

Berlin Regional

Court II

Ref: 41 O 140/25 eV



## Resolution

In the proceedings

1) **Democracy Reporting International gGmbH**, represented by the managing directors with sole power of representation  
- Applicant -

2) [REDACTED]

- Applicant -

Authorized representatives 1 and 2:

Lawyers KM8, Moosdorfstraße 7-9, 12435 Berlin, Gz.: 014/25

vs.

**Twitter International Unlimited Company**, represented by the authorized representatives Fai Cheung, Diego De Lima Gualda and Mohit Bhargava, One Cumberland Place, Fenian Street Dublin 2, D02 AX07, Ireland

- Defendant -

the Regional Court Berlin II - Civil Division 41 - by \_\_\_\_\_ as a single judge on 06.02.2025 without an oral hearing due to urgency pursuant to Section 937 (2) ZPO:

1. The defendant is ordered to grant the applicant 1 and applicant 2 unrestricted access to all publicly available data of the platform ".X", including data in EchDeit, via its online interface from now until February 25, 2025.
2. Orders the defendant to pay the costs.
3. The value of the proceedings is set at 6,000.00€ .

4. To be served with the order: Notice of motion dated 04.02.2025 without attachments, single judge's order dated 06.02.2025

## Reasons:

After a summary examination of the factual and legal situation, the claimants have made it clear and credible on the basis of the grounds of the application letter dated 4 February 2025 and the annexes associated with this decision that they are entitled to the claim against the defendant pursuant to Section 823 (2) BGB in conjunction with Art. 54, 40 (12) DSA. In particular, the Regional Court of Berlin II has international jurisdiction pursuant to Art. 7 No. 2 EuGWO. With regard to the facts of the case, reference is made to the application from 04.02.2025 and the documents submitted with it.

The injunction required under §§ 935, 940 ZPO also exists.

Such a reason for an injunction exists (only) if there is an objectively justified concern that a change in the existing situation could frustrate or significantly impede the realization of a right of the respective creditor or if a one-off settlement appears necessary, in particular to avert significant disadvantages (see only G. Vollkommer in: Zöller, Code of Civil Procedure, 33rd ed. 2020, Section 935 para. 10 and Section 940 para. 4

m. w. w. N.). This is the case here. There is a concrete risk that the applicants will face significant disadvantages if access to the platform's publicly available data continues to be denied. The purpose of the research project on the Bundestag election conducted by the applicants is to evaluate the respondent's publicly available data for the purpose of investigating the political discourse in the run-up to the Bundestag election on 23.02.2025. Further waiting for access to the publicly available data would effectively frustrate the purpose of the applicants' research project due to the expiry of the particularly crucial period immediately before the Bundestag election.

Contrary to the principle of procedural equality of rights, Art. 20 (3) GG and in accordance with § Section 937 (2) of the German Code of Civil Procedure (ZPO) allows the issuance of a temporary injunction in urgent cases even without

prior oral hearing permitted. An urgent case in this sense exists in particular if an oral hearing scheduled within a very short period of time cannot be held. This is the case here. The Bundestag election will place on 23.02.2025, meaning that an oral hearing could not be held before this date. In addition, the petitioners' attorney has contacted the respondent at the available email addresses: EU-Questions@X.com, a i re rc e co and de-suDDOrttOtwitter.com, stating the facts of the case and the legal background, on January 29, 2025, with a deadline of February 3, 2025, 11:00 a.m., to provide access to the publicly available data of the defendant on the basis of Ai1. 40 para. 12 DSA and announced immediate legal action in the event of failure to do so. The respondent did not reply to this letter and, in particular, did not grant access to research data.

### Legal remedies:

An appeal may be lodged against the decision. The appeal is not subject to a time limit. the.

The objection is with the

District Court Berlin II  
Littenstraße 12-17  
10179 Berlin

to raise.

The objection must be lodged by a lawyer.

An appeal may be lodged against the decision determining the amount in dispute if the value of the object of the appeal exceeds EUR 200 or if the court has allowed the appeal.

The complaint must be lodged within six **months** with the

District Court Berlin II  
Littenstraße 12-17  
10179 Berlin

to insert.

The time limit begins when the decision in the main proceedings becomes final or the proceedings are otherwise settled. If the amount in dispute determined later than one month before expiry of the six-month period, the appeal may still be lodged within one month of service or informal notification of the determination decision. In the case of informal notification, the decision is deemed to have been made public on the fourth day after posting.

The appeal must be lodged in writing or by declaration for the record at the registry of the aforementioned court. It can also be declared for the record before the registry of any local court; however, the deadline is only met the record is received by the above-mentioned court in good time. The participation of a lawyer is not required.

Legal remedies can also be submitted as an electronic document. A simple e-mail does not meet the legal requirements.

Legal remedies submitted by a natural person, by a public authority or by a legal person under public law including associations formed by it to perform its public duties, must be submitted as an electronic document, unless this is temporarily impossible for technical reasons. In this case, transmission shall remain permissible in accordance with the general provisions, whereby the temporary impossibility must be substantiated upon submission or immediately thereafter. Upon request, the electronic document must be submitted subsequently.

Electronic documents must  
with a qualified electronic signature of the person responsible or  
must be signed by the person responsible and submitted via a secure transmission channel.

An electronic document that is provided with a qualified electronic signature of the person responsible may be transmitted as follows:

- via a secure transmission channel or
- to the court's electronic court and administration mailbox (EGVP) set up for the receipt of electronic documents.

Please refer to Section 130a (4) of the Civil Procedure Code for information on secure transmission channels. With regard to the further requirements for electronic communication with the courts, please refer to the Ordinance on the Technical Framework Conditions for Electronic Legal Transactions and on the Special Electronic Mailbox for Public Authorities (Electronic Legal Transactions Ordinance - ERVV) as amended and to the website [www.justiz.de](http://www.justiz.de).

For the accuracy of the transcript  
Berlin, 07.02.2025

**OR** office