



RADIO TELEGRAPHY HIGH SPEED CLUB (founded 1951)

<http://www.hsc.de.cx>

## HSC versus "HSC e.V."

Certain events make it necessary to remind everyone of the following facts:

After furtive preparations, the former member of our HSC, Udo Osenbrügge, DJ7LQ, founded his own CW club in late 1979, aided and abetted by a few sympathisers, none of whom were ever members of the HSC, and some of whom later resigned their membership in this new organisation. There would, basically, have been no objections to a new CW club being founded, if Osenbrügge had not usurped (i.e. misappropriated/robbed by usage against the will of its members) the name and the diamond-shaped emblem of our HSC which was founded in 1951 as a "body of persons" (pursuant to the German law governing associations, clubs and the like) within the DARC e.V., and had registered both in the registry of associations and patterns. Having gained experience in changing the functions of clubs, both the name and logo of the VHSC were also purloined within a short period of time.

*All the problems which we (the HSC founded in 1951) encountered as a result of Osenbrügge's club foundation and which we are experiencing again after some 20 years, result from the much greater power of a legal entity (i.e. of a registered association / "e.V." = eingetragener Verein) as compared with a "body of persons", the status of which our HSC has maintained for good reasons since its foundation in 1951. According to the German code of civil procedure (ZPO), a body of persons (as opposed to a registered association) does not have legal capacity as regards civil law; this means that the only way of asserting our older rights to our name by a law suit would require ALL members jointly to take legal action – an impracticable proposition and a procedure that lawyers regard as unsatisfactory. It is thus obvious that this alternative is impossible for the HSC which exists in more than 70 countries. Our HSC and its members can only be sued, but as a defendant have the same rights before a civil court as the plaintiff. On the other hand, the executive committee of a registered association (with legal capacity) have the right to take legal action – a loophole in the law? – undoubtedly yes.*

Making full use of this situation, Osenbrügge became very active immediately after founding his "e.V.", not only on the amateur bands but also in law offices and courts. As early as at the time of the foundation meeting, Osenbrügge declared - on his own authority and (as he himself admitted) against his better judgement - the HSC as dissolved, *despite the fact that we have had priority (i.e. the older title to) with regard to our name and emblem*, that we have existed in our original form and have grown considerably since our foundation and that we are active on the amateur bands. In order to establish his "e.V." as the only HSC, Osenbrügge pulled out all the stops of his negative ham spirit; An extract of his activities, for which conclusive evidence can be produced, is listed below:

- ◆ Most of the active HSC members received threatening letters from Osenbrügge in order to force them to join his "HSC e.V." or to stop them from designating themselves as members of the HSC. The success of this attempt to intimidate or to silence these members was effectively NIL.
- ◆ Osenbrügge sued numerous hams (!) who, knowing the circumstances, refused to join his "HSC e.V." but continued to designate themselves as members of the old HSC and who acted on behalf of the HSC in any form whatsoever, such as:
  1. DF5JT: Peter Lemken was the Award Manager of the HSCJA diploma donated by DL6MK in 1981 on the occasion of HSC's 30<sup>th</sup> anniversary. Osenbrügge initiated injunction proceedings against Peter in order to force him to refrain from using the designation of "HSC" and from awarding diplomas on behalf of the HSC. Peter's parents (he was 16 at the time and, consequently, under age) agreed, unnecessarily though understandably, to a settlement. However, the costs of the case had to be borne by Osenbrügge because – so was the court ruling – the plaintiff would "probably lose his case" in the case of a court action on the grounds that "he had no entitlement to his claims" (Ref. No. LG Duisburg 10 0 256/81). An appeal by Osenbrügge before the Düsseldorf intermediate court of appeal (OLG) was also disallowed with costs (Ref. No. 20 W 38/81). On the grounds of the existing settlement, Osenbrügge obtained a ruling with warning of criminal proceedings in the case of contraventions on the part of DF5JT, a document that he intended to use and is using for propaganda purposes while concealing the full truth. – Substantial success: NIL.
  2. DARC: The executive committee of the DARC decided in 1981 not to handle QSL cards from, or for, DFØHSC because the "e.V.", being a legal entity, was not a DARC member. Osenbrügge and his wife litigated before the Kassel local court, but the suit was rejected with costs (Ref. No. 90 C 2165/81). The court ruling is final and conclusive and the effect is NIL.

