

GERMAN MEDIA ARBITRAL TRIBUNAL RULES OF ARBITRATION

(valid from 26th August 2016)

PART 1 General Requirements

Article 1 Area of application

- (1) These Rules of Arbitration apply to proceedings that are to be decided upon in accordance with an arbitration agreement adopted by one of the parties by the German Media Arbitral Tribunal (hereinafter: Media Arbitral Tribunal) in accordance with the provisions of these Rules of Arbitration.
- (2) Insofar as parties have not agreed upon anything to the contrary, the Rules of Arbitration that are valid at the start of the respective, specific arbitration proceedings shall apply. Amendments made thereafter shall only apply to these arbitration proceedings if that is expressly provided for in the corresponding transitional regulations of the Rules of Arbitration.
- (3) These Rules of Arbitration have been drawn up in German and English, whereby in cases of doubt the German text shall be deemed authoritative.

Article 2 Headquarters

Leipzig is deemed the headquarters of the Media Arbitral Tribunal.

Article 3 Jurisdiction of the Media Arbitral Tribunal

- (1) The Media Arbitral Tribunal operates exclusively in media law disputes within the meaning of sub-Article 2. In such media law disputes, subject to a negative decision in accordance with sub-Article 4, it shall have jurisdiction if
 - a) it deals with parties that are authorised to prosecute legal action in accordance with the rules of the German Code of Civil Procedure (ZPO) and
 - b) these parties present a valid arbitration agreement to the Media Arbitral Tribunal stating that the decision in the proceedings is to be made by the Media Arbitral Tribunal. A sample for a valid arbitration agreement is available on the www.deutsches-medienschiedsgericht.de website.

- (2) A media law dispute shall be deemed given if at least one of the parties directly involved in the proceedings creates, utilises, uses or markets media and the dispute focuses on such an activity. Media within the meaning of sentence 1 comprise means of communication that are disseminated by way of technical duplication and disseminated to users by word, pictures or sound content. These include, in particular, the print media (e.g. newspapers, magazines, posters and flyers) and electronic media (e.g. broadcasting and online services).
- (3) Contrary to the above regulations, the Media Arbitral Tribunal is not responsible for
 - a) copyright disputes regarding the amount of device and other levies in accordance with Articles 54 et seq. German Copyright Act (UrhG) and
 - b) disputes about which the Media Arbitral Tribunal has stated that it does not have jurisdiction in respect of making such decisions. A declaration stating lacking jurisdiction may be issued, in particular, as a result of insufficient significance of a matter for the development of media law.
- (4) Within 3 months following receipt of the application instituting the proceedings within the meaning of Article 28, the Media Arbitral Tribunal shall decide in each case exclusively and conclusively on the existence of the preconditions of par. 2 and 3 of this article. The decision shall be reached
 - a) up until the inauguration of the respective arbitration body to be set up by the President of the Media Arbitral Tribunal,
 - b) and after the inauguration of the respective arbitration body of the Media Arbitral Tribunal to be set up by the respective inaugurated arbitration body itself.

The decision in accordance with sentences 1 and 2 need not be justified. It is effective and final. It may not be contested.

Article 4 **Applicable law**

- (1) In the absence of agreements of the parties to the contrary, solely the law of the Federal Republic of Germany applies.
- (2) Insofar as an agreement on the application of a foreign legal system leads to additional costs for potentially obtaining a corresponding legal opinion, such costs shall be borne by the parties in accordance with Article 18.

Article 5 **Procedural objectives**

- (1) The Media Arbitral Tribunal may be cited by way of an application that institutes proceedings within the meaning of Article 28 to
 - a) bring about an arbitral award (arbitration proceedings),
 - b) support the resolving of a dispute in arbitration proceedings (conciliation proceedings) and
 - c) deliver an expert opinion on an element of a dispute, a service or service terms at a party's reasonable discretion or implement a contractual adjustment (arbitrator's expert opinion).
- (2) The arbitration proceedings are described in the 3rd Article, the conciliation proceedings in the 4th Article and the arbitrator's expert opinion in the 5th Article of these Rules of Arbitration.

