

# General Terms of Use for the Company Register

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## § 1 Contents

- (1) Data transmitted for publication on the Internet pursuant to § 8b para. 3 Clause 1, 1<sup>st</sup> Alternative HGB [*German Commercial Code*] (publications) and annual financial statements documentation transmitted by micro enterprises pursuant to § 326 para. 2 HGB, as per § 8b para. 3 Clause 1, 2<sup>nd</sup> Alternative (filed annual financial statements documentation) are respectively made available directly or against payment.
- (2) In the interest of long-term archiving, comparability of information and rational working processes, the data are stored in the standard structured Company Register data format. The Company Register must indicate the language in which the data are stored as explained in Clause 1 of the Company Register.
- (3) Pursuant to § 8b para. 3 Clause 2 HGB the Company Register furthermore grants access to entries in the Commercial, Cooperative and Partnership Registers, the announcements from the Registers, the documents submitted to the Registers and the notifications of the bankruptcy courts.

## § 2 Inspection and retrieval

- (1) The Company Register allows searches for all filed data except for balances stored in accordance with § 326 para. 2 HGB.
- (2) Prior registration is in principle not required for inspection of data made accessible pursuant to § 8b para. 3 Clause 1, 1<sup>st</sup> Alternative HGB and of entries and publications pursuant to § 8b para. 2 Nos. 1 to 3 and 11 HGB. Registration is required in accordance with § 3 for access to documentation i.r.o. annual financial statements filed pursuant to § 326 para. 2 HGB.
- (3) The user may copy to file or print data made directly accessible to the Company Register pursuant to § 8b para. 3 No. 1, 1<sup>st</sup> Alternative HGB.
- (4) The Company Register grants access to the filed annual financial statements documentation of micro enterprises in terms of § 8b para. 3 No. 1, 2<sup>nd</sup> Alternative HGB via a link to the searched for company. The data are presented uniformly upon request.
- (5) The source of information made available as per Paragraphs 3 and 4 is identified by the note "Company Register excerpt" and the date on which the document was published in the Company Register or – in the case of filing of annual financial statements documentation pursuant to § 326 para. 2 HGB – the date on which the annual financial statements documentation was filed.
- (6) The Company Register provides access to the original data as per § 8b para. 2 No. 1 to 3 and 11 HGB via searches. The Federal State Justice Department administrations provide the required access. Presentation is uniform and must clearly indicate that the data was sourced from the Register's original content.

### **§ 3**

#### **User registration**

- (1) Registration in the Company Register is required for retrieval against payment of deposited documentation or certification of annual accounts documentation and for receipt of an invoice after retrieval of information from the Commercial, Cooperative and Partnerships Register. Registration is exclusively via the Company Register's web address ([www.unternehmensregister.de](http://www.unternehmensregister.de)).

With the exception of No. 4, the following minimum information shall be provided for retrieval of deposited annual accounts documentation:

1. company or name of the user,
2. residential or head office address,
3. electronic postal address,
4. telephone number.

- (2) The user is sent his access data either electronically or by mail.

### **§ 4**

#### **Security / data protection**

- (1) Should data transfer be interrupted or flawed, the transmitting side should be notified accordingly and re-transmission requested.
- (2) Failed registrations and all retrievals may be documented in order to recognise and prevent abusive access to the Company Register. Retrievals may furthermore be documented insofar as this is required for invoicing and collection of charges. The data retrieved in this way may only be utilised for the purposes mentioned in Clauses 1 and 2 and use for any other purpose is blocked. The data are deleted after six months unless still required for accounting or claims processing.

### **§ 5**

#### **Fees, payments and invoicing, services**

- (1) Registration in accordance with § 3 is required for requests for filed annual financial statements information. The fees are determined according to the *Justizverwaltungskostengesetz (Justice Administration Costs Act)* and statutory value added tax is charged on this amount.
- (2) Registration is not required for data retrieval pursuant to § 2 para. 6. Instead, only a valid email address need be provided, unless the user requires an electronic invoice. The fees are determined according to the *Justizverwaltungskostengesetz* as amended, without value added tax.

