

**History of Restriction of the Use and Display of  
Foreign Educational Credentials through laws  
and decrees in Germany from 1939 to 2013 in  
comparison with contemporary Legislation in  
Austria and Switzerland**

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## **Abstract**

Contemporary Germany is usually known as a democratic country, deeply integrated into the US-American dominated Western political bloc. However, little-known to the general public, there are obviously legal remnants that stem from the previous infamous Hitler Regime. After seeing some fellow alumni from a non-German distance learning university in 2007 encountering problems in Germany, I decided to investigate deeper the underlying legal structure and legal principles.

The objective was to shed light whether or not the problems of those fellow alumni were caused not only by old laws for example coming from Imperial times but by legal principles that were directly created during the Hitler times in Germany. On a secondary basis, it was also scientifically sound to investigate whether or not such severe restrictions like in Germany occur in other related and German speaking neighbour countries like Austria and Switzerland as well and on what principles they are based.

As an instrument of inquiry, the historical method of comparison as specified first by Bernheim in 1889 and others afterwards has been used. Due to the fact that all legal texts are documented online through the German government very well and up to date, they are without disambiguation regarding the sources, and so it was entirely possible to draw up a less than desirable picture of how foreign educational credentials are treated in contemporary Germany with the indirect help of German authorities while nonetheless maintaining a strict source criticism at the same time.

The achievement was not only an explanation of how come that foreign credentials in Germany oftentimes still cause such trouble for the holder but the very reason behind a structure that actually hunts down perceived perpetrators in a way unbecoming for any Western democratic state became obvious – the use of false legal principles stemming in full from a totalitarian state during a totalitarian time.

## **Attestation**

I understand the nature of plagiarism, and I am aware of the University's policy on this.

I certify that this dissertation reports original work by me during my University dissertation project. A popular version has been published as book.

Where this is not the case, it will be clearly marked as such. Translations are always done into English language in normal Times New Roman Script whereas the original German texts are always in *italics*.

**Signature**

**Date**

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# **1      Introduction**

## **1.1    Introduction to the background and methods used**

In this introduction chapter we go deeper into the background of the research and the methods employed and we make the problem statement.

Furthermore, we formulate the research objectives, the research questions, provide the level of significance for the study and we also explain the limitations to the study and review the organization of the whole dissertation.

## **1.2 Background of the Study**

The following paragraphs set out what has changed in recent years in the understanding of the law nationally and the state laws of Germany and what one has to look at the various levels of regulations. However, this dissertation will show that even the new laws in Germany that lead on the surface to the transfer of responsibility regarding presentation of educational credentials towards the citizens, no matter whether they are local or foreign, are deeply tainted. I would have agreed with this relatively reasonable approach by the legislature till I noticed that there has taken place a simple compilation of previous laws and regulations which are based on quite draconic law principles from a non-democratic dictatorial time.

Therefore, it should also be mentioned that Germany is in an unprecedented way the hardest jurisdiction when it comes to the use of foreign credentials and that does in my opinion not really go along with the principle of alleged open-mindedness that the Federal Republic of Germany wants to make the world-public and her own populace believe in.

This present dissertation here is the first of its kind that has been made available for foreign academicians and also workers who are credential holders and intend to work and live in the Federal Republic of Germany. As part of the European Union it is only natural that mobility of the work force of all of Europe and the world will bring far more foreign credential holders to Germany than in the past. As German regulations are more than just strict and hardly comparable to the regulations in other regions of the world apart from historically close nations and neighbours Austria and Switzerland, this dissertation is intended to spare the reader legal hassle, embarrassment and possible court appearance and fines in Germany. A book for the general public is planned immediately afterwards. It is also clear that due to constraints to time and resources, we can only consider and evaluate the German, Austrian and Swiss framework. However, as other countries neighbouring Germany have completely different languages and law codes, it is actually realistic to stay within the limits of D, A and CH.

### 1.3 The Problem of Integrating Foreigners & Foreign Education

In these times of globalization, the world moves closer together and this also applies to the field of education and the use of foreign educational credentials. Also, more and more people inside and outside Germany wish to pursue their studies and continuing education together while having a professional career. The establishment of UNESCO 1 is for example a major step in recognizing this change in international education early on.

Often studies take place even outside the German jurisdiction or we have the case where non-Germans migrate to Germany in order to live and work there and further their respective careers. All these scenarios are

common place, whether people come from within the EU or from third party countries world-wide.

#### 1.4 Research Questions

This research would seek to find answers to the following questions:

- i. Is there any difference in the laws regarding the use and display of foreign educational credentials between Germany and Austria and Switzerland?
- ii. Is there any significant differences in legal treatment of foreign educational credentials and their use between Germany and Austria and Switzerland?
- iii. Do eventual differences in laws and legal practice regarding foreign educational credentials have any impact on the citizens and also on the validity of the promise of Freedom of Speech guaranteed within the German national law framework, and also on European and planetary level?

#### 1.5 Objectives

The objectives of this research study include but not limited to the following:

1. Determine whether there is any difference in the laws regarding the use and display of foreign educational credentials between Germany and Austria and Switzerland.
2. Determine whether Is there is any significant differences in legal treatment of foreign educational credentials and their use between Germany and Austria and Switzerland?

3. Determine whether eventual differences in laws and legal practice regarding foreign educational credentials have any impact on the citizens and also on the validity of the promise of Freedom of Speech guaranteed within the German national law framework, and also on European and planetary level.

## 1.6 Significance

Globalization, as hinted before, theoretically means the world moves closer together. Factually, this means that streams of humans in search of work and new life for themselves and their descendants are increasingly on the move and with them comes the question of the recognition of their life within their country's workforce and their education before entering Germany.

