

Work aid for data transmission to the Exemplary Legal Procedures Register for proceedings from 1 September 2024

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1 Introduction

The Capital Markets Exemplary Legal Procedures Act (Kapitalanleger-Musterverfahrensgesetz - KapMuG), in force since 1 November 2005, introduced exemplary legal procedures for capital investors who are (potentially) harmed due to false, misleading capital market information or capital information which has not been made public – whether in annual financial statements or stock exchange prospecti.

The Exemplary Legal Procedures Register allows the capital investor to inform himself about whether parallel cases corresponding to his own case are pending, in which the implementation of an exemplary legal procedure was proposed or an exemplary legal procedure has already been introduced and in which stage the case is currently in.

Only the court involved makes entries into the Exemplary Legal Procedures Register. The Federal Gazette publisher only assumes the task of making a legally-compliant publication platform available and to ensure its trouble-free operation.

For publications, the Ordinance on the Exemplary Legal Procedures Register pursuant to the Capital Markets Exemplary Legal Procedures Act (Exemplary Legal Procedures Register Ordinance - MuRegV) is also important in addition to the Capital Markets Exemplary Legal Procedures Act as well as the General terms and conditions of the Bundesanzeiger Verlag.

2 Data Transmission Method in Detail

2.1 General Information

2.1.1 Registration/Authentication

One-time registration at the Federal Gazette publisher is required for using order submission. You can register on the publication platform's home page at <https://publikations-plattform.de>. The "Registration" button will take you to the registration forms.

A written authorisation of the court from the Federal Gazette publisher is also required for entry into the Exemplary Legal Procedures Register. Please use the form which you can retrieve on the publication platform. You can find it in the order forms, if you select a publication type in the "Exemplary Legal Procedures Register" category within order processing. Please send the form signed and with a cover letter from the competent magistrate to the specified address. After the documents have been received, you will be authorised to use the Exemplary Legal Procedures Register.

2.1.2 TAN Process

To ensure that only authorised users post publications in the Exemplary Legal Procedures Register, a transaction number (TAN) must be requested by the Federal Gazette publisher every time an order is sent (even for changes, deletions and cancellations). They will each be sent to one of the fax or mobile phone numbers specified once during authentication. The "Request TAN" link is made available to you on the publication platform to request the transaction number (TAN) after authentication. The TAN's validity is time-limited to 15 minutes and is only valid for one order at a time. A new TAN must be requested for each additional assignment and whenever the validity time period has lapsed. These requirements originate from the BSI security concept.

Note: In order to not exceed the transaction number's validity time period, please request it only after entering all required information for your order.

2.2 Publication of Exemplary Legal Proceedings by the Trial Courts (Competent Regional Court)

Trial Courts have two options to send their exemplary legal proceedings for publication in the Federal Gazette:

1. Via an entry form: Here you can enter your publication data directly in the appropriate fields. Publication takes place in a so-called “on the fly” process (see Chapter 2.2.5).
2. Per file upload: You can alternatively upload the publication as a file. Publication is done depending on the selection of a date option (see Chapter 2.2.5).

The order of the proceeding creation and deletion time points is specified through the automatic documentation of the date and time.

2.2.1 Search for Similar Proceedings

If an exemplary legal proceeding is entered into the Exemplary Legal Procedures Register, the trial court will first search to see whether a parallel case has already been published. Using the “Company”, “Category”, and “Entry into Court” and “Finding Objectives/Contexts in Real Life” search fields, you can search for parallel cases, which are shown in a list of hits. Select the case which is relevant to you in the “connect” column. If no case parallel to the exemplary legal proceeding was found, then a new case can be created. To do so, select the “New Case” item. The data required for publishing the exemplary legal proceeding can then be entered into the form for sending the publication text.

In the next step, you can choose whether you wish to send the publication content via an entry form or file upload.

2.2.2 Data Transmission

Enter the data for publication after selecting the transmission type. If a parallel case was found in the previous step, then the fields are already filled by default. This information may be amended and edited.

Please note: If you use the upload process, then the data entered here will not be part of the publication. However, these are necessary for later searches for similar proceedings.

In the next step you can enter the finding objectives / contexts in real life in the text field – if you use the entry form. If you use the upload process, you can upload a file in the DOCX or RTF format with the publication content at this point in time.

Please note that the data must contain the full publication text.

2.2.3 Add Defendants

In the next step, you can add the defendant(s). A maximum of 30 defendants may be added per case.

