



iQ.Suite Trailer

- More Than Just a Legal Disclaimer -

**Rule-based automatic text integration and
centrally managed personalized signatures**



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1 Executive Summary

The growth of e-mail in the past few years has been explosive. Attracted by short transmission times, continuous availability and low cost, the number of companies using e-mail for their internal and external correspondence is continuing to grow. But the extensive use of e-mail also poses a number of questions:

- How can companies present their corporate image in their outbound electronic mail?
- How can individual e-mail signatures be implemented centrally?
- How can legal requirements regarding the content of e-mails be ensured?
- How can varying signature requirements of different functions within a company be taken into account when e-mail signatures are managed centrally?

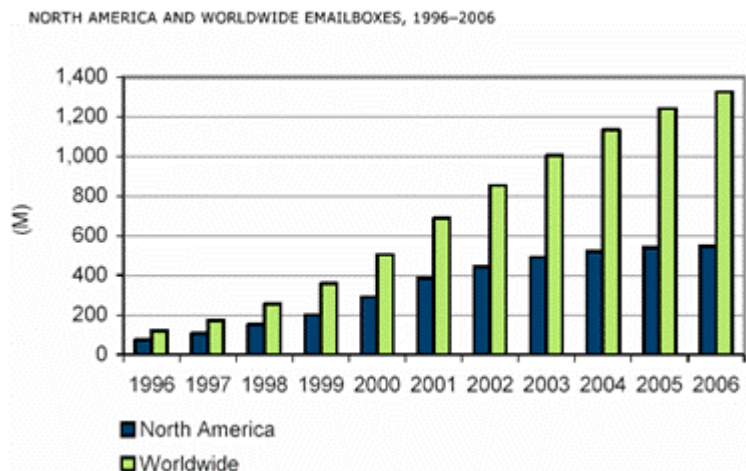
This whitepaper proposes solutions to these questions and illustrates how iQ.Suite Trailer from GROUP Technologies AG can contribute to the effective implementation of these solutions.

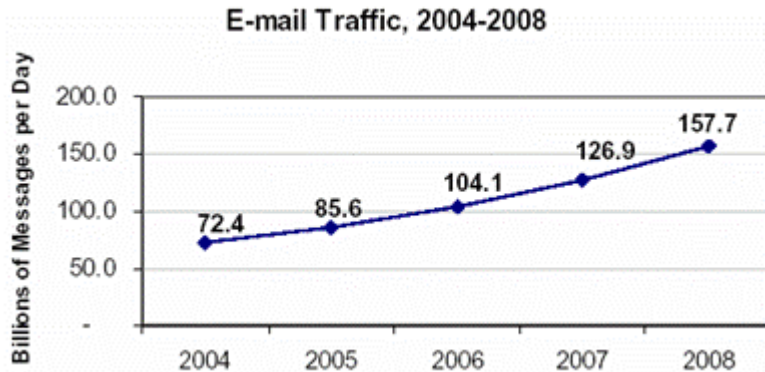
2 Introduction

E-mail and messaging have become the most important means of business communication. Many business processes are carried out entirely or partly by electronic mail, and there is no end in sight for the e-mail boom. Currently, there over 1.1 billion e-mail users worldwide and their number is expected to reach 1.3 billion by 2006 (source: IDC), with the number of e-mails circulating each day expected to grow from 72 billion today to 157 billion by 2008. (source: Radicati).

The replacement of the traditional communication media, such as fax and the postal service, by e-mail continues to present companies and their employees with new challenges. A quick comparison of fax and postal communication with e-mail illustrates the reason: the use of letters and faxes is, in many areas, clearly regulated. In addition to laws and regulations governing the use of letters and faxes within

companies, many enterprises have clear, sometimes even rigid rules about the use, form and jurisdiction of letters and faxes in both internal and external communication. Standardized letter-heads and fax templates, for example, communicate corporate identity while also containing information about the company's legal form, the management, the sender, etc. The question whether a





business letter or fax has legal force is defined by law. Among other things, the time at which a letter or fax is considered to have been received by the recipient is legally defined. E-mail communication is, in terms of legal regulation, still in its infancy, making it important for

companies to define not only internal rules for the use of e-mail, but to also devise solutions that allow the de-fined rules to be implemented.

