

COLD EMAIL

Is Cold Email Legal in Germany?

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Is Cold Email Legal in Germany? UWG, GDPR and What B2B Senders Can Actually Do

Short answer: Generally no. Section 7(2) No. 2 of Germany's Unfair Competition Act (UWG) says advertising by email needs the recipient's prior express consent, and it makes no exception for business recipients. B2B phone calls are treated differently: presumed consent can be enough. So compliant outbound in Germany earns permission first through phone, LinkedIn, letters or inbound, then emails.

Key takeaways

- **Email:** UWG section 7(2) No. 2 requires **prior express consent** for advertising emails to anyone, businesses included. Presumed consent is not enough.
- **Phone:** B2B calls can rely on **presumed consent**, but only where concrete facts suggest the person would welcome the call. Consumers always need express consent.
- **GDPR legitimate interest does not fix the UWG problem.** The two laws are tested separately, and the stricter UWG rule decides whether the email may be sent at all.
- The practical answer is a **consent-first sequence**: research, a non-sales LinkedIn touch, a relevant phone call or letter, and email only after a documented yes.

The short answer, channel by channel

Channel	What the UWG says	Business recipients	Practical risk for cold outreach
Email	Section 7(2) No. 2: advertising by email without the addressee's prior express consent is always unreasonable harassment	Same rule; no B2B exception	High
Phone call	Section 7(2) No. 1: consumers need prior express consent; other market participants need at least presumed consent	Presumed consent can be enough	Medium, if you can show a concrete reason for the call
Automated calls and fax	Section 7(2) No. 2: prior express consent	Same rule	High
Postal letter	Section 7(1): not allowed if the recipient has made clear they do not want it	Allowed until they object	Low
LinkedIn message	Not settled in the statute; a pure sales pitch in a private message may be treated like email advertising	Unclear	Low for a personal, non-sales note; higher for a pitch
Email to existing customers	Section 7(3): allowed for your own similar products if you got the address in a sale, told them they can object, and they have not	Same rule	Low, if all conditions are met

Where the courts have taken it

Decision	What it held	Why it matters for B2B senders
Federal Court of Justice (BGH), 20 May 2009, I ZR 218/07 ("E-Mail-Werbung II")	Even a single unsolicited advertising email to a business can unlawfully interfere with its business operations	"Just one email" is not a defense
BGH, 11 March 2010, I ZR 27/08	For B2B phone calls, presumed consent requires concrete facts suggesting the person would expect or welcome the call	Sets the test you must meet before a cold B2B call
BGH, 15 December 2015, VI ZR 134/15	Advertising added to an automatic reply email was unlawful after the person had objected; advertising means any message aimed at promoting sales	Even "service" emails can count as advertising
BGH, 14 March 2017, VI ZR 721/15	Advertising email to a business address without valid consent interferes with the business; consent must be clear about which products and which companies it covers	Bought lists with vague "partner" consent do not help
BGH, 10 July 2018, VI ZR 225/17	A customer satisfaction survey in an invoice email is direct advertising	The definition of advertising is wide
Higher Regional Court Stuttgart, 2 February 2024, 2 U 63/22	Personalized advertising letters can rest on GDPR legitimate interest without consent, until the person objects	Postal mail is a workable alternative channel

Email signature for Germany (once you have permission) (template: copy and adapt)

{{First name}} {{Last name}}
{{Title}}
{{Company legal name}} {{legal form, e.g. GmbH / Ltd / Inc.}}
{{Street}}, {{Postcode}} {{City}}, {{Country}}
Phone: {{+country code number}} | {{website}}
Impressum / legal notice: {{link}}

[German company only:] Registered office: {{city}} | Register court: {{Amtsgericht ...}} | {{HRB number}}
Managing directors: {{names}}

You can object to further emails from us at any time: reply "stop" or write to {{address}}.