Once again, it must be repeated that UNESCO is for example a major step in recognizing this change in international education early on as in third party countries studies logically took place outside the German jurisdiction. And there are Germans and non-Germans who migrate to Germany in order to live and work there and further their respective careers and who wish to do so by presenting their educational credentials obtained abroad. As we have to do with a millionfold problem as seen in 2012 in Germany 2, the significance of finding out whether legal mechanisms are in place to deal with the evaluation, tolerance and acceptance of foreign education and whether these mechanisms are fair and reasonable or not, cannot be understated.

## 1.7 Methodology and Methods

### Research Methodology

We have approached our studies with a scientific research methodology that entails observation; identifying cause and effect; performing analysis and synthesis; construction of hypotheses concerning the nature, conditions, and connection of the observation; making inductive inferences; deducing logical rules and consequences; testing the hypotheses; forming predictions based on the hypothesis; constructing a mathematical model; and identifying fallacies and errors in the data, process, hypothesis and model. (B. Wilson, 1990) 3

The sources of data used were secondary data. Primary data would typically come from individual questionnaires and other forms of personal inquiry. Secondary data was obtained from libraries, online libraries and governmental legal references, textbooks and journals on state law, cantonal law and national law regarding the use and display of foreign educational titles in Germany, Austria and Switzerland.

### The Historical Method as Approach to Research in History

Insights into culture, organization, current and past trends can be offered by the process of studying and evaluating the background of a chosen area of interest and study. The historical method of research therefore is valuable to all areas of study because it encompasses their origins,

developments, theories, personalities, zeitgeist, crises, etc. Qualitative and quantitative variables may be used in the collection of historical data.

In practice that means:

1. Problem.

2. Hypothesis.

3. Research

Source Criticism has to be added as a contemporary feature of the historical method and the State of New Jersey, USA, recommends the following principles:

Core principles

*"The following core principles of source criticism were formulated by two Scandinavian historians, Olden-Jørgensen (1998) and Thurén (1997) 4:*

1. *Human sources may be relics such as a fingerprint; or narratives such as a statement or a letter. Relics are more credible sources than narratives.*
2. *Any given source may be forged or corrupted. Strong indications of the originality of the source increase its reliability.*
3. *The closer a source is to the event which it purports to describe, the more one can trust it to give an accurate historical description of what actually happened.*

4. *A primary source is more reliable than a secondary source which is more reliable than a tertiary source, and so on.*
5. *If a number of independent sources contain the same message, the credibility of the message is strongly increased.*
6. *The tendency of a source is its motivation for providing some kind of bias. Tendencies should be minimized or supplemented with opposite motivations.*
7. *If it can be demonstrated that the witness or source has no direct interest in creating bias then the credibility of the message is increased.”*

## Procedures

*Bernheim (1889) and Langlois & Seignobos (1898) proposed “a seven-step procedure for source criticism in history:*

1. *If the sources all agree about an event, historians can consider the event proved.*
2. *However, majority does not rule; even if most sources relate events in one way, that version will not prevail unless it passes the test of critical textual analysis.*
3. *The source whose account can be confirmed by reference to outside authorities in some of its parts can be trusted in its entirety if it is impossible similarly to confirm the entire text.*
4. *When two sources disagree on a particular point, the historian will prefer the source with most "authority"—that is the source created by the expert or by the eyewitness.*
5. *Eyewitnesses are, in general, to be preferred especially in circumstances where the ordinary observer could have accurately reported what*

*transpired and, more specifically, when they deal with facts known by most contemporaries.*

6. *If two independently created sources agree on a matter, the reliability of each is measurably enhanced.*

7. *When two sources disagree and there is no other means of evaluation, then historians take the source which seems to accord best with common sense.”* 5

For a strongly Documentary Research, i. e. mainly based on comparing secondary sources, as in this present dissertation the following applies:

Official public records (laws, administrative forms, speeches, judgments, treaties), press / journalist's articles, eye-witness accounts, biography / historical writing, etc.

As we are dealing here with a contemporary and nonetheless historical legal question that spans over 70 years, questioning the veracity of sources for genuineness becomes negligible as laws are directly visible on trustworthy governmental and semi-governmental websites. In the case of Germany as much as Austria and Switzerland, the sources are of excellent quality though they lack translations into English which had to be provided by the current researcher instead. Also, considerations like importance of the authors of the historical and present educational laws of Germany are negligible as we are dealing with ministerial and even prime ministerial directives, laws and regulations. A 100% reliability of the sources can be accepted without further ado as all three countries are democracies of high transparency and a clean legal record over decades. 6

Last but not least there are no methods of age dating necessary as the current work is based on contemporary sources as though the sources themselves display laws of Germany reaching as far back as 1939. Therefore, questions of interpolations, emendations and insertions by others are also negligible given that the same legal system still applies in Germany and given that the archives are still managed by Germany as a whole. Contradictions in laws and sources do also not occur as we have firstly to do with a centralized body of laws that was later artificially divided into state laws that still followed the same legal principles. Slight deviations in the different legal bodies of the German Federal States are explained one by one though.

## 1.8 Achievements

First of all, this present work has as a by-product a wholesome translation of all different 16 German state laws regarding foreign educational credentials into English language. Moreover, subsequent decrees are also available for the first time in English language. It cannot be seen with a certain irony that those persons (foreigners) who are most affected by the educational laws of Germany do until now not have any English version of those important laws available. This will change with the present work and is certainly a major point. Nonetheless, it is especially noteworthy that the present work also sheds some light onto the legal development of Germany during the dictatorship from 1933 to 1945 and the following military governance of foreign powers that presented itself as democratization but left laws and structures in vital parts unchanged in Germany just in order to cover up their own legal failures ( see Atlantic Charter and the legal impossibility to justify annexations of territories from Germany). Last but not least, it may be the major achievement of this work to

show the public and research community alike that superficial structures that might be regarded as beacons of democracy and freedom like the Federal Republic of Germany and also her creator USA, may not live up to that expectation anymore when regarded in depth.