PART 2

Organisational requirements

Article 6

Arbitrators of the Media Arbitral Tribunal

- (1) The Media Arbitral Tribunal is to be made up of at least ten independent arbitrators who have special qualifications in media and media law and enjoy a reputation characterised by fairness and integrity.
- (2) Based on the variety of its arbitrators, the Media Arbitral Tribunal is to have professional competence in all key media areas.
- (3) The arbitrators are to be appointed by way of a resolution adopted at the Members' Meeting of the "Deutsches Medienschiedsgericht e. V." association at which the respective officiating arbitrators shall be elected by way of the simple majority of the present members.
- (4) The arbitrators shall be appointed in individual procedures and the composition of the arbitration body responsible for the respective proceedings shall apply in accordance with Article 12.

Article 7

Tenure

- (1) The arbitrators shall be nominated for four years. Repeated nominations are permitted.
- (2) Irrespective of expiry of the term of their nomination, the arbitrators are to bring all proceedings in which they are involved to a conclusion. Sentence 1 does not apply in the cases set out in Article 11.

Article 8
Incompatible activities

No arbitrator of the Media Arbitral Tribunal should

- exercise an authoritative political or administrative function in the government
- be involved in a media company with more than 0.5 % of the nominal capital of a company;
- be members of a body of the Association "German Media Arbitral Tribunal" or members of a body of a member of the association "German Media Arbitral Tribunal."

Article 9
Solemn declaration of the arbitrators

Each arbitrator of the Media Arbitral Tribunal is to give a solemn declaration about the unbiased and conscientious exercising of functions prior to taking up their activity as part of the first meeting.

Article 10
President and Vice President

The stated arbitrators of the Media Arbitral Tribunal shall elect, by way of the simple majority, a President and Vice President, for a tenure in each case of four years. The number of times a person may be re-elected is arbitrary.

Article 11
Resignation of arbitrators, revocation of appointment

- (1) If an arbitrator no longer meets the preconditions for the appointment or if the arbitrator is unable to perform the tasks as an arbitrator due to actual or legal reasons, he is to inform the "Deutsches Medienschiedsgericht e. V." association and should resign.
- (2) Notice of the resignation of an arbitrator of the Media Arbitral Tribunal is to be given in writing by way of a resignation letter directed to the branch office of the "Deutsches Medienschiedsgericht e. V." association. The position of the resigned arbitrator shall become vacant at the time of receipt of the resignation letter.
- (3) If an arbitrator does not resign irrespective of the existence of the preconditions set out in sub-Article 1, the Committee of the "Deutsches Medienschiedsgericht e. V." association may withdraw the appointment of the arbitrator with immediate effect.
- (4) The Members' Meeting of the "Deutsches Medienschiedsgericht e. V." association may fill the arbitrator's position following a resignation or exclusion. The tenure of the successor is also four years.

- (5) The resignation in accordance with par. 2 or the revocation in accordance with par. 3 is irrelevant to concluded proceedings. Following approval granted by the parties, current proceedings may be conducted until they end by way of the collaboration of a resigned or excluded arbitrator. Otherwise, such an arbitrator shall be replaced by the first stated substitute arbitrator within the meaning of Article 12(4).

Article 12

Appointment of the arbitrators, inauguration of the arbitration body

- (1) Members of the arbitration body in any proceedings before the Media Arbitral Tribunal may exclusively be stated arbitrators within the meaning of Article 6. With regard to the legally valid inauguration of an arbitral body of the Media Arbitral Tribunal, the parties may choose whether or not the members of the arbitral body and the substitute members are to be appointed
 - a) by the President of the Media Arbitral Tribunal at his reasonable discretion or
 - b) with the exception of the Chairman of the arbitration body by the parties themselves.
- (2) The arbitration body may be a division with three members, a large division with five members or a senate made up of seven members. The arbitral body to be established is decided by the parties with conclusive effect, whereby they should make such a decision early on in the arbitration agreement. Otherwise, such a decision is made on an ad hoc basis within the meaning of sentence 1 and sentence 2 at the latest two weeks following receipt of the application that institutes proceedings within the meaning of Article 28 at the Media Arbitral Tribunal. If the parties fail to make a decision characterised by common consent, the arbitration proceedings will have failed.
- (3) The arbitration body is to be inaugurated by way of the appointment of the arbitrators within two months following receipt of the application instituting proceedings within the meaning of Article 28 at the Media Arbitral Tribunal. Otherwise, the arbitration proceedings will have been deemed to have failed.
- (4) In the case of appointing the arbitrators by the parties, each party shall appoint in each case half of the arbitrators with the exception of the last, the Chairman of the arbitration body resulting in an odd number. The parties appointed by the parties shall elect this Chairman. The Chairman must be qualified to exercise the functions of a judge in accordance with Article 5 of the German Judge Act. Each party shall furthermore appoint in each case a substitute judge and a second substitute judge.
- (5) In the event that an appointed judge is unable to collaborate in good time in proceedings, in particular in cases of illness or occupational overwork, the arbitrator shall inform the parties and the Media Arbitral Tribunal about this within two weeks after gaining knowledge of his appointment. The same applies if the appointed arbitrator is not willing to accompany proceedings in English within the meaning of Article 23(1).
- (6) If all arbitrators have been appointed in accordance with the above requirements, the arbitral body shall be deemed inaugurated and the parties are to be informed after establishing this in accordance with Article 16.