What B2B senders can actually do: a consent-first sequence

Weaker reason (general fit)	Stronger reason (concrete fact)
"They are a logistics company and we sell logistics software"	"They published a tender for warehouse software last month"
"Every SaaS company needs pipeline"	"Their Head of Sales posted that they are looking for outbound partners for the UK"
"They are in our target size band"	"They visited our stand at a trade fair and asked us to call"

LinkedIn connection note (no pitch) (template: copy and adapt)

Hallo {{first name}} / Hi {{first name}},

I read your post on {{topic}} and especially agreed with {{one specific point}}. I work with {{type of company}} on {{area}}, so I follow the topic closely. Happy to connect.

{{your name}}

B2B phone opener that asks for email permission (template: copy and adapt)

"Guten Tag {{name}}, {{your name}} from {{company}}. I'm calling because {{concrete reason from Step 1}}.

We help {{type of company}} with {{one specific outcome}}. I don't want to take your time now. Would it be all right if I emailed you a short overview and two dates for a 20-minute call?

[If yes:] Thank you. I'll send it to {{email}} today. Just so you know, you can tell us to stop at any time.

[If no:] Understood, thank you. I'll make a note not to contact you again."

Consent record (one per contact, in your CRM) (template: copy and adapt)

Contact: {{name}}, {{title}}, {{company}}
Email: {{address}}
Consent given to: {{your company}} for emails about {{specific topic / products}}
How: phone call / LinkedIn message / event form / website form
When: {{date and time}} Recorded by: {{rep name}}
Exact words or form text: "{{...}}"
Objection received: no / yes on {{date}} (all channels suppressed)

First email after permission (template: copy and adapt)

Subject: The overview you asked for, {{first name}}

Hallo {{first name}},

Thank you for your time on the phone today. As agreed, here is the short overview: {{2-3 lines or link}}.

Would {{date 1}} or {{date 2}} work for a 20-minute call?

Best regards,
{{signature with company details and Impressum link}}

You agreed to receive this email on {{date}}. If you'd rather not hear from us, reply "stop".

Quick answers

Is B2B cold email legal in Germany?

Generally not without consent. Section 7(2) No. 2 UWG treats advertising by email without the recipient's prior express consent as unreasonable harassment, and the rule covers business recipients as well as consumers. German courts have confirmed that even a single unsolicited advertising email to a business can be unlawful. This is not legal advice; check your own case with a German lawyer.

Can I cold call businesses in Germany?

Possibly. For calls to businesses and other non-consumers, section 7(2) No. 1 UWG accepts presumed consent. Courts ask whether, based on concrete facts before the call, the caller could assume the person would welcome it. A general fit between your product and their business is not enough. Calls to consumers always need prior express consent.

Does GDPR legitimate interest allow cold email in Germany?

Not on its own. GDPR recital 47 accepts that direct marketing can be a legitimate interest, but in Germany the UWG separately decides whether an advertising email may be sent. If the email breaks section 7 UWG, the legitimate interest argument under GDPR is very hard to sustain. Both tests have to be passed.

What happens if I send cold emails to German companies?

The most common consequence is a formal warning letter (Abmahnung) from the recipient, a competitor or an association, asking you to sign a cease-and-desist undertaking backed by a contractual penalty and often to pay legal costs. Recipients can also complain to a data protection authority, and GDPR fines are possible in serious cases.

Does German cold email law apply if my company is outside Germany?

In most cases, yes. German courts generally apply German unfair competition law to advertising aimed at the German market, wherever the sender is based, and the GDPR can apply to non-EU companies that offer services to people in the EU. Being a US, UK or Indian company does not make cold emails to German inboxes safe.

Can I send an email asking for permission to email someone in Germany?

This is risky. German courts define advertising broadly, as any message meant to promote sales of goods or services, and an unsolicited email asking for permission to market to someone still serves that purpose. A phone call, letter or LinkedIn conversation is a safer way to ask for permission.

Is direct mail (postal letters) allowed for B2B in Germany?

Usually yes. Postal advertising does not need prior consent under the UWG unless the recipient has made clear they do not want it. The Stuttgart Higher Regional Court held in 2024 that personalized advertising letters can rest on legitimate interest under GDPR until the person objects.

What must a German business email contain?

German companies must show certain details on business letters, which in practice includes email: for a GmbH, the legal form, registered office, register court and number, and managing directors. Every marketing email must also show who the sender really is and give a working address to object. Your website needs an Impressum under section 5 DDG.

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