South East Asia B2C E-Commerce Market 2014

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Questions Answered in This Report

- What drives the South East Asia’s E-Commerce market potential?
- How large are the online retail markets across South East Asia and how fast do they grow?
- Who are the major competitors in B2C E-Commerce in this region?
- What are the characteristics of the B2C E-Commerce in selected South East Asian countries?
South East Asia is home to the world’s second fastest growing B2C E-Commerce market, Indonesia, and the country with the highest Internet growth rate in recent years, the Philippines. Another market, Singapore, boasts one of the most developed infrastructures for online retail. Malaysia ranks among the top thirty emerging B2C E-Commerce markets, while Thailand and Vietnam show high growth potential for mobile commerce, with expanding smartphone penetration and increasing mobile shopper penetration.

With B2C E-Commerce in South East Asia only starting to evolve, cross-border sales are relatively high, with Amazon.com being one of the leading online merchants despite not having local presence in the region. Nevertheless, there are local gems as well: The top 5 South East Asian E-Commerce companies, each generating tens of millions EUR revenue are iBuy, a public company operating several flash sales websites, Groupon’s local operations in the group buying business, online luxury fashion club Reebonz, online mass merchant and marketplace operator Lazada and online fashion retailer Zalora.

The highest B2C E-Commerce growth rate in South East Asia is in Indonesia. The fourth most populous country in the world, Indonesia has a relatively low penetration of Internet users, below 30% in 2013. However, by 2016 the number of Internet users is projected to top 100 million, with online shopper penetration also increasing. Shopping via mobile browsers and retail apps is also on the rise, with some merchants reporting as much as one third of total online sales coming from mobile users. The competition landscape in Indonesia is very diverse, featuring models such as C2C forums and classifieds, C2C online marketplaces, B2C E-Commerce merchants and social network sellers. Across these models, the C2C online portal OLX (formerly Tokobagus) is one of the leaders by online shopper penetration, followed by online classifieds website Berniaga, online forum and marketplace Kaskus and B2C online merchants Lazada and Zalora.

Though online retail in Malaysia still accounts for less than 1% of total retail sales, its growth potential is high, as Internet penetration, payment and logistics infrastructure are relatively advanced. Online shopping is encouraged by new E-Commerce regulations adopted in 2013 and growing smartphone penetration is boosted by governmental initiatives. Websites such as group buying merchant Groupon, online classifieds Mudah.my, online marketplaces Qoo10, Youbeli and Lelong are among the popular choices for Internet shopping. Global groceries retailer Tesco also has established a strong online presence in the country, where groceries is one of the popular categories to be purchased online.
In the Philippines, B2C E-Commerce is gradually evolving, boosted by improving ICT and payments infrastructure. A recent legislative proposal addressed several of the issues in the online retailing industry, and is expected to have a positive effect on the market. The leaders of B2C E-Commerce market in the Philippines are local online merchants Lazada and Zalora and the global online merchant Amazon.com. Daily deals websites, such as Ensogo, MetroDeal, CashCashPinoy, and Deals.eBay are likewise among the most popular in the Philippines.

Despite its relatively small population, Singapore ranks high in E-Commerce indexes due to developed infrastructure. The highest Internet penetration in the region, the world’s highest ranking in ease of conducting business, and one of top 3 best logistics infrastructures in the world plus a high performing payments system make Singapore an attractive market for online retailers, many of whom establish regional headquarters there, like Alibaba’s Taobao marketplace. Over half of Internet users in Singapore shop online and almost 50% do so over mobile phones. Amazon.com delivers to Singapore for free and is the most visited retail website, while B2C E-Commerce site Qoo10, a joint venture of Giosis Group and eBay, ranks next to it.

In Thailand only a small double-digit share of Internet users makes purchases over the Internet in online shops, but a significant share do so through social networks and on mobile. More than half of social network users have participated in social commerce at least once, and over 20% use social networks with online shopping as the primary purpose. Shopping via mobile messaging apps is very popular and one such popular app, Line, has over 5 million accounts in Thailand participating in mobile flash sales. Online marketplaces and classifieds such as Olx.co.th, Weloveshopping.com and Tarad.com are popular online shopping destinations, while also online merchants, such as Lazada and Zalora show strong growth.