3. DK9ZH: In 1981, Silvo Burmann invited all HSC and AGCW members to an Easter meeting at Büdingen. Osenbrügge didn't waste any time to go to court on the grounds that Silvo was not entitled to invite the HSC and, moreover, the "e.V." had not shown any interest in participating. The case was rejected by the Giessen district court, again with costs (Ref. No. 30 567/81). – Court ruling final, effect once again NIL.
4. DJ8OT: Eberhard Warnecke, secretary of the DIG and owner of a printing firm printed QSL cards for hams and, as such, for HSC members, too. Osenbrügge applied for a prohibitive injunction against the use of the club name of HSC and of the diamond-shaped emblem under penalty of DM 500,000.00. The Wuppertal district court rejected the case with costs on the grounds that *"the plaintiff was not entitled to an injunction ... he is not the rightful claimant ... a body of persons, which does not have legal capacity, is nevertheless entitled to a name ... this being so in the case of the body of persons called HSC and founded in 1951 ..."*. The ruling was analogous as regards the diamond-shaped emblem (Ref. No. 10/252/81). – Court ruling final, effect NIL.
5. DK1QZ: Josef Kaiser, editor of CQ-DL, issued an invitation in the June 81 edition of the magazine to participate at the "EUCW Fraternizing QSO Party"; HSC attended as a member. Osenbrügge demanded a counter-statement on the grounds that his "e.V." was not a member of the EUCW. DK1QZ refused to comply. This was followed by an injunction of the Kassel district court, but this was subject to an appeal which was upheld with costs by the Darmstadt district court. Some extracts from the grounds for the judgement: The plaintiff was *"materially not entitled to bear the abbreviation of HSC ... his statement makes it plain that he does not deny the continued existence of the international body of persons (HSC) in that he states the figures quoted by the defendant ... with regard to the number of members ... are fictitious (own goal) and that he ... adopted said abbreviation ... without the permission of the defendant ... and that he can therefore not infer any rights meriting protection."* (Ref. No. 20 51/82). Court ruling final – effect NIL.
6. DL6MK+: Osenbrügge and his wife (DL5MAD) applied for a prohibitive injunction before the Kassel district court, prohibiting him to designate himself as the president of the HSC and to transmit HSC broadcasts under penalty of DM 5000.00 or 2 years' imprisonment in case of non-payment per individual instance. This case was also rejected with costs. Not satisfied with this ruling, Osenbrügge appealed before the Frankfurt intermediate court of appeal, but the latter upheld the judgement of the Kassel court and gave the following grounds for this decision: *"... The title to a name is held by that person or entity who first adopted the name. It is indisputable that a loose association of radio amateurs ... called HSC had existed long before the plaintiff founded his society, and that he could only dispute the right of the plaintiff to bear the name if and when the older association were no longer to exist ... and the name had thus ... become free ... The plaintiff's foundation is thus not a continuation of the old "HSC" in a new organisational form, but is a "split-off" which does not affect the continued existence of the old club."* (Ref. No. 15 U 39/82). – Court rulings final, effect NIL.

The costs of all these court actions had to be borne by Osenbrügge. The court rulings can be summarised as follows:

- a) The foundation of the "HSC e.V." by Osenbrügge does **NOT** constitute a **continuation** of the old HSC of 1951 in a new form of association.
- b) The old HSC of 1951 continues to exist as a body of persons; a **dissolution** by Osenbrügge against the will of the members is **not binding in law**.
- c) Because of its priority, the old Radio Telegraphy High Speed Club of 1951 is entitled to use the abbreviation of "HSC" and its diamond-shaped emblem. Contrary to its claims, the registered association "HSC e.V." does not have this right.