## **2.0 Background and Context of the development of universities and degrees in Central Europe as blueprint for the world**

The oldest university in Europe, the University of Bologna, was founded in 1088.<sup>8</sup> In Bologna, the interests of the Holy Roman Emperor of German Nation were crucial for the development of an effective university education for lawyers. Competition to the papacy as a secular power was dependent on this in order not to depend on and to deal exclusively with monks and clergy as civil servants. Instead there was the aim to build up a work force of non-clergy civil servants as well within the empire.

The development of universities, especially established for the Legal Education can be considered a separation process from the educational monopoly of the Church that lasted from the end of Rome in 476 until then. The contrary was for example the emergence of the University of Paris. By centralizing education in a single school of higher education it was supposed to better monitor theologians and therefore avoid heresies. Its name is related to the times of Robert de Sorbon, who once started teaching with 5 penniless students in order to give them a theological education long before the creation of the University of Paris.<sup>9</sup>

The members of the Sorbonne, founded by Papal Bull were under the Pope's rule and ecclesiastical jurisdiction and not at all under the legal authority of the French king.

This was also confirmed by the French king. The jurisdiction was exercised by the Chancellor of the University who was not a member of the university but acted as a representative of the bishop. He also awarded the academic degrees.

The University of Paris and its degrees were the template for almost all Western universities, particularly the British, among them prominently Oxford University and the German universities. Thomas Aquinas studied e.g. in Paris and entered the faculty 1248 as a teacher of philosophy with such acclaim that he received the titles of Doctor Universalis and Doctor Angelicus.<sup>10</sup> One can consider those titles as the blue prints for later doctoral programs.

Originally, the doctorate was therefore a purely religious matter and the first three doctors in the sense of ecclesial dignity thus are the Doctors of the Church, Ambrose, Jerome and Augustine. **11** Pope Gregory I, however, saw the trend of times and quickly changed the law in order to make the doctorate also the highest degree for all faculties.

In this historical course of events is ultimately the reason why churches in the U.S. till today hand out merely religiously motivated doctorates to their bible scholars and dignitaries according to the old tradition. Such

doctoral church honours, however, should not be considered as exactly equal compared to that what modern academic degrees are.

Like the doctorate the bachelor degree is also an academic degree since the 13th Century, albeit the lowest ranking. It was also awarded first at the University of Paris.

The middle level between Bachelor and Doctor is the Master of Arts (Magister Artium), which has its precedence in antiquity and throughout the Middle Ages as conclusion of the studies of the seven liberal arts (Septem Artes Liberalis).

It means something like "Master of Arts" in a wider sense and is therefore not limited to artistic areas. Historical example of this degree is in turn again from the University of Paris at which the German mystic Meister Eckhart (Master Eckhart in English) received his master's degree in 1302, when he passed in Paris the final exam. He then worked as a teacher at the University of Paris, and at the same time he became the first provincial of his religious order in Germany. **12**

## 2.1 Overview of the History of Restrictions of Foreign Degrees

The first occurrence of a restriction in Germany for the use of foreign degrees occurred under the knocked-out Weimar Constitution in 1939 when “Imperial Chancellor” and then already de facto totalitarian dictator Adolf Hitler promulgated a new law governing the use of foreign degrees in Germany. The law was aimed predominantly at Jewish scholars who often had titles and degrees from foreign Torah Colleges, but it also applied to many opposition persons who were not in line with the purification mania of National Socialist ideologists. It is noteworthy that in 1939 though formally in existence, the democratic constitution of the Weimar Republic had already been knocked out for six years by the so-called Enabling Act of 1933. This Act permitted the National Socialist Regime to act at will outside the provisions of the democratic constitution in order to implement rules and regulations according to their totalitarian will. **13**

In regards to foreign education, the National Socialists expressed their totalitarian views in a law named the Academic Degree Act (Akademisches Grad Gesetz). This was promulgated in June 1939. In particular, Section 1 of the law provided that: **14**

- *German nationals who obtained an academic degree from a foreign university were required to seek permission from the Imperial Minister for Science, Education and Peoples Education to display (display and use in public) this degree.*
- *The permission (for displaying the degree) could be given in general in regards to academic degrees from certain foreign universities.*

It is further stated (Section 2) that:

- *Among the requirements which are mentioned in Section 1, the Imperial Minister for Science, Education and Peoples Education can withdraw a previously given permission for displaying a foreign academic degree and in the case of a general permission (Section 2:2) the Minister can order the withdrawal (of the permission) in individual cases.*

In July 1939, a Decree 15 was issued entitled: “Regulation Implementing the Law on the use of Academic Titles” (AkaGrGDV). This regulation referred to Section 8 of the Act and prescribed that:

- .
- *An application for authorization to display a foreign degree (Section 2:1 and Section 3 of the Act) must be presented directly to the Minister for Science and Education. The application shall contain the following: matriculation certificate, study and audit evidence or a certified copy of the award certificate and a certified translation into German, all must be accompanied by: curriculum vitae.*
- *As to be considered a temporary stay (in Germany) in the sense of Section 3:2 of the Act, the subject's stay may not exceed the period of three months.*
- *Following the license (to use/display/mention a foreign degree), a certificate is issued to the applicant.*

- *The aforementioned provisions shall not apply in cases where the approval has been given generally for displaying a particular foreign university's degrees according to Section 2:2 of the Act.*
- *The withdrawal of a domestically conferred university degree is to be decided by a committee consisting of the Rector of the University and the Deans. At universities, where a structuring into faculties (departments) is missing, the deans are replaced by two lecturers of the university appointed for a period of five years by the Imperial Minister for Science and Education.*
- *The decision of the Committee shall be effective upon delivery. Notification is in accordance with the rules of civil procedure regarding servicing one of its motions.*
- *The decision on a waiver of a withdrawal (Section 4:4) is possible after consulting the aforementioned Committee according to Section 3:1 of this Regulation.*

The validity of this specific regulation ended together with the Academic Degree Act in 2007, surviving its creator by 62 years. However, we shall see (below) that exactly those legal principles, which governed the Academic Degree Act and especially the ‘Regulation Implementing the Law on the use of Academic Titles’ have been incorporated in the General Permission Decree from April 2000 and the Educational State Laws that followed.

