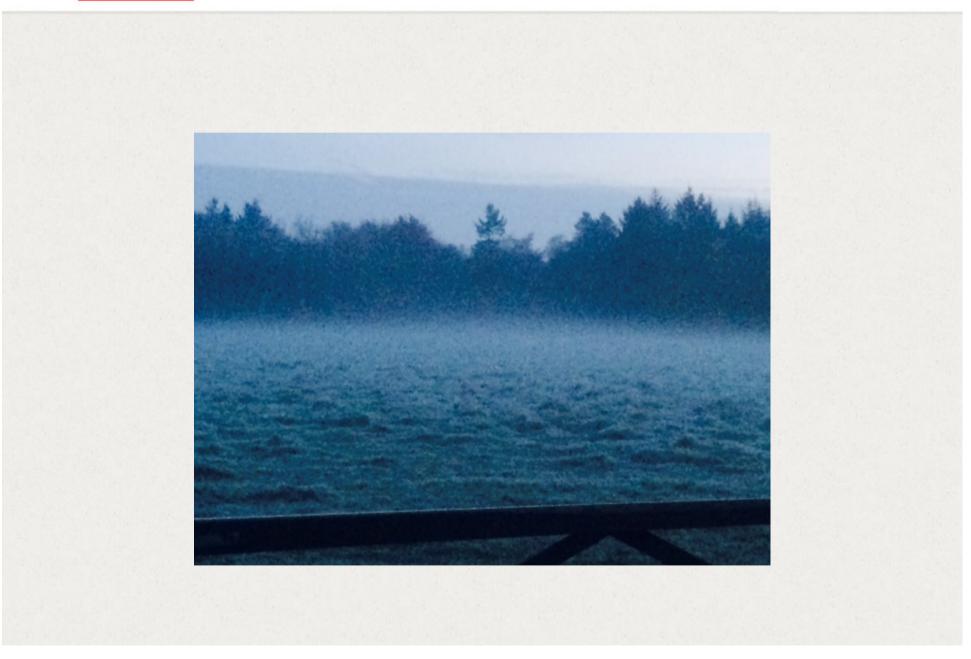


### Goodwill indemnity calculation in The Netherlands

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#### Article 442 Book 7 Dutch Civil Code

#### Implementation of indemnity option under Council Directive 86/653 (article 17)



#### Goods and Services included



#### Commission's Report of 23 July 1996 (COM (96) 364



#### Turgay Semen vs Deutsche Tamoil (ECJ 26 March 2009, C-348/07)



#### ICOM *vs* T-Mobile Dutch Supreme Court 2 November 2012

## "German method of calculation should be applied"



Three steps:

1st step: Quantify the benefits of the principal

Based on the gross commission earned during the last 12 months for transactions with acquired new (and/or "intensified' customers



#### 2nd step:

#### Equity



• 3rd step:

#### Ceiling



# Quiet and Peaceful again in The Netherlands !