Anybody with doubts ("this is impossible amongst radio amateurs") should request copies of the respective court records either from the courts concerned or from the HSC archive.

- ◆ Even the owners of hotels, restaurants or similar premises, in which events of the HSC took place, received letters intending to intimidate them with a view to impeding or preventing the meetings of HSC members. As an example, Osenbrügge wrote the following letter to the management of the Hotel Büdinger Hof in March 1981: *"We must point out to you as the landlord that the event taking place in your establishment is usurping our name. We fear that this might give rise to quarrels in your establishment. Members of our society, who – assuming that the event is bona fide – come to HSC events from afar, will find in Büdinger Hof that the event is not organised by the HSC and will be angry because they were fooled."* It goes without saying that not a single member of the Osenbrügge club put in an appearance. Result: NIL.
- ◆ Numerous CW hams were denounced by Osenbrügge by informing the licensing authority that they had illegally used the suffix "/HSC" with their call-sign or had been engaged in some other incorrect action. The licensing authority was forced to write to the hams concerned, with the result that they received vehement protests from the wrongfully accused. Once it became apparent what the intention had been, no further action was taken. Result: NIL.
- ◆ Osenbrügge slandered HSC members by untrue claims; in one particular case he wrote to a foreign radio amateur (W8LZV) stating that the secretary of the HSC had misappropriated entry fees and donations of individual members. Osenbrügge mentioned sums of *"some DM 10,000.00"* which the secretary had *"pocketed"* and which he refused to hand over to him or the "e.V.". He went so far as to file charges with the public prosecutor on the grounds of fraud and

tax evasion. The unfoundedness of this purely invented claim soon became apparent; the charge was rejected. It was recognised as a downright lie. – Result of this action: NIL.

Osenbrügge suffered considerable financial losses (worth several complete ham stations) as a result of all these lost court cases; thus, Osenbrügge vanished from the scene for some 17 years, and hardly anyone wasted any thoughts with regard to his club. Yet, having recovered financially and in the hope that dust had settled on the matter, he resumed his activities on the amateur bands as DFØHSC/DJ7LQ with renewed fanatical vigour three years ago. He is pursuing his interference unwaveringly and with new tactics, claiming to represent the only "true" HSC of 1951. In a letter dated September 1983 to the Starnberg registry court, he states, amongst other things: *"Irrespective of the negative rulings, HSC (namely "HSC e.V.") continues to reserve the right to use the letter combination of "HSC"*. There seems to be nobody or nothing that will convince him that the law is not on his side, not even courts of law.

In its 50<sup>th</sup> year, our HSC is still a body of persons with almost 1800 members in some 70 countries, we are active on the amateur bands and, as already mentioned, well known the world over. Yet, Osenbrügge still thinks that he himself has, *par l'ordre de Mufti*, dissolved the old HSC by the stroke of a pen and that the name is now his booty. Disturbed perception? He continues with his antics:

- ◆ He still canvasses innocent hams for his "HSC e.V." and allots them membership numbers which are either higher than the last ones allotted by our HSC or which are conflicting with our numbering.
- ◆ In order to enhance the status of his "e.V.", he tries to lure well-known or outstanding hams as "honorary members" and these tactics seem to have borne fruit in a number of cases.
- ◆ He has brazenly resumed his threats, in that he keeps accusing our members of breaking the law and threatens to take them to court, a course which he does not pursue in the light of past experience.
- ◆ He presumes the authority of the DARC in that he allots special DOKs (e.g. HSC and HSC50 and as DJ7LQ the DOK C17) without being a member of the DARC whose functionaries he attacked vehemently and without any justification in the past. It should be noted that, to commemorate the 50<sup>th</sup> anniversary of our HSC, the DARC allotted the special DOK HSC50 to our three club stations DAØHSC, DKØHSC and DLØHSC (all normally with the special DOK HSC), but not to the clandestine DFØHSC.
- ◆ He tries to make use of the activities of our HSC for his own purposes even at the risk of proving himself to be a liar. The fact that he decried contests as senseless (cf. his letter to the editor of FUNKAMATEUR, No. 11/1999, page 1307) did not stop him from infringing on HSC contests in November 2000, in February 2001 and in November 2001 and other contests under the call of DFØHSC. He claimed to hold the HSC number 10, although the rightful owner of this number has been Wes, SP2DX since 1951. In his main rag, he encouraged hams, *"upon repeated request"*, to participate in *"playing for points"* at a time, frequency and in a form that tallies exactly with our HSC contest, but with the absurd addendum to the effect that *"HSC members can add the number of points to their score as their membership number. ... Anyone quoting a wrong membership number (this happens, unfortunately) counts as a station without HSC number. ... HSC members who do not state their HSC number because, for instance, they do not wish that their QSOs are wilfully and continuously interfered with, e.g. like DFØHSC count as having given their HSC number, for the contest evaluators know the numbers and will add them to the records. ... Honorary members identified by the suffix "e" to their HSC number count 3000 points."* – After the contest he demanded in a QST broadcast that the contest logs be sent to him at his own address. The intention is clear: The few participating members of his "HSC e.V." are to gain the impression that the "e.V." has a large number of members and to irritate the true HSC members by the wrong numbers and address.
- ◆ In contravention of his own statutes, he issues pretentious but worthless "proficiency certificates" for high-speed Morse telegraphy, allotting the recipient a HSC number and high costs which seem to be paid, too. On the reverse of his "proficiency certificates", in his main rag and in internet (German) <[www.qsl.net/df0hsc](http://www.qsl.net/df0hsc)> he proliferates a "history of the HSC", which anyone knowing the true facts can only find outrageous. A mixture of fact and fiction which, as is mostly the case in such instances, cannot be rectified by just a few words, as this would be beyond the scope of this paper. Uninformed persons can often be dazzled and fall for his tricks. Osenbrügge collects € 50 entry fee plus annual subscriptions. When these hams, having been enlightened, resigned and, upon satisfying the conditions (5 QSOs with different HSC members of 30 minutes duration each and at a minimum speed of 25 wpm, precise keying) enrolled in the true HSC, they had no chance of retrieving these fees or subscriptions. If they insisted on reimbursement, they were dishonourably expelled from the club (cf. CQ-DL, No. 11/2001, page 782, letter to the editor entitled "High-speed telegraphy as a business proposition").

Further notes can be found in other issues of the CQ-DL magazine.

HSC is a member of the European CW association (EUCW), but not "HSC e.V."

Unlike other EUCW clubs, the "HSC e.V." with its headquarters at Pöcking near Starnberg (Osenbrügge's private address), refuses to hand over lists of members. We wonder why?

Lists of members and all correct information concerning the clubs HSC, VHSC, SHSC, EHSC are obtainable from the secretaries (**HSC: Jens, DL7AKC**) or from the web site of Wilko, PA3BWK, in English: <[www.morsecode.dutch.nl](http://www.morsecode.dutch.nl)> and

the web site of Klaus, DL5HCK, in German: <www.hsc.de.cx> Optionally, the complete HSC – EHSC list containing all members is available both in DOS format and as an EXCEL file from DL1TL <[A.Dorlars@t-online.de](mailto:A.Dorlars@t-online.de)> via e-mail.

In order to continue enjoying our hobby, we have no alternative but to stay informed and be prepared to hear unpleasant news and to pass on such news to *other hams*. The truth must come out in the long run.

The following questions remain unanswered: What is the reason for anybody making secret preparations to appropriate the name and emblem of the well-known HSC, purporting to be the saviour of Morse telegraphy, taking hams to court, intimidating minors, accusing innocent hams of breaking the law, continually talking about law and order, yet himself declining to accept court decisions, infringing on the rights of others and after years of silence initiating new actions, the only purpose of which is to deprive hams of the joys of CW? Is this a new amateur code of honour or ham spirit? May all hams judge for themselves.

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DL1TL, op. DLØHSC

HSC 18 / VHSC 127 / AGCW 151

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