### **3 Displaying and Using a Degree - Then and Now**

Having noted the contents of the Law, we need to consider a definition for ‘displaying, mentioning and using a degree’ (einen Grad führen). To display, mention, use (führen) a degree publicly in Germany means the following:

- Putting the academic title on a letter head
  - Putting the academic title on a business card
  - Putting the academic title on bell
- 
- Mentioning the title more than once when talking to another individual, even at different occasions

But it is the opinion of this author that the Germans had and still have: (1) a rigid idea of what constitutes holding a degree; (2) no regard for free speech in the matter. Further, I will argue that the law (Section 4:3) opens the door wide for individual discrimination in that an individual can be forbidden to hold a foreign academic degree even if the use of his specific foreign alma mater was generally permitted in Germany. The ‘lucky ones’, whose foreign degrees were recognized, had them “nostrified”, i.e. converted into matching German degree, a process only known to most of us through the recognition of our driver’s licenses when we change the country of residence.

### **3.1 The Legal Position Today**

The 1939 Act and the accompanying Regulation was only revoked in 2007 (**16** Federal law revoked according to Art. 9 Abs. 2 G v. 23.11.2007). To understand this long delay, we need to refer to what happened to Germany after the 8th of May 1945. Germany lost the WW II and the winners had a problem as they had enabled United Nations basic structures and the Atlantic Charter before the end of the war. According to the legal basics prescribed it was not permitted to annex other country's territory. Although, German territory was annexed and mainly given to Poland (and half of the East German Province East Prussia to the Soviet Russians themselves) whose eastern territory in turn was annexed by Soviet Russia and incorporated mainly into Belo Russia). Thus, to facilitate an on-going presence in Germany, the Allies of WWII did simply not "close down" the Weimar Republic (still German Realm or German Empire) but partitioned it into three parts and erected two puppet states, one in the West, Federal Republic of Germany, one in the Middle, German Democratic Republic GDR (nowadays historically erroneously called East Germany) and a third part that was separated, emptied of the prevalent German population by ethnic cleansing and given to Poland and then Soviet Russia as described above.

The West German 'puppet state' FRG prevailed over the Communist counterpart, the German Democratic Republic' due to its economic strength and in 1990 the GDR was incorporated in the FRG with the blessing of all former Allies of WW II. As the annexation still cannot be legally finalized according to current international law, as a shrewd legal solution the Federal Republic of Germany claimed to be identical with the

German Realm, in regards to the territory “partially identical”. So, we have the schizophrenic fact that on one hand the FRG has dropped for herself all claims of the lands that have been given to Poland. On the other hand, due to the FRG’s claim to be the German Realm it must maintain to accept a population that can show, for example, a German family name or a German grandfather or grandmother from the annexed third part of Germany. We will encounter effects of this internationally little-known fact later on within the educational laws of contemporary Germany.

This annexation issue is also the reason why to date a German constitution does not exist, but a surrogate constitution called “Basic Law”. In addition, it is the reason why there is no formally correct peace treaty between Germany and its former enemies but the so-called 2+4 Treaty that defines and approves certain changes in the FRG’s status and is presented usually as the equivalent of a Peace Treaty.

These legal gymnastics is illustrated best as something similar to the Operating System, Windows, with all its contemporary layers of modern user interfaces, under which we find the old-fashioned DOS system. If we compare the old laws of the German Realm with DOS, and if we compare the contemporary laws of the Federal Republic of Germany with modern Versions of Windows Operating Systems, we see what is expressed in Article 123 of the Basic Law of the FRG.

Contemporary Germany has some underlying laws of the German Realm and some regulations developed by the former Allied Occupiers (SHAEF) that are still in force. As the Allies of WW II, mainly the US, brought their

ideas of laws into the Federal Republic of Germany, it goes without saying that education became an affair of the federal states in Germany as well. Therefore, the above-mentioned Academic Degree Law from 1939 (Akademisches Grad Gesetz) survived its creator Mr Hitler for five decades and was incorporated into State law and Statutes. With the advent of the European Union, however, those old legal structures have led to friction and an increasing number of legal actions have put the FRG leadership under pressure to effect change. For instance, EU Directive 89/48/EEC 17 established in 1988, stipulates that there may not be any form of discrimination against degrees from membership states of the EU, so in April 2000 Germany's Permanent Conference of State Education Ministers, promulgated the General Permission Decree and all 16 states agreed to implement the provisions till the dead-line in 2005. Note: in the following the Original Texts are in *italics*; my translation is always in normal script.

### **3.2 The General Permission Regulation**

*Grundsätze für die Regelung der Führung ausländischer Hochschulgrade im Sinne einer gesetzlichen Allgemeingenehmigung durch einheitliche gesetzliche Bestimmungen (Beschluss der Kultusministerkonferenz vom 14.04.2000)*

Basic principles for regulating the use / display /mention of foreign higher educational degrees in terms of a general statutory authorization by uni-

form legislation (Resolution of the Education Minister Conference of 14.04.2000) **18**

*1. Ein ausländischer Hochschulgrad, der aufgrund eines nach dem Recht des Herkunftslandes anerkannten Hochschulabschlusses nach einem ordnungsgemäß durch Prüfung abgeschlossenen Studium verliehen worden ist, kann in der Form, in der er verliehen wurde unter Angabe der verleihenden Hochschule geführt werden. Dabei kann die verliehene Form ggf. transliteriert und die im Herkunftsland zugelassene oder nachweislich allgemein übliche Abkürzung geführt und eine wörtliche Übersetzung in Klammern hinzugefügt werden. Eine Umwandlung in einen entsprechenden deutschen Grad findet mit Ausnahme zugunsten der nach dem Bundesvertriebenengesetz Berechtigten nicht statt. Entsprechendes gilt für staatliche und kirchliche Grade.*

1. A foreign higher education degree, which was awarded according to the law of the country of origin as a recognized academic degree after due study concluded by examination, can be used/ displayed/ mentioned in the wording in which it was awarded while also mentioning the awarding higher education institution. Furthermore, the original wording of the award may be transliterated (into Latin letters) and the permitted acronym or the evidently generally used abbreviation may be used/ displayed/ mentioned and a literal translation (into German) may be added in brackets.