3 Requirements

3.1 Standardized Corporate Appearance of Outbound E-mails

3.1.1 E-mail by Discretion?

Compared to conventional mail and fax communication, e-mail is quite an anarchic means of communication. Employees equipped with a PC, e-mail program and network connection can, technically, send any information they choose by e-mail. Depending on the employee's working method and creative skills, these e-mails can take on any appearance.

A system support employee might sign his e-mails with the sender's name, the company name and maybe a clever quote from Greek mythology, while an accounting employee may include bank details and the company's legal status in her signature, and a member of the marketing team adds the company logo and the latest information about an advertising campaign.

3.1.2 Standardized Corporate Design

If we look at this situation from the point of view of a customer or supplier, i.e. a potential recipient of these mails, it quickly becomes clear that these messages, far from conveying a unified corporate identity, do not even have a standard design and certainly do not give a professional impression of the use of e-mail within this company. Most customers and suppliers today expect e-mails to have a distinct, recognizable appearance and structure, just like letters and faxes.

3.1.3 The E-mail Letterhead

A structure of this kind can, for example, as with letters and faxes, consist of a standard "letterhead" which is used for every outbound mail. This letterhead contains the corporate logo and in-

formation such as the company name, the directors' names or a reference to Commercial Register entries. These requirements are dealt with in more detail from a legal point of view in Section [3.3 Legal Aspects of E-mail Communication](#) of this whitepaper.

3.1.4 E-mail Footer

For the e-mail footer, too, standardization is important. In parallel with letters and faxes, information about existing bank accounts or, if this is not desired in the letterhead, information about the managers, Commercial register number, legal status and/or VAT number may be included here.

3.1.5 Standardization

With the functions offered by modern e-mail clients, this level of corporate standardization cannot be achieved. Why? For one, the addition of the above information would require the active cooperation of every e-mail user. Since there is no guarantee that every user would include the required information in all outbound messages, this would result in a certain degree of uncertainty. In addition, it would be time-consuming and therefore expensive to maintain and update copies of the information to be included on every user's PC.

The solution comes in the form of server-based software, which ensures 100 % that all outbound mails carry the same headers and footers.

Section [4 Application Scenario](#) describes how these measures can easily and quickly be implemented with the server-based iQ.Suite Trailer software.

3.2 3.2 Individual E-mail Signatures – Centrally Managed

3.2.1 E-mail Sender Information

Beside more or less "static" company information, the standardized letterhead described in Section [3.1](#) includes individual information about the sender. Currently, these signatures take many different forms depending on the sender's personal preferences. User A may, for example, sign only his name at the end of each message, while user B may include his phone number and the name of his department. User C, on the other hand, includes his e-mail address and the department code.

Here, too, a lack of standardization results in customers and suppliers receiving an unprofessional impression of the company. At worst, important information may be omitted from the message. Unlike the "static" company information, the details included in the signature vary from sender to sender.

3.2.2 Merging Static and Dynamic Information

The aim here is to add the “dynamic” user details to the “static” company information and to integrate both in all outbound e-mails. This has to happen quickly, easily and without additional maintenance requirements or user action.

3.2.3 Reading E-mail User Directories

The information about individual e-mail users is already contained in user directories. In Lotus Notes/Domino, for example, this information is saved in the name and address book. Microsoft Exchange 2000 saves user information in the Windows 2000 Active Directory. Provided that all user-related information is maintained in the user directories, this data can be read and incorporated in the individual user signatures.

3.2.4 Client-based E-mail Signatures no Longer Required

This means that client-based e-mail signatures are no longer needed, as all information is already available centrally. Why should users then maintain their e-mail signatures manually? This task can be entirely performed by iQ.Suite Trailer.

3.3 Legal Aspects of E-mail Communication

3.3.1 E- mail as Business Mail

E-mails sent by companies as part of their business operations also need to be considered. Like conventional mail, they have to conform to certain legal regulations. Depending on a company’s legal form – such as plc or Ltd – business mail must contain particular information about the company. In Germany for example, a company must state the Commercial Register number and the company’s director.

Legally Required Information on Business Letters in Germany

(1) Sole traders

According to Section 37a of the HGB (German trading law), sole traders must give their business name, their trader's status (registered trader), their business location, the Registry Court and their registration number. Sole traders do not have to give their own name, but for transparency and because it helps to build customers' trust, it is nevertheless advisable to do so.

(2) Commercial partnerships

must, according to Section 125a of the HGB, give their legal form, business address, the registry court and their commercial register number on their business correspondence.

