………………………………… *(first name, surname)*

………………………………… *(your home address line 1)*

………………………………… *(your home address line 2)*

 EINSCHREIBEN

An

**PE Digital GmbH**
Speersort 10

20095 Hamburg

……………… am …………… *(Ort und Datum des Schreibens)*

Subject: **Reclaim of overcharged value compensation according to law** §16(1) FAGG
Reference: Parship / Elitepartner membership *(delete accordingly)*

………………………………… *(first name, surname)*………………………………… *(Chiffre / cipher = your account name)*

………………………………… *(your email address used for registry)*

Dear Sir/Madam,
I have taken out a membership with your dating platform Parship / Elitepartner *(delete accordingly)* on the *………… (date)* with the Chiffre *…………………… (cipher stands for your user name of your Parship or Elitepartner account and can be found i.e. at the end of the URL of your profile page)*. On *………………………… (date)* I declared my withdrawal from the contract in accordance with § 11 FAGG. You then charged me compensation for lost value in the amount of *………… (amount on invoice)* Euros.

Per the Supreme Court's ruling of 23.10.2018, case number 4 Ob 179/18d, however, the method of calculating a value replacement pursuant to Section 16(1) FAGG that your company has used to date is not permissible. The ECJ also ruled accordingly in a comparable case on 08.10.2020 (Case C-641/19).

It is therefore clear that the value replacement is to be calculated pro rata temporis and not, for example, on the basis of contacts made or other factors. In its ruling, the Supreme Court also stated, among other things, that the computer-generated creation of the portrait of the partner personality and the personality test does not constitute excessive effort.

Since I took out a membership of *…………* months *(see confirmation of registration)* but only used your service for *…………..* days *(number of days until withdrawal)*, I only owe compensation of *………..* euros. *(You calculate this value as follows: Divide the cost of the total term of your contract by the number of days of the original full term! Multiply the daily price calculated in this way by the actual duration of your contract in days up to the day of your termination.).*

I therefore request you to credit me the amount in excess of ……………… *(amount overpaid)* to the account mentioned below within one month.

Yours faithfully,

……………………………… *(first name)* ……………………………… *(surname)*

……………………………… *(signature)*

Bank details for refund:

IBAN ………………………………

BIC (SWIFT) ………………………………

Attachment (copy):

* Invoice with compensation claim from PE Digital