

Tracking of the versions

Version	Comment	As of
1.0	Introduction of version numbers, revision and/or extension to meet requirements for an accredited body according to ISO 17065.	2022-04-20

Non-Disclosure Agreement

concluded by and between

“Bau EPD GmbH”

Seidengasse 13/3, A-1070 Vienna

duly represented by DI(FH) DI DI Sarah Richter

- hereinafter: “Bau EPD GmbH” –

and

Company/person

Address

duly represented by

- hereinafter: “Recipient” -

Also referred to individually as a “Party” and collectively as the “Parties”.

Bau EPD GmbH – A-1070 Vienna, Seidengasse 13/3, www.bau-epd.at

Vienna Commercial Court

Company register no. FN 400201 g

VAT ID no. ATU68198906

Tel.: +43 69915900500

E-mail: office@bau-epd.at

Raiffeisenbank Günskirchen Bank Code 34129

IBAN AT87 3412 9000 0022 5813

BIC RZOOAT2L129

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Within the scope of the agreed activities for Bau EPD GmbH, the Recipient shall be provided with internal information, documents and/or granted access to databases of Bau EPD GmbH together with the data sets contained therein. The Parties consider this information provided to be confidential.

By entering into this Agreement, the Parties intend to keep the information confidential for an indefinite period of time, as it is not bound by any time frame.

Therefore, the following is hereby agreed upon by the Parties:

§ 1

“Classified information” shall mean any written or oral information provided by Bau EPD GmbH at the point in time when the information is transferred. The Recipient will keep the classified information confidential and use it only for the purpose of evaluating and performing the contracted work. The Recipient undertakes not to make the classified information available to third parties and to make copies of the information or data obtained only to the extent absolutely necessary.

The Recipient is not permitted to exploit classified information, in particular to file applications for industrial property rights or to pass on confidential information or publish it for any purpose other than the aforementioned project. No rights of use or exploitation rights in respect of classified information, the associated know-how or any industrial property rights registered or conferred thereon shall be granted on the basis of this Agreement. Any liability for the correctness, flawlessness, freedom from third-party industrial property rights, completeness and/or usability of the classified information shall be excluded to the extent permitted by law.

§ 2

The Recipient shall not be entitled to disclose classified information to employees, affiliated companies within the meaning of §§ 15 et seqq. of the Stock Corporation Act (AktG), subcontractors or consultants, unless Bau EPD GmbH has expressly consented to such disclosure in writing. If disclosure of the information to persons designated by the Recipient has been permitted, the Recipient shall be obliged to inform such persons of the non-disclosure obligation entered into under this Agreement prior to disclosure of any classified information and to oblige such persons to maintain confidentiality to the same extent. Any violations by the aforementioned persons of their obligations under this Agreement shall be attributed to the Recipient as if they were the Recipient’s own fault.

§ 3

The obligation to maintain confidentiality and non-disclosure shall only apply to information that

a) is not already generally known;

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b) had not previously been disclosed to the Recipient by Bau EPD GmbH or its representatives on a non-confidential basis;

c) has not been made available to the Recipient by third parties on a non-confidential basis, unless the Recipient was aware that this third party had in turn breached a non-disclosure agreement with Bau EPD GmbH by making the disclosure.

§ 4

There is no obligation to maintain secrecy to the extent that the Recipient is legally obliged to disclose classified information in judicial, official or other proceedings. The Recipient shall inform Bau EPD GmbH of this fact without delay and, at the request of Bau EPD GmbH, support Bau EPD GmbH in any possible defensive measures.

§ 5

The Recipient undertakes to return to Bau EPD GmbH, at the written request of Bau EPD GmbH, any and all documents, data or data carriers provided to the Recipient on the basis of this Agreement, as well as any and all copies or parts thereof still in the possession of the Recipient; the Recipient may, however, retain one copy each for judicial and archiving purposes as well as routine backup copies of electronic data traffic.

§ 6

Neither the signing of this Agreement nor the disclosure of any classified information pursuant to this Agreement shall oblige the other Party to enter into any transaction or business relationship with the respective other Party.

§ 7

This Agreement shall enter into force when it has been signed. It shall remain valid for an indefinite period.

§ 8

The Recipient shall be liable for any and all damages incurred by Bau EPD GmbH due to a breach of the obligations arising from this Agreement. The Recipient shall be liable for any breaches by its employees, consultants, agents and other persons who have access to the confidential information to the same extent as if they were the Recipient's own fault.

§ 9

This Agreement shall be governed by the laws of the Republic of Austria to the exclusion of the provisions of private international law.

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§ 10

Any and all disputes arising in connection with this Agreement or concerning its validity shall be governed exclusively by the laws of the Republic of Austria, excluding the CISG (United Nations Convention on Contracts for the International Sale of Goods) and the rules of conflict of laws. Vienna, Austria, shall be the place of jurisdiction.

§ 11

Should any of the provisions of this Non-Disclosure Agreement be invalid, void or unenforceable in whole or in part, this shall not affect the validity of the remaining provisions. Should any of the provisions of this Agreement be invalid, void or unenforceable in whole or in part, this shall not affect the validity of the remaining provisions. In place of the invalid, void or unenforceable provision, such a valid and enforceable provision shall be deemed to be agreed which most closely reflects the economic intent and purpose of the invalid, void or unenforceable provision. This shall apply accordingly to any additional interpretations of the provisions of this Non-Disclosure Agreement.

§ 12

Any subsidiary agreements, modifications and amendments to this Agreement must be made in writing; this also applies to an amendment of the written form requirement itself.

§ 13

The Parties agree on the following contact persons:

Title Name	Title Name
Place, date:	Place, date:
Recipient's signature:	Signature Bau EPD GmbH:
.....
Title First Name Surname	DI (FH) DI DI Sarah Richter
Company/Institution	Management Bau-EPD GmbH
Bau EPD GmbH – A-1070 Vienna, Seidengasse 13/3, www.bau-epd.at	
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