

# General Terms and Conditions for Fee-Based Publications in the Klageregister [*Complaint Registry*] of the Bundesanzeiger [*German Federal Gazette*] - Cases from 01/11/2012 -

The following General Terms and Conditions relate to publications that are to be made pursuant to the Capital Markets Model Case Act [*Kapitalanleger-Musterverfahrensgesetz, KapMuG*] and pursuant to the Directive Concerning the Klageregister Pursuant to the Capital Markets Model Case Act [*Verordnung über das Klageregister nach dem Kapitalanleger-Musterverfahrensgesetz*], i.e. the Klageregister Directive [*Klageregisterverordnung, KlagRegV*] (hereinafter the "Directive"). The Directive addresses details about the Klageregister in the Bundesanzeiger operated by Bundesanzeiger Verlag GmbH (hereinafter, the "Operator").

## 1. Identification of entities obligated to publish

Prior to initial publication in the Klageregister, an identification process of the competent court (hereinafter, the "Entity Obligated to Publish") is necessary during the business hours of the Bundesanzeiger Verlag. Details about this process can be found at [www.publikations-plattform.de](http://www.publikations-plattform.de) (hereinafter, the "Service Platform").

### a) Identification

The Entity Obligated to Publish or the third party engaged by it is identified in connection with registration on the Service Platform.

Corresponding documents for identification are available on the Service Platform for existing user accounts. The documents are to be sent in writing to the Operator at the following address:

Bundesanzeiger Verlag GmbH

Team Gerichtliche Bekanntmachungen

Postfach 10 05 34

50445 Cologne

or

by fax to: +49(0)221/97668-206

### b) Changes

The Operator is to be notified in writing of any changes relating to the identification of the Entity Obligated to Publish. Corresponding documents for this are available on the Service Platform. Same are to be sent to the Operator at the address listed under 1a).

### c) Business hours

The Operator's business hours of 8:00 a.m. to 6:00 p.m. on publication days are applicable for the processing of documents.

If same-day publication is required, the necessary documents under 1a) must be received by the Operator not later than 12:00 noon at +49(0)221/97668-206.

Business hours in deviation from this, e.g. on Christmas Eve, New Year's Eve, and customary holidays, are announced on the Internet.

## 2. Publication texts

Data must be transmitted over the Internet via the Service Platform.

Applications for the establishment of a model case should not exceed 25,000 characters.

### a) Web forms (input forms)

Input forms are available for applications for the establishment of a model case and model case proceedings under section 10, para. 1 KapMuG.

### b) Electronic data formats

All announcements under the KapMuG other than the announcement of model case proceedings under section 10, para. 1 KapMuG are accepted – without using the Web form (input form) – as electronic data formats in the form of MS Word documents (Microsoft Office 2007, version 12 or higher), as well as in the form of RTF documents for applications for the establishment of a model case and other announcements in the proceedings.

Only company logos and information graphics, such as charts and figures that illustrate the content of the publication, are accepted as graphics.

The transmitted data formats must in particular meet the following technical specifications:

aa) For MS Word, RTF

Electronic documents must be legible, clearly structured and organised, and generated using the respective Office functions. Transmitted files may contain only content that is intended for publication.

- The following requirements are to be complied with:
- Continuous text is to be generated with the respective text functions.
- Tables are to be generated with the table functions. The respective Office table function is to be used. Horizontal and vertical alignments must be unambiguous. Cells should not be merged.

Transmitted documents may not contain the following:

- Integrated text boxes
- Active content, such as macros, dynamic fields, links, formulas, etc.
- Hidden content or content that is not visible in Office view, such as additional documents or data sheets, hidden columns and rows in tables, etc.
- Write, document, or password protection of any kind
- Word and RTF documents with multiple columns
- Documents in track-changes mode or with unaccepted changes
- Content in headers and/or footers
- Tables that were created with tabs or spaces
- Tables containing very complex continuous text

bb) For graphics and objects

In general, the content described under 2b) is accepted for publication as graphics.

The following requirements are to be complied with:

- Graphics/objects must be embedded in the publication text.
- Graphics are to be delivered as gif, jpeg or png files
- Graphics must be delivered in black and white or RGB colours
- Graphics that are optimised for screen display
- Graphics with dimensions not exceeding  
Pixels: 599 wide x 549 high

Graphics may not contain the following:

Graphics may not solely contain text that is considered to be a substitute for the publication text.