Vietnam has the fastest growing middle and affluent class in the South East Asia region and one of the most engaged online audiences. Furthermore, a larger share of Internet users in Vietnam visits retail websites than in any other South East Asian country, with the most purchased online shopping categories being clothing and electronics. The most popular model in E-Commerce in Vietnam is the online marketplace, including B2C and C2C players such as Vatgia.com, Enbac.vn, 5giay.vn.
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The Philippines (+XX%) and Indonesia (+XX%) recorded the world’s highest growth rates of Internet users in Q4 2013 compared to Q4 2008.

Global: Top Countries by Growth of Internet Users, incl. South East Asia, by Growth in Q4 2013 Compared to Q4 2008


Source: To be disclosed in the original document
Methodology

**General Methodology of our Market Reports:**

- This report includes the results of secondary market research: By using various sources we ensure maximum objectivity for all obtained data. As a result companies get a precise and unbiased impression of the market situation.
- This report covers the B2C E-Commerce market. It takes into account a wide definition of B2C E-Commerce, and might include mobile commerce and social commerce.
- Cross referencing of data was conducted in order to ensure validity and reliability.
- Besides providing information on the specific topic, every chart contains an Action Title, which summarizes the main statement of the chart and a Sub Title, which gives information about the country, the topic, the unit or currency, and the time period the data on the chart refers to.
- Furthermore, the source of information and its release date are provided on every chart. It is possible that the information included in one chart is derived from several sources. Then, all sources are mentioned on the chart.
- This report also includes rankings. Within these rankings, it is possible that the total amount adds up to more than 100%. If this is the case, multiple answers were possible, and this is then mentioned in the note of the chart.
- If available, additional information about the data collection, for example the time of survey and number of people asked, is provided in the form of a note. In some cases, the note (also) contains additional information needed to fully understand the contents of the respective data.
- When providing information about amounts of money, local currencies were mostly used. When referencing them in the Action Title, the EUR values are also provided in brackets. The conversions are always made using the average currency exchange rate for the respective time period. Should the currency figure be in the future, the average exchange rate of the past 12 months is used.
- This report includes mainly data from the last 12 months. The exact publication dates are mentioned in every chart.

**Methodology for our South East Asia B2C E-Commerce Market report:**

- This report contains a Management Summary, summarizing the main information provided in each chapter.
- A regional chapter follows, with countries in the relevant region being compared to other countries worldwide and among each other, in terms of B2C E-Commerce, Internet and mobile penetration and mobile shopping.
- A top country in the region by B2C E-Commerce sales growth opens the country chapters. Other countries follow in the alphabetical order.
- For each country, the following topics are covered: major trends in the B2C E-Commerce market, sales figures, shares of B2C E-Commerce sales on the total retail market, main product categories, and relevant information about Internet users and online shoppers. Furthermore, major players in the E-Commerce market were identified and presented. Data availability and scope varied by country. The information is presented in the order as described below.
- Each country starts with an overview of the B2C E-Commerce market and an international comparison, where the relevant country is compared to other countries in the region and worldwide in terms of B2C E-Commerce potential.
- The trend section includes an overview of trends on the B2C E-Commerce market, including M-Commerce, regulatory trends and cross-border.
- The section “Sales & Shares” includes the development of B2C E-Commerce sales and the share of B2C E-Commerce on the total retail market is shown.
- In the users / shoppers section, we included a review of the development of Internet users and share of online shoppers. Also more in-depth information about users is included, such as breakdown by age and gender, where available.
- Afterwards, the section “Products” shows the leading product categories purchased by online shoppers or related information.
- The payment and delivery section covers B2C E-Commerce delivery and payment methods, where available.
- Finally, the player section includes information about the leading E-Commerce players. Several rankings by various criteria were presented, with the top players highlighted.
# Frequently Asked Questions

## What is the Target Audience for the Market Reports?
The target group of our B2C E-Commerce reports are decision makers in top-management, for example from the departments E-Commerce, Business Development, Strategy, Marketing, etc. from large corporations worldwide.