Article 13

Rejection of an arbitrator in an individual case

- (1) An arbitrator may be rejected if
 - a) he would have been legally excluded from the decision as a state judge,
 - b) circumstances apply that give rise to justified doubts about his unbiased and independent nature,
 - c) he fails to honour his obligations in proceedings irrespective of a request containing the reasonable setting of a period of one of the parties.

No arbitrator of the Media Arbitral Tribunal should be involved in decisions in cases in which he has already rendered services as an authorised representative, consultant, lawyer, expert or arbitrator appointed by the party or against one of the involved parties.

- (2) The arbitrator is to disclose the existence of a rejection reason within the meaning of sub-Article 1 and the circumstances justifying this at every stage of the proceedings.
- (3) Each party may file an application for rejection. The application must be received by the Arbitral Tribunal within two weeks once knowledge is gained of the rejection reasons by the party.
- (4) A party that has appointed an arbitrator itself may not file a rejection application against such an arbitrator for reasons of which it was aware prior to the appointment. A party that has filed a rejection application or negotiated while being aware of a rejection reason may not file a rejection application for the same reason.
- (5) An arbitrator shall be deemed rejected if he voluntarily resigns his position following a rejection application or the other party consents to the rejection. If the arbitrator does not resign from office, or if the other party does not consent to the rejection, then the majority of the other present arbitrators of the arbitration body of the Media Arbitral Tribunal shall decide on the rejection by way of the simple majority.
- (6) If the rejection pursuant to par. 5 remains unfruitful, the party that filed the rejection application is to present the rejection application for a decision to the Dresden Higher Regional Court in accordance with Article 1062 ZPO (German Code of Civil Procedure).
- (7) In the event of a successful rejection, the substitute arbitrator appointed by the party shall assume the position of the rejected arbitrator. If more than two arbitrators of an arbitration body are successfully rejected, the arbitration proceedings will be deemed to have failed.

Article 14

Unanimous dismissal

The parties may unanimously state at any time that an arbitrator shall be dismissed and that his position is to be taken by an appointed substitute arbitrator.

Article 15

Nominating and appointing the substitute arbitrator

- (1) If an arbitrator is rejected, dismissed by way of a party agreement, if he resigns his position, if the position as appointed arbitrator is revoked, if he is permanently unavailable due to illness or if he dies, an appointed substitute arbitrator shall take his place.
- (2) If an appointed substitute arbitrator takes up a position, the second substitute arbitrator shall become the new substitute arbitrator and the party that is affected must appoint a new second arbitrator within two weeks after the substitute arbitrator takes up a position.
- (3) If the Chairman is rejected, dismissed by way of a party agreement, if he resigns his position, if the position as appointed arbitrator is revoked, if he is permanently unavailable due to illness or if he dies, a new Chairman elected by the members of the arbitration body shall take his place.

Article 16

Information about appointed arbitrators

Once all the arbitrators and substitute arbitrators have been appointed, the Media Arbitral Tribunal informs the parties about the composition of the arbitration body.

Article 17

Obligations of the arbitrators

- (1) The arbitrators undertake to provide unbiased views.
- (2) They are to promote the proceedings and take care that matters are reasonably accelerated.
- (3) The arbitrators undertake to maintain secrecy.