A conversion into a corresponding German degree does not take place except for those entitled according to the Federal Displaced Persons Law

(from the former Eastern Provinces, which are now de facto parts of Russia and Poland). The same applies to governmental and ecclesiastical degrees.

*2. Ein ausländischer Ehrengrad, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Hochschule oder anderen Stelle verliehen wurde, kann nach Maßgabe der für die Verleihung geltenden Rechtsvorschriften in der verliehenen Form unter Angabe der verliehenden Stelle geführt werden. Ausgeschlossen von der Führung sind Ehrengrade, wenn die ausländische Institution kein Recht zur Vergabe des entsprechenden Grades im Sinne der Ziffer 1 besitzt.*

2. A foreign honorary degree, awarded by an authorized higher education institution or another (authorized) body according to the law of a country of origin can be used/ displayed/ mentioned according to applicable law in the wording in which it was awarded while also mentioning the awarding body. Excluded from (the General Permission of) being used/ displayed/ mentioned are honorary degrees if the foreign institution did not have the right to award the corresponding academic degree according to Article 1.

*3. Die Regelungen unter Ziffer 1 und Ziffer 2 geltend entsprechend für Hochschultitel und Hochschultätigkeitsbezeichnungen.*

3. The regulations under paragraph 1 and paragraph 2 shall apply accordingly for academic titles and academic designations.

*4. Soweit Vereinbarungen und Abkommen der Bundesrepublik Deutschland mit anderen Staaten über Gleichwertigkeiten im Hochschulbereich und Vereinbarungen der Länder in der Bundesrepublik Deutschland die Inhaber ausländischer Grade abweichend von den Ziffern 1 bis 3 begünstigen, gehen diese Regelungen nach Maßgabe landesrechtlicher Umsetzung vor.*

4. Where agreements and treaties of the Federal Republic of Germany and agreements of the (federal) states with other countries regarding equivalences in higher education, favour the holders of foreign degrees deviating to paragraphs 1 to 3, these regulations prevail the implementation of state law.

*5. Eine von den Ziffern 1 bis 3 abweichende Grad- und Titelführung ist untersagt. Durch Titelkauf erworbene Grade dürfen nicht geführt werden. Wer einen Grad führt, hat auf Verlangen einer Ordnungsbehörde die Berechtigung hierzu urkundlich nachzuweisen.*

5. Using/ displaying/ mentioning degrees and titles differently as prescribed in paragraphs 1 to 3 is not permitted. Titles acquired through title peddling may not be used/ displayed/ mentioned. A person who uses/ displays/ mentions a degree has to prove the justification for this by certificate at the request of a regulatory authority. *Translation by George Reiff, 2012*

### **3.1 The State Laws**

#### **3.1.1**

##### **State of Baden-Wuerttemberg**



##### *§ 37 Landeshochschulgesetz*

Paragraph 37, State Law regarding Universities

*Führung ausländischer Grade, Titel und Bezeichnungen*

*(1) Ein ausländischer Hochschulgrad, der von einer nach dem Recht des Herkunftslandes anerkannten Hochschule, die zur Verleihung dieses Grades berechtigt ist, auf Grund eines tatsächlich absolvierten und durch*

*Prüfung abgeschlossenen Studiums ordnungsgemäß verliehen worden ist, kann in der verliehenen Form unter Angabe der verleihenden Hochschule genehmigungsfrei geführt werden. Dabei kann die verliehene Form gegebenenfalls in lateinische Schrift übertragen und die im Herkunftsland zugelassene oder nachweislich allgemein übliche Abkürzung geführt sowie eine wörtliche Übersetzung in Klammern hinzugefügt werden. Eine Umwandlung in einen entsprechenden inländischen Grad findet mit Ausnahme der nach dem Bundesvertriebenengesetz Berechtigten nicht statt.*

Using, mentioning, displaying foreign degrees, titles and designations

1. A foreign higher education degree, which was awarded according to the law of the country of origin by a recognized higher education institution which is authorized to award this degree, as a recognized academic degree after due studies concluded through examination, can be used/ displayed/ mentioned without further permission in the form (wording) in which it was awarded by also mentioning the awarding institution. Where applicable a transliteration of the award into Latin letters can be made and the commonly used or officially permitted acronym in the country of origin can be used/ displayed/ mentioned and a literal translation (into German) can be added in brackets. A conversion into a corresponding German degree does not take place except for those persons favoured by the Federal Law for Displaced Persons (from the former Eastern Provinces which are now de facto incorporated into Russia and Poland).

(2) *Ein ausländischer Ehrengrad, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Hochschule oder anderen Stelle*

*verliehen wurde, kann nach Maßgabe der für die Verleihung geltenden Rechtsvorschriften in der verliehenen Form unter Angabe der verliehenen Stelle geführt werden. Ausgeschlossen von der Führung sind Ehrengrade, wenn die ausländische Institution kein Recht zur Vergabe des entsprechenden Grades nach Absatz 1 besitzt. Absatz 1 Satz 2 gilt entsprechend.*

2. A foreign honorary degree, awarded by an authorized higher education institution or another authorized body according to the law of a country of origin can be used/ displayed/ mentioned according to applicable law in the form in which it was awarded while also mentioning the awarding institution. Excluded from (the General Permission of) being used/ displayed/ mentioned are honorary degrees if the foreign institution did not have the right to award the corresponding academic degree according to Paragraph 1. Paragraph 1, Sentence 2 applies accordingly.