(3) Commercial partnerships without natural persons as partners with personal liability

To these companies, too, Sect. 125a I 2 of the HGB applies; they must indicate the partners' companies and provide the information specified in Sect. 35a of the GmbHG or Sect. 80 of the AktG (German laws governing limited liability and public companies respectively) on their business correspondence.

(4) Limited liability and public companies

Limited and public companies must include only the information specified in Sect. 35a GmbHG and Sect. 80 AktG in their business correspondence. No changes apply to these regulations. In particular, limited liability companies must indicate:

- Legal form
- Head office
- Registry Court of the company's head office
- Commercial Register number
- All directors and, if applicable
- at least the first and family name of the Chair of the Board of Directors.

Public limited companies must list the first and family names of all executive managers.

As a general rule for business mail, invoices must include the tax number.

3.3.2 Legal Consequences and Sanctions

Failure to give the required information, can have various legal consequences.

If a German company's business letters does not contain the information required by law, the company may have to pay compulsory fines of up to EUR 5,000 to the Registry Court (HGB, Sect. 37a Para. 4, Sect. 14 Para. 2). As soon as the Registry Court is notified of the breach, it sends a warning to the company to comply with legal requirements or to file an objection to the accusation. If the company fails to fulfill the requirements within a specified time and does not file an objection, it must pay a fine, with additional sanctions threatened.

In connection with e-mail, this may sound surprising. If, however, e-mail is regarded as a means of business communication on par with letters and faxes, this is merely the implementation of existing rules to the new communication medium. In reality, after all, companies introducing e-mail invariably do so with the aim of using this means of communication for corresponding with customers and suppliers.

This fact underlines the need to include corporate information in all outbound e-mails, as already described in Section [3.1](#), albeit for a different reason.

What is needed here, is a server-based solution which attaches standardized message headers and footers containing the correct information to all outbound messages. For employees, this process is completely transparent and does not require any additional work or familiarization with new software. A client-based approach would always require the users to be involved in attaching or maintaining the e-mail headers and footers, which would quickly lead to information being omitted or non-standard information being attached to outbound messages.

3.3.3 E- mail as a Declaration of Intent?

Having stated that e-mail can also be business correspondence, we now need to look at another question: How are e-mails to be treated in legal transactions, for example when completing a contract? German law defines a legal transaction as a transaction in which there is at least a declaration of intent (e.g. a notice of termination). For contracts, two legally competent persons must each make a declaration of intent that matches the declaration made by the other. Initially, an offer must be issued by one party and accepted by the other. When an offer is made or accepted by e-mail, this is termed “electronic declaration of intent”. This means that e-mails can, depending on their content, have legal force. This applies especially to declarations of intent which the law, or the contractual agreement between the two parties, do not specifically require to be made in conventional paper form. To these declarations of intent, the same legal conditions apply as apply to agreements made by letter or fax. This situation has further consequences.

3.3.3.1 Declaration of Intent Between Absent Persons

Declarations of intent by e-mail are considered to have been made between absent persons, since there is no direct contact between the business partners. It follows that when a declaration of intent is sent by e-mail, a check needs to be carried out to ascertain that the e-mail was delivered to the right recipient. Whether the recipient is aware of this check is irrelevant, as long as the message reaches the intended recipient. The term “access”, which is used in this context, means that a declaration of intent has reached the recipient in such a way that the recipient is able to read the declaration under normal circumstances. The question now arises: at what point can a declaration of intent be regarded as accessible by the recipient. Some argue that the transmission risk should be considered to span to the very end of the path of transmission. As a rule, this is the phone or network socket to which the recipient’s computer is connected. In theory, an e-mail can be read by its recipient as soon as it was sent. The question is, how often can recipients be expected to check their mailbox for new messages? The ownership of an electronic mailbox seems to declare the owner’s constant reachability. What effect, then, do e-mails have that are not sent to a recipient during normal working hours? What if the recipient cannot access his mailbox for reasons out of his control, for example if the network is down or the Internet connection unavailable? These questions give rise to uncertainties regarding the legal issues surrounding this subject.

3.3.3.2 Legal Disclaimers to Minimize Legal Uncertainty

One way of minimizing legal uncertainty is to use a legal disclaimer. Incorporated in outbound e-mails, a disclaimer or trailer declares to the recipient that the e-mail does not represent a legally binding declaration of intent. In other words, e-mail is, in this case, used only as a means of communication, not to complete legal transactions.

