

COMPENSATION FOR REPUTATION VIOLATION IN POLAND

(selected cases for research on amount and type of compensation awarded in civil cases
involving the media)

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Case description	Court and date of judgment	Amount of compensation
2012		
In June 2011 Super Express published three articles concerning the mental health of Jarosław Kaczyński, leader of the opposition party at that time. The articles were suggesting his mental incapacity. The courts of I and II instance found a violation of personal goods protection - reputation	Appellate Court in Warsaw 11 October 2012 ¹ Case file I ACa 323/12	The court did not order any compensation, just the obligation to publish a public apology. The court took into account the principle of proportionality and did not order compensation.
On 23 March 2006 Super Express published an article about the mother of A.M. and B.M., who had allegedly ordered the murder of her husband. The mother committed suicide in detention. A.M. and B.M. opened civil proceedings for reputation of her mother by the article and accompanying pictures.	Regional Court in Warsaw 5 November 2012 ² Case file I C 14/12	The court ordered the newspaper to pay 120.000 PLN compensation for each of the claimant (approx. 40.000 EUR).
A local politician, D.K., lodged a civil complaint for civil reputation damages against a local newspaper editor in chief. In April and June 2010 the newspaper published an article illustrated by pictures of D.K. The articles informed about a criminal case conducted against the politician	Appellate Court in Warsaw 12 January 2012 ³ Case file ACa 961/11	The court ordered the publication of a public apology in two subsequent edition of the weekly. The court ordered a compensation of 5.000 PLN (approx. 1.200 EUR)

¹ Available at: [https://orzeczenia.ms.gov.pl/content/\\$N/15450000000503_I_ACa_000323_2012_Uz_2012-10-11_001](https://orzeczenia.ms.gov.pl/content/$N/15450000000503_I_ACa_000323_2012_Uz_2012-10-11_001)

² Available at: [https://orzeczenia.ms.gov.pl/content/\\$N/154505000000303_I_C_000014_2012_Uz_2012-11-05_001](https://orzeczenia.ms.gov.pl/content/$N/154505000000303_I_C_000014_2012_Uz_2012-11-05_001)

³ Available at: [https://orzeczenia.ms.gov.pl/content/\\$N/154500000003003_VI_ACa_000961_2011_Uz_2012-01-12_001](https://orzeczenia.ms.gov.pl/content/$N/154500000003003_VI_ACa_000961_2011_Uz_2012-01-12_001)

2013		
In June 2010 a local newspaper published an article concerning mugging of a local entrepreneur Z.R. He was quoted in the text and the article was illustrated by his picture from the hospital.	Appellate Court in Warsaw 25 November 2013 ⁴ Case file I ACa 854/13	On 13 March 2013 the court of I instance (Regional Court in Warsaw) ordered the publication of apologies in the newspaper and in the news portal and a compensation of 5.000 PLN (approx. 1.200 EUR). The Warsaw Appellate Court found that the intention of the author were not defamatory and decided that the publication of apologies would be sufficient and did not adjudicate the compensation.
A Warsaw-based tabloid published in August 2009 an article describing how a person, K.D., (a horse entrepreneur) was attacked by his son, who intended to kill him. The article was illustrated by a picture of the entrepreneur.	Appellate Court in Warsaw 5 November 2013 ⁵ Case file ACa 127/13	On 30 October 2012, the Regional Court in Warsaw found that the article was damaging to K.D.'s reputation and that his picture was used unlawfully. The court adjudicated apologies on the first page of the newspaper and a sum of 25.000 PLN (approx. 5.000 EUR) of compensation. The Warsaw Appellate Court maintained the judgment.
On 30 June 2009 the tabloid Super Express published an article concerning the husband of D.S., who committed suicide because of the fact that his wife (D.S.) was cheating on him.	Warsaw Appellate Court 21 May 2013 ⁶ Case file I ACa 1391/12	On 27 July 2012 the Warsaw Regional Court found that the article violated the reputation of D.S. and ordered the publication on the first page of the daily an apology and the payment of compensation in the amount of 60.000 PLN (approx. 15.000 EUR). The Warsaw Appellate Court maintained the judgment but reduced the compensation to 35.000 PLN (approx. 9.000 EUR).
On 11 May 2009 Super Express	Appellate Court of	On 8 June 2012 the Regional

⁴ Available at: [http://orzeczenia.waw.sa.gov.pl/content/\\$N/15450000000503_I_ACa_000854_2013_Uz_2013-11-25_001](http://orzeczenia.waw.sa.gov.pl/content/$N/15450000000503_I_ACa_000854_2013_Uz_2013-11-25_001)

⁵ Available at: [https://orzeczenia.ms.gov.pl/content/\\$N/154500000003003_VI_ACa_000127_2013_Uz_2013-11-05_002](https://orzeczenia.ms.gov.pl/content/$N/154500000003003_VI_ACa_000127_2013_Uz_2013-11-05_002)