*(3) Die Regelungen der Absätze 1 und 2 gelten entsprechend für ausländische Hochschultitel und Hochschultätigkeitsbezeichnungen. Für staatliche und kirchliche Grade gilt Absatz 1 entsprechend.*

3. The regulations under Paragraph 1 and Paragraph 2 shall apply accordingly for academic titles and academic designations. For governmental and ecclesiastical degrees applies Paragraph 1 accordingly.

*(4) Soweit Vereinbarungen und Abkommen der Bundesrepublik Deutschland mit anderen Staaten über Gleichwertigkeiten im Hochschulbereich (Äquivalenzabkommen) und Vereinbarungen der Länder in der Bundesre-*

*publik Deutschland (KMK-Vereinbarungen) die Inhaber ausländischer Grade abweichend von den Absätzen 1 bis 3 begünstigen, gehen diese Regelungen vor. Im Verhältnis von Äquivalenzabkommen und KMK-Vereinbarungen gilt die günstigere Regelung.*

4. Where agreements and treaties of the Federal Republic of Germany with other countries favour equivalences in higher education (equivalence treaties), and agreements of the states (the Länder, Permanent-Education-Minister-Conference-Agreements) in the Federal Republic of Germany favour the holders of foreign degrees differently from paragraphs 1 to 3, these regulations prevail. In relation between Equivalence treaties and Permanent-Education-Minister-Conference-Agreements (of the German states) the more favourable regulation prevails.

*(5) Eine von den Absätzen 1 bis 4 abweichende Grad-, Titel- oder Bezeichnungs-führung ist untersagt. Entgeltlich erworbene Grade, Titel und Hochschultätigkeitsbezeichnungen dürfen nicht geführt werden. Wer einen ausländischen Grad, Titel oder eine ausländische Hochschultätigkeitsbezeichnung führt, hat auf Verlangen einer öffentlichen Stelle die Berechtigung hierzu urkundlich nachzuweisen.*

5. Using/ displaying/ mentioning degrees, academic titles and academic designations differently as prescribed in paragraphs 1 to 4 is not permitted. Degrees, titles and academic designations acquired through title peddling may not be used/displayed/mentioned. He who uses/displays/mentions a foreign degree, title or a foreign academic

denomination has to prove the justification for this by certificate upon request of a public body.

(6) *Unbeschadet der §§ 48 und 49 LVwVfG kann das Wissenschaftsministerium eine von ihm erteilte Genehmigung zur Führung eines ausländischen Grades widerrufen und bei allgemein erteilter Genehmigung den Widerruf auch für den Einzelfall aussprechen, wenn sich der Inhaber durch sein späteres Verhalten der Führung des Grades als unwürdig erwiesen hat.*

6. According to Paragraphs 48 and 49 State Administration Code the Education Ministry can rescind a given permission for use/ display/ mention a foreign degree and in the case of a general permission it can rescind it in an individual case if the holder (of the degree) has rendered himself unworthy due to his later demeanour. *Translation by George Reiff, 2012*

## **How to legally use and display a foreign degree in Baden-Wuerttemberg?**

According to the state law, degrees have to be held as follows:

John Doe, MBA (Doetown University)

John Doe, PhD (Doetown University)

If the degree comes from an English influenced country

or

Dr. (Universidad de Doetown) John Doe

if the university comes from a Latin influenced country like former French, Portuguese or Spanish colonies.

A special exception is certainly a female holder of a Spanish doctorate as she is forced to hold the degree as Dra. for doctora.

It is also noteworthy that Baden-Wuerttemberg is a hardline state and honorary degrees can therefore not be abbreviated and must be written completely with their awarding institution:

Honorary Doctor (Doetown University) John Doe

## Exceptions:

According to the Guide Booklet **21** issued by the State Government of Baden-Wuerttemberg there are exceptions in regards to holding degrees from the EU, Russia, US Universities listed on the so-called Carnegie List, Universities from Canada and Israel.

Degrees from governmentally recognized and accredited universities or colleges of the EU can be used/ displayed/ mentioned abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

The same rule (for the better understanding, e.g. John Doe, MBA or Dr. John Doe) applies to degrees from US universities that are listed on the Carnegie List **22** and are listed with a high research activity. All other degrees of US Universities must be held according to our general example, i.e. the awarding university must be mentioned and a PhD cannot be displayed as Dr. before the name.

The same rule applies again for universities from Canada and Israel that can just be held abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

An additional exception are the degrees from Russian Universities. They can be displayed abbreviated in the German way but the university must be mentioned, For the better understanding, e.g. John Doe, MBA (Moscow University) or Dr. (Kursk University) John Doe.

