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CoinDesk, Inc.
636 Avenue of the Americas
3rd Floor
New York City, NY 10011

via E-Mail: fraud@coindesk.com

Karatbars International GmbH/ CoinDesk, Inc.
<https://www.coindesk.com/gold-backed-crypto-tokens-promoter-investigated-by-florida-regulators>

Dear Madam or Sir,

I hereby indicate that we represent Karatbars International GmbH and its CEO Mr. Harald Seiz. A corresponding power of attorney can be submitted if necessary.

1.

You are the Domain Registrant of the website <https://www.coindesk.com/>. We have detected an article on this website which contains illegal information and false statements.

The URL of the article is:

<https://www.coindesk.com/gold-backed-crypto-tokens-promoter-investigated-by-florida-regulators>

2.

The article states:

„Gold-Backed’ Crypto Token’s Promoter Investigated by Florida Regulators.”

“Florida regulators are investigating Karatbars, a German company that’s been promoting a token tied to a Miami ‘crypto bank’ without any banking license in the state.”

Unser Zeichen:
261/19 H001 rp
D7/229-19
Ihr Zeichen:

Berlin, October 7th,
07.10.2019

DOMINIK HÖCH
Fachanwalt für Urheber-
und Medienrecht

DR. DOROTHEE HÖCH
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AG Berlin-Charlottenburg
PR 602

Partner der Kanzlei:
Dominik Höch
Dr. Dorothee Höch

in Kooperation mit
Markus Hartung
Rechtsanwalt und Mediator

Steuer-Nr. 34/348/53555

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Our clients are not aware of any such investigations by the Florida Office of Financial Regulation (OFR). The OFR has also not confronted our client with such investigations or other proceedings.

Even in case this information was correct, this would not be a basis for lawful identifying report on our clients. The mere existence of an investigation is not an information of public value. It is recognised in legal doctrine and case law that an identifying report on the existence of an alleged criminal investigation is inadmissible. Neither the report of a criminal offence nor the initiation of an investigation procedure results in a sufficient minimum body of evidence for the allegations made. The identifying reporting at this procedural and suspicious stage therefore violates the personal rights of the person concerned.

In a recent decision, the German Federal Court of Justice has stated:

“The mere fact of the initiation of an investigation as such is in any case not sufficient for the assumption of the existence of a minimum stock of evidence (Soehring in Soehring/Hoene, Presserecht, 5. Aufl, § 19 recital 36; Prinz/Peters, Media Law, recital 272; BeckOK InfoMedienR/ Söder, § 823 BGB recital 244 (as at 01.11.2015); HH-Ko/MedienR/Kröner, 2nd ed., 33rd section recital 59; Lehr, NJW 2013, 728, 730; Schumacher, K&R 2014, 381, 382 Fn. 14). The public prosecutor's office must already start investigations if there is an initial suspicion (cf. § 152 para. 2, § 160 para. 1 Code of Criminal Procedure). It is already sufficient for this that the mere possibility of a prosecutable criminal offence exists on the basis of sufficient factual indications according to criminalistic experience (BGH, judgment of 21 April 1988 - III ZR 255/86, NJW 1989, 96, 97; BVerfGK 3, 55, 61; in each case mwN). The threshold for the assumption of an initial suspicion is thus low (cf. BVerfG, NJW 2002, 1411, 1412); more distant grounds for suspicion are sufficient (BVerfG, NJW 1994, 783; NJW 1994, 783, 784), which substantiate a low, albeit not only theoretical probability of the existence of a prosecutable criminal offence (Beulke in Löwe-Rosenberg, StPO, 26th ed., § 152 marginal 23). Thus, the investigating authorities must also act in response to completely unfounded criminal charges, which may have been filed against better knowledge with the intention of causing damage (Soehring, loc. cit.).”

(BGH, judgement of 16.02.2016, Ref. VI ZR 367/15)

In a decision of the Higher Regional Court of Dresden of 03.05.2012, Ref. 4 U1883/11, it reads likewise:

“As everyone can file a criminal complaint, i.e. it does not mean much in itself, the confidentiality interests of the person concerned take precedence here as long as there is no special interest in information. The same applies to the opening of the investigation procedure, even if the public prosecutor's office has affirmed the necessary initial suspicion here. (...) In all cases, however, it should be noted that reports on investigations by the police or the public prosecutor's office entail the risk of a pillory effect and other possibly serious disadvantages for the accused.”

3.

The article further claims:

“Karatbars International GmbH has not responded to CoinDesk's requests for comment. We will update the article if we hear back.”

This information is false. In fact, you have not confronted our client with the accusation and have not requested a comment on the allegation that there is an investigation by the OFR.

4.

The false statement is unlawful. This is because untrue factual allegations, whether deliberate or proven, are not covered by the protection of freedom of expression (see Supreme Court of Justice [BVerfG], resolution of 25.06.2009, Ref. 1 BvR 134/03).

Furthermore, the identifying report on the alleged investigation is unlawful. An identifying report of allegations without a sufficient factual basis and without a prior request to the party concerned does not meet the requirements of the case law of the highest courts of law in Germany.

5.

In the name and on behalf of the client, I request you – in avoidance of a contractual penalty to be determined by our client for each case of infringement, which may have to be reviewed by the competent regional court - to cease and desist from disseminating the following statements:

„Gold-Backed’ Crypto Token’s Promoter Investigated by Florida Regulators.”

“Florida regulators are investigating Karatbars, a German company that’s been promoting a token tied to a Miami ‘crypto bank’ without any banking license in the state.”

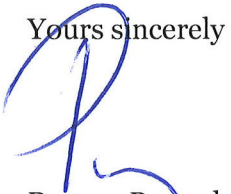
“Karatbars International GmbH has not responded to CoinDesk’s requests for comment.”

We expect your cease-and-desist declaration here by

October 10th, 2019
18:00 h CET

Otherwise, we will advise the client to take legal action against you.

Yours sincerely



Roman Portack
Attorney at law