### 3. Depiction and design

The transmitted texts are considered by the Operator to be a paper original, which is published as delivered and not specially proofread by the Operator, with the content being published as submitted.

For the purposes of comparability of information and rational work processes, all publications are published solely in the fonts and designs customary and uniform at the Bundesanzeiger for the individual areas and sections on the Internet. Proof copies are not sent.

There is no obligation to return or retain transmitted data, data storage media, or documents that are not intended for publication or do not conform to the submission formats. Publication orders whose content violates statutes, official regulations, or standards of public decency are not processed.

### 4. Publication fees / (electronic) invoicing

Disclosures in the Bundesanzeiger are fee-bearing. Details can be found in the relevant valid price list on the website '<https://www.bundesanzeiger.de>'. Invoices are generally sent electronically to the e-mail address given in the order, unless a hard copy invoice is requested.

### 5. Corrections by the Operator

If, despite all care, errors are made in the electronic announcement, these are corrected upon request through a corrective text prepared by the Operator. There is no claim to complete repetition of a publication or to a price abatement.

### 6. Dates/deadlines

#### a) Application for the establishment of a model case (Web form) /

Publication normally occurs within 15 minutes of transmission on days on which the Bundesanzeiger is published (see section 7).

##### **Corrections**

Corrections are to be ordered by the court. The correction procedure made available on the Service Platform is to be used for this purpose.

##### **Order changes**

In general, order changes are not possible.

##### **Cancellations**

In general, cancellations are not possible after the order is issued.

#### b) Other announcements in the proceedings, including application for the establishment of a model case (pursuant to 2b) and model case proceedings (pursuant to 2a)

For time-sensitive publications, data transmission must be concluded not later than 2:00 p.m. on the day of transmission, in order to be able to publish them on the second-following publication day of the Bundesanzeiger. This period may be abbreviated only in very limited cases of exception and after prior coordination with the Operator. Other transmission deadlines apply to very sizeable electronic documents (e.g. MS Word over 25 pages). These are to be coordinated with the Operator on a case-by-case basis.

##### **Corrections**

Corrections are to be ordered by the court. The correction procedure made available on the Service Platform is to be used for this purpose.

##### **Order changes**

Orders may be changed prior to publication for a fee.

##### **Cancellations**

You can cancel orders pursuant to 6b) up to one hour prior to scheduled publication for a fee.

## **7. Publication days/publication**

The Bundesanzeiger is published Monday through Friday, other than on statutory holidays.

Publication normally occurs after 3:00 p.m. on each day of publication, other than for applications for the establishment of a model case using the Web form. These are continuously published between 8:00 a.m. and 6:00 p.m. on publication days.

Publication times in deviation from the foregoing, e.g. on Christmas Eve and New Year's Eve, are announced on the Internet at [www.publikations-plattform.de](http://www.publikations-plattform.de).

## **8. Liability**

The Operator assumes no liability for the defective transmission of publication texts. The Operator is not liable in the event that transmission of publication documents does not meet deadline or form requirements. In all other respects, the Operator's liability is limited to wilful misconduct or gross negligence, unless the matter involves a breach of duties whose fulfilment is necessary to facilitate proper performance of the contract and on whose adherence the other party is normally entitled to rely (cardinal duties). Liability is limited to compensation for typically foreseeable damage. The aforementioned limitation of liability applies mutatis mutandis to the Operator's statutory representatives, employees, and other persons used to perform an obligation (Erfüllungs- und/oder Verrichtungsgehilfen).

## **9. Controlling language version**

Insofar as general terms and conditions and information on the publisher's websites are made available in a variety of languages, the German version is in each case solely applicable, particularly with respect to the interpretation of the wording used. Other language versions (translations) are to be understood as a mere service of the publisher.

## **10. German law / Publisher / Place of Fulfillment / Jurisdiction**

Only the German law applies.

The "Bundesanzeiger" is a publication of the Federal Ministry of Justice and Consumer Protection headquartered in Berlin.

In the event that the contractual partner of the publishing house is a business person, a legal entity under public law or special fund under public law, the place of fulfillment and jurisdiction shall be Berlin for both parties.