

99109017014000, 99109017014002, 99109017014001

Heruntergeladen am 01.07.2025

<https://fimportal.de/xzufi-services/119183/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99109017014000, 99109017014002, 99109017014001
Leistungsbezeichnung I	
Leistungsbezeichnung II	Spam mail; filing a complaint
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	11.06.2025

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium für Umwelt und Verbraucherschutz (Bavarian State Ministry of the Environment and Consumer Protection)
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/_823.html https://www.gesetze-im-internet.de/bgb/_823.html https://www.gesetze-im-internet.de/bgb/_1004.html https://www.gesetze-im-internet.de/bgb/_1004.html https://www.gesetze-im-internet.de/uwg_2004 https://www.gesetze-im-internet.de/uwg_2004 https://www.gesetze-im-internet.de/uklag https://www.gesetze-im-internet.de/uklag https://www.eco.de/wp-content/uploads/dlm_uploads/2017/03/Beschwerdeordnung_eco-Beschwerdestelle.pdf https://www.eco.de/wp-content/uploads/dlm_uploads/2017/03/Beschwerdeordnung_eco-Beschwerdestelle.pdf
Teaser	If you receive unsolicited or unwanted advertising messages by e-mail advertising services or products, you can submit a complaint.
Volltext	Spam mails are unsolicited electronic advertising messages sent to you. They constitute an infringement of your personal rights or, if sent to companies, an infringement of commercial operations. Anyone who receives spam mails can demand that the sender stops sending them spam mails (injunctive relief under civil law). There are two types of spam mail: • general spam, i.e. advertising emails and newsletters to which you have not subscribed. • special spam, i.e. e-mails with illegal content or which refer to illegal content (e.g. child pornography or incitement to hatred). The Internet Complaints Office accepts complaints about spam emails. It is a joint project of the Association of the German Internet Industry (eco) and the Freiwillige Selbstkontrolle Multimediadienstanbieter e.V. (FSM). The processing of complaints about spam mails is handled by eco.

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Erforderliche Unterlagen	• complete e-mail to which the complaint refers, with header (original header)
Voraussetzungen	The following are entitled to lodge a complaint: • Private individuals who receive spam mails • Companies that are harassed by a spam mail during their commercial activity The e-mail must • be in German in the case of complaints about general spam, • have been sent unsolicited and • contain advertising. A message contains advertising if it promotes products or services. Unsolicited means that you receive the e-mail without your consent.
Kosten	none
Verfahrensablauf	Send an e-mail to the Internet Complaints Office: • For all spam mails that were sent to you without your request: allgemeiner-spam@internet-beschwerdestelle.de • For all spam mails that also contain or refer to illegal content: besonderer-spam@internet-beschwerdestelle.de The complaints office requires information about the sender or the recipient of the spam mail. The information in the sender field of the spam mail is not sufficient for this. You must therefore forward the e-mail with the header (original header) to the Internet Complaints Office. The complaints office will check the subject of the complaint. As far as possible, the complaints office will take the following steps: • It requests the sender to comply with the legal

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Sachverhalt

requirements for sending advertising emails in future.

- If the sender does not comply, the Complaints Office will require you to provide an affidavit stating that you did not request the e-mail and you have no business relationship with the advertising company. It will forward the information obtained and the spam e-mail to the Wettbewerbszentrale or the Federation of German Consumer Organizations. The latter can assert claims for injunctive relief.
- It requests the e-mail provider to take measures to prevent further spam campaigns.
- It draws the attention of the host provider whose website is being advertised by means of spam to the spam campaign. The provider can then take appropriate steps (e.g. contract termination).
- If the spam mail contains indications of telephone number misuse, it will report this to the Federal Network Agency.

The complaints office will not inform you of the status of the procedure or its outcome. The reason for this is the large number of complaints received. Exceptions are possible.

Bearbeitungsdauer

Frist none

weiterführende Informationen
Hinweise

Spam mails also violate the Unfair Competition Act (UWG). This gives rise to an independent right to injunctive relief for competitors of the sender of the spam mail. You can assert this injunctive relief yourself or contact a legally competent association for the promotion of commercial or independent professional interests. This association can enforce the injunctive relief.

E-mails that are exclusively intended to spread viruses are not spam mail. A complaint will not help you in this case. You can obtain tips on preventing, detecting and removing viruses from the Federal Office for Information Security.

Modul	Sachverhalt
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal