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**Information on successful conclusion  
of proceedings against  
Construct Data Verlag GmbH**

Vienna, 19.02.2007

The Austrian publishing company Construct Data Verlag GmbH, which operates internationally, has been sending out advertising communications virtually worldwide for entry in an online trade-fair exhibitors' directory bearing the name "Fair Guide". Because the timing of this communication was close to the respective fair date, and due also to the presentation, recipients often gained the false impression that, even when signed, this was a free entry or a free update of an existing entry in the official exhibitors' directory of the respective trade-fair organizer, although full completion and signature of the entry is in fact subject to a charge and the entry has nothing directly to do with the trade fair mentioned or its organizer.

In our view, such misleading advertising communications must be viewed as inadmissible in Austria, in particular on the basis of a strict line of judicial precedent. We therefore instituted proceedings covering the European Union, the EEA and Switzerland, since here, the legal position is largely identical, in particular on the basis of the Directive relating to misleading advertising.

The Supreme Court initially ruled in a judgment on principle that, due to the possibility of the conduct in question causing prejudice to the economic location of Austria and those competitors operating in Austria, the Schutzverband had a right of action, although the communications were only sent abroad.

At a hearing in proceedings for an injunction, Construct Data Verlag AG has undertaken before a court of law on 13 February 2007 to immediately refrain from such misleading communications and from insisting on any payment claims within the EU, the EEA and Switzerland in so far as any person has been misled and therefore placed their signature in error.

If the communications and reminders which, in our view, are worded in a misleading manner, continue to be sent to companies which have been misled also outside Europe, the Schutzverband will take all possible further legal steps in order to put an end to such conduct.

The unabridged settlement is as follows:

Construct Data Verlag AG has committed itself,

1. with immediate effect in the European Community, the EEA and Switzerland, in business dealings for the purpose of competition, to refrain from advertising for entries in a data pool placed on the internet, in particular an internet directory described as a "Fair Guide" under the domain [www.fairguide.com](http://www.fairguide.com), through the sending of correction forms bearing the title "Fair Guide – Das Messe- und Ausstellerverzeichnis" ("Fair Guide – Trade Fair and Exhibitors' Directory"), or a title with similar meaning, to exhibition participants or participants in the trade fair (event) indicated on the form, by which data allegedly existing entries are to be updated/corrected once the form is signed and returned, without clarifying in a manner which removes all doubt that, by completing and/or correcting and returning the signed form, in reality an instruction is issued, subject to a fee payment, to place corporate data in the internet data pool "Fair Guide" which bears no relationship to the official exhibition or trade-fair-participant directories issued by the exhibition or trade-fair organizers;

2. in relation to companies, persons or other establishments which, on the basis of any action to be omitted under the terms of 1. above, have in error completed and/or signed the correction form, to refrain from insisting on any payment claims including claims arising from any alleged extension, from enforcing the same and/or causing the same to be enforce.

Provincial Court Wiener Neustadt  
Court Department 1, on 13 February 2007