

Dear \_\_\_\_\_,

Your Letter

Further to your written demand of \_\_\_\_\_ in which you request payment of the sum of €\_\_\_\_\_, I would like to explain my position.

On \_\_\_\_\_ I mistakenly completed and signed the form sent to me by\_\_\_\_\_. This form, however, was deliberately misleading, and the conclusion of our agreement (if ever an agreement existed between us, which I refute) depended entirely upon my misunderstanding its content. I therefore deem our agreement to be null and void on the grounds that it was entered into unwillingly and in error.

The layout and wording of the form led me to believe that it concerned a free entry in a show guide. This error was caused by you because\_\_\_\_\_

#### Scenario 1

Furthermore, our company name (business description) as it appeared on your mailshot was incorrect. I only completed the form so that our company name/business description could be updated on your system.

#### Scenario 2

I should also like to point out that the clause in your small print which states that the agreement is legally binding for two years is invalid according to Article 864 of the Austrian Civil Code. Article 864 prohibits the use of hidden or unapparent clauses when the overall appearance of the document is such, that it is unreasonable to expect the reader to anticipate the presence of any such clause.

Finally, Austria's Supreme Court (OGH) has ruled that mailings of this kind represent a clear breach of Articles 28a and 1 respectively of the Austrian Unfair Trade Practices Act (UWG). The Act expressly forbids the promoting of classified space in a directory (such as a telephone directory, trade directory or similar register) by means of payment forms, giro transfer forms, invoices, or page proofs without explicitly stating, as well as clearly demonstrating visually, that the advertisement constitutes a contractual offer.

I see no reason, therefore, why I should settle the invoice you have sent me for €\_\_\_\_\_.

*or*

I therefore ask you to refund my payment to you of €\_\_\_\_\_ within the next two weeks.

I look forward to receiving your prompt reply.

