

## EUROPE ONLINE PAYMENT METHODS: FULL YEAR 2015

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- Founded in 2005 and headquartered in Hamburg, Germany, yStats.com is one of the world's leading secondary market research companies.
- We are committed to providing the most up-to-date and objective data on Global B2C E-Commerce and Online Payment markets to sector-leading companies worldwide.
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- Our market reports focus predominantly on online retail and payments, but also cover a broad range of related topics including M-Commerce, Cross-Border E-Commerce, E-Commerce Delivery, Online Gaming and many others.
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## EUROPE ONLINE PAYMENT METHODS: FULL YEAR 2015

### GENERAL INFORMATION

#### PRODUCT DETAILS

Title:	Europe Online Payment Methods: Full Year 2015
Type of Product:	Market Report
Category:	Online Payment
Covered Regions:	Europe
Covered Countries:	UK, Germany, France, Spain, Italy, Netherlands, Sweden, Belgium, Austria, Switzerland, Norway, Finland, Denmark, Russia, Poland, Turkey, Greece, Czech Republic, Hungary, Belarus, Ukraine, Romania, Kazakhstan, Estonia
Language:	English
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#### QUESTIONS ANSWERED IN THIS REPORT

Which payment methods do online shoppers in Europe prefer to use when purchasing online?  
Are there differences between online payment method preferences in Western and Eastern Europe?  
How does the use of mobile payments develop across Europe?  
Which important regulatory and player news are there about online payments in some major European markets?

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## EUROPE ONLINE PAYMENT METHODS: FULL YEAR 2015

### KEY FINDINGS



### ONLINE SHOPPERS IN EUROPE VALUE THEIR PREFERRED ONLINE PAYMENT METHODS

Over half of online shoppers globally are ready to abandon their online purchases in case their preferred payment method is advertised, but not available at checkout, according to surveys from 2015, cited in a new report by yStats.com. Europe is no exception to this trend. In Spain, non-suitability of the online payment methods offered at checkout was the third most common reason for online shoppers not to return to a shopping website in early 2015. At the same time, in the UK, the availability of multiple secure mobile payment schemes emerged as an important motivator for online shoppers to increase in-store visits.

Offering the suitable online payment method is especially important in Europe, considering the differing preferences of online shoppers across the continent. While in the UK and France bank cards ranked above all other online payment methods last year, in Germany payment by invoice was more preferred and in the Netherlands it was local banking method iDEAL. Furthermore, as yStats.com's report reveals, in some Eastern European countries, including Russia, Poland and Czech Republic, cash on delivery still plays an important role in online shopping.

The growing demand for diversity of online payment methods in 2015 was also recognized by B2C E-Commerce companies, as well as payment providers in Europe, according to the findings of yStats.com. For example, in early 2015 the share of Russian E-Commerce websites offering payment via alternative methods such as YandexMoney and PayPal increased. In Western Europe, the UK was a major arena for innovations in 2015, with Amazon introducing payments with installments, and Apple launching its Apple Pay.