Article 18

Costs

- (1) The cost of the proceedings comprises (1) the fee and the expenses of the arbitrators and (2) the processing fee of the Media Arbitral Tribunal, which is specified by the Media Arbitral Tribunal in accordance with the cost table that is valid at the start of the respective arbitration proceedings (Annex to Article 18), (3) the fees and expenses of the experts commissioned by the Arbitral Tribunal including experts within the meaning of Article 4(2) and (4) the reasonable expenses of the parties for their representation and other expenses in conjunction with the arbitration proceedings, (1) to (4) in each case plus the statutory turnover tax that may apply. The parties are liable to the "Deutsches Medienschiedsgericht e.V." association as joint and several debtors for the costs within

the meaning of sub-Articles (1), (2) and (3) of the above-mentioned sentence 1 of this sub-Article (1).

- (2) The processing fee of the Media Arbitral Tribunal and the fee for the arbitrators in accordance with the cost table are determined subject to sub-Article 3 according to the amount in dispute, which is decided by the arbitral tribunal as it is duty bound. The minimum amount in dispute for proceedings before the Media Arbitral Tribunal is EUR 100,000.00.
- (3) The arbitral tribunal may set the fee of the arbitrators higher or lower contrary to the cost table should this be considered necessary as a result of special circumstances of an individual case.
- (4) The arbitral tribunal shall establish the cost of the proceedings in accordance with Articles 91 et seq. ZPO and determines which of the parties is to bear the costs or the ratio at which costs are to be divided. An average net hourly rate of EUR 350.00 is deemed reasonable expenses of the parties in respect of the cost of their legal defence by qualified lawyers whereby the cost of the legal defence is only to be stated insofar as it appears necessary to safeguard the rights of the party in the proceedings and for each party may not exceed in net terms ten percent of the specified amount in dispute.
- (5) The fee of the arbitrators and the processing fee of the Media Arbitral Tribunal are specified by the arbitral tribunal prior to the start of the hearing in court in the event of withdrawal of an action or the end of the arbitration proceedings, and are one third of the corresponding amount of the cost table valid at the start of the respective arbitration proceedings. If the parties do not reach agreement on the distribution of the procedural costs or other matters relevant to costs, the arbitral tribunal shall decide on such matters.
- (6) The Media Arbitral Tribunal requests as an advance payment the fee of the arbitrators and the processing fee of the Media Arbitral Tribunal on the basis of a preliminary amount in dispute. Each of the parties is to pay half such an advance. If experts are required, the Media Arbitral Tribunal may render the commissioning of such experts conditional on prior payment of an advance. Within four weeks following the end of the proceedings the Media Arbitral Tribunal shall request by way of enclosing an invoice that the parties pay the respective specified cost of the proceedings. Advances paid shall be credited in that respect.

PART 3

Arbitration proceedings before the Media Arbitral Tribunal

Article 19

Procedural rules

- (1) The Media Arbitral Tribunal issues its own regulations for performing its activity. The procedural regulations set out below on instituting the arbitration proceedings apply in particular.
- (2) Insofar as these Rules of Arbitration do not specify anything to the contrary, the requirements of the German Code of Civil Procedure (ZPO) regarding arbitration proceedings apply accordingly.

Article 20

Principles of the procedural management

- (1) The Media Arbitral Tribunal may only base its decision on the factual material that is presented by the parties. By way of discussions, references and questions, the Media Arbitral Tribunal should work towards putting into specific terms and supplementing the factual presentations, the description of the evidence and the expedient filing of an application. In other respects, the requirements of ZPO apply with regard to the procedural principles and the burden of presentation and proof.
- (2) In the absence of agreements of the parties to the contrary, the Media Arbitral Tribunal may appoint one or more experts to deliver an expert opinion on certain questions to be specified by the arbitral tribunal and which apply to legal matters involving German law and foreign legal systems. Furthermore, it may request that a party furnishes the expert with any expedient information or makes available written documents relevant to the proceedings or data or items for viewing.
- (3) In the absence of agreements of the parties to the contrary, if a party files an application for this or the Media Arbitral Tribunal considers it necessary, the expert is to take part in a hearing in court after delivering his written or verbal expert opinion. In the case of the hearing, the parties may pose questions to the expert and make arrangements for their own expert to comment on the questions in dispute.

Article 21

Hearing in court

- (1) Insofar as the parties have not unanimously filed an application to the contrary, a hearing in court shall be held for each legal dispute to be decided upon by the Media Arbitral Tribunal.

