

No payment obligation to Construct Data AG for Fairguide customers

Judgement against publishers of unofficial lists of exhibitors

29.07.2004 Unofficial lists of exhibitors repeatedly give cause for annoyance among organizers and exhibitors. Particularly frequently the approach adopted by Construct Data AG, Vösendorf/Austria, has given cause for complaint. The unsolicited offer forms mailed, were often completed under the mistaken impression that the entry in the so-called Fairguide would be free of charge. In fact, however, closer examination of the small print revealed costs of over € 2,700.

Chemnitz Regional Court has now decided in its judgement of 04.06.2004, that the offers formulated by Construct Data AG are formulated in such a way that an intention to deceive in the sense of § 263 Par. 1 StGB German Criminal Code (Fraud) is to be affirmed. It judged, therefore, that Construct Data AG has no claim against the customer who had signed the application form and that the entry of the customer in the list must be deleted.

According to the court, the offer of an entry in the Fairguide has been systematically formulated in such a way as to convey the impression to the customer that he is merely making use of a free service. The overall impression of the graphics and copy indicates the intention of concealing the offer against payment from the signing customer who does not read the form carefully.

The judgement represents a breakthrough in the proceedings against Construct Data AG. Exhibitors who have mistakenly signed a Fairguide offer, will thus be given assistance in their defence against demands for payment from Construct Data AG.

A copy of the judgement can be obtained at AUMA from Attorney at Law Silvia Bauermeister, email: s.bauermeister@auma.de, phone: +49 (0)30-24 000 103.