## What Type of Researchers are Finding the Information for Our Market Reports?
yStats.com employs multilingual researchers that research and filter all sources and translate the relevant information into English. This ensures that the content of the original sources is correctly interpreted.

## Where Can I See What Kind of Information is Included in the Market Reports?
For every market report, a detailed Table of Contents is available, clearly stating what information is included. All Table of Contents can be found on our homepage and in the product brochures of the market reports.

## How Long Does It Take Me to Gain Access to the Report?
In general, potential clients gain access to the report within a few hours after sending out the report order form.

## Is it Possible to Purchase Only Selected Parts from a Market Report?
In general, the market reports are only sold as a whole. However, if you are only interested in parts of the report, please contact us.

## Do I Have to Pay Tax if I Purchase a Report?
Customers from Germany have to pay an additional tax rate of 19%. Customers from the European Union (EU) do not have to pay tax. Moreover, tax has to be paid for all private purchases from the EU.

## How Many Employees of My Company Have Access to the Reports?
We offer different licensing options. Single User Licenses mean that only one user from an organization can access the report. A Site License, allowing all users within a given geographical location to access the report, is available for double the price. Global Site Licenses, allowing access to all worldwide users of an organization, are available for triple the price.

## Do You Offer Discounts?
If you are interested in purchasing several reports, please contact us. We will consider the possibility of bundle pricing.

## What Type of Analysts are Writing the Market Reports?
After the information is researched, it is further analyzed by our international team of research analysts. These analysts have a long experience in the field of E-Commerce research, and they understand the specifications of the market.

## Is the Information in the Market Reports Comparable from Country to Country?
Due to the fact that the information included in the market reports is derived from different sources, some information is not comparable across countries. Different sources mostly have different definitions.

## In What Format Are the Market Reports Delivered?
The market reports are delivered in PowerPoint and PDF format. If a different format is needed, please contact us before the purchase. It would also be possible to order printed versions of the reports for a slightly higher price.

## How Can I Pay for the Market Report?
An invoice issued by yStats.com can be paid either by bank transfer or by PayPal. Bank transfer usually takes a few working days, while with PayPal, the money is transferred immediately.

## Regarding the Timing, When Will an Update of a Market Report Be Published?
In general, the market reports are published on a yearly basis. For further information, please take a look at the report overview, which includes a list of the reports we plan to publish in 2014. If you would like to be informed as soon as the update is published, please inform us.

## I Have a Research Request That Cannot Be Answered Through the Market Reports. Are There Any Further Products?
If you require further information, we also offer “Customized Research” on all sectors and countries worldwide. After a detailed briefing, we conduct pre-research and provide potential customers with an offer.

## Do You Offer an Annual Subscription of the Market Reports?
Yes. Our product “Full Access Global E-Commerce Reports” gives customers access to all our E-Commerce market reports. Furthermore, access to all the market reports we publish during the subscription period is guaranteed.
**South East Asia B2C E-Commerce Market 2014**

**Quotes of our Customers**

**Travis Witteveen**  
Chief Operating Officer – Markets and Operations  
Avira GmbH: Leading European Software Company

“As a company that operates on a global level, the research results that yStats.com provides represent significant added benefit for us. The comprehensive analyses are executed quickly and flexibly. Furthermore, they are a reliable resource for helping us to make strategic decisions.”

**Iris Stöckl**  
Director Investor and Public Relations  
Wirecard AG: Leading E-Banking Company

“The flexibility that yStats.com offers ensures that we always receive analyses, data and reports that match our needs. Fast, objective and to the point!”

**Steve Rotter**  
Vice President of Marketing  
Brightcove, Inc.: Leading Online Video Company

“yStats.com quickly and flexibly compiles the information we require. Regardless of whether we need local or transnational data, we always get the best results from yStats.com!”