Intermediate results during proceeding editing can be saved under “My Data › Orders & Retrievals › Federal Gazette Orders” and retrieved as well as continued to be edited.

2.2.4 Preview

After you have sent your data using the entry form, a preview of your publication in the Federal Gazette will be shown to you in the next step. The depiction shows how the publication will subsequently be made in the Federal Gazette. The preview must be explicitly confirmed and approved for publication.

2.2.5 Date

If you have selected the entry form as a transmission method, then publication takes place after issuing of the publication order, at the very latest after 15 minutes, on the Federal Gazette’s publication days between 8:00 and 18:00 (so-called “on the fly” process).

The following standard date options are available to you when using the upload process:

1. With the “Within normal processing time” option, your publication will appear within the next 5 publication days, beginning on the day after it was sent to the Federal Gazette.
2. You can specify a fixed publication date using the “Date” option taking into account the processing deadline of 2 work days. Shortening the 2-day processing time period is only possible in very limited exceptional cases after coordinating with the editorial office beforehand.
3. “As quickly as possible” means that your announcement, if the data is sent at the very latest by 14:00 on the send date, would be published at the very latest on the Federal Gazette publication day after the next one.

2.2.6 Invoicing

In this form, your information from registration will be shown to you for invoicing. You can change it directly in the entry form for the respective order. If you would like to generally change your invoicing data, please make the change in the “My Data › Master Data” menu.

2.2.7 Overview/Placing Order

Your order data will be clearly shown “at a glance” once more in this form. Please check here to see if all data is correct. You can go back and make any changes using the “Correct Data” button. A binding order placement for publication in the Federal Gazette will not be made until you click on the “Commission at cost” button at the end of the form. You are required to enter a transaction number (TAN) for issuing an order (see also “TAN Process” section of this document).

Cancellations are not possible. No editorial processing is performed.

2.2.8 Menu: My Data › Federal Gazette Orders

In this menu, already initiated publication orders are listed under “Current orders and published publications/deposits”. PDF vouchers can be printed from the published orders.

You can also find your intermediately-saved orders in a separate table here. You may invoke and resume the saved intermediate result anytime within 12 months and resume order processing. The temporary storage will be deleted after expiry of 12 months.

Please note: Using intermediate storage does not submit the order to the Federal Gazette yet. You must perform this separately at the end of the order submission in the “Overview” form.

2.2.8.1 Correction

Corrections must be entered into the Exemplary Legal Procedures Register as a new order. To do so, go to the order forms and select the item “Correction of a previous publication” under “Type of Order”. Then follow the additional steps in the order form. You are required to enter a transaction number (TAN) for corrections (see also “TAN Process” section of this document).

2.2.8.2 Delete Function

Publications can be deleted in the “Current orders and published publications/deposits” menu via the “Delete” button in the “Action” column. With the exception of deleted exemplary legal proceedings due to expiry of a time period (they remain visible until final deletion with the deletion date and time listed in the Exemplary Legal Procedures Register, therefore “visibly deleted”), they are immediately removed from the Exemplary Legal Procedures Register. The pertinent trial court only has access to data records that it itself has created and can only edit and delete these. You are required to enter a transaction number (TAN) for deletions (see also “TAN Process” section of this document).

2.2.8.3 View

You can view order data for the respective publication via the “Current orders and published publications/deposits” menu item via the “View” symbol in the “Action” column.

2.3 Data Submission by the Regional Court and the Higher Regional Court

The Regional and Higher Regional Courts submit their publications via the upload process, which is already used in the Federal Gazette for other publications. DOCX and RTF are permissible transmission formats (see General Terms and Conditions). The transmitted files are converted into an Internet-compatible format by the Federal Gazette publisher.

2.3.1 Form for Submission

In the case of publications such as an enlargement resolution, request for appearance by a court and model case decision you have the option of transmitting the text file with the content of the respective individual publication to the Federal Gazette for publication using the upload process. Only the file number and the affected securities issuer or provider of other investments will be required as additional information.

2.3.2 Date

The following date options are available to you:

1. With the “Within normal processing time” option, your publication will appear within the next 5 publication days, beginning on the day after it was sent to the Federal Gazette.
2. You can specify a fixed publication date using the “Date” option taking into account the processing deadline of 2 work days. Shortening the 2-day processing time period is only possible in very limited exceptional cases after coordinating with the editorial office beforehand.
3. “As quickly as possible” means that your announcement, if the data is sent at the very latest by 14:00 on the send date, would be published at the very latest on the Federal Gazette publication day after the next one.

