

# General Terms and Conditions for Fee-Based Publications in the 'Klageregister' [Complaint Registry] of the Bundesanzeiger [German Federal Gazette]

## - Cases until 31/10/2012 -

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], addresses details about the electronic Klageregister (BGBl. 2005 I. 3092).

### 1. Publication texts

#### a) Web forms

Publication content is recorded in Web forms via [www.publikations-plattform.de](http://www.publikations-plattform.de).

#### b) Electronic data formats

MS Word documents (95 or higher) and RTF documents are accepted as electronic data formats. Data must be transmitted over the Internet via [www.publikations-plattform.de](http://www.publikations-plattform.de).

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

Electronic documents must be legible, clearly structured and organised, and generated using the respective Office functions. Transmitted files may contain only content that is envisioned 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. With regard to balance sheets, assets and liabilities are to be arranged one below the other.

Transmitted documents may not contain the following:

- Scanned documents

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

#### c) Graphics and objects

In general, the content described under 1b) is accepted for publication as graphics.

The following requirements are to be complied with:

- Graphics/objects must be embedded in the publication text (MS Word, RTF, MS Excel, and PDF documents)
- 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 contain solely text that is considered to be a substitute for the publication text.

There is no obligation to return or retain transmitted data 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.

## 2. Depiction and design

The transmitted texts are considered by the publisher to be a paper original, which is published as delivered and not specially proofread by the publisher, 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.

## 3. 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.

## 4. Corrections by the publisher

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

## 5. Dates

### **a) Application for a model declaratory finding/issuance and date of the order for reference pursuant to section 4, para. 3 KapMuG)**

Publication normally occurs within 15 minutes of transmission on days on which the Bundesanzeiger is published. Cancellation of the order is not possible.

### **b) Other announcements**

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 publisher. Other transmission deadlines apply to very sizeable electronic documents (e.g. MS Word over 25 pages). These are to be coordinated with the publisher on a case-by-case basis.

### **Cancellations**

You can cancel "Other announcements" in the Bundesanzeiger up to one hour prior to scheduled publication for a fee.

## 6. Liability

The publisher assumes no liability for the defective transmission of publication texts. The publisher is not liable in the event that transmission of publication documents does not meet deadline or form requirements. In all other respects, the publisher's liability is limited to wilful misconduct or gross negligence, unless the matter involves a breach of cardinal duties.

## 7. 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.

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

Only the German law applies.

The "Bundesanzeiger" is a publication of the Federal Ministry of Justice, 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.

## **9. 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.

Applications for the establishment of a model case, as well as issuances and dates of orders for reference pursuant to section 4, para. 3 KapMuG, 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).