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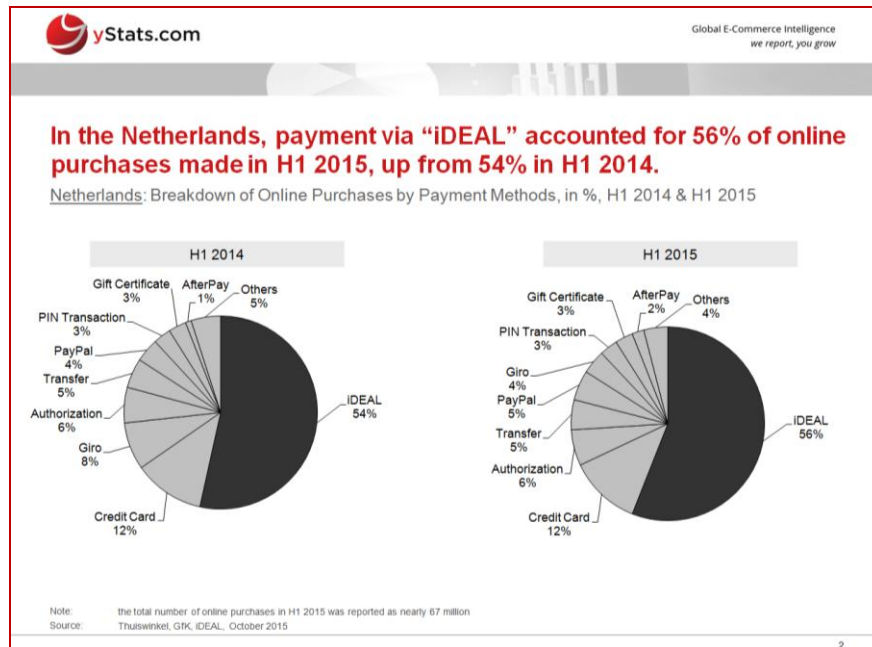
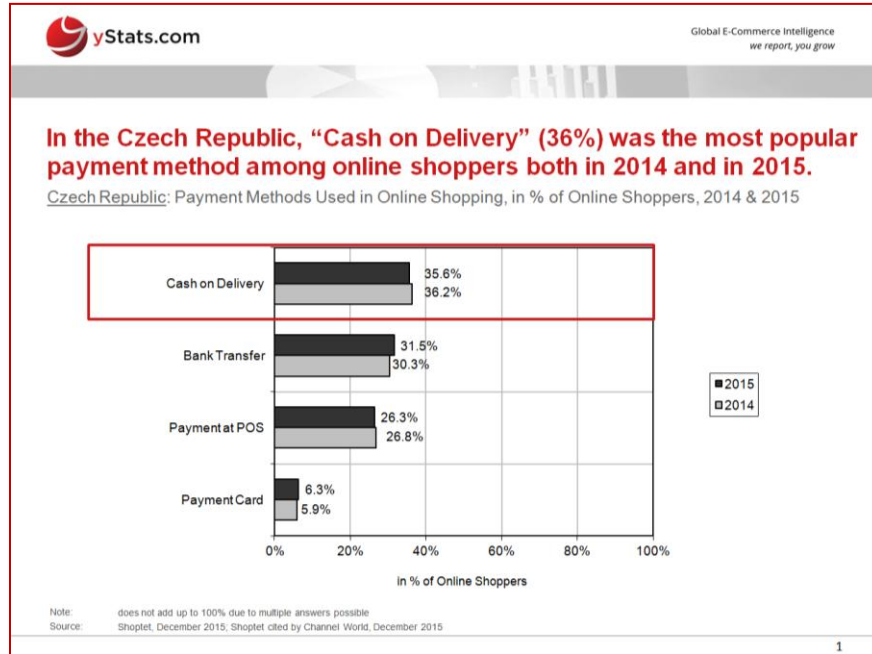
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## EUROPE ONLINE PAYMENT METHODS: FULL YEAR 2015 REPORT-SPECIFIC SAMPLE CHARTS



## EUROPE ONLINE PAYMENT METHODS: FULL YEAR 2015 METHODOLOGY

### GENERAL METHODOLOGY OF OUR MARKET REPORTS

#### Secondary Market Research

- The reports are compiled based on secondary market research. Secondary research is information gathered from previously published sources. Our reports are solely based on information and data acquired from national and international statistical offices, industry and trade associations, business reports, business and company databases, journals, company registries, news portals and many other reliable sources. By using various sources we ensure maximum objectivity for all obtained data. As a result, companies gain a precise and unbiased impression of the market situation.
- Cross referencing of data is conducted in order to ensure validity and reliability.
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### METHODOLOGY OF OUR GLOBAL ONLINE PAYMENT METHODS: FULL YEAR 2015 REPORT

#### Report Coverage

- This report covers the online payment market. It takes into account a wide definition of online payment, including payment methods used in online shopping and mobile payment, such as remote and proximity payments.
- All major countries in the region are covered, while data availability varied across the markets.
- The report includes data mostly published in 2015. The exact date of publication of the source is stated on each chart. The time period which the data refers to differs by source.

of currency, and the applicable time period(s) to which the data refers. With respect to rankings, it is possible that the summation of all categories amounts to more than 100%. In this case, multiple answers were possible, which is noted at the bottom of the chart.

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- Reports are comprised of the following elements, in the following order: Cover page, preface, legal notice, methodology, definitions, table of contents, management summary (summarizing main information contained in each section of report) and report content (divided into sections and chapters). When available, we also include forecasts in our report content. These forecasts are not our own; they are published by reliable sources. Within Global and Regional reports, we include all major developed and emerging markets, ranked in order of importance by using evaluative criteria such as sales figures.