**Dr. Marcus Ackermann**  
Member of the Executive Board  
Bonprix: Leading Online Shopping Company

“When we need the latest trends and statistics on the retail, homeshopping and e-commerce market, we turn to yStats.com. yStats.com turns the data into concise information that is objective and reliable. yStats.com delivers a cost-efficient and time saving research service for our company.”

**Selected References**

**Internet, Consulting, Retail, Finance and Other Companies**

**Internet**
- Google  
- Amazon  
- eBay  
- Avira  
- Skype  
- Digital River  
- First Data  
- Citrix Online  
- Wirecard  
- 1 & 1  
- Skrill / Moneybookers  
- Deutsche Telekom  
- CyberSource  
- bwin Interactive Entertainment  
- Brightcove

**Consulting**
- Boston Consulting Group  
- Deloitte  
- Bain & Company  
- Accenture

**Retail**
- OTTO Group  
- Costco  
- Tchibo Direct  
- Diesel

**Finance**
- Goldman Sachs  
- Credit Suisse  
- Morgan Stanley  
- Bank of America Merrill Lynch  
- Citigroup  
- Oppenheimer & Co.

**Other**
- Red Bull  
- BASF  
- Lego  
- Beiersdorf  
- Xerox
## Selected Published Reports

<table>
<thead>
<tr>
<th>Report</th>
<th>Publication Date</th>
<th>Price (excl. VAT)*</th>
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<tbody>
<tr>
<td>India B2C E-Commerce Market 2014</td>
<td>July 2014</td>
<td>€ 950</td>
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<tr>
<td>Malaysia B2C E-Commerce Market 2014</td>
<td>July 2014</td>
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<td>China B2C E-Commerce Market 2014</td>
<td>June 2014</td>
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<td>Indonesia B2C E-Commerce Market 2014</td>
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<td>€ 950</td>
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<td>Vietnam B2C E-Commerce Market 2014</td>
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<td>Thailand B2C E-Commerce Market 2014</td>
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<td>Global Online Payment Methods: First Half 2014</td>
<td>May 2014</td>
<td>€ 3,450</td>
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<tr>
<td>Asia-Pacific Online Payment Methods: First Half 2014</td>
<td>May 2014</td>
<td>€ 750</td>
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<td>Global B2C E-Commerce Delivery 2014</td>
<td>May 2014</td>
<td>€ 3,950</td>
</tr>
<tr>
<td>Global M-Commerce 2014: Smartphones &amp; Tablets</td>
<td>March 2014</td>
<td>€ 3,450</td>
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<tr>
<td>Asia-Pacific M-Commerce Snapshot 2014</td>
<td>April 2014</td>
<td>€ 1,450</td>
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<td>Africa B2C E-Commerce Report 2013</td>
<td>December 2013</td>
<td>€ 2,450</td>
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<td>Latin America B2C E-Commerce Report 2013</td>
<td>November 2013</td>
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<td>Europe B2C E-Commerce Report 2013</td>
<td>September 2013</td>
<td>€ 3,950</td>
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*Single User License

## Future Reports

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<th>Price (excl. VAT)</th>
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<tbody>
<tr>
<td>Asia-Pacific B2C E-Commerce Market 2014</td>
<td>Second Half 2014</td>
<td>To be announced</td>
</tr>
<tr>
<td>Europe B2C E-Commerce Market 2014</td>
<td>Second Half 2014</td>
<td>To be announced</td>
</tr>
<tr>
<td>Global Online Payment: Second Half 2014</td>
<td>Second Half 2014</td>
<td>To be announced</td>
</tr>
<tr>
<td>Global Luxury B2C E-Commerce Market 2014</td>
<td>Second Half 2014</td>
<td>To be announced</td>
</tr>
<tr>
<td>Eastern Europe B2C E-Commerce Market 2014</td>
<td>Second Half 2014</td>
<td>To be announced</td>
</tr>
<tr>
<td>Global Clothing B2C E-Commerce Market 2014</td>
<td>Second Half 2014</td>
<td>To be announced</td>
</tr>
</tbody>
</table>
# Report Order Form

