

Terms and conditions German and English?!

Terms and conditions German equivalent is called “Allgemeine Geschäftsbedingungen” or AGB in short.

We have talked **before how German administration (e.g. tax bureau, courts) require German as a communication language**. Now the Berlin High Court (Kammergericht Berlin) ruled in a case against WhatsApp that even Terms and Conditions German users are confronted with need to be in German in order to be valid.

The court argued that it is too much to ask from a consumer to read a complex legal document of several pages length in a foreign language. English is commonly accepted and widely spoken, but not of sufficient proficiency for legal terminology. Notably, the requirements for valid terms are higher when it comes to private consumers and – like in this case – on a mobile device. Therefore, agreements between enterprises may still contain T&Cs in English.

If your T&Cs are short, easy to understand and on a website version only, one might argue that an English version is sufficient. However, I advice to have terms and conditions German by all means to assure they are valid and binding.

Be aware though that the legal framework about AGB is quite complex and that it is not enough to simply translate your T&Cs that were built for the UK or US market into German. A lot of clauses that are valid unter US law are invalid in German and vice versa. However, the German regulation with consumer protection is quite extensive and therefore you can see terms and conditions German as the gold standard to be safe. If you don't have T&Cs at all yet, start with the German ones and then translate them into English.

To sum up, the language of your terms and conditions German is the way to go. However, you can still have the rest of your website in English, German is „wurst“ ☐

Any Questions?

Then leave as a quick message under hi@streifflaw.de or call as under +49 30 8597 6915

--	--