

Terms of Use MSO Image Database, as per: 01.05.2012

All pictures and further data made available in this image database are the industrial property of fischerwerke GmbH & Co. KG. They are protected as such under copyright law, and in their combination they are also protected as database or essential parts of a database. Some of the shown products are protected under design law. The logos and further marks are protected under trademark law.

§ 1 – Purpose of Use

- (1) fischerwerke GmbH & Co. makes available the pictures and further data contained in the MSO image database exclusively to registered users and principally for the purpose of presenting new genuine products in genuine packaging in their original state, i.e. that the goods are not used or impaired in any way as compared to the new original state, for resale as customary in the trade, e.g. in catalogues, advertising supplements of newspapers/magazines or on websites. The user can rely on such purpose only if he actually has the genuine goods in genuine packaging, the picture of which he uses, on stock, or if the user is actually able to deliver the respective new genuine and originally packed goods within 10 days upon order to the customers in his supply area.

- (2) Non-resellers may be granted the use of the MSO image databases in exceptional cases, if the use is for the purpose of schooling, learning, teaching, or researching accredited by fischerwerke GmbH & Co. KG. In such a case the registered user has to substantiate the concretely pursued purpose with respect to the pictures or further data contained in the MSO image database in the field „reasons for need of image data“. Such users can be journalists, students or architects/planners, who are authorized to use the pictures exclusively for the concretely specified purpose (articles in publications; lectures/seminar papers; planning documents). fischerwerke GmbH & Co. KG reserves the right to grant or deny the authorization for access to the database. In these exceptional cases § 2 (5) shall not apply.

§ 2 – Type of Use

- (1) Pictures or further data from the MSO image database may only be used if marked with a clearly recognizable note indicating the copyright of fischerwerke GmbH & Co. KG as follows:

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- (2) The registered user is not entitled to pass the pictures and/or further data made available by fischerwerke GmbH & Co. KG on to any third party. If a user is contacted by a third party with the request to use the pictures or further data, the registered user may inform the third party of the possibility of an own due registration and thus legal use of these materials.
- (3) If a company, which is distributing new genuine products of fischerwerke GmbH & Co. KG in genuine packaging, has its advertising materials produced by a third party – particularly an advertising agency – such third party may by way of exception register as user and use the pictures or further data for its client in accordance with the instant terms of use. In such an event, the complete trade name and address of the client have to be specified in the registration form in the field “reasons for need of image data“. The pictures and further data from the MSO image database may not be used for other companies that are not completely specified during the registration. The client specified in the registration may use the pictures and further data received from the registered user from the MSO database in accordance with these Terms of Use only and may particularly not pass them on to others. The client of the registered user (regularly of the advertising agency) does not acquire any right to use the content which is independent from the existence of the right of use of the registered user.
- (4) The presentation of the pictures and further data shall not take place in a manner impairing the good will or reputation of fischerwerke GmbH & Co. KG or any other entity of the fischer group of companies, or the good will or reputation of the products of any of these enterprises as high-quality and innovative products.

- (5) The kind of presentation of the pictures and other data made available by fischerwerke GmbH & Co. KG has to be targeted on the sale of the genuine products of fischerwerke GmbH & Co. KG.
- (6) Please note that the improper use of the database causes claims for injunctive relief, damages and – where applicable – further claims, the pursuing of which expressly remains reserved.

§ 3 – Termination of Use

fischerwerke GmbH & Co. KG is entitled to prohibit the use of the pictures and/or further data made available at any time, or to deny the access to the database right from the start, if at fischerwerk's own discretion the way of use of its pictures or further data at issue impairs its commercial interests or those of the fischer group of companies. fischerwerke GmbH & Co. KG will send a corresponding notification in German – in case of registrations through the English version of its website in the English language – to the e-mail address specified in the registration. The notification does not need to contain reasons for that decision. If fischerwerke GmbH & Co. KG used these contact data for communication, the user may not claim that he had not received the corresponding notification. The user undertakes to immediately cease any further use of the pictures and further data made available to her/him upon receipt of the notification of fischerwerke GmbH & Co. KG and to immediately delete the pictures and further data made available to her/him. If the registered user is a company that passed the pictures and/or further data to third parties – particularly if said user is an advertising agency – the registered user shall have to arrange for the immediate deletion of these materials on the part of the third party (regularly the client) as well. The third party's right of use expires with the prohibition of use to the registered user. fischerwerke GmbH & Co. KG reserves the right to modify or remove pictures or other data at any time, to cease operating the database or to provide it against costs with effect for the future.