

Conditions for Use of the *Interface Specifications for the ZKA Chip Card*

1. Preamble

(1) Interface Specifications for the ZKA Chip Card

To establish payment and other applications with security, standardisation and internationalisation in mind, the German Banking Industry Committee has drafted specifications for, among other things, the ZKA chip card and released them for use within certain limits. These so-called *Interface Specifications for the ZKA Chip Card* comprise a number of different specifications concerning the ZKA chip card (SECCOS operating system and applications), terminals and background systems.

(2) German Banking Industry Committee

The German Banking Industry Committee is made up of the Bundesverband deutscher Banken (Association of German Banks), the Bundesverband der Deutschen Volks- und Raiffeisenbanken (Association of German Cooperative Banks), the Deutscher Sparkassen- und Giroverband (Association of German Savings Banks), the Bundesverband Öffentlicher Banken Deutschlands (Association of German Public Banks) and the Verband Deutscher Pfandbriefbanken (Association of German Pfandbrief Banks).

(3) Rightholders

All rights to the *Interface Specifications for the ZKA Chip Card* are held jointly by:

- Bank-Verlag GmbH, Cologne
 - Deutscher Genossenschafts-Verlag e.G., Wiesbaden
 - Deutscher Sparkassenverlag GmbH, Stuttgart, and
 - VÖB-ZVD Bank für Zahlungsverkehrsdienstleistungen GmbH, Bonn,
- referred to collectively in the following as the “rightholders”.

2. Protection of rights

Users acknowledge that the rights to the *Interface Specifications for the ZKA Chip Card* are held solely by the rightholders. The parties agree that both the specifications as a whole and the individual parts thereof are protected by copyright, even if the statutory requirements for such protection are not fulfilled. Users acknowledge that, with the exception of the limiting provisions of copyright law (Sections 44a – 63 a of the

German Copyright Act), copyright covers each and every use of the specifications as a whole or in part. Users undertake not to publish the *Interface Specifications for the ZKA Chip Card* or any individual specifications thereof or to forward these to third parties.

3. Conditions for Use

- (1) The *Interface Specifications for the ZKA Chip Card* may only be obtained to develop and use payment and other applications released for this purpose by the German Banking Industry Committee.

The specifications exempted from this provision are listed in full in section 4 (1) below.

- (2) These payment and other applications may only be put on cards which have been designated for this purpose and released by the German Banking Industry Committee.
- (3) All other uses of the *Interface Specifications for the ZKA Chip Card*, particularly forwarding them or making them available in any other form to third parties, require the express prior written consent of the rightholders.

4. Use of the specifications for the SECCOS chip card operating system

- (1) By way of derogation from sections 2 and 3 of this agreement, the following specifications for the SECCOS chip card operating system
 - *Interface Specifications for the ZKA Chip Card, Secure Chip Card Operating System (SECCOS)*, from version 5.0
 - *Interface Specifications for the ZKA Chip Card, EMV Commands*, from version 1.0
 - *Interface Specifications for the ZKA Chip Card, Signature Application*, from version 5.0

may also be used without the prior consent of the rightholders, albeit solely for applications outside banks that are affiliated to member associations of the German Banking Industry Committee.

- (2) Use of the 'SECCOS' brand is subject to a licence agreement with EURO Kartensysteme GmbH.

5. Changes to the interface specifications

Irrespective of any processing or alteration of the present interface specifications by the undersigned, all rights to these remain with the aforementioned rightholders.

6. Liability

Neither the German Banking Industry Committee nor the rightholders accept any liability for the usability of the specifications. In particular, they cannot be held liable for their correctness and completeness.

Likewise, they cannot guarantee that no third-party rights to the specifications exist.

7. Costs

No licence fee is charged. Provision of the *Interface Specifications for the ZKA Chip Card* via Bank-Verlag's download platform is subject to a processing fee that depends on how the specifications are ordered. Details of how to order and the processing fees are contained in the attached Order Form.

8. Final provisions

- (1) The above-mentioned Conditions for Use are acknowledged by signature.
- (2) Should individual clauses of this agreement be or become invalid, the parties to the agreement undertake to replace the invalid clause with one they would have chosen if they had been aware of the reason for such invalidity on signing the agreement. The same applies in the event of any omissions.
- (3) Any changes to these Conditions for Use must be made in writing.

Place, date

Company/stamp/signature(s)

Please sign and return the Conditions for Use of the *Interface Specifications for the ZKA Chip Card* to:

Zulassungsbüro of the German Banking Industry Committee
c/o Bundesverband Öffentlicher Banken Deutschlands e.V.
Postfach 11 02 72
10832 Berlin

The attached Order Form will be forwarded automatically by the Zulassungsbüro to Bank-Verlag GmbH.

Order Form

Company: _____

Address: _____

Tel.: _____ **Fax:** _____

Contact: _____

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I/we wish

access to the specifications for an unlimited period (on a subscription basis)

- Opening of an account (for an unlimited period)
- Notification by e-mail when new/updated specifications are made available
- Account closed only when subscription is terminated by subscriber or at the request of the German Banking Industry Committee
- Minimum term: 12 months; period of notice: after expiry of the minimum term, one month before the end of the calendar year
- Price: EUR 99 annually, plus statutory VAT; amount payable in full (or pro rata, as the case may be) immediately on provision of access to the specifications and thereafter in January of each year.

access to the specifications for a limited period (no subscription)

- Opening of an account (access period limited to 30 days after release of specifications)
- Subscription possible at any time
- Price: EUR 79, plus statutory VAT, payable once only

Provision of the download platform and invoicing will be handled by Bank-Verlag GmbH, Wendelinstr. 1, 50933 Cologne.

(Place, date)

(Signature(s))