- (2) The public may be permitted to view the hearing insofar as the parties unanimously and expressly request this.

Article 22
Absence of a party

In the event of the absence of a party on the date for the hearing in court, the regulations of Article 1048 ZPO on default of appearance at trial shall apply accordingly.

Article 23
Language

- (1) The parties may agree on English as the procedural language for arbitration proceedings. This agreement on the procedural language must be made during the arbitration agreement.
- (2) If such an agreement is not entered into, the procedural language shall be deemed German.
- (3) At the request of the arbitral body, foreign language documents incorporated by the parties must be translated at the parties' cost.

Article 24
Records of a hearing

Hearing records are to be made of each hearing in court and are to be forwarded to the parties by the branch office of the Media Arbitral Tribunal.

Article 25
Form of procedural management

- (1) The procedural management and issuing references by judged shall apply during the hearing in court and shall be incorporated in the records.
- (2) Decisions that institute proceedings outside the hearing in court may be made at any time by the arbitration body by way of the circular procedure and stated to the parties by the Chairman.

Article 26
Decision-making

All the decisions of the court shall be made by way of the simple majority of the respective arbitrators appointed for the arbitration body.

Article 27

Forwarding the written statement of a case

- (1) Written documents are to be forwarded to the court and simultaneously the other party.
- (2) The applications and written documents that contain additional applications or an amendment to the applications or declarations that end proceedings are to be forwarded by way of a registered letter or any other type of forwarding that guarantees proof of receipt.
- (3) If a party appoints a legal counsel, the written statements of the case are to be sent to such a legal counsel. There is no statutory requirement to be represented by a lawyer at the Media Arbitral Tribunal.

Article 28

Start of the proceedings

The proceedings shall commence as soon as the application that institutes proceedings is received by the court and the opposing party or its legal counsel, and each of the parties has paid half the processing fee of the Media Arbitral Tribunal and half the fee for the arbitrators as an advance in accordance with article 18 par. 7 within a period of two months from the application that institutes proceedings. The arbitration proceedings shall be deemed to have failed following expiry in vain of the period for payment of the advance.

Article 29

Applications

- (1) An application for the institution of proceedings must contain the following:
 - a) the description of the parties and their addresses as well as potential legal counsels and their addresses,
 - b) a sufficiently determined application,
 - c) the presentation of the factual circumstances stating the subject matter of the proceedings, and
 - d) the reproduction of the arbitration agreement.
- (2) In the event of the appointment of the arbitrators by the parties, the application should also state the arbitrators and substitute arbitrators appointed by the Applicant.
- (3) If the applications are incomplete, the Chairman shall request that the Applicant provide supplementary details by way of setting a period.

- (4) The applications and other written statements of the case and their Annexes must be submitted in sufficient quantities such that one copy can be made available to each arbitrator.

Article 30
Arbitral award

- (1) The court shall be bound by the parties' applications once the arbitral award is promulgated.
- (2) The arbitral award is to be promulgated in writing. In that respect, a sufficient number of documents must be produced for forwarding to all parties.
- (3) The arbitral award is to contain the following:
 - a) the description of the parties, their addresses as well as potential legal counsels,
 - b) the names and signatures of the arbitrators of the Media Arbitral Tribunal collaborating on the decision,
 - c) the date on which the arbitral award is worded,
 - d) the operative provisions of the arbitral award,
 - e) the facts of the case which also contain the parties' applications,
 - f) the reasons on which they are based,
 - g) the decision on bearing and specifying costs and
 - h) a statement about the enforceability of the arbitral award within the meaning of Articles 1060 et seq. of the German Code of Civil Procedure (ZPO).
- (4) The arbitral award is to be forwarded to all parties by way of a registered letter.

Article 31
Legal remedies against the arbitral award

Among the parties, the arbitral award has the effect of a final judgement. Legal remedies against the arbitral award are only possible in accordance with Article 1059 ZPO. However, prior to the start of the arbitration proceedings the parties may agree to the contrary that the legal action is to remain pending before a state court without any restrictions. This agreement must be made during the arbitration agreement.

Article 32
Correction

The parties can file application for the correction of obvious arithmetic, printing and typographic errors and other errors that do not change the content of the arbitral award with the office of the Media Arbitral Tribunal.