## PLACE YOUR ORDER AS FOLLOWS

- **Call us at + 49 40 39 90 68 50**
- **Fax us at + 49 40 39 90 68 51 using the form below**
- **Scan and Email us at order@ystats.com using the form below**

## CHOOSE YOUR LICENSE TYPE AND REPORTS

Please confirm the license type you require:

<p>| | | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Single User License</td>
<td>Site License¹</td>
<td>Global Site License³</td>
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</table>

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<thead>
<tr>
<th>Report Title</th>
<th>Publication Date</th>
<th>Price (€)</th>
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## AN INVOICE WILL BE SENT TO YOUR COMPANY. PLEASE COMPLETE YOUR CONTACT DETAILS.

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<tbody>
<tr>
<td>Title: Mr/Mrs/Ms</td>
<td>First Name</td>
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<tr>
<td>Last Name</td>
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<tr>
<td>Job Title</td>
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<td>Company</td>
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<td>Address</td>
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<td>City</td>
<td>State/Province</td>
</tr>
<tr>
<td>Country</td>
<td>Post Code/ZIP</td>
</tr>
</tbody>
</table>

Your Order is subject to our Terms & Conditions as attached hereto. All Forms must have a signature to confirm your order:

**Signature**

Where did you find us?

- [ ] Google/Search Engine
- [ ] Google Adwords/Online Advertising
- [ ] Article in Trade Journal
- [ ] Press Release
- [ ] Social Media
- [ ] Recommendation
- [ ] Others: _______________

**EU Companies**

- must supply VAT No

**Purchase Order No (if required)**

**Order Date**

Note: Reports are provided in electronic PDF form. yStats.com will contact you in the future to provide our free newsletter or other mailings. If you do not wish to receive our newsletter or other mailings, you may advise us of this. Your contact information will not be sold to other organizations.

1) Site Licenses, allowing all users within a given geographical location of an organization to access the report, are available for double the price.
2) Global Site Licenses, allowing all worldwide users of an organization to access the report, are available for triple the price.
TERMS AND CONDITIONS

1. SCOPE
1.1 The following terms and conditions apply to our entire contract (the “Contract”) between yStats.com GmbH & Co. KG (hereinafter also referred to as “we” or “us”) with our customers regarding (i) research services, (ii) the purchase of reports, or (iii) any other services or products which we may make available to the customer under a contract hereinafter the “Products”.

1.2 Any rights and conditions hereunder are hereby expressly rejected. Agreements contrary to these terms and conditions require our written confirmation. In case of deviations between these terms and conditions and the contents of the Order Forms, the contents of the Order Form shall prevail.

2. OFFERS, ORDERS
2.1 With respect to research services, we usually submit an offer to the customer in the form of a “Research Order Form” accompanied with a proposal stating the nature of the issue to be researched, the services to be rendered, the time required for the study and the fee due.

2.2 With respect to the purchase of reports, we usually submit an offer to the customer in the form of a “Report Order Form” containing a proposal stating the price and terms and the delivery of the report and the fee due. In this respect, our customers may choose between two types of Products, namely (i) our Product “Market Reports” and (ii) our Product “Full Access Global E-commerce Report”.

2.3 If a customer orders our Product “Market Reports”, the customer gets access to the ordered report as identified in the Report Order Form and the customer may use that report in accordance with Section 6.3 below and the other provisions of the Contract.

2.4 If a customer orders our Product “Full Access Global E-commerce Report”, the customer gets access to all standard reports (for the avoidance of doubt excluding reports published in connection with any research services) focussed on the “Internet & E-commerce industry” as presented pursuant to our studies published between the years (15) months prior to the execution of the Contract and during the subscription period as identified in the “Report Order Form” as of the date of the execution of the Contract (i.e., one, two, or three years), and the customer may use any report included in the “Full Access Global E-commerce Report” in accordance with Section 6.3 below and the other provisions of the Contract.