### 3.1.2

#### **Free State of Bavaria**



Artikel 68

Führung ausländischer Grade, Hochschultitel und Hochschultätigkeitsbezeichnungen, Strafvorschrift

Article 68

Displaying Foreign Degrees, academic titles and academic designations,  
Regulations

*(1) 1 Ein ausländischer akademischer Grad, der von einer nach dem Recht des Herkunftslandes anerkannten Hochschule oder anderen Stelle, die zur Verleihung dieses Grades berechtigt ist, auf Grund eines tatsächlich absolvierten und ordnungsgemäß durch Prüfung abgeschlossenen Studiums verliehen worden ist, kann in der Form, in der er verliehen wurde, unter Angabe der verleihenden Institution genehmigungsfrei geführt werden. Entsprechendes gilt für die im Herkunftsland zugelassene oder nachweislich übliche Abkürzung. 2 Soweit erforderlich, kann die verliehene Führungsform in die lateinische Schrift übertragen und eine wörtliche Übersetzung in Klammern hinzugefügt werden. 3 Eine Umwandlung in entsprechende deutsche Grade findet nicht statt; Art. 105 bleibt unberührt.*

1. 1 A foreign higher education degree, which was awarded according to the law of the country of origin by a recognized higher education institution or other (recognized body), after due and through examination concluded actual studies, can be used/ displayed/ mentioned without further permission in the form it was awarded while also mentioning the awarding institution. The same applies accordingly for abbreviations that are either common or evident in the country of origin. 2 Where necessary the awarded title can be transliterated into Latin letters and a literal translation (into German) can be added in brackets. 3 Conversions into corresponding German degrees do not take place, Article 105 remains unaffected (meaning those favoured by the Federal Law for Displaced Persons from the former Eastern Provinces located in Poland and Russia today).

(2) 1 Ein ausländischer Ehrengrad, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Hochschule oder anderen Stelle verliehen wurde, kann nach Maßgabe der für die Verleihung geltenden Rechtsvorschriften in der verliehenen Form unter Angabe der verleihenden Stelle geführt werden. 2 Ausgeschlossen von der Führung sind ausländische Ehrengrade, wenn die ausländische Institution kein Recht zur Vergabe des entsprechenden Grades im Sinn des Abs. 1 besitzt. 3 Abs. 1 Satz 1 Halbsatz 2 sowie Sätze 2 und 3 Halbsatz 1 gelten entsprechend.

2. 1 A foreign honorary degree, awarded by a authorized higher education institution or another (authorized) body according to the law of a country of origin can be used/ displayed/ mentioned according to applicable law in the form it was awarded while also mentioning the awarding institution. 2 Excluded from (the General Permission to) use/display/mention are honorary degrees if the foreign institution did not have the right to award the corresponding academic degree according to Paragraph 1. 3 Paragraph 1, Sentence 1 and half sentence 2 and Sentences 2 and 3 and half-sentence 1 apply accordingly.

(3) Für staatliche und kirchliche Grade gilt Abs. 1, für ausländische Hochschultitel und Hochschultätigkeitsbezeichnungen gelten die Abs. 1, 2 und 4 entsprechend; letzteres gilt auch für Titel, die inländischen akademischen Graden gleich lauten oder ihnen zum Verwechseln ähnlich sind.

3. For governmental and ecclesiastical degrees Paragraph 1 applies accordingly, the regulations for foreign academic titles and academic

designations under paragraph 1, 2 and 4 shall apply accordingly, the latter applies also for titles which are similar to domestic academic degrees or which could be confused with them.

*(4) 1 Vereinbarungen und Abkommen der Bundesrepublik Deutschland mit anderen Staaten über Gleichwertigkeiten im Hochschulbereich und Vereinbarungen der Länder der Bundesrepublik Deutschland gehen den Regelungen in den Abs. 1 bis 3 vor. 2 Soweit letztere gegenüber den von der Bundesrepublik Deutschland geschlossenen Abkommen im Einzelfall günstigere Regelungen enthalten, sind diese anzuwenden.*

4. Agreements and treaties of the Federal Republic of Germany with other countries regarding equivalences in higher education (equivalence treaties), and agreements of the states (the Länder) in the Federal Republic of Germany supersede the regulations in paragraphs 1 to 3. Insofar the latter contain more favourable regulations for the individual case in comparison to Equivalence Treaties of the Federal Republic of Germany the more favourable regulation is to be applied.

*(5) 1 Eine von den Abs. 1 bis 4 abweichende Führung ausländischer Grade, Hochschultitel und Hochschultätigkeitsbezeichnungen ist unzulässig. 2 Entgeltlich erworbene ausländische Grade, Hochschultitel und Hochschultätigkeitsbezeichnungen dürfen nicht geführt werden.*

5. Using/ displaying/ mentioning foreign degrees, academic titles and academic designations differently as prescribed in paragraphs 1 to 4 is not

permitted. Foreign degrees, academic titles and academic designations obtained through purchase may not be used/ displayed/ mentioned.

*(6) Wer einen ausländischen Grad, Hochschultitel oder eine Hochschultätigkeitsbezeichnung führt, hat auf Verlangen der zuständigen Behörde die Berechtigung hierzu urkundlich nachzuweisen.*

6. He who holds a foreign degree, academic title or a foreign academic designation has to prove the justification for this by certificate upon request of the relevant authority.

*(7) Wer sich erbietet, gegen Vergütung den Erwerb eines ausländischen akademischen Grades, eines ausländischen Hochschultitels oder einer ausländischen Hochschultätigkeitsbezeichnung zu vermitteln, wird mit Freiheitsstrafe bis zu einem Jahr oder mit Geldstrafe bestraft.*

7. He who avails himself for remuneration to broker the purchase of a foreign academic degree or a foreign academic title or a foreign academic designation will be punished with 1-year imprisonment or with a fine.

## Art. 69

### Entziehung

*1 Der von einer bayerischen Hochschule verliehene akademische Grad kann unbeschadet des Art. 48 BayVwVfG entzogen werden, wenn sich der Inhaber oder die Inhaberin durch ein späteres Verhalten der Führung des Grades als unwürdig erwiesen hat. 2 Über die Entziehung entscheidet diejenige Hochschule, die den Grad verliehen hat.*

## Article 69

### Withdrawal

*1 An academic degree which has been awarded by a Bavarian higher education institution can be rescinded unaffected by Article 48 of the Bavarian Administrative Code, if the holder has rendered himself or herself unworthy through his later demeanour. 2 About such withdrawal the degree awarding higher educational institution decides.*

## Art. 70

### *Zuständige Behörde*

*Das Staatsministerium ist in den Fällen der Art. 68 Abs. 6 die zuständige Behörde; durch Rechtsverordnung kann die Zuständigkeit auf nachgeordnete Behörden übertragen werden.*

## Article 70

### Authority in Charge

The State Ministry is in the cases according to Article 68, Paragraph 6 the relevant authority, through decree this authority can be delegated to lower departments.