PART 4
Conciliation proceedings before the Media Arbitral Tribunal

Article 33

Number of arbitrators for the conciliation proceedings

- (1) The parties may agree on whether or not the conciliation proceedings shall be made up of a division with three arbitrators or a large division with five arbitrators of the Media Arbitral Tribunal within the meaning of Article 6 of the Rules of Arbitration of the Media Arbitral Tribunal.
- (2) If the parties do not agree on the number of arbitrators, the arbitration proceedings shall be made up of a division of three arbitrators.
- (3) In other respects, Articles 12 et seq. apply.

Article 34

Institution of the conciliation proceedings

- (1) The party intending to institute conciliation proceedings is to forward to the other party a written request for resolving the dispute in accordance with these Rules of Arbitration. The subject matter of dispute is to be set out in the request that institutes the proceedings.
- (2) A copy of the request that institutes the proceedings is to be forwarded to the Media Arbitral Tribunal.

Article 35

Start of the conciliation proceedings

- (1) The conciliation proceedings shall commence upon the written declaration of consent of the other party regarding implementation of the arbitration proceedings before the Media Arbitral Tribunal. The declaration of consent must be issued within one month from receipt of the written request to resolve a dispute.
- (2) The arbitration proceedings shall not be instituted if the other party rejects the request. The request shall be deemed rejected if the party does not reply within the period in accordance with Article 36(1).

Article 36

Nature of the conciliation proceedings

- (1) The arbitrators shall support the parties in an independent and unbiased way in their endeavours to resolve the dispute by way of common consent.
- (2) The arbitrators shall specify the conciliation proceedings process following harmonisation with the parties.

- (3) If so requested by the parties, the arbitrators can make proposals for resolving a dispute at any stage of the proceedings. The proposals need not be justified.
- (4) All involved parties undertake to maintain secrecy.

Article 37

End of the conciliation proceedings

- (1) The arbitration proceedings shall be terminated if an agreement is not reached following a reasonable period in conciliation proceedings.
- (2) At the request of one of the parties, the arbitrators are to keep a record of the end of proceedings. The record is to be signed by all arbitrators.
- (3) The parties may agree at any time in writing that the conciliation in arbitration proceedings be rendered subject to a transition in that the arbitration proceedings are to be continued before the same division or large division.
- (4) If the parties come to an agreement in conciliation proceedings, the outcome is to be recorded by arbitrators in a record that shall be signed by all arbitrators and the parties.

PART 5

Arbitrator's expert opinions of the Media Arbitral Tribunal

Article 38

Subject matter of the arbitrator's expert opinion

- (1) The subject matter of the arbitrator's expert opinion shall be determined according to the corresponding enquiry of the parties. The subject matter of the arbitrator's expert opinion may, in particular, be expert opinion on an element of a decision, determining performance or performance terms or a contractual adjustment.
- (2) In addition, the parties may reach agreement on the extension or adjustment of the subject matter of the arbitrator's expert opinion.
- (3) All involved parties undertake to maintain secrecy.

Article 39

Number of arbitrators for the arbitrator's expert opinion

- (1) The parties may agree on whether or not the arbitrator's expert opinion shall be made up of a division with three arbitrators or a large division with five arbitrators of the Media Arbitral Tribunal within the meaning of Article 6 of the Rules of Arbitration of the Media Arbitral Tribunal.

- (2) If the parties do not agree on the number of arbitrators, the arbitrator's expert opinion shall be made up of a division of three arbitrators.
- (3) In other respects, Articles 12 et seq. apply.

Article 40

Decision in arbitrator's expert opinions

- (1) The decision in the arbitrator's expert opinion is to be made by way of a majority of votes.
- (2) The decision is to be justified by the arbitrators.

Article 41

Preliminary orders

- (1) Following a unanimous application by the parties, the arbitrators shall issue preliminary orders in conjunction with the proceedings regarding the arbitrator's expert opinion if this necessary for the proper execution of the contract between the parties.
- (2) The preliminary order may be subject to conditions.
- (3) The parties are to have a legal hearing prior to the issue of the preliminary order. If a preliminary order is issued without a legal hearing, such a hearing is to be subsequently instituted without delay.
- (4) The preliminary orders shall become inapplicable upon the promulgation of the decision.