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#### Report Structure

- Countries are grouped by sub-regions, presented in the descending order of B2C E-Commerce sales. Besides country and regional data, information about global development is also included.
- Depending on data availability, the following types of market information are included: the most used payment methods among online shoppers, number and volume of online and mobile payment transactions, information about online and mobile payment users. Not all the mentioned types of information are available for each of the covered countries. For the leading countries in each sub-region, also online and mobile payment trends and news about major players, such as payment providers, banks and retailers are presented.

## EUROPE ONLINE PAYMENT METHODS: FULL YEAR 2015

### RELATED REPORTS

#### PUBLISHED RELATED REPORTS

REPORT	PUBLICATION DATE	PRICE *
Global Alternative Online Payment Methods: Second Half 2015	February 2016	€ 950
Global Mobile Payment Methods: Second Half 2015	February 2016	€ 950
Europe Online Payment Methods: Second Half 2015	January 2016	€ 750
Asia-Pacific Online Payment Methods: Second Half 2015	January 2016	€ 750
Company Profiles of 10 Leading Online Payment Service Providers 2015	July 2015	€ 2,950
Europe B2C E-Commerce Market 2016	February 2016	€ 2,950
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Canada B2C E-Commerce Market 2015	November 2015	€ 750
North America B2C E-Commerce Market 2015	November 2015	€ 950
Kazakhstan B2C E-Commerce Market 2015	November 2015	€ 450
Central Asia & Caucasus B2C E-Commerce Market 2015	November 2015	€ 1,450
Asia-Pacific B2C E-Commerce Market 2015	October 2015	€ 3,450
China B2C E-Commerce Market 2015	September 2015	€ 950
Southeast Asia B2C E-Commerce Market 2015	September 2015	€ 1,950
Global Cross-Border B2C E-Commerce 2015	August 2015	€ 2,950
Europe Cross-Border B2C E-Commerce 2015	August 2015	€ 1,950

#### UPCOMING RELATED REPORTS

REPORT	PUBLICATION DATE	PRICE*
Asia-Pacific Online Payment Methods: Full Year 2015	March 2016	€ 1,950
Global Mobile Payment Methods: Full Year 2015	March 2016	€ 1,950
Global Online Payment Methods: First Half 2016	July 2016	€ 1,950

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- eBay
- Skype
- Newegg
- Avira
- Digital River
- First Data
- Deutsche Telekom
- 1&1
- Brightcove

#### FINANCE

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

#### CONSULTING

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

#### RETAIL

- OTTO Group
- Amway
- Costco
- Tchibo Direct
- Diesel

#### OTHER

- Nintendo
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- Lego
- Redbull
- BASF
- Beiersdorf



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In general, our market reports are published on an annual basis. Online Payment reports are updated on a semiannual basis. Please consult the "Upcoming Reports" section on our homepage or "Related Reports" section of our product brochure. We have a publication schedule that we adhere to, so if you'd like to know about a specific report, please contact us.

#### ■ Do you offer subscriptions to reports?

Yes, we do have a number of subscription options called "Full Access". Full Access subscribers gain access to all B2C E-Commerce and online payment reports in our collection, plus access to all new reports published within the duration of their subscription. They benefit from immediate access to global coverage. Full Access subscribers enjoy the benefits of a Global Site Licence, which allows up to 10 employees from the company worldwide to access the reports. Some leading international enterprises subscribe to our reports to get the most comprehensive insight into B2C E-Commerce and online payment markets worldwide contained in our market reports collection and ensure cost efficiency. There are several Full Access subscription options varying in duration. For more information on our various Full Access Subscription offers, see our Full Access Subscription page and contact us.

### OUR SERVICES

#### ■ I need more information about a particular topic. Do you offer further products or services?

Apart from market reports, we also offer Custom Research. With our Custom Research solutions, you receive research tailored to your needs, answering your specific questions. The Custom Research types include In-Depth Industry Research, Competitive Intelligence and Company Profiles, Corporate Customer Identification in international markets, Investor Snapshots and Country Fact Sheets.

#### ■ I still need help finding the right report – do you offer additional personal search?

yStats.com offers services in which our researchers who prepare the reports can point you to the appropriate report to suit your needs. If you want to take advantage of this free service, please contact us.