2.3.3 Invoicing

In this form, your information from registration will be shown to you for invoicing. You can change it directly in the entry form for the respective order. If you would like to generally change your invoicing data, please make the change in the » My Data › Master Data menu.

2.3.4 Overview/Placing Order

Your order data will be clearly shown “at a glance” once more in this form. Please check here to see if all data is correct. You can go back and make any changes using the “Correct Data” button. A binding order placement for publication in the Federal Gazette will not be made until you click on the “Commission at cost” button at the end of the form. You are required to enter a transaction number (TAN) for issuing an order (see also “TAN Process” section of this document).

2.3.5 Menu: My Data › Federal Gazette Orders

In this menu, already initiated publication orders are listed under “Current orders and published publications/deposits”. PDF vouchers can be printed from the published orders. You will also find your temporarily saved orders in a separate table. You can call up the saved interim status at any time within 12 months and continue order processing. After 12 months, the interim storage is deleted.

Please note: The order has not yet been transmitted to the Federal Gazette with the interim storage. This must be initiated separately by you at the end of the order transmission in the "Overview" form.

2.3.5.1 Change

If you want to change your order, go to the "My data - Orders & Retrievals" menu, select the relevant order overview and click on the "Change" icon for the corresponding order. If your order is not yet set to "Published", you can change it.

Order changes always correspond to existing orders which have not yet been published. By changing an order, you overwrite the existing order and its content. The order number remains the same for order changes. Only the status of the last change is published. It is not possible to submit a new order in this way.

A change in the current order is only possible in the status "Order received" or "Processing". Changes incur a cost in the "Processing" status. If your order is in another status, then changes can no longer be made via the publication platform. Please contact the publisher if you still need to urgently make a change in such a case. You can find the service number under "We can help you". The prices or fees for a change can be found in our General Terms and Conditions or General Terms of Use.

You are required to enter a transaction number (TAN) for changes (see also "TAN Process" section of this document).

2.3.5.2 Cancel

If you want to cancel your order, go to the "My data - Orders & Retrievals" menu, select the relevant order overview and click on the "Cancel" icon for the corresponding order. If your order is not yet set to "Published", you can cancel it. You will then immediately receive a cancellation confirmation for your order.

Please note that in case of cancellation, no publication will be made for this order.

Cancellation is free of charge if your order is in the "Order Received" status. If your order is in another status, then cancellation will incur a cost (see General Terms and Conditions).

You are required to enter a transaction number (TAN) for cancellations (see also "TAN Process" section of this document).

2.3.5.3 Delete Function

You can delete publications at the "Current orders and published publications/deposits" menu item via the "Delete" icon. These are immediately deleted from the Exemplary Legal Procedures Register. The pertinent Regional or Higher Regional Court only has access to data records that it itself has created and can only edit and delete these.

You are required to enter a transaction number (TAN) for deletions (see also "TAN Process" section of this document).

2.3.5.4 Correction

Publication texts by Regional and Higher Regional Courts cannot be overwritten. Corrections must be entered into the Exemplary Legal Procedures Register as a new order.

2.3.5.5 View

You can view order data for the respective publication via the "Current orders and published publications/deposits" menu item via the "View" icon in the "Action" column.

2.4 Data Submission by the Federal Supreme Court

The Federal Supreme Court submits its publications via the upload process, which is already used in the Federal Gazette for other publications. DOCX and RTF are permissible transmission formats (see General Terms and Conditions).

The transmitted files are converted into an Internet-compatible format by the Federal Gazette publisher.

2.4.1 Form for Submission

In the case of model legal complaints, you have the option of transmitting the text file with the content of the respective individual publication to the Federal Gazette for publication using the upload process. Only the file number and the affected securities issuer or provider of other investments will be required as additional information.

2.4.2 Date

The following date options are available to you:

1. With the "Within normal processing time" option, your publication will appear within the next 5 publication days, beginning on the day after it was sent to the Federal Gazette.
2. You can specify a fixed publication date using the "Date" option taking into account the processing deadline of 2 work days. Shortening the 2-day processing time period is only possible in very limited exceptional cases after coordinating with the editorial office beforehand.
3. "As quickly as possible" means that your announcement, if the data is sent at the very latest by 14:00 on the send date, would be published at the very latest on the Federal Gazette publication day after the next one.