3.3.3.3 Challenging an E-mail with a Legal Disclaimer

A declaration of intent is defined as such only in terms of the intent of the declaring party with respect to the addressee of the declaration. If, for example, sender A sends an e-mail order to recipient B, who sends the order on to recipient C, this is not a declaration of intent by B to C because the issuer of the declaration is A and its addressee is B, not C.

Another conceivable situation is that an e-mail is accidentally addressed to the wrong recipient. In this case, the sender is not aware that he has entered into a legal transaction with the wrong recipient. If this e-mail reaches the wrong recipient, the sender has, from a legal point of view, made a legally binding declaration of intent. This presupposes that it is not possible for the recipient to recognize that the sender was unaware of his mistake. Addressing the recipient by his or her name, e.g. "Dear Mr. Smith", makes it easier for the recipient to determine whether the e-mail has reached the correct destination or is intended for someone else. If the message was sent to the wrong recipient, this then allows the sender to challenge his declaration of intent. The sender has, in this case, made an erroneous declaration, since it was not his intention to make a declaration to the person who actually received the message.

The issue becomes more difficult for e-mails that are sent abroad, since the laws in the recipient's country are likely to be different from those of the sender's. It may be difficult, here, to challenge an erroneous declaration of intent.

Challenging an erroneous declaration is not the end of the story, because the recipient can sue the sender for damages, i.e. for costs incurred by the recipient as a result of having trusted the content of the declaration.

A challenge can also arise if the wrong content was sent to the right recipient. If, for example, the sender erroneously writes £ 10 per item instead of £ 100, the sender can, according to German law, challenge this input error.

Challenges can turn into long and difficult processes. For the sender of an e-mail, it is, for example, difficult to prove that the declaration of intent was sent by e-mail. It therefore makes sense to exclude – or at least minimize – the risk of a possible challenge from the start. Legal disclaimers, as already mentioned, can be a useful means to this end.

As long as no definitive, international laws about business correspondence by e-mail exist, e-mail should be used only as a medium for preparing for business transactions and exchanging informa-

tion. For the purpose of completing business transactions and forming contracts, e-mail should be used with caution. The ability to attach standard, centrally managed legal disclaimers to all outbound e-mails should be used by any company that communicates by e-mail with customers and suppliers.

3.4 Flexible, Rule-based E-mail Headers and Footers

The requirements described so far are based on the premise that all e-mail headers and footers contain a standard "letterhead", individual user data and a legal disclaimer. In practice, however, it may be desirable to diverge from this standard format, for example to take into account requirements that are unique to particular senders or recipients – provided a server-based mechanism is available to do so.

3.4.1 Multiple Languages

Companies operating in an international market have additional requirements with regard to the inclusion of standardized corporate and sender information in e-mails. If employees correspond with partners in other countries who may not speak English, an English legal disclaimer would not, for example, be helpful to the recipient of the e-mail. A server-based disclaimer generator should have the ability to determine the appropriate language from the recipient address.

This means that for e-mail recipients with the address *name@company.co.uk*, English language texts are attached, and e-mails to *name@company.br* receive Portuguese texts.

This method of assigning languages to recipients requires a server-based rule set, with which the necessary queries can be carried out. In this case, the query would be "To which top-level domain is the e-mail being sent?"

3.4.2 Department-specific E-mail Headers and Footers

Ideally, software for server-based e-mail headers and footers is flexible enough to allow integration of information whose content depends on the sender's position or location in the company. Why is this necessary? Let us look at the following scenario: Different departments within a company can have different requirements regarding e-mail headers and footers. Sales, for example, may want to incorporate information about the latest new product; Customer Support wants to notify customers of changed hotline times, while Purchasing needs to state its buying conditions. The software must then be able to include the correct information in outbound messages for three different departments.

3.4.2.1 Several Companies or Departments Using Single E-mail Server Infrastructure

Increasingly, several companies or legally autonomous departments share a mail server infrastructure.

Regardless of whether these are completely independent companies – as is the case with application service providers (ASP) – divisions that have split off from the parent company or companies that have been bought up, all of them need their own mail headers and footers. Here, too, a server-based set of rules is the ideal approach.

3.4.2.2 Time Limits

Beside the distinction by between sender and recipient, the content of headers and footers in e-mails may also depend on the time at which the message is sent. A company may, for example, want to use the e-mail footer to notify its customers and suppliers of its presence at an exhibition. This information is relevant only before and during the exhibition. Other uses of time-sensitive headers and footers might include product announcements, seasonal changes in the product mix, or other developments.