The user undertakes not to use the retrieved data to create or maintain a personal register in parallel with the trade register and not to disclose the retrieved data to anyone for such purposes.

- (3) Payments may be by credit card or electronically by direct debit. The method of payment may be made dependent on registration as per § 3. Invoices are sent to the user's user account electronically, subject to prior registration. Without registration, receipts are shown electronically in text form only and sent to the indicated email address.

## §6

### **Data transfer to the Company Register by direct data transmission by entities subject to mandatory disclosure or by third parties commissioned with such disclosure**

- (1) Data as defined in § 8b para. 2 No. 9 HGB and § 8b para. 2 No. 10 HGB shall be transmitted to the Company Register without delay, respectively after publication and after notification.
- (2) Data transmission requires registration by entities subject to mandatory disclosure or the commissioned third parties at [www.publikations-plattform.de](http://www.publikations-plattform.de) (hereinafter referred to as service platform).
- (3) Transmission shall be electronically via the service platform.

Accepted electronic data formats are XML/XBRL data based on the specific Bundesanzeiger [Federal Gazette] XSD or on a specific Bundesanzeiger web form ("XML/XBRL format"). For "Notification of significant voting rights", it is permitted for the "Information in respect of the body subject to the duty to inform on the full chain" to submit illustrative graphics for the Annex (organigrams / tables), see Para. (5).

Data transmission by fax may be acceptable by exception if electronic data transmission imposes verifiably unreasonable demands on the entity subject to mandatory transmission. No unreasonable demand exists if transmission via web forms is available to an entity subject to mandatory disclosure or its commissioned third party.

- (4) The success of data transmission is shown electronically.
- (5) Technical requirements for graphics

The following requirements shall be complied with for the compilation of graphics for organigrams or tables as per Para. (3):

- i. Graphics must be transmitted as separate files in the web form or together with XML/XBRL documents in the order.
- ii. Graphics must be transferred as GIF, JPEG or PNG file.
- iii. Graphics must be transferred in black and white or RGB colours.
- iv. Graphics optimised for screen presentation.
- v. Graphics with maximum dimensions

Pixels: 1758 wide x 800 high

Graphics shall not contain the following:

Content over and above organigrams or tables as per Para. (3). Especially not exclusively text to be interpreted as substitute for text in the notification.

## **§ 7**

### **Accessibility and correction of data**

(1) The Company Register is accessible only via the Internet. Access problems, especially due to maintenance or upgrades, shall as far as possible be announced in good time.

Data are updated Monday to Friday, except on bank holidays.

Any deviating times, e.g. on Christmas Eve and New Year's Eve, will be announced on the Internet.

(2) The publishing party shall identify corrections to accessible data as such.

## **§ 8**

### **Company Register Ordinance - CRO**

The Bundesanzeiger Verlag (hereinafter referred to as Publisher) furthermore points out that the Company Register is administrated in compliance with the Company Register Ordinance and its principles.

## **§ 9**

### **Liability**

No responsibility is accepted for errors in transmitted data. The Publisher shall not be liable if documents are not delivered as scheduled and in the proper form. The liability of the Publisher shall for the rest be limited to intent and gross negligence except in case of breach of obligations cardinal to proper performance of the agreement and which the other party to the agreement may expect to be routinely complied with (cardinal obligations). Liability shall be limited to replacement of typically foreseeable damage. The above liability limitation shall also mutatis mutandis apply to legal representatives, employees and other vicarious agents and/or assistants of the Publisher.

## **§ 10**

### **Controlling language version**

Insofar as the publisher's websites carry the terms and conditions or other information in various language versions, only the respective German version shall be deemed valid, in particular for the interpretation and analysis of the formulations in use. Other language versions (translations) must be regarded purely as a service the publisher has chosen to provide.

## **§ 11**

### **German law / Jurisdiction**

German law shall exclusively apply.

If the publisher's contract partner is a merchant, a legal person under public law or a fund under public law, the place of performance and jurisdiction shall be Berlin, Germany, for both parties.