respondent denied the applicant access to the data it requested on 12 December 2025, it would no longer have been possible for the applicant to investigate the publicly available data relating to the Hungarian parliamentary elections if it had pursued legal action in the main proceedings alone. Even a first-instance decision would no longer have been expected in time.

The plaintiff cannot be blamed for submitting its application to the defendant too late, in November 2025, even though the date of the elections in Hungary had been known for some time. The respondent is only required to grant access to the data under the conditions set out in Section 40(12) DSA, and the applicant had to prove in particular that it met the requirements of Section 40(8) sentence 1 lit. b)-e) DSA. To this end, it had to provide information on the financing of the research, Art. 40(8)(1)(c) DSA. This was only possible after it had been promised sufficient concrete funding, which, according to the plaintiff's submission, was not the case until shortly before the application was filed.

There is no evidence that it was late in seeking the necessary funding; in particular, there are no sufficient indications that, if funding had been promised earlier, a legal dispute with the respondent would have arisen, possibly involving several instances, including a preliminary ruling procedure before the

Court of Justice of the European Union - had been finally decided before the start of the intended research in January 2026.

The respondent must grant access to the data without delay, Art. 40(12) DSA. The applicant therefore had no reason to apply for access so early that a final decision on the main issue could have been obtained. The respondent overlooks here that such a court decision is not a prerequisite for the asserted claim.
Rather, the applicant, who has provided the necessary information in its application, can expect the respondent to fulfil its resulting obligation without delay, as required by law. This does not require an application to be filed at a time when a final court decision is still pending. Rather, it can be assumed that a period of at most a few weeks before the start of the requested data access should be sufficient for this purpose. The plaintiff has complied with this requirement in this case. Therefore, the fact that the expected date of the elections in Hungary was already known before November 2025 does not preclude the granting of the preliminary injunction sought by the plaintiff. Since the defendant refused to grant access, the plaintiff had no choice but to seek interim relief.

The court does not overlook the fact that the respondent has a particular interest in a final decision on the main issue. However, as she herself has recognised, this option remains open to her. She has filed an application pursuant to Sections 936 and 926 of the German Code of Civil Procedure (ZPO). The judicial officer at the Berlin II Regional Court will have to decide on this application in due course, Section 20 (1) No. 14 of the German Judicial Officers Act (RPflG) (cf. Becker, in: Anders/Gehle, ZPO,
84th edition, Section 926, margin note 10; G. Vollkommer, in: Zöller, ZPO, 36th edition, Section 926, margin note 6). There is no reason to pre-empt this decision. The plaintiff is only seeking access to data that is already publicly available. Ultimately, the aim is merely to facilitate access via an online interface. This justifies placing the defendant's interest in not being ordered to perform what is likely to be a final service in the preliminary injunction proceedings behind the plaintiff's interest in being granted effective legal protection, Art. 19(4) GG. Otherwise, the plaintiff would completely enforce

completely failing to enforce its claim to data access, which exists in any case according to the required summary examination.

3. The threat of coercive measures requested by the plaintiff is not considered.

The plaintiff made the second application on the assumption that the intended order requiring the defendant to grant access to data contained an important aspect of injunctive relief (see also LG Berlin II, judgment of 13 May 2025 – 41 O. 140/25 eV – juris; Oster, loc. cit., para. 40; Kerkemeyer, in: Spindler/Schuster/Kaesling, Recht der elektronischen Medien [Law of Electronic Media], 5th ed., Art. 40 DSA, Rdn. 37; Henn, in: Müller-Terpitz/Köhler, DSA, Art. 40, Rdn 45). This may be the case once access to the data has been granted by the respondent. However, this case concerns access as such, in which no omission is sought, but rather an – unjustifiable – action (see BGH, NJW 2021, 160). However, there is no threat of coercive measures to enforce unjustifiable actions, Section 888 (2) ZPO.

4. A referral to the Court of Justice of the European Communities pursuant to Art. 267 TFEU is out of the question. In this regard, the Senate does not overlook the fact that there is no right of appeal against its decision, at least in proceedings for interim relief, cf. Section 542 (2) sentence 1 ZPO. It is also true that the parties are in dispute over the interpretation of two European Union regulations, Article 7(2) of the Brussels I Regulation and Article 40(12) of the DSA, Article 267(1)(b) and Article 288(1) TFEU. It must be decided whether a claim under Article 40(12) DSA can also be brought before the court of jurisdiction for the tort, which the Senate considers admissible.

Nevertheless, due to the urgency of the matter, referral to the Court of Justice is ruled out because the main proceedings can be pursued (Wegener, in: Callies/Ruffert, EUV/AEUV, 6th ed., Art. 267, para. 31). This is not precluded by the fact that Article 105 of the Rules of Procedure of the Court of Justice also provides for an expedited procedure. Neither the fact that a request for a preliminary ruling is made in the context of proceedings for interim relief nor the fact that the

referring court must do everything in its power to ensure that the main proceedings are concluded expeditiously are, in themselves, sufficient to justify recourse to the expedited procedure under Article 105(1) of the Rules of Procedure (ECJ, judgment of 6 October 2021 in Case C-581/20, juris).

After that, it is no longer relevant whether the Senate considers the questions raised in particular by the respondent to be in need of clarification by the Court of Justice due to the objective of the Digital Services Act, which is also aimed at reducing social and economic damage, cf. Recital No. 79, p. 3 DSA.

5. The Senate sees no reason to order the provision of security for enforcement in accordance with Section 921 (2) of the Code of Civil Procedure (ZPO). The setting of a security for enforcement may be considered if the creditor's financial circumstances or uncertainties relating to them make any claims for damages by the title debtor appear to be at risk in the event of the urgent title being subsequently revoked, or if the damage threatening the debtor as a result of enforcement is particularly high. None of this can be established in the present case; in particular, the respondent's submissions do not provide sufficient grounds for this.

6. The decision on costs is based on Section 91(1) of the German Code of Civil Procedure (ZPO). A special order for provisional enforceability is ruled out, as judgments issued in preliminary injunction proceedings are immediately enforceable (Federal Court of Justice, MDR 2009, 1072). There is no provision for an appeal on points of law, Section 542 (2) sentence 1 ZPO, so that no decision can be made on its admissibility.

[redacted]
Judge at the Court of Appeal

Higher Regional
Court 1 W
399/25

Announced on 17 February

2026 [redacted]
as registrar of the court office

Certified true copy Berlin, 20
February 2026

[redacted]
Registrar of the Registry

[redacted]