

Motoren gehört unsere Leidenschaft

Confidentiality agreement

between

BING Power Systems GmbH
Dorfäckerstraße 16
90427 Nürnberg

- in the following referred to as **BING** -

and

- in the following referred to as **partner** -

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In view of the fact, that the parties

- intend to exchange confidential information and
- that they want to avoid misuse of the this information

the parties stipulate the following:

1. BING intends to communicate the partner confidential information regarding the following project:

2. Herewith the partner obliges himself to keep all information, that he receives directly or indirectly within the bounds of the project, strictly confidential and to use this information only in reference to the project described on point 1. In particular the partner assures BING neither to pass on this information to third parties nor to make this information accessible in any other way. Furthermore the partner assures to make all precautions to avoid access to this information by third parties.

3. Information belonging to point 2 are in particular

- Know-how as well as results that are obtained or used during the project,
- the description of the project,
- the planned time schedules, targets and ideas regarding the project`s execution,
- any other information about BING that is not open to the public and that the partner obtained in the context of the project.

4. The duty of secrecy in this contract includes all colleagues and authorized representatives of the partner regardless of the kind and the legal organizing of the cooperation. The partner obliges himself to impose the duty of secrecy also on these persons, as far as it has not yet happened.

5. The duty of secrecy in this contract remains in force even after the ending of the project described on point 1.

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6. The duties of secrecy in this contract are not valid, if it is provable that the concerning information
 - is generally known, or
 - becomes known without that the partner is to blame for it, or
 - has been gained or will be gained legally by a third party, or
 - is already known to the partner.
7. If the business relations with BING end, the partner obliges himself to return to BING all received documents, drawings, tapes, discs, etc. inclusive copies.
8. The parties are informed, that
 - the violation of company`s secrets or of business` secrets is punishable according to §§ 17, 18 UWG and can be punished with imprisonment up to 5 years, and
 - the person that violates company`s secrets or business secrets is obliged to compensatory damages according to § 19 UWG.
9. Exclusive place of jurisdiction for all disputes concerning this agreement, as far as not otherwise legally prescribed, is Nuremberg. All disputes that emerge in reference to this agreement, are subject to the law of the Federal Republic of Germany.

Nürnberg, den

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BING Power Systems GmbH
