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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)



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Goods and Services included



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



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



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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



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2nd step:

Equity



- 3rd step:

Ceiling



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Quiet and Peaceful again in The Netherlands !