2.5 Unless expressly agreed in writing, the contents of our offers or reports may not be made available in whole or in part to any third party outside the organization of the customer without our prior written consent.

2.6 Our offers are not binding and subject to change without notice until acceptance by the customer. Our orders will become legally binding upon acceptance by the customer. A valid acceptance requires the execution of our “Research Order Form” or our “Report Order Form” respectively (each such document hereinafter the “Order Form”) by a duly authorized representative of the customer and the submission of the Order Form to us via facsimile or email with proof of payment. We provide the customer with the access code required to access the ordered Product(s) with (2) days as of the execution of the Contract.

3. TERMS OF PAYMENT
3.1 The contractually negotiated prices are to be derived exclusively from the Order Form and/or the documents referred thereto.

3.2 All prices are net and without transportation costs, if applicable. Value Added Tax, if applicable, shall be added to all price quotes net.

3.3 We may demand an additional fee for services that go beyond the scope as agreed under the Order Form in case such additional Products are requested by the customer.

3.4 We will send our invoice to the customer upon execution of the Contract, unless agreed otherwise in the Order Form. In the event that the customer orders our Product “Full Access Global E-commerce Reports”, we will send our invoice for the first contract year upon execution of the Contract followed by subsequent contract year(s), if any, upon commencement of any subsequent contract year.

3.5 All payments shall be due and payable within thirty (30) days following the date of our invoice without any deductions. The customer will be in default on the first day after the expiry date without any further written notice being required.

3.6 All customers’ rights of retention on set-off are hereby excluded to the extent that they are not based on the same contractual relationship. Retentions or set-offs are allowed only if the customer’s claims are undisputed and non-time barred.

3.7 In the event of a customer’s default in payment or other apparent credit unworthiness, all remaining claims against that customer shall become immediately due and payable in full.

4. INTELLECTUAL PROPERTY RIGHTS AND INDEMNITIES
4.1 All copyrights and other intellectual property rights in connection with our Products remain with us. All data carriers remain our property. The customer may not, may not copy, publish, translate, transfer or sell, reproduce, create derivative works from, distribute, perform, display, or in any way exploit any of the Products made available by us, in whole or in part, except as expressly permitted under the Contract.

4.2 Upon delivery of the Products to the customer and payment of the agreed fee, the customer obtains a non-exclusive, non-transferable, perpetual, worldwide right to use the Products provided to the customer for its internal purposes only or any additional purposes set out in the Order Form. A non-exclusive, non-transferable, perpetual, worldwide right to use the Products means that all users of the Products may use the Products under the conditions set out in the Order Form. If the customer requests a “Single User License” under the Order Form, this means that only one individual named user of an organization shall be entitled to access the Products in the form of the Products. If the conditions agree on a “Site License” under the Order Form, this means that all users within a given geographical location (as specified in the Order Form) of an organization shall be entitled to access the report. In the event that the parties agree on a “Single Site License”, this means that all worldwide users of an organization shall be entitled to access the report. In both cases, the term “organization” refers to the company of the specific customer only and excludes any third parties including affiliates.

4.3 In the event that the parties agree on a “Single User License” under the Order Form, this means that only one individually named user of an organization shall be entitled to access the Products in the form of the Products. If the conditions agree on a “Site License” under the Order Form, this means that all users within a given geographical location (as specified in the Order Form) of an organization shall be entitled to access the report. In the event that the parties agree on a “Global Site License”, this means that all worldwide users of an organization shall be entitled to access the report.

4.4 We must expressly be named as the author of any data the customer processes further as contractually negotiated.

5. TECHNICAL INFORMATION
5.1 We shall provide our Products in standardized data formats.

5.2 The customer must ensure that he has the corresponding technical resources to make use of these data. The customer may not derive any claims in this connection on grounds of breach of obligation.

6. DEFECTS AS TO QUALITY
6.1 No claims for defects as to quality are triggered by insignificant discrepancies between our products and services and the warranted quality or fitness for use.

6.2 Likewise, no claims for defects as to quality may be derived from entrepreneurial risks— e.g., with regard to questions of entrepreneurial discretion, an erroneous assessment of the market situation or the failure to recognize a business act’s merit.