### ORDERING & DELIVERY

#### ■ How do I order a report?

Our reports can be purchased most easily through our Online Shop, but are also available for purchase offline.

To purchase a report from our Online Shop:

Choose the relevant report and appropriate license, click „Add to Cart“, then complete the necessary check out steps. Payment options include major credit cards (MasterCard, Visa, or China UnionPay) or PayPal. Once your online payment has been completed, you will be able to click on „Download“, which will take you to your "my yStats" account, from where your report will be available as a PDF and PPT for download.

To purchase a report via fax or email with PDF attachment:

To order a report offline, please complete and sign the "Fax Order" form, which can be located on the right-hand side of the webpage next to the report overview or in the product brochure. Send the completed and signed order form through fax or email (as a PDF attachment) as indicated on the form. An Invoice will be sent to you afterwards asking for payment via bank transfer, credit card, or PayPal. After the payment is processed successfully, you will be given the access details to the report.

#### ■ Will I get an invoice?

For online shop purchases, an invoice will be sent to you automatically via email to the email address entered in the billing details immediately after completion of payment. For offline orders, an invoice is sent per email after the complete order form is received.

#### ■ How long does delivery take?

All of our reports are delivered online. All reports ordered online via our Online Shop are available for download immediately following successful processing of payment. For all orders made offline, upon successful processing of payment, access details will be sent via email.

#### ■ 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 if they enter a valid VAT Identification Number. Customers from non-EU countries do not have to pay tax. Moreover, tax has to be paid for all private purchases from the EU.

#### ■ What is yStats.com's VAT number?

yStats.com's VAT number is DE 251661218

### POLICIES


#### ■ What is yStats.com's return/refund/cancellation policy?

Since our reports are information-based digital products and therefore consumed upon purchase/download, we will not refund, allow cancellation or accept any returns of orders. Please read through all information about a product before purchasing. If you should have any questions about a product, please do not hesitate to contact us via our contact details as listed on our homepage.


For a full version of a Frequently Ask Questions, please visit: <https://www.ystats.com/faq-by-section/>

# REPORT ORDER FORM

## PLACE YOUR ORDER OFFLINE

-  Scan and email this form to [order@ystats.com](mailto:order@ystats.com)
-  Fax us at + 49 40 39 90 68 51 using this form

## PLACE YOUR ORDER ONLINE

-  All our reports are also available for purchase online in our Online Shop.

## CHOOSE YOUR REPORT(S) AND LICENSE\* TYPE(S)

Please confirm the license type and reports:

Report Title	Publication Date	Price (€)	SINGLE USER LICENSE	SITE LICENSE	GLOBAL SITE LICENSE
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL					

## CHOOSE YOUR PAYMENT METHOD

Choose Your Preferred Payment Method:

- Credit Card**
- VISA  MasterCard
- American Express  China UnionPay

- Bank Transfer**
- Bank Transfer information will be provided to you in the invoice you receive following submission of an Order Form offline.

- PayPal**
- An invoice will be sent via e-mail to the e-mail address as listed in the contact details below. Payment via PayPal will be made available upon receipt of the invoice.

CARD HOLDER \_\_\_\_\_

CARD NUMBER \_\_\_\_\_

EXP. DATE \_\_\_\_\_

SECURITY CODE\*\* \_\_\_\_\_

\*\*if you prefer, this can be communicated over the phone or via secured e-mail communication.

## COMPLETE YOUR CONTACT DETAILS

An invoice will be sent to your company

TITLE _____	FIRST NAME, LAST NAME _____	JOB TITLE _____
COMPANY _____	E-MAIL _____	PHONE _____
FAX _____	STREET _____	CITY _____
STATE / PROVINCE _____	POSTAL CODE _____	COUNTRY _____

## HOW DID YOU FIND US?

- Search Engine (Google, Bing etc.)
- Print/Online Publication
- Press Release
- LinkedIn/XING
- Facebook/Twitter
- Personal Recommendation
- Other \_\_\_\_\_

SIGNATURE

EU COMPANIES  
MUST SUPPLY VAT NO. \_\_\_\_\_

PURCHASE ORDER NO. (IF REQUIRED) \_\_\_\_\_

ORDER DATE \_\_\_\_\_

All orders are subject to the Terms & Conditions contained on our website. All reports are provided in PDF and PowerPoint formats. yStats.com may contact you in the future about receiving our free newsletter or other mailing. If you do not wish to be contacted, please advise us accordingly. Your contact information will not be sold or shared with other organizations.

