Munich District Court, final judgment of February 13, 2026 – 142 C 9786/25

Title:

On the copyright protection of products created using generative artificial intelligence (here: logos – protectability denied)

Chain of standards:

UrhG § 2
UrhG § 97

Guidelines:

1. Whether products generated by artificial intelligence have the character of a work in the sense of § 2 para. 2 UrhG depends on the extent to which human creative influence is still exerted despite the software-controlled process flow.
2. Copyright protection is therefore conceivable as a result of human intervention in AI results, which can also take place subsequently or successively during prompting and which leads to the personality of the prompter being reflected in the output.
3. However, human influence must shape the resulting output in a sufficiently objective and clearly identifiable manner. This is certainly the case, but only if the creative elements incorporated in the prompting dominate the output to such an extent that the object as a whole can be regarded as its own original creation by its author.

Keywords:

Artificial intelligence, work property

Location:

BeckRS 2026, 1513

tenor

1. The action is dismissed.

2. The plaintiff must bear the costs of the legal dispute.

3. The judgment is provisionally enforceable. The plaintiff may avert the defendant's enforcement by providing security equal to 110% of the amount enforceable under the judgment, unless the defendant provides security equal to 110% of the amount to be enforced prior to enforcement.

4. The value in dispute is set at 10,000.00 €.

fact

1 The plaintiff requests that the defendant refrain from using graphic signs.

2 Using the generative artificial intelligence C (hereinafter AI), he created three „logos“, namely in the form of a „handshake between two people of different skin colors and a ringing bell“, an „envelope depicted in front of a building with columns“ and a „laptop with a book with a paragraph symbol floating in front of its screen“, which are designed as follows:

3 The plaintiff received the products generated by the AI he used after he had provided him with instructions and descriptions –sometimes detailed, sometimes iterative– for generating the expenditure (so-called prompting). With regard to the individual prompting steps, reference is made to Annexes K 1 to K 3.

4 The claimant subsequently used the symbols on his personal Internet site. The defendant, an acquaintance of the plaintiff, reproduced these three logos without the plaintiff's consent and uses them on its website „J de“.

5 By letter dated July 3, 2025, the plaintiff unsuccessfully asked the defendant out of court to delete and refrain from future publications.

6 He considers that he is the author of the logos in dispute. Image files such as logos created using AI products are also copyrightable works in the sense of § 2 UrhG.

7 The use of AI is comparable to the use of tools in the creation of the work –even if these tools are technologically particularly powerful – and is a personal intellectual creation in the sense of § 2 para. 2 UrhG not if the design of the product can be traced back to a person's intellectual act of creation. A key indication of a person's intellectual act of creation is the iterative process and the multiple human processing of the product, through which the product is increasingly shaped according to the direct human input. His human contribution did not only consist of “triggering the process”; rather, his creative achievement was manifested in the work instructions to the AI (prompts),which consisted in the realization into the real world of the work that had already been reshaped in his mind. This was done either through a single, carefully prepared and tested prompt or through repeated revision of the AI-generated products. In particular, iterative revision can be compared to the work of a sculptor who carves a statue from the stone step by step and checks at each intermediate step whether the current state of his work already corresponds to his intellectual creative conception and, if necessary, intervenes in a corrective manner.In particular, iterative revision can be compared to the work of a sculptor who carves a statue from the stone step by step and checks at each intermediate step whether the current state of his work already corresponds to his intellectual creative conception and, if necessary, intervenes in a corrective manner.In particular, iterative revision can be compared to the work of a sculptor who carves a statue from the stone step by step and checks at each intermediate step whether the current state of his work already corresponds to his intellectual creative conception and, if necessary, intervenes in a corrective manner.

8 The plaintiff last applied for

1. The defendant is ordered, if he avoids a fine to be fixed by the court for each case of infringement, to refrain from paying up to EUR 1000.00 for the plaintiff's copyrighted works, consisting of

a) a logo in the form of a handshake between two people of different skin colors and a ringing bell,

b) a logo in the shape of an envelope, depicted in front of a building with columns,

c) to publish or have published parts of a logo in the form of a laptop with a book bearing a paragraph symbol floating in front of its screen on the defendant's website “J.de” or other publicly accessible platforms without the plaintiff's consent.

2. The defendant is ordered to immediately delete the above-mentioned works of the plaintiff from his website “J.de”.

9 The defendant has

Dismissal of action requested.

10 He believes that the logos in dispute are not copyrightable works within the meaning of § 2 UrhG because they were not created by a human being. The user of a generative AI does not provide the necessary creative performance. He acts merely as a source of ideas or client, while the actual creative process – the selection, combination and design of the visual elements – is carried out completely automatically by the AI. The human contribution here is limited only to triggering a technical process through a linguistic input, but not to a creative design in the copyright sense.