6.3 Defect-based claims are further excluded in cases of excessive or improper use or in connection with damages caused by such excessive or improper use as set out in the Order Form. This also true in cases of subsequent changed made by the customers or third parties unless such changes do not affect the analysis and removal of a given defect.

6.4 Claims for defects as only as part of Section one forth from the commencement of the legal statute of limitation. This limitation does not apply to the extent that applicable law stipulates a longer period in cases of intentional or grossly negligent breaches of duty on the part of us, fraudulent concealment of a defect and injuries to life, body and health.

6.5 Claims for damages and the reimbursement of expenditures are further subject to Section 8.

7. LEGAL DEFECTS
7.1 We are liable for products and services infringing on third-party rights only if and to the extent that our products and services are used in accordance with the agreed contractual requirements.

7.2 Unless agreed otherwise, our liability for the infringement of third-party rights is limited to the claim furthered by the European Union and the European Economic Area as well as the place of its services’ proper use as agreed under the applicable Order Form.

7.3 In this event that a third party asserts claims against the customer, alleging that a service performed by us violates their rights, the customer shall immediately notify us. If a service rendered by us violates third-party rights, we shall choose one of the below actions, duly taking into consideration the customer’s interests:

a) procuring for the customer the right to use the service;

b) revising the service to render it free of legal violations; or

c) withdrawing the service and refunding to the customer any related compensation paid, as adjusted by an adequate user fee, if we cannot effect another remedy at a reasonable expense.

7.4 Upon our request, the Customer shall assist us with the defense against claims according to this section 7, with us reimbursing the Customer for any expenditures and costs incurred as a result, although each of the Parties bears the costs of the use of its own personnel.

7.5 Claims the Customer may hold for legal defects expire in accordance with Section 6.4.

7.6 Claims for damages and the reimbursement of expenditures are further subject to Section 8.

8. LIABILITY
8.1 In cases of intentional misconduct and gross negligence, we are fully liable pursuant to applicable law.

8.2 In cases of simple negligence is limited as follows: we are liable only if and to the extent that we violated a material contractual obligation (cardinal obligation) i.e., an obligation that (i) the Customer reasonably relied upon at execution of the applicable Order Form, (ii) was essential to the purpose of the Customer, and (iii) the Customer is entitled to the outcome of performance. As regards property damage and financial loss, such liability is limited to typical and foreseeable damages; in no event will we be liable for any incidental, special, punitive or consequential damages, loss of profits or loss of data in such case.

8.3 We limit our liability for damages under warranties (Beschaffenheitshaftung) to limits in instances of which the warranty expressly includes such liability.

8.4 For claims in reparation of expenditures and other liability claims asserted by the Customer against us are subject to Sections 8.1 through 8.3.

9. CONFIDENTIALITY
9.1 The Parties shall hold in strict confidence for an indefinite period of time all data and information, which are confidential and which is designated confidential or must be considered confidential based on their nature, and which is only disclosed to the Customer in connection with the rights and responsibilities conferred by the relevant Order. The duty of confidentiality excludes data and information materials that:

a) were already known or accessible to any third party at the time of disclosure;

b) one of the parties legitimately receives from a third party following disclosure; and

c) is not bound by a duty of confidentiality in relations with the other Party;

d) must be disclosed by order of a governmental agency or another competent third party; and

e) must be disclosed to legal or tax advisors of the contractual customer in question for consulting purposes.

In the cases of Sections 9.1 and 9.2, the parties shall (i) promptly inform each other about a breach or suspected breach of the duties of confidentiality, and (ii) limit the disclosure of confidential information to the minimum required.

9.2 We may use the Customer as a reference as long as no confidential details are divulged.

10. GENERAL PROVISIONS, GRIEVANCES, MISCELLANEOUS
10.1 Place of payment is Hamburg, Germany.

10.2 All disputes arising from or in connection with any Contract between the parties shall be resolved through the courts of Hamburg. Governing law is German law.