

A N N E X

Article 369 HGB (German Commercial Code) Commercial lien

Paragraph I

A merchant (Kaufmann) shall have a right of lien, in respect of claims against another merchant due and owing to him arising out of their mutual commercial dealings, over moveable property and securities belonging to the debtor which have come into his possession with the debtor's consent in connection with commercial transactions, insofar as they are still in his possession, in particular by virtue of a right of disposal under a bill of lading or warehouse receipt. Such a right of lien shall also subsist where title to the article in question has passed from the debtor to the creditor or has been transferred to the creditor by a third party on the debtor's behalf but subject to an obligation to transfer title back to the debtor.

Paragraph II

The right of lien shall be effective as against a third party insofar as the grounds upon which the debtor's claim to recover possession of the article is denied can also be relied upon as against that third party.

Paragraph III

No right of lien shall subsist if retention of possession of the article is contrary to an instruction given by the debtor before or upon transferring possession or an obligation entered into by the creditor to deal with the article in a particular manner.

Paragraph IV

The debtor can avoid the exercise of the right of lien by giving security for his debt. Security for this purpose shall not include a third party guarantee.

Article 69e UrhG (German Copyright Act) Decompilation

Paragraph I

The authorisation of the right holder shall not be required where reproduction of the code and translation of its form within the meaning of subparagraphs 1 and 2 of Article 69c are indispensable to obtain the information necessary to achieve the interoperability of an independently created computer program with other programs, provided that the following conditions are met:

1. these acts are performed by the licensee or by another person having a right to use a copy of a program, or on their behalf by a person authorised to do so;
2. the information necessary to achieve interoperability has not previously been readily available to the persons referred to in subparagraph 1;
3. these acts are confined to the parts of the original program which are necessary to achieve interoperability.

Paragraph II

Information obtained by means of acts under paragraph I may not

1. be used for purposes other than to achieve the interoperability of the independently created computer program,
2. be given to others, except when necessary for the interoperability of the independently created computer program,
3. be used for the development, production or marketing of a computer program substantially similar in its expression, or for any other act which infringes copyright.

Paragraph III

Paragraphs I and II shall be interpreted in such a way that their application neither impairs the normal exploitation of the work nor unreasonably prejudices the right holder's legitimate interests.