

Transcript

10 O 46/21



Regional Court

Bonn Decision

In the litigation

of Prof. Dr. Dr. hc. mult. Niels Birbaumer, Brunnenstraße 23, 72116
Mössingen,

Plaintiff,

Attorney at law: Krause & Kollegen,
Kurfürstendamm 190 - 192, 10707 Berlin,

against

Deutsche Forschungsgemeinschaft e.V., vertr. d. d. Vorstand, Kennedyallee 40,
53175 Bonn,

Defendant

, attorney at law:

Redeker Sellner Dahs, Willy-
Brandt-Allee 11, 53113 Bonn,

Pursuant to Section 278 (6) of the German Code of Civil Procedure (ZPO), it is hereby
determined that between the parties the following

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has come about:

1. The exclusion of the Plaintiff from the eligibility to apply for grants to be awarded by the Defendant, which was decided by the Defendant's Main Committee on September 19, 2019, as well as the Defendant's ineligibility of the Plaintiff as an appraiser, which was also decided by the Defendant's Main Committee on September 19, 2019, shall each terminate on January 01, 2023.

2. Defendant also waives any recovery of the grant funds awarded to Plaintiff for Project BI 195/69-1 due to the civil litigation expense.

3. The parties agree that the defendant will inform the public by means of a press release and the journal PLOS Biology about the termination of the present litigation as follows:

"The Deutsche Forschungsgemeinschaft e.V. (DFG) and Professor Dr. Dr. h.c. mult. Niels Birbaumer end legal dispute through settlement

At its meeting on September 19, 2019, the Joint Committee of the DFG resolved in connection with two publications to take action against Professor Dr. Dr. h.c. mult. Birbaumer and another project leader for scientific misconduct. Professor Dr. Dr. h.c. mult. Birbaumer brought an action against this before the Bonn Regional Court. These legal proceedings have now been terminated by a settlement.

The DFG and Professor Dr. Dr. h.c. mult. Birbaumer are in agreement that the specific proceedings of the DFG for scientific misconduct against Professor Dr. Dr. h.c. mult. Birbaumer was conducted properly and in accordance with the procedural rules of the DFG for dealing with scientific misconduct.

In order to avoid a protracted legal dispute, the parties have reached an amicable settlement. As part of the settlement reached, the measures resolved by the Joint Committee of the DFG against Professor Dr. Dr. h.c. mult. Birbaumer will end on 01.01.2023.

As a result of the settlement, the court did not conduct a final review of the facts and make a determination regarding the allegations of scientific misconduct in dispute and the corresponding evaluation by the DFG Committee. In this regard, both parties maintain their respective opinions. This concludes the dispute."

"DFG and Professor Dr. Dr. h.c. mult. Niels Birbaumer settle legal dispute

At its meeting on 19 September 2019, the DFG Joint Committee decided in connection with two publications to impose sanctions on Professor Dr. Dr. h.c. mult. Birbaumer and another project leader due to scientific misconduct. Professor Dr. Dr. h.c. mult.

Birbaumer brought an action against this before the Regional Court of Bonn. A settlement has now been arrived at to end these legal proceedings.

The DFG and Professor Dr. Dr. h.c. mult. Birbaumer have agreed that the DFG's specific procedure due to scientific misconduct against Professor Dr. Dr. h.c. mult.

Birbaumer was conducted properly and in accordance with the DFG's procedural rules for dealing with scientific misconduct.

In order to avoid a protracted legal dispute, the parties have agreed on an amicable settlement. Under this settlement, the sanctions imposed by the DFG Joint Committee against Professor Dr. Dr. h.c. mult. Birbaumer will end on 1 January 2023.

As a result of the settlement being reached, the court has not conducted a final review of the facts or made a final determination regarding the allegations of scientific misconduct in dispute and the assessment of this matter by the DFG Joint Committee. In this regard, both parties maintain their respective opinions. This concludes the dispute."

4. The Parties agree that, with the conclusion of this Settlement, all remaining claims, if any, of the Parties against each other in connection with the decision of the Defendant's Main Committee of September 19, 2019 and the Defendant's press release of the same date are settled, and, in particular, there are no obligations for either Party to act beyond the scope of this Settlement.

5. The costs of the litigation and the settlement are set off against each other.

The amount in dispute for the lawsuit and the settlement is set at EUR 300,000.00 each.

The deadline of 10.05.2022 is cancelled.

Bonn, 01.04.2022

10th Civil Chamber

Schümann
Presiding Judge at the
Regional Court

Dr. von Olshausen
Judge at the District
Court

Sakowski
judge