

**Form letter to Commercial Online Manuals
Regarding an entry in „Expo Guide“**

To
Commercial Online Manuals S de RL de CV
General Management
via Telefax +52 (55) 10842628

Your invoice no. / your reminder no.

Dear Sir,

with reference to your letter of... I do not intend to pay the sum you request.

No valid agreement between us exists. According to § 134, BGB, the agreement is void as, according to § 3 Section 1, UWG, in conjunction with § 4 No. 3, UWG, you have engaged in unfair competitive practices. In the form enclosed you give the impression that a business relationship between us already exists, and in doing so you conceal the promotional nature of your letter.

Furthermore, the clause indicating the fees for providing a customer entry and stating the duration of the agreement is not an effective part of the agreement, as it constitutes a surprise clause as defined in § 305 c, Section 1, BGB. The fact that a directory entry and an online update are free of charge, but that sending an update using the enclosed form and postage paid envelope incurs a fee of several thousand euros constitutes a surprise. The tone of the letter and the enclosed form give the impression that even if one updates information the directory entry remains free of charge. Thus, as a customer I would logically not expect to be charged a fee.

By way of precaution I contest the agreement on grounds of error, in accordance with § 119, Section 2, BGB. When I signed your offer to provide an entry in the exhibitor directory I assumed that this entry would incur no fees. One only becomes aware of the actual fees for a directory entry after finding them hidden in the small print.

By way of precaution I contend that, in accordance with § 138, BGB, the agreement is void on grounds of usury, as the extent of the services offered is wholly disproportionate to the fees. I shall not reply to any further correspondence from you or from a collection agency representing you. I expressly reserve the right to take legal action against you in this matter.

Sincerely yours,

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