

Important information!

The Düsseldorf Higher Regional Court ruled on September 7, 2020 (VI - U (Kart) 4/20) against the Verband für das deutsche Hundewesen (VDH) e.V. It declared the statutes of the VDH to be contrary to antitrust law insofar as they stipulate that dog judges may only be sent to events of the VDH and its umbrella organization FCI (Federation Cynologique Internationale) that belong to the association.

SV has achieved a major success against VDH in a similar case. In a judgment dated January 20, 2021 (8 O 20/20 Kart), the Dortmund Regional Court rejected an application by the VDH for an injunction to prohibit the Verein für Deutsche Schäferhunde (SV) e.V. from accepting non-VDH/FCI dogs into its studbook. The court ruled that the VDH was not entitled to prohibit the SV from recognizing German Shepherd Dogs bred to the same breeding criteria in non-VDH/FCI organizations.

In doing so, the VDH referred to the relevant provisions of its statutes as well as those of the FCI statutes.

Following oral proceedings, the Dortmund Regional Court ruled that this ban and the corresponding provisions of the VDH and FCI statutes violate European and German antitrust law. According to the court, the corresponding provisions of the VDH and FCI rules constitute prohibited decisions of an association of entities to restrict competition as well as a prohibited abuse of market power. Furthermore, by the requested injunction, VDH would incite SV to behave in a manner contrary to antitrust law, which is prohibited by the Antitrust Act.

The background to all this is a difference of opinion between the FCI and the World Union of German Shepherd Dog Clubs (WUSV), the international umbrella organization for German Shepherd Dogs, and SV regarding SV's tasks and competencies. Since its foundation more than 120 years ago, the SV has been the "guardian of the grail" of German Shepherd Dog breeding standards and a member to the WUSV and VDH.

The law firm MBK represented the SV against the injunction sought by the VDH before the Dortmund Regional Court.

<https://www.mbk-rechtsanwaelte.de/2021/02/17/mbk-erstreitet-beim-ig-dortmund-bedeutsamen-erfolg-gegen-kartellrechtswidriges-verhalten-eines-verbandes/>