⁶ Available at: [https://orzeczenia.ms.gov.pl/content/\\$N/154500000000503_I_ACa_001391_2012_Uz_2013-05-21_002](https://orzeczenia.ms.gov.pl/content/$N/154500000000503_I_ACa_001391_2012_Uz_2013-05-21_002)

published an article describing how a local doctor killed his wife, strangling her with his own hands.	Białystok 18 March 2013 ⁷ Case file I ACa 874/12	Court in Olsztyn found a violation of reputation and adjudicated 50.000 PLN compensation (approx. (12.000 EUR). The Białystok Appellate Court increased the compensation to 100.000 PLN (aprox. 25.000 EUR).
2014		
In January and February 2013, a web portal issued a number of articles in which it described a guitar player, Tomasz Lubart, as an actor in a sex affair (pimping). His data and pictures were available in the article.	Warsaw Appellate Court 23 December 2014 ⁸ Case file I ACa 933/14	On 15 April 2014 the Regional Court in Warsaw ordered the portal to delete six articles from the portal and ordered 25.000 PLN (approx. 5.000 EUR) of compensation. The Appellate Court in Warsaw quashed the judgment and found that there was no reputation violation.
On 12 February 2012 a tabloid published in its newspaper and internet portal an article claiming that M.R. is a gang boss involved in serious criminal activity.	Warsaw Appellate Court 18 August 2014 ⁹ Case file VI ACa 1591/13	On 5 June 2013 the Regional Court in Warsaw ordered deleting from the articles published online pictures of the complainant and part of the text referring to his criminal activity. Ordered publication of apologies on first page and compensation amounting to 100.000 PLN (aprox. 25.000 EUR). The Warsaw Appellate Court maintained the judgment.
In January 2011 a local newspaper in Bielsko-Biała published an article illustrated with private photos of the plaintiff D.M. The plaintiff is a local official.	Katowice Appellate Court 3 June 2014 ¹⁰ Case file I ACa 279/14	On 29 November 2013 the Bielsko-Biała Regional Court ordered the publication of apologies on the web site and in the paper version of the newspaper. The court also ordered the images to be deleted from the web version of the

⁷ Available at: [https://orzeczenia.ms.gov.pl/content/\\$N/15050000000503_I_ACa_000874_2012_Uz_2013-03-18_001](https://orzeczenia.ms.gov.pl/content/$N/15050000000503_I_ACa_000874_2012_Uz_2013-03-18_001)

⁸ Available at: https://orzeczenia.ms.gov.pl/content/tabloid/15450000000503_I_ACa_000933_2014_Uz_2014-12-23_001

⁹ Available at: [https://orzeczenia.ms.gov.pl/content/\\$N/154500000003003_VI_ACa_001591_2013_Uz_2014-08-18_002](https://orzeczenia.ms.gov.pl/content/$N/154500000003003_VI_ACa_001591_2013_Uz_2014-08-18_002)

¹⁰ Available at: [https://orzeczenia.ms.gov.pl/content/\\$N/15150000000503_I_ACa_000279_2014_Uz_2014-06-03_002](https://orzeczenia.ms.gov.pl/content/$N/15150000000503_I_ACa_000279_2014_Uz_2014-06-03_002)

		articles. No compensation was adjudicated. The Katowice Appellate Court maintained the judgment.
In June 2011 a football trainer was arrested on account of corruption in Polish league. One of the newspapers published an article about his detention	Warsaw Appellate Court 8 January 2014 ¹¹ Case file VI ACa 770/13	On 21 March 2013 the Regional Court in Warsaw ordered the publication of apologies on the web page and a compensation of 20.000 PLN (approx. 5.000 EUR). The Warsaw Appellate Court maintained the judgment.
2015		
A film maker, Andrzej Żuławski, published an autobiographic book. In the book he revealed sexual relations with an actress Weronika Rossati. She lodged a complaint against the author and the publisher for reputation protection and claimed the facts untrue.	Warsaw Appellate Court 22 May 2015 ¹² Case file I ACa 1419/14	On 19 February 2014 the Regional Court in Warsaw found a violation of reputation and ordered the publication of apologies in different newspapers. Both the author and the publisher had to pay (in total) 100.000 PLN (aprox. 25.000 EUR). The Warsaw Appellate Court maintained the judgment.
Z.M. is a child of a star. A gossip portal published pictures of the child, without the mother's consent. The mother lodged a complaint for reputation and image protection.	Warsaw Regional Court 6 May 2015 ¹³ Case file III C 906/14	The court adjudicated 10.000 PLN compensation (approx. 2.500 EUR).
A newspaper published an article alleging that an art collector caused the death of an activist fighting for rights to a house.	Warsaw Appellate Court 17 June 2015 ¹⁴ Case file VIA Ca 1047/14	On 2 April 2014 the Regional Court in Warsaw found a violation of reputation and ordered a compensation of 25.000 PLN (approx. 5.000). The Warsaw Appellate Court quashed the judgment and found that there was no