3.4.3 Easy Maintenance of E-mail Header and Footer Information

If we look at the various requirements discussed in the previous sections, it becomes clear that a company may need a considerable number of different header and footer combinations.

Managing this information consists of two separate tasks:

1. Maintaining the server-based rules
2. Maintaining the content of the e-mail headers and footers

The task of managing the server-based rules usually falls on the Administrator, who defines with these rules which headers and footers will be included in e-mails for which sender/recipient combination and, if applicable, for which e-mail text.

Maintenance of the header and footer information itself is the task of each department or service. This not only relieves the Administrator's workload, but also allows individual departments to quickly and flexibly compose their own header and footer texts.

4 Application Scenario

4.1 Scenario

Delfin Ltd (a fictitious company) employs 500 people in three different locations and maintains contact with many customers and suppliers throughout Europe, America and Asia. Every employee has an e-mail program and is connected to the Internet through a central mail server.

For Delfin Ltd, e-mail is the most important medium for communicating with customers and partners. The employees of each department structure their e-mails themselves. Some users append locally defined signatures to their e-mails, whose content differs from user to user. Some users include only their name, while others add their department and/or their phone number or simply their name and first name.

As a company with limited liability, Delfin Ltd must – according to German law – include the information specified in Section 35a of the GmbHG in its business correspondence, including its e-mails. Because, to date, the company's management has failed to take measures to incorporate this information in all outbound e-mails, the Registry Court is now threatening a fine of EUR 5,000.

4.1.1 Sales

The Sales department of Delfin Ltd, which consists of about 20 employees, uses e-mail for initiating business relations. Sometimes, employees also use e-mail to send price information to customers and partners. On a few occasions, there have already been disagreements between Delfin and customers, since the price information in the e-mails was sometimes not sufficiently clear. In one case, for example, it was not clear whether the stated price already included VAT or not.

E-mail correspondence with foreign business partners has also proven problematic at times. Here, misunderstandings have already occurred on several occasions because messages written in French conveyed incorrect or ambiguous information.

Because of the regular e-mail contact with customers and partners, this medium is, Sales believes, predestined to be used for the distribution of all current product and special offer information to its business partners. It should be noted here, that the Sales department is divided into two separate sections for customer support and partner support. Accordingly, the information that is to be included in each section's e-mails also differs. This information is currently copied manually (using Copy and Paste) into the message by each employee.

Because business partners are addressed in their respective languages, the correct language version of the information must be used.

4.1.2 Marketing

In Marketing, the popularity of e-mail is growing. After an initial reluctance to adopt this new communication medium, the Marketing employees are gradually recognizing the benefits offered by e-mail, for example for mailshots. To adapt the layout of these e-mails to the corporate design, employees have to manually copy the corporate logo into the messages. e-mail is also being increasingly used for communicating with partners and customers.

Because Delfin Ltd takes part in various exhibitions and conferences from time to time, Marketing notifies its customers and partners of upcoming events and activities in its e-mails. This information is currently also being appended to outbound e-mails, but here, too, it is done manually by the Marketing employees. Marketing also corresponds with international business partners, so that appended information must be included in messages in the recipient's respective language.

4.1.3 All E-mail Users

Users of the company-wide e-mail system currently add their own, individual "signatures" to their outbound messages. Depending on the user, these contain information such as the user's name, department and phone number. Because every user maintains this information personally, it is not standardized throughout the company. In addition, this method requires users to dedicate quite a lot of their working time to maintaining their signature.

4.1.4 Requirements

The use of e-mail as described above has prompted company management to compile a catalogue of requirements to ensure effective use of e-mail.