\* Please be advised that when purchasing a report, you have the option to choose between a Single User License (allowing one single user access to the report), a Site License (allowing up to 10 users in a particular geographic location access to the report), or a Global Site License (allowing up to 10 users of a company worldwide to access the report). Please choose the license that suits your needs best. Failure to comply with our Terms and Conditions with respect to appropriate license usage may result in legal action.



# TERMS AND CONDITIONS

yStats.com GmbH & Co. KG provides its services exclusively to contracting partners and users of its website according to Sec. 14 German Civil Code („You“) subject to the following Terms and Conditions. By visiting our website, shopping at the online store provided by yStats.com, or placing an order offline for any of our products, subscriptions and services, you acknowledge that you are bound by the following Terms and Conditions, which are, unless explicitly agreed upon otherwise in writing, the entirety of the „Contract“, as defined in 1.1, between yStats.com GmbH & Co. KG and you. Terms and Conditions are subject to change at any time without prior notice, based on the discretion of yStats.com GmbH & Co. KG, the most current of which are readily available on our website.

We herewith contradict any terms and conditions of purchase by our customers which will not become part of the Contract.

## 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) the purchase of our reports both on- and offline, (ii) custom research services, (iii) full access subscriptions, and (iv) any other contracts between us and our customers executed with reference to these terms and conditions (any reports and other services and products which we may make available to the customer under a Contract hereinafter the „products“).

1.2 Agreements contrary to these terms and conditions require our express written confirmation. Deviations between these terms and conditions and the contents of the Order Form will be accepted if and only if expressly agreed upon by both our customer(s) and us in writing, limited to the case of custom research orders, at which point the contents of the Order Form shall prevail.

## 2. REPORT AND FULL-ACCESS SUBSCRIPTION OFFERS & ORDERS

2.1 With respect to the purchase of our Market Reports, purchase can be made either online or offline.

2.2 Our homepage contains information about pricing, acceptable payment methods and product brochures. To purchase a Market Report directly from our online shop, simply click „Add to Cart“, then „Proceed to Checkout“, where registration and payment details can be entered. As soon as payment is processed successfully, you will receive an invoice via email and the Report will be available online for download.

2.3 To purchase a Market Report offline (not via the online shop) simply print the Report Order Form from the appropriate online brochure or by clicking on the Fax Order button on our webpage. Simply fill out the Report Order Form, have a duly authorized representative sign the Report Order Form and then submit the Report Order Form to us via facsimile or email with PDF-attachment. Upon receipt of a completed Report Order Form, you will obtain an invoice detailing the product ordered, price, and date of payment. Upon successful processing of payment, access and log-in details will be forwarded to the purchaser within two (2) business days.

2.4 If you order our product „Market Reports“, you gain access to the ordered report as identified in the Report Order Form and you may use that report in accordance with Section 5.2 below and the other provisions of the Contract.

2.5 To purchase one of our Full Access Subscriptions, please contact us through the appropriate forum on our website, located under the Full Access tab on our homepage. Once we receive an inquiry, we will forward an Order Form to be filled out and signed by a duly authorized representative. Once this Order Form has been completed and signed, please send the Order Form via facsimile or email with PDF-attachment. Upon receipt of the completed Order Form, we will send an invoice detailing price of the „Full Access Subscription“ and payment method options. Upon successful processing of payment, access and log-in details will be forwarded to the purchaser within two (2) business days. The provision of this information constitutes the acceptance should you not have been provided with a separate acceptance in writing.

2.6 If you order one of our „Full Access Subscriptions“, you gain access to all reports within the scope of your chosen subscription (excluding all custom research services) currently available on our website during the subscription timeframe as identified in the „Order Form“ as of the date of the execution of the Contract, and you may use the reports pursuant to your chosen license option, in accordance with Section 5 (below) and the other provisions of the Contract.

## 3. CUSTOM RESEARCH OFFERS & ORDERS

3.1 Unless expressly agreed upon otherwise in writing, the contents of our offers may not be made available in whole or in part to any third party outside your organization.