2.4.3 Invoicing

In this form, your information from registration will be shown to you for invoicing. You can change it directly in the entry form for the respective order. If you would like to generally change your invoicing data, please make the change in the » My Data › Master Data menu.

2.4.4 Overview/Placing Order

Your order data will be clearly shown "at a glance" once more in this form. Please check here to see if all data is correct. You can go back and make any changes using the "Correct Data" button. A binding order placement for publication in the Federal Gazette will not be made until you click on the "Commission at cost" button at the end of the form. You are required to enter a transaction number (TAN) for issuing an order (see also "TAN Process" section of this document).

2.4.5 Menu: My Data ›Federal Gazette Orders

In this menu, already initiated publication orders are listed under "Current orders and published publications/deposits". PDF vouchers can be printed from the published orders. You will also find your temporarily saved orders in a separate table. You can call up the saved interim status at any time within 12 months and continue order processing. After 12 months, the interim storage is deleted.

Please note: The order has not yet been transmitted to the Federal Gazette with the interim storage. This must be initiated separately by you at the end of the order transmission in the "Overview" form.

2.4.5.1 Change

If you want to change your order, go to the "My data - Orders & Retrievals" menu, select the relevant order overview and click on the "Change" icon for the corresponding order. If your order is not yet set to "Published", you can change it.

Order changes always correspond to existing orders which have not yet been published. By changing an order, you overwrite the existing order and its content. The order number remains the same for order changes. Only the status of the last change is published. It is not possible to submit a new order in this way.

A change in the current order is only possible in the status "Order received" or "Processing". Changes incur a cost in the "Processing" status. If your order is in another status, then changes can no longer be made via the publication platform. Please contact the publisher if you still need to urgently make a change in such a case. You can find the service number under "We can help you". The prices or fees for a change can be found in our General Terms and Conditions or General Terms of Use.

You are required to enter a transaction number (TAN) for changes (see also "TAN Process" section of this document).

2.4.5.2 Cancel

If you want to cancel your order, go to the "My data - Orders & Retrievals" menu, select the relevant order overview and click on the "Cancel" icon for the corresponding order. If your order is not yet set to "Published", you can cancel it. You will then immediately receive a cancellation confirmation for your order.

Please note that in case of cancellation, no publication will be made for this order.

Cancellation is free of charge if your order is in the "Order Received" status. If your order is in another status, then cancellation will incur a cost (see General Terms and Conditions).

You are required to enter a transaction number (TAN) for cancellations (see also "TAN Process" section of this document).

2.4.5.3 Delete Function

You can delete publications at the "Current orders and published publications/deposits" menu item via the "Delete" icon. These are immediately deleted from the Exemplary Legal Procedures Register. The Federal Supreme Court only has access to data records that it itself has created and can only edit and delete these.

You are required to enter a transaction number (TAN) for deletions (see also "TAN Process" section of this document).

2.4.5.4 Correction

Publication texts by the Federal Supreme Court cannot be overwritten. Corrections must be entered into the Exemplary Legal Procedures Register as a new order.

2.4.5.5 View

You can view order data for the respective publication via the "Current orders and published publications/deposits" menu item via the "View" icon in the "Action" column.

3 Publishing in the Federal Gazette

Publication is made in the "Register in accordance with the Capital Markets Exemplary Legal Procedures Act" category in the "Judicial Section" of the Federal Gazette.

3.1 Presenting the exemplary legal proceedings

In addition to the information submitted via the order form, such as subject, file number, company, etc., the individual publications of the exemplary legal proceedings contain drop-down menus in which (if available) "Pending proceedings" and "Cancelled proceedings" are listed. From here you can "jump" to the pending or cancelled proceedings. Up to 20 pending proceedings can be listed. The date and time details are generated automatically and are used to precisely determine the order in which the applications were discontinued or

cancelled. In addition, the respective publication shows whether an order of reference has been issued, a correction has been made or the proceedings have been cancelled.

3.2 Presenting the Remaining Individual Publications

Presenting the remaining individual publications is based upon the presentation of other publications in the “Judicial Section” of the Federal Gazette, e.g. adjudication proceedings.

3.3 Search Options

Publications in the Exemplary Legal Procedures Register can be investigated using the search options in the Federal Gazette. In addition to the standard search on the Federal Gazette homepage, you are also provided with an “Extended Search” with the option to limit the search to certain criteria such as the publication time period, for instance. The search results will be displayed in the list of hits for these searches. The search can be refined further within the search results.

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