

## **Information on the dispute with Volkswagen**

Ladies and Gentlemen,

For some time now, we have been receiving inquiries from our current and potential business partners as to the relationship between IDENTYTEC and the "ID." series from Volkswagen. This could give rise to the assumption that we are imitating Volkswagen's trademarks not only among circles that were previously unfamiliar with our company and our products. Specifically, some of you speculated that our ID.ADD was a joint project with Volkswagen. Both is incorrect. As business people, we have long hesitated to take a public stand on this issue, as we want to live and work in peace with all market participants, but the circumstances have forced us to make the following clarification:

### **1. Rights to the serial trademark element "ID."**

IDENTYTEC has been using the acronym "ID." in various forms for over 15 years and, starting in March 2013, has registered a large number of trademarks with this initial component, including ID.CONNECTOR, ID.SHELF, ID.TAG, ID.ADD, ID.WEIGH, ID.LASER, ID.TRACK, etc.

The Volkswagen Group, which was a customer of ours, has itself bought some of our products labeled as such and can hardly claim not to have been aware of the trade mark series with the initial element "ID.", which picks up on our company name. We were all the more surprised when, in 2020, Volkswagen began to call the new series for electric cars "ID." and extended this to various vehicle components and the associated technology. In addition to the ID.3 and ID.4 vehicles, ID. LIGHT, ID. CHARGER, etc. appeared. As we now know, Volkswagen had already filed trademark applications earlier. In November 2017 – and thus still four and a half years later than our first trademark application – trademarks with the element "ID." were registered by Volkswagen.

We are a family-run, medium-sized company and were naturally very irritated by the fact that a global corporation, which was also our customer at the time, from our point of view simply adopted our labeling logic.

We first note that it is not Volkswagen but IDENTYTEC that owns earlier rights to trademarks with the serial component "ID.".

### **2. No cooperation with Volkswagen**

The appearance that IDENTYTEC is exclusively linked to Volkswagen or that there is any kind of economic interdependence has proven to be particularly difficult and is still very challenging today. We have received rejections for possible orders from your circle for this very reason. We want to emphasize: We did not want you to have this impression and it is also incorrect. Volkswagen uses this series designation without our approval and the products and services labeled with it have nothing to do with us. We have

also done nothing to bring about this situation, as we verifiably put our series component on the market earlier.

It is important for us to emphasize that, as an independent supplier of intralogistics products, we naturally keep all insights into our customers' production processes confidential.

### 3. Dispute with Volkswagen

In principle, you don't argue with your business partners, especially not in court. We understand that as business people. So let us briefly explain why there are nevertheless court proceedings on this topic at Hamburg District Court:

The Volkswagen Group, which, as explained above, filed its first "ID." trademarks later (!), also filed an opposition against three of our trademarks with the initial element "ID." with the German Patent and Trademark Office in September 2019. The argument (correct in our view) is that the earlier trademarks with the element "ID." are infringed by the later trademarks with the element "ID.", even if the trademarks are otherwise not identical, but each has at least one addition. However, Volkswagen overlooked the fact that the earlier rights to trademarks with the element "ID." are held by IDENTYTEC. In this respect, Volkswagen itself admitted in a discussion with us in 2020 that they had made a mistake.

In view of (a) this attack by Volkswagen, (b) the disappointment that a former customer is simply appropriating our series mark and (c) the considerable damage we are suffering in the market due to the fact that we can no longer be clearly distinguished as an independent, stand-alone supplier, we have decided to file a complaint. We did not take the decision lightly; we tried (unsuccessfully) several times to persuade Volkswagen to change its mind.

We regret this development and are very irritated by the way a global company is dealing with a former business partner. We are aware that this is an uneven battle. This is not what we wanted and we did not create the conditions for it. In fact, it has been a matter of concern to us not to make any announcements in this regard. However, against the backdrop of the speculation in the market, which is a considerable burden on business, we felt compelled to provide this information.

Please do not hesitate to contact us if you have any questions.

Yours sincerely



*Cerstin Finke*

- Management -



*Thorsten Finke*

- Management -