3.2 With respect to research services, upon inquiry, we submit an offer to you in the form of a „Research Order Form“ as a PDF, accompanied with a proposal stating the nature of the issue to be researched, the services to be rendered, the time required for the study, structure of payments (if any) and the total fee due. You accept this offer by completing the Research Order Form, having a duly authorized representative sign the Research Order Form and then submitting the Research Order Form to us via facsimile or email with PDF-attachment.

## 4. TERMS OF PAYMENT

4.1 All prices for offline orders are to be derived exclusively from the Order Form and/or the documents referenced therein. All prices for orders placed via the online shop are those which are displayed on our website.

4.2 All prices are net and without transportation costs, if applicable. Value Added Tax, if applicable, at the statutory rate shall be added to all fees payable hereunder.

4.3 For all services that go beyond the scope as agreed under the Order Form, a reasonable additional fee for these services shall be discussed and agreed upon with the customer before commencement of any work and will be itemized on the final invoice (if applicable) sent to the customer.

4.4 We will send our invoice to you upon execution of the Contract, unless agreed otherwise in the Order Form. In the event that you order our product „Full Access Subscription“, we will send our invoice for the first contract year upon execution of the Contract. Any invoice(s) for any subsequent contract year(s), will be sent to you upon commencement of each contract year.

4.5 All payments shall be due and payable immediately upon the date set forth in the invoice, without any deductions. Products will not be dispatched and services will not commence until successful processing of payment, excluding the case of custom research orders, in which structured payment terms will be outlined on the Order Form.

4.6 All customer's rights of retention or 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 claim is undisputed, has become unappealable or is ready for decision.

4.7 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. This only applies if the customer is responsible for the default. We shall be entitled to rescind payment terms previously agreed upon and to demand payment in advance or other appropriate security with respect to pending deliveries. A customer shall be deemed unworthy of credit in particular when he files a petition in bankruptcy or composition proceedings.

## 5. INTELLECTUAL PROPERTY RIGHTS AND INDEMNITIES

5.1 All copyrights and other intellectual property rights in connection with our products and all contents of our website remain with us. All data carriers remain our property. The customer/user may not modify, publish, transmit, 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.

5.2 Upon delivery of the product(s) to you and payment of the agreed fee, you obtain a non-exclusive, non-transferable, perpetual right to use the products provided for your internal purposes or any additional purposes as contractually agreed upon. Our reports, in part or entirety, may not under any circumstances be used for external purposes without our expressed written permission. Requests are to be submitted to us and will be considered on a case-by-case basis. We retain the right to reject and deny requests. Requests that are accepted may be subject to an additional fee, negotiable between parties on a case-by-case basis.

5.3 We, as well as any original sources contained within our product, must expressly be named as the author of any data the customer processes further as contractually negotiated. Furthermore, we maintain the right to conduct a formal review of any final product(s) which contain data cited from our market reports. We formally require ten (10) business days prior to external publication or sharing of any product(s) that derive data from our market reports. We maintain the right to review and discuss citation formalities at any point in time.

5.4 For Market Report purchases, in the event that the parties agree on a „Single User License“ under the Order

Form, this means that only one (1) individually named user of an organization shall be entitled to access the report(s). In the event that the parties agree on a „Site License“ under the Order Form, this means that up to ten (10) 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 up to ten (10) worldwide users of an organization shall be entitled to access the report. In both cases, the term „organization“ refers to your specific company only and excludes any third parties, including affiliates.

5.5 For Full Access Subscription purchases, in the event that the parties agree on a „10-Seat Full Access License“ under the Order Form, this means that up to ten (10) worldwide users of an organization shall be granted Full Access to the reports. In the event that the parties agree on a „15-Seat Full Access License“ under the Order Form, this means that up to fifteen (15) worldwide users of an organization shall be granted Full Access to the reports. In the event that the parties agree on a „20-Seat Full Access License“, this means that up to twenty (20) worldwide users of an organization shall be granted Full Access to the reports. In the event that the parties agree on an „Unlimited Seat Full Access License“, this means that an unlimited number of worldwide users of an organization shall be granted Full Access to the reports. In all cases, the term „organization“ refers to your specific company only and excludes any third parties, including affiliates.

5.6 For the specific case of a purchase of an „Unlimited Full Access License“, the following limitations apply:

5.6.1 Our reports may be used for internal purposes, in part or in entirety, limited only as is expressed in this Section 5 of yStats.com GmbH & Co. KG Terms & Conditions.