**23**

## **How to legally use and display a foreign degree in Bavaria?**

According to the state law, degrees have to be held as follows:

John Doe, MBA (Doetown University)

John Doe, PhD (Doetown University)

If the degree comes from an English language influenced country

or

Dr. (Universidad de Doetown) John Doe

if the university degree comes from a Latin influenced country like former French, Portuguese or Spanish colonies.

A special exception is certainly a female holder of a Spanish doctorate as she is forced to hold the degree as Dra. for doctora.

It is also noteworthy that Bavaria is “soft” on honorary degrees and so honorary degrees can be abbreviated but must also be displayed completely with their awarding institution:

PhD h.c. (Doetown University) John Doe

DD (Doetown University) John Doe

Dr. h.c. (Doetown University) John Doe

## Exceptions:

According to the Guide Booklet issued by the State Government of Bavaria there are exceptions in regards to holding degrees from the EU, Russia, US Universities listed on the so-called Carnegie List, Universities from Canada and Israel.

### 24

Degrees from governmentally recognized and accredited universities or colleges of the EU can be held abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

The same rule (for the better understanding, e.g. John Doe, MBA or Dr. John Doe) applies to degrees from US universities that are listed on the Carnegie List **25** and are listed with a high research activity. All other degrees of US Universities must be held according to our general example, i.e. the awarding university must be mentioned and a PhD cannot be displayed as Dr. before the name.

The same rule applies again for universities from Canada and Israel that can just be held abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

The regulation of Russian degrees constitutes an additional exception. They can be held abbreviated in the German way but the university must be mentioned. For the better understanding, e.g. John Doe, MBA (Moscow University) or Dr. (Kursk University) John Doe).

### 3.1.3

#### The State of Berlin



Original texts are in *italics*; my translation is in normal script.

#### § 34a Ausländische Hochschulgrade

(1) *1Ein ausländischer Hochschulgrad, der von einer nach dem Recht des Herkunftslandes anerkannten Hochschule und auf Grund eines nach dem Recht des Herkunftslandes anerkannten Hochschulabschlusses nach einem ordnungsgemäß durch Prüfung abgeschlossenen Studium verliehen worden ist, darf in der Form, in der er verliehen wurde, unter Angabe der verleihenden Hochschule geführt werden. 2Dabei kann die verliehene Form, soweit dies zum besseren Sprachverständnis erforderlich ist, in lateinische Schrift übertragen und die im Herkunftsland zugelassene oder nachweislich allgemein übliche Abkürzung verwendet und eine wörtliche Übersetzung in Klammern hinzugefügt werden. 3Hochschulgrade aus*

*Mitgliedstaaten der Europäischen Union oder des Europäischen Wirtschaftsraumes sowie des Europäischen Hochschulinstituts Florenz und der Päpstlichen Hochschulen können ohne Herkunftsbezeichnung geführt werden. 4Eine Umwandlung in einen entsprechenden deutschen Grad findet nicht statt; eine Ausnahme hiervon gilt für Berechtigte nach § 10 des Bundesvertriebenengesetzes in der Fassung der Bekanntmachung vom 2. Juni 1993 (BGBl. I S. 829), zuletzt geändert durch Artikel 6 des Gesetzes vom 20. Juni 2002 (BGBl. I S. 1946). 5Die Sätze 1 bis 4 gelten entsprechend für ausländische staatliche oder kirchliche Grade.*

1. 1 A foreign higher education degree, which was awarded according to the law of the country of origin as a recognized academic degree after due studies which were through examination concluded, can be used/ displayed /mentioned without further permission in the form it was awarded while also mentioning the awarding institution. 2. Whereby, if this is necessary for a better lingual understanding, the exact wording of the award may be transliterated into Latin script, the abbreviations that are either common or evident in the country of origin may be used and an exact translation (into German) may be added in brackets. 3 Degrees from member-states of the European Union or the European Economic Area and the Pontifical Universities can be held without mentioning the awarding institution. 4 A conversion into corresponding German degrees does not take place, an exception from this are made for displaced persons according to § 10 of the Federal Displaced Persons Law from 2. June 1993 (BGBl. I S. 829), changed through Article 6 from 20 June 2002(BGBl. I S. 1946 (and meaning those favoured by the Federal Law for Displaced Persons from the former Eastern Provinces which are now in Poland and

Russia). 5 The sentences 1 to 4 apply accordingly for foreign governmental or ecclesiastical degrees.

(2) 1Inhaber von in einem wissenschaftlichen Promotionsverfahren erworbenen Doktorgraden, die in den in Absatz 1 Satz 3 bezeichneten Staaten oder Institutionen erworben wurden, können an Stelle der im Herkunftsland zugelassenen oder nachweislich allgemein üblichen Abkürzung die Abkürzung „Dr.“ ohne fachlichen Zusatz und ohne Herkunftsbezeichnung führen. 2Dies gilt nicht für Doktorgrade, die ohne Promotionsstudien oder -verfahren vergeben werden (so genannte Berufsdoktorate). 3Die gleichzeitige Führung beider Abkürzungen ist nicht zulässig.

2. 1 Holders of doctoral degrees that were obtained after a scientific research procedure, which were obtained in the countries or institutions mentioned under Paragraph 1 Sentence 3 can use the (German) abbreviation Dr. instead of using the abbreviations that are either common or evident in the country of origin and without mentioning the awarding university. This does not apply to doctoral degrees that were awarded without a scientific research procedure (so called vocational doctorates). Holding both abbreviations at the same time is not permitted.

(3) 1Ein ausländischer Ehrengrad, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Hochschule