

**NOTICE TO PUBLISHERS**

**RE: SWETS INFORMATION SERVICES B.V. IN BANKRUPTCY**

Amsterdam, the Netherlands,  
13 November 2014

**Introduction**

This notice is addressed to and meant for publishers who had or have a contractual relationship with the private company with limited liability **Swets Information Services B.V.** (hereafter: "**Swets**"), with statutory seat in Amsterdam, the Netherlands, and with offices at Dellaertweg 9B (2316 WZ) Leiden, the Netherlands.

**Previous notices in the bankruptcy proceedings of Swets**

Reference is being made to the previous notices of the trustee in bankruptcy proceedings of Swets of 23 and 31 October 2014 and other information provided to customers and creditors of Swets (as published on [www.cms-dsb.com/swets](http://www.cms-dsb.com/swets)).

Publishers are encouraged to read these notices and subscribe to the electronic information service as referred to in the notice of 23 October 2014 (see also [www.cms-dsb.com/swets](http://www.cms-dsb.com/swets)).

**Information to be made available to publishers**

*Nature and content of information*

The estate of Swets has received requests from publishers to be provided with information regarding their customers/end-users (in relation to the subscription period 2014/2015).

An example of the information which (subject to the procedure as set out in this notice having been strictly followed) can be made available by means of an Excel file is attached to this notice as **Annex 1**.

The information to be made available only relates to the subscription period 2014/2015. Information in respect of previous subscription periods or other (additional) information can **not** be made available.

*Purpose and use of information by publishers*

The information will only be made available to each publisher on an individual basis. Each publisher will therefore only receive information regarding its own customers/end-users and will not receive any information relating to customers/end-users of other publishers.

The information may only be used by a publisher to

- (i) determine the (financial) status of its relationship with the customers/end-users (which was previously handled by Swets), and/or
- (ii) to enable the publisher to establish a direct relationship with the customers/end-users.

The information may not be used by a publisher for other purposes or be sold or otherwise made available to third parties (other than for the purposes as set out above).

Any use of the information will be the sole responsibility of the publisher.

By sending an information request in accordance with the procedure as set out below, each publisher acknowledges and confirms (towards the estate of Swets) that

- a) it will only use the relevant information for the purposes as set out above; and
- b) it will (in using the information to be provided to it in accordance with this notice) at all times comply with any applicable data protection laws or regulations (pursuant to local law); and
- c) it will hold (the estate of) Swets harmless against claims of third parties relating to or resulting from the use of the information or the non compliance with the obligations set out under a) and/or b) above; and
- d) acknowledges and accepts the disclaimer and exclusion of liability provision as set out hereafter.

*Disclaimer and exclusion of liability*

The information to be provided is the information as currently available on the IT-systems of Swets. The information will be made available on "as is basis" without any further verification (as, e.g., relating to completeness, accurateness) of the content thereof or any representation or warranty, of whatever nature, of (the estate of) Swets.

Any and all liability of (the estate of) Swets, the trustee in bankruptcy of Swets or Mr Groenewegen as a natural person in relation to the (content and nature of the) information or the method of providing this information is explicitly excluded.

**Applicable service fee for receipt of information by publishers; no refunds**

With the approval of the supervisory judge (*rechter-commissaris*) in the bankruptcy proceedings of Swets, the estate of Swets demands upfront payment of a non refundable service fee by each publisher prior to the information being provided to such publisher as a contribution toward costs incurred by the estate of Swets for preparing and providing the information to publishers (the "**Fee**").

The amount of the Fee is related to the aggregate amount of the turnover of each individual publisher with the Swets Group in the year 2014 and is – where applicable - subject to 21% Dutch VAT.

If such turnover is less than EUR 1,500,000 the Fee consists of a flat rate amount of EUR 2,500 (excluding, where applicable, 21% Dutch VAT).

*Publishers with aggregate turnover of EUR 50,000 and more*

Each publisher which had an aggregate turnover with the Swets Group of companies in the year 2014 of EUR 50,000 or more receives per e-mail this notice, as well as a (pro forma) invoice from the estate of Swets relating to the Fee due by it for receiving the information.

*Publishers with aggregate turnover of less than EUR 50,000*

Each publisher which had an aggregate turnover with the Swets Group of companies in the year 2014 of less than EUR 50,000 does not receive such e-mail and (pro forma) invoice. This group of publishers, however, is **upon explicit request only**, also entitled to receive the information as referred to in this notice against payment of the Fee (i.e. a flat rate amount of EUR 2,500 (excluding, where applicable, 21% Dutch VAT)). After receipt of the relevant information request from such publisher, an invoice will be made up and sent as soon as possible.