¹¹ Available at: [https://orzeczenia.ms.gov.pl/content/\\$N/15450000003003_VI_ACa_000770_2013_Uz_2014-01-08_002](https://orzeczenia.ms.gov.pl/content/$N/15450000003003_VI_ACa_000770_2013_Uz_2014-01-08_002)

¹² Available at: [http://orzeczenia.waw.sa.gov.pl/content/\\$N/15450000000503_I_ACa_001419_2014_Uz_2015-05-22_001](http://orzeczenia.waw.sa.gov.pl/content/$N/15450000000503_I_ACa_001419_2014_Uz_2015-05-22_001)

¹³ Available at: [http://orzeczenia.warszawa.so.gov.pl/content/\\$N/154505000000903_III_C_000906_2014_Uz_2015-05-06_001](http://orzeczenia.warszawa.so.gov.pl/content/$N/154505000000903_III_C_000906_2014_Uz_2015-05-06_001)

¹⁴ Available at: [https://orzeczenia.ms.gov.pl/content/\\$N/15450000003003_VI_ACa_001047_2014_Uz_2015-06-17_002](https://orzeczenia.ms.gov.pl/content/$N/15450000003003_VI_ACa_001047_2014_Uz_2015-06-17_002)

		violation of reputation
Gazeta Wyborcza (main Polish daily) published an article about a TV journalist Grzegorz Braun, alleging that he was promoting fascism and was mobbing journalists.	Warsaw Regional Court 28 April 2015 ¹⁵ Case file I Ns 24/15	The court ordered a publication of apologies on the second page of Gazeta Wyborcza. No compensation was adjudicated.
2016		
A.R. is a yoga teacher and has her own yoga school. A news portal published a movie on sects, where pictures of the school, A.R. and other teachers of the school were broadcasted in the movie.	Kraków Appellate Court 31 May 2016 ¹⁶ Case file I ACa 191/16	On 4 November 2015 the Regional Court in Kraków found violation of image and reputation and ordered 20.000 PLN (approx. 5.000 EUR). The judgment was maintained by the Kraków Appellate Court.
A tabloid used pictures of L.G. and R.G. taken from a social portal, to illustrate an article about a murderer of his wife. L.G. and R.G. complaint that the pictures were used illegally and damaged their reputation.	Kraków Appellate Court 19 April 2016 ¹⁷ Case file I ACa 1826/15	On 1 October 2015 the Regional Court in Kraków found violation of reputation and ordered the following compensation: 30.000 PLN (approx. 7.500 EUR) for L.G. and 8.000 PLN (approx. 2.000 EUR) for R.G.
In January 2016 a local internet news portal published an article about police corruption. The policeman J.T. and M.M. lodged a complaint for damage of reputation against the portal publisher and the journalist, author of the article.	Gdańsk Regional Court 3 October 2016 ¹⁸ Case file XV C 583/16	The Gdańsk Regional Court ordered the payment of compensation in the amount of 2.000 PLN (approx. 500 EUR) for each of the complainants. The sum has to be paid in solidarity by the author of article and the publisher.
In mid-2013 a number of tabloids, including Super Express published a series of articles about two Monika Głodek and Janina Drzewicka, wives of politicians that allegedly were stealing fur from shops in the US.	Warsaw Regional Court 25 August 2016 Based on media information	The Warsaw Regional Court found violation of reputation and adjudicated 150.000 PLN (approx. 37.500 EUR) and to publish apologies on the first page of Super Express for a

¹⁵ Available at:

[http://orzeczenia.warszawa.so.gov.pl/content/\\$N/154505000000303_I_Ns_000024_2015_Uz_2015-04-28_001](http://orzeczenia.warszawa.so.gov.pl/content/$N/154505000000303_I_Ns_000024_2015_Uz_2015-04-28_001)

¹⁶ Available at: [https://orzeczenia.ms.gov.pl/content/\\$N/152000000000503_I_ACa_000191_2016_Uz_2016-05-31_001](https://orzeczenia.ms.gov.pl/content/$N/152000000000503_I_ACa_000191_2016_Uz_2016-05-31_001)

¹⁷ Available at:

[http://orzeczenia.krakow.sa.gov.pl/content/akt\\$0020I\\$0020ACa\\$00201826\\$002f15/152000000000503_I_ACa_001826_2015_Uz_2016-04-19_001](http://orzeczenia.krakow.sa.gov.pl/content/akt$0020I$0020ACa$00201826$002f15/152000000000503_I_ACa_001826_2015_Uz_2016-04-19_001)

¹⁸ Available at:

[http://orzeczenia.gdansk.so.gov.pl/content/\\$N/151015000007503_XV_C_000583_2016_Uz_2016-10-03_001](http://orzeczenia.gdansk.so.gov.pl/content/$N/151015000007503_XV_C_000583_2016_Uz_2016-10-03_001)

Both women opened reputation proceedings against Fakt, Pudelek and Super Express.	NOT FINAL JUDGMENT	period of 30 days.
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