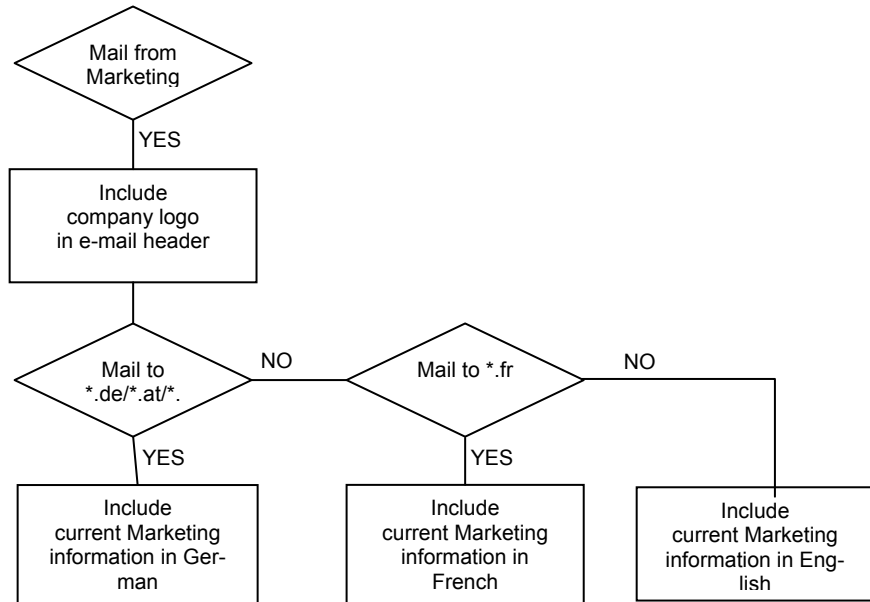
- Company-wide, standard signature for all outbound e-mails
- Company-wide integration of the required information for business mail in all outbound mails
- Integration of a legal disclaimer in all outbound e-mails sent by the Sales department.
Language of the declaration:
 - Recipient address: .de, .at or .ch Language: German
 - Recipient address: .fr Language: French
 - All other addresses Language: English
- E-mails from Customer Support to customers are to contain current product information.
 - Recipient address: .de, .at or .ch Language: German
 - Recipient address: .fr Language: French
 - All other addresses Language: English

- E-mails to business partners are to contain current partner information:
 - Recipient address: .de, .at or .ch Language: German
 - Recipient address: .fr Language: French
 - All other addresses Language: English
- Integration of the company logo in the header of all e-mails sent by the Marketing department.
- Outbound messages from Marketing are to contain information about current marketing activities
 - Recipient address: .de, .at or .ch Language: German
 - Recipient address: .fr Language: French
 - All other addresses Language: English

4.1.5 Solution Approaches

With iQ.Suite Trailer, the stated requirements can be easily implemented as its integrated rule set provides the required flexibility.

Sample rule:



5 iQ.Suite Trailer in a Nutshell

Highlights

- Intelligent text integration
Automatically generates specific headers and / or footers depending on the source and target of an e-mail message.
- Legal protection
Server-based software allows additional company and legal information to be attached centrally to all outbound e-mails. Security notes and disclaimers give your company legal protection.
- Scheduled usage
E-mail headers and footers can be activated and deactivated for defined time periods.
- Flexible rule-sets
The use of an intelligent, freely definable rule-set allows any number of different text attachments in different languages and for different users, groups and recipients.
- Central administration and delegation of maintenance
Complete integration with the server platform guarantees simple administration and use. The administrator defines the rules, while responsibility for the content of texts, signatures and disclaimers can be delegated to authorized persons in each department.

Features:

- Individual text modules for different users, groups and recipients
- Individual text attachments, scheduled according to user-definable rules
- Multi-language text attachments for different domains
- Text module maintenance by specific departments, e.g. Marketing
- Liability protection through a standardized legal disclaimer
- Option of integrating logos, banners and graphics
- Configurable rules for all functions
- Full multiple Mail.box support (Domino)
- Detailed log functions
- Configurable messages to senders, recipients and administrators
- Central, integrated administration
- Multiple platform support for all operating systems¹
- Scalable architecture
- "Ready to go" for Application Service Providers (ASP)
- Seamless integration with additional iQ.Suite products

6 About GROUP Technologies AG

GROUP Technologies AG is a world leader in E-mail Lifecycle Management. The company's fully integrated iQ.Suite products ensure efficient security and effective organization of e-mail, from encryption, virus protection, and spam filters to e-mail classification and secure archiving.

The iQ.Suite is modular, fully scalable, and offers a high degree of investment security. The modules are completely server-based, can be centrally administered at a low cost, and are available for Lotus Domino, Microsoft Exchange and SMTP platforms.

With the iQ.Suite, companies can reduce costs, optimize the performance of their e-mail environment, and increase productivity. GROUP's clients include many well-known companies such as Deutsche Bank, Ernst & Young, Honda, Heineken, and Miele. More than six million users and 2,000 companies worldwide protect and organize their systems with GROUP Technologies products.

GROUP Technologies AG is headquartered in Karlsruhe. It maintains a subsidiary in the USA, and distributes its products internationally, both directly and through partner companies.

www.group-technologies.com

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