Article 42

Binding force

- (1) The decisions of the arbitrators in arbitrators' expert opinions are binding for the parties. The binding force shall be inapplicable if and insofar as it is rescinded or amended by a court or arbitration tribunal decision.
- (2) If one of the parties acts in compliance with the decision and places its trust in its binding force, the legal act cannot justify any obligation to provide compensatory damages.

PART 6

Article 43

Final provisions

- (1) With the exception of the intentional committing of a violation of an obligation, the arbitrator's liability for his decision-making activity is excluded.
- (2) With the exception of the intentional or gross negligent committing of a violation, liability on the part of the arbitrators, the "Deutsches Medienschiedsgericht e.V." nomination, its executive bodies and its employees for any other acts or failure to take

action in conjunction with proceedings before the Media Arbitral Tribunal is excluded within the meaning of Article 5(1).

Article 44

Severability Clause

The invalidity of these regulations above does not affect the validity of the other regulations of these Rules of Arbitration. In the place of the invalid regulation, a legally valid regulation is to apply that customarily comes closest to the essence and purpose of the invalid regulation.

COST TABLE
(Annex to Article 18)

I. Fees for the arbitrators

The arbitrators' fees stated below constitute the total fees for the respective inaugurated arbitration bodies and need to be divided by the number of respective appointed arbitrators.

The arbitrators' fees stated below apply to the arbitration proceedings and the arbitrator's expert opinion. The amount is reduced to a third for the conciliation proceedings.

In the case of arbitration proceedings and arbitrators' expert opinions of the division:

Amount in dispute		Fee for all arbitrators (plus VAT)	
To EUR	200,000.00	EUR	4,700.00
To EUR	300,000.00	EUR	6,700.00
To EUR	500,000.00	EUR	9,600.00
To EUR	1,000,000.00	EUR	14,500.00
To EUR	2,000,000.00	EUR	24,400.00
To EUR	3,000,000.00	EUR	34,200.00
To EUR	5,000,000.00	EUR	53,800.00
From EUR	5,000,001.00	EUR	55,800.00 plus EUR 2,000.00 for each increase in dispute amount by additional EUR 5,000,000.00

In the case of arbitration proceedings and arbitrators' expert opinions of the large division:

Amount in dispute		Fee for all arbitrators (plus VAT)	
To EUR	200,000.00	EUR	7,833.00
To EUR	300,000.00	EUR	11,166.00
To EUR	500,000.00	EUR	15,999.00
To EUR	1,000,000.00	EUR	24,166.00
To EUR	2,000,000.00	EUR	40,666.00

To EUR	3,000,000.00	EUR	56,999.00
To EUR	5,000,000.00	EUR	89,666.00
From EUR	5,000,001.00	EUR	92,999.00 plus EUR 3,333.00 for each increase in dispute amount by additional EUR 5,000,000.00

In the case of arbitration proceedings and arbitrators' expert opinions of the senate:

Amount in dispute		Fee for all arbitrators (plus VAT)	
To EUR	200,000.00	EUR	10,966.00
To EUR	300,000.00	EUR	15,633.00
To EUR	500,000.00	EUR	22,399.00
To EUR	1,000,000.00	EUR	33,833.00
To EUR	2,000,000.00	EUR	56,933.00
To EUR	3,000,000.00	EUR	79,799.00
To EUR	5,000,000.00	EUR	125,533.00
From EUR	5,000,001.00	EUR	130,199.00 plus EUR 4,666.00 for each increase in dispute amount by additional EUR 5,000,000.00

II. Processing fee of the Media Arbitral Tribunal

In the case of arbitration proceedings, conciliation proceedings and arbitrators' expert opinions of the division, the large division and the senate:

Amount in dispute		Processing fee (plus VAT)	
To EUR	200,000.00	EUR	2,000.00
To EUR	300,000.00	EUR	2,900.00
To EUR	500,000.00	EUR	4,100.00
To EUR	1,000,000.00	EUR	6,200.00
To EUR	2,000,000.00	EUR	10,400.00
To EUR	3,000,000.00	EUR	14,600.00
To EUR	5,000,000.00	EUR	23,100.00

From EUR	5,000,001.00	EUR 24,100.00 plus EUR 2000.00 for each increase in dispute amount by additional EUR 5,000,000.00
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