11 The plaintiff is also not heard arguing that AI is merely a powerful tool, as this misunderstands the AI's own performance and the qualitative shift compared to conventional tools. It is precisely the fact that anyone can create masses of complex, stylistically diverse works in the shortest possible time and with minimal effort that shows that the creative contribution of humans takes a back seat entirely to automated generation. The lack of user control over the creative process and the lack of predictability of the concrete output also speak against the mere tool property. No one, neither the user nor the KI developers themselves, can understand or predict in detail how the AI will reach a particular result.For humans, the AI therefore represents a „black box“. The user does not determine the output, but „commissions“ the AI – similar to a third person – to create an image according to the general specifications. The AI decides for itself what the product should look like without the client having control over it.

12 Furthermore, in order to supplement the facts and the dispute, reference is made to the parties' pleadings, together with annexes, minutes and other documents of the proceedings.

Grounds for decision-making

I.

13 The action is admissible.

14 1. The subject-matter jurisdiction of the district court follows from § 23 No. 1 GVG, § 39 ZPO. Despite being informed, the defendant argued the main case orally without claiming lack of jurisdiction.

15 2. There is also the necessary need for legal protection. In the action for performance under which the requests for injunctive relief or cancellation in question fall, there is a need for legal protection if the plaintiff even comprehensibly demonstrates that he has a substantive claim against the debtor and that this claim has not been fulfilled. Only exceptionally does the action for performance lack the need for legal protection if special circumstances make the plaintiff's request to enter the substantive examination appear unworthy of protection or abusive. However, restraint is required when classifying the latter categories, since a „formal refusal of justice“ violates the right to the statutory judge (BVerfG NJW 1954, 593).In the case of an application classified as abusive, the need for legal protection can be denied in special individual cases, such as the pursuit of

inappropriate objectives or querulous submissions (see Anders/Gehle/Anders, 84th ed. 2026, ZPO Before § 253 Rn. 47, beckonline).

16 The parties have admitted to being acquainted with each other and to having controversially discussed the copyright protection of AI products. The plaintiff has also informed the defendant of the logos he has created and how to make them accessible; however, he has, without dispute, expressly drawn his attention to the fact that, in the event of unauthorized use, he is liable to „suspension of action in court“. In this constellation, there is some evidence that the parties are conducting the legal dispute (also) out of scientific interest and it is not the task of the courts to prepare legal opinions for the parties. However, during the oral hearing, the parties unanimously and in any event irrefutably statedthat, in addition, from an actual point of view, it is necessary to clarify the specific dispute concerning the use of the images in question, so that an (solely) inappropriate aim of the claim cannot be proven by the court.

II.

17 However, the action is unfounded. The plaintiff is not entitled to the asserted claims under § 97 para. 1 UrhG. The products in dispute are not works of applied art protected by copyright according to § 2 para. 1 no. 4, para. 2 UrhG.

18 1. The concept of a work in § 2 para. 2 UrhG constitutes, as is clear from the settled case law of the European Court of Justice, an autonomous concept of Union law which must be interpreted and applied uniformly and which has two constituent elements. On the one hand, the object in question must be an original in the sense that it represents its own intellectual creation of its author. On the other hand, the classification as a „work“ is reserved for elements that express such a creation. With regard to the first characteristic, according to the settled case-law of the ECJ, an object can only be regarded as an original if it reflects the personality of its author by expressing his free creative choices.On the other hand, if the creation of an object was determined by technical considerations, by rules or by other constraints that left no room for the exercise of artistic freedom, it cannot be assumed that that object has the originality necessary for classification as a work (see, for example, ECJ, judgment of 12 September 2019 – C-683/17 –, para. 29 – 31, juris).

19 2. Whether products generated by artificial intelligence have the character of a work depends, according to the more accurate literature, on the extent to which human creative influence is still exerted despite the software-controlled process flow. Copyright protection is therefore conceivable as a result of human intervention in AI results, which can also take place subsequently or successively during prompting and which leads to the personality of the prompter being reflected in the output. It is therefore necessary to exert human-creative influence on the design of the concrete work itself, for example through sufficiently individual presets when programming the creation process of the concrete product itself, if necessary.in conjunction with a selection process among the generated products. Simply selecting an AI product from several „proposals“ is not sufficient in itself. If the generation of the product is entirely software-controlled, copyright and ancillary copyright protection for the AI product is not considered (Dreyer in: Dreyer/Kotthoff/Hentsch, Heidelberger Kommentar zum Urheberrecht, 5th ed. 2025, 5th edition, 8/2025, § 2 UrhG, marginal no. 32, with further references).§ 2 UrhG, marginal no. 32, with further references).§ 2 UrhG, marginal no. 32, with further references).

20 According to the concept of a work defined above, what is ultimately decisive is whether the plaintiff's prompting expresses his creative abilities in an independent way by making free and creative decisions and thus also giving the output its personal touch (see ECJ, judgment of 1 March 2012 – C-604/10 – Football Dataco/Yahoo para. 38, for databases). The design must not be predetermined by the technical functions of the AI, but the plaintiff must express his creative spirit in an original way (ECJ, judgment of 22 December 2010 – C-393/09 – BSA/Ministry of Culture, for graphical user interface of a computer program).

21 Figuratively speaking, what is required is „that the use of the AI model is closer to a tool than to an independent creation instrument“ (Olbrich/Bongers/Pampel, GRUR 2022, 870, beckonline). The input must ultimately shape the resulting output (the „expression“ of the copyright creation) in a sufficiently objective and clearly identifiable manner (Leistner, GRUR 2025, 1123, 1132, beckonline). In the Court's view, this is certainly the case, but only if

the creative elements incorporated in the prompting dominate the output to such an extent that the subject matter as a whole can be regarded as the original creation of its author.

22 It is therefore not sufficient if, within the framework of prompting, the design „decision“ is ultimately left to the AI through merely general, open-ended instructions, even if these should be numerous and the appearance of the output is thereby successively changed. Contrary to the plaintiff's opinion, it is also completely irrelevant whether he uses a „paid premium version“ of the AI, what value the court assumed for his interest in injunctive relief, or how laboriously and carefully a prompt was created. His personality is not reflected in merely manual activities, regardless of how costly or elaborate they are. Copyright does not reward or protect investment, time or diligence,but solely the result of a creative activity (Dreier/Schulze/Raue, 8th ed. 2025, UrhG § 2 Rn. 79, beckonline, with further references).

23 The burden of presentation and proof for the existence of a creative intellectual creation lies with the plaintiff (BGH GRUR 2025, 407 para. 30 – Birkenstock sandal).

24 3. In application of these principles, none of the three logos is to be regarded as the applicant's original work, in which his personality is expressed as the result of a free creative choice. In detail, the following applies:

a. Logo „laptop with a book with a paragraph symbol floating in front of its screen“

25 In this respect, there is no copyrighted work. Based on the plaintiff's statements, no creative development of his own personality can be discerned. The plaintiff's instruction to the AI is limited to a two-line description to create a „simple but unusual“ logo for a website where legal texts can be read. There are no creative decisions that could have creatively influenced the output generated by AI.

b. Logo „envelope, shown in front of a building with columns“

26 Copyright protection is also ruled out in this respect. It is true that the applicant has indisputably produced a complex prompt of as many as 1700 characters „formulated and tested“ in order to produce this logo. However, as already explained, this achievement, which is characterized solely by time expenditure, is not a criterion for one's own intellectual creation. In terms of content, the plaintiff's prompt cannot meet the requirements for free and creative creative influence. The descriptions are largely so general that they do not allow any conclusions to be drawn about the type and appearance of the output (“Design an original, abstract logo“, „The design should be modern, minimal, and distinctly original, with clear evidence of creative interpretation“, „Style: Clean flat design with custom geometric abstraction“).Furthermore, the plaintiff largely leaves the creative decision on the precise selection of the design elements of the output to the AI (“Communication or alerts – represented by waves, motion lines, rays, concentric circles, pulsating forms, or unfolding shapes“, „Color Palette: Base colors: deep navy (#003366) and others if you deem them a good fit“). Ultimately, this leads to the overall view that the creation of the object does not reflect a human creative decision of its own, but rather the creative design was left to the rules of AI. Ultimately, the prompt is no different from a written order to a human developer to create the logo.

c. „Handshake between two people of different skin colors and a ringing bell“

27 In this respect, too, what has just been done largely applies. The plaintiff's initial prompt („Create a logo for a career & jobs notification application. For that, use the shape of a handshake and a bell icon, symbolizing an incoming job notification. The style and the colors should be trustworthy and rather simple. However, adapt the handshake and bell shapes to form something unique and creative, intermix them!“) also does not go beyond describing the requirements for the artistic creation of a commissioned work. The subsequent mere selection of a product from four AI suggestions is, as explained, just as insufficient for personal creative creation. Although the plaintiff continues to influence the design of the logo in the further course of the prompting,However, these steps of influence are also largely characterized by more manual activities. This is obvious if the plaintiff has to correct obvious errors in the AI (“those finger must be white skinned, please“, „The last image seems to be broken. Recreate it please“). However, the plaintiff's instructions, although partly detailed (“Okay, I want the hand in the suite sleeve to be of darker skin color and the other hand with no suite sleeve to be of whiter skin color, to represent diversity“), lack free and creative influence; they are limited at best to exerting minor influence on

individual design features, which, however, were initially generated in a formative way by AI. The plaintiff's further instructions are alsowhich ultimately lead to the final product shown above, largely technical and open-ended (“Nice! Can you make the whiteskin hand more feminine?“, “Make the hands a bit more filigree“, „add a more realistic touch to the hands, adding details“) and do not testify to creative decisions that precisely reflect the personality of the plaintiff. Ultimately, the plaintiff leaves the „artistic“ design to the AI here as well, by merely phrasing general specifications that leave the decision to the AI (“make the bell look more artistic“, „add a more realistic touch to the hands, adding details“). In the overall view of the logo's creation process, the technical activity of AI therefore largely outweighs the plaintiff's human-creative influence.Ultimately, there can be no question of the result being shaped by his creative influence. Even in this constellation, a sufficient human creative influence and thus a work character can be denied.
III.

28 The decision on costs arises from § 91 ZPO, the decision on provisional enforceability from §§ 708, 711 ZPO.

29 The decision on the value in dispute is based on § 3 ZPO, § 63 para. 2 sentence 1 GKG. In this respect, reference is made to the reasoning behind the decision of September 18, 2025.