Invoices will only be sent electronically and will only become final after receipt of the Fee by the estate of Swets. The Fee as invoiced needs to be paid **upfront** by way of (electronic) transfer of the relevant amount to the bank account (estate account of Swets) as referred to in the invoice. Payment cannot be effected by way of set off or compensation with a claim of a publisher against Swets.

Each Fee paid to (the estate of) Swets is non refundable.

### **Information request: procedure and applicable timeframe**

Each publisher that would like to receive the information as referred to above and set out in **Annex 1**, needs to follow the procedure as set out below:

- A request should **ONLY** be sent by e-mail to **publisherinformationrequests@nl.swets.com**, preferably by using the reply function;
- A request should be received by the estate of Swets **ultimately by Thursday 20 November 2014, 5 pm (CET)**;
- A request will only be processed if the Fee has been received by the estate of Swets. A publisher therefore should provide for a simultaneous payment whilst sending the information request;
- In order to speed up the process each publisher is requested to attach a **proof of payment** to the e-mail containing the information request or to send such proof immediately after having sent the information request;
- Payment of the Fee should be received by the estate of Swets **ultimately by Sunday 23 November 2014, 5 pm (CET)**, failing which an information request cannot not be processed anymore;
- A request for information will only have to include the following information:

- Name of publisher/company
- First Name
- Last Name
- Postal Address
- Postal Code
- City
- Country
- Phone Number
- E-mail Address
- Subscription number (please provide (one of) the subscription number(s); please note that one subscription number is sufficient)
- Title (please provide one of the titles of a journal or book(series) sold through Swets)
- VAT number.

Information requests of publishers received after 20 November 2014, 5 pm (CET) and/or payments received later than 23 November 2014, 5 pm (CET) cannot be processed anymore due to the limited capacity and the envisaged liquidation of all activities of Swets on very short notice.

Incomplete information requests of publishers and/or information requests of publishers received on any other email address can not be processed either.

Information requests will be processed in the order in which the requests and relevant (proofs of) payment of the Fee due have been received by the estate of Swets.

The Swets project team that processes the information requests is available until 1 December 2014. In order to enable this team to process as many information requests as possible, publishers are urged to send in information requests and proof of payment as soon as possible after receipt of this notice and therefore not to wait until 20 November 2014 in doing so.

The project team will do its utmost best to process all information requests as soon as possible and before 1 December 2014.

**Applicable law and competent court**

This notice and all services to be provided by (the estate of) Swets as referred to in this notice are subject to Netherlands law. Any disputes between (the estate of) Swets and any publisher relating to this notice will be brought exclusively before the competent court of Amsterdam, the Netherlands.

By sending an information request in accordance with the procedure as set out above each publisher accepts and confirms (towards (the estate of) Swets) that it is bound by this choice of law and competent court provision.

**Contact with the trustee in bankruptcy**

Any other questions in respect of the bankruptcy of Swets should **ONLY** be sent to: [swets@cms-dsb.com](mailto:swets@cms-dsb.com).

J.L.M. Groenewegen,  
Trustee in bankruptcy

**ANNEX 1**

**Information to be provided to publishers**

Swets title code  
Title name  
ISSN  
Frequency  
Your title ref  
Title status  
Swets agency code  
Swets department code  
Swets customer code  
Shipping address main name  
Name - additional info 1  
Name - additional info 2  
Name - additional info 3  
Name - additional info 4  
Shipping address line 1  
Shipping address line 2  
Shipping address line 3  
Shipping address line 4  
Billing address main name  
Billing address line 1  
Billing address line 2  
Billing address line 3  
Billing address line 4  
End user name  
End user address line 1  
End user address line 2  
End user address line 3  
End user address line 4  
Customer name  
Customer email  
Customer phone  
Swets order number  
Customer reference1  
Customer reference2  
Customer reference3  
Customer reference4  
Subscription status  
Subscription supply  
Special rate  
Free of charge  
Cancel date  
Publisher expiration date  
Your subscription reference  
Ordered from date  
Ordered from volume  
Ordered from issue  
Cancelled after date  
Cancelled after volume  
Cancelled after issue  
Your name

Your address line 1  
Your address line 2  
Your address line 3  
Your address line 4  
Your electronic reference  
Userid and password  
Administrator name  
Administrator email  
Period charged  
Swets invoice number  
Swets invoice date  
Debet/Credit  
Swets invoice currency  
Swets invoice amount  
Swets invoice tax amount  
Swets invoice status  
IP range