5.6.2 The sharing of our reports, in part or in entirety, via the upload to/use of a company's intranet network is hereby allowed only with the purchase of an „Unlimited Full Access License.“

5.6.3 No data from our reports may be reproduced or republished in any identical or near identical form in any of a company's final products or content used for external purposes without our expressed written permission.

## 6. TECHNICAL INFORMATION

6.1 We shall provide our products in the following standardized data formats: PowerPoint and PDF. For custom research reports, Excel documents may also be provided, upon request.

6.2 You must ensure that you have the corresponding technical resources to make use of these data. You may not derive any claims in this connection on grounds of breach of obligation.

6.3 Upon successful processing of payment, purchases made via the online shop will be immediately available to download. For all offline purchases, upon successful processing of payment, you will receive the requested product(s) and service(s) in the aforementioned standardized data formats, and all additional data pertaining thereto within two (2) business days.

## 7. DEFECTS AS TO QUALITY

7.1 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.

7.2 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 action's merit.

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

7.4 Claims for defects as to quality expire within one year 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.

7.5 Claims for damages and the reimbursement of expenditures are further subject to Section 9.

## 8. LEGAL DEFECTS

8.1 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.

8.2 Unless agreed otherwise, our liability for the infringement on third-party rights is limited to the territory of the European Union and the European Economic Area as well as the place of its services' proper use as agreed under the applicable Order.

8.3 In the event that a third party asserts claims against the customer, alleging that a service performed by us violates its rights, the customer shall promptly 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; or  
b) revising the service to render it free of legal violations.

8.4 Upon our request, the Customer shall assist us with the defense against third party claims according to this section 8, with each of the Parties bearing the costs of the use of its own personnel and counsel.

8.5 Claims the Customer may hold for legal defects expire in accordance with Section 7.4.

8.6 Claims for damages and the reimbursement of expenditures are further subject to Section 9.

## 9. LIABILITY

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

9.2 Besides Section 9.1, we are not liable for any damages, especially but not limited to any incidental, special, punitive or consequential damages, loss of profits or loss of data. This limitation does not apply to any claims for damages due to damage to life, body or health in cases of simple negligence and – subject to the limitations set forth hereinafter – due to damage caused by a breach of a material contractual obligation. Material contractual obligations are obligations that (i) you reasonably relied upon at execution of the applicable Order Form and (ii) was of critical significance to the outcome of performance.

9.3 In case of a negligent breach of a material contractual obligation our liability for damages – except for damage to life, body or health – is limited to typical and at the time of the formation of this Contract foreseeable damage.

9.4 The aforementioned limitations do also apply to our liability for fault by our bodies, employees and vicarious agents as well as our bodies', employees' and vicarious agents' personal liability.

9.5 Our liability for damages under warranties (Beschaffenheitsgarantien) is limited to instances in which the warranty expressly includes such liability.

9.6 Claims for the reimbursement of expenditures and other liability claims asserted by the Customer against us are subject to sections 9.1 through 9.5.

## 10. CONFIDENTIALITY

10.1 The Parties shall hold in strict confidence for a period of 10 years of the formation of this Contract regarding all data and information materials of which they gain knowledge as part of a Contract, be it orally, in writing or otherwise, directly or indirectly, provided that such data or information materials are designated confidential or must be considered confidential based on their nature, and shall use them exclusively as part of the services covered by the relevant Order. This 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) which is lawfully disclosed to you by a third party that is not subject to a confidentiality obligation regarding this data or information;  
c) must be disclosed by order of and to a government agency or another competent third party; and  
d) must be disclosed to legal or tax advisors of the contractual customer in question for consulting purposes. In the cases of Sections b) and c) above, the parties shall (i) promptly inform each other about a given request and prior to disclosing confidential information, and (ii) limit the disclosure of confidential information to the minimum required.

10.2 We may use your company name and logo as a reference so long as no contractual details are divulged.

## 11. JURISDICTION, GOVERNING LAW, MISCELLANEOUS

11.1 In Contracts with merchants, legal persons under public law, or special assets (Sondervermögen) under public law, the place of payment is Hamburg, Germany.

11.2 In Contracts with merchants, legal persons under public law, or special assets (Sondervermögen) under public law, all disputes arising from or in connection with any Contract between the Parties shall exclusively be resolved through the courts of Hamburg, Governing law is German law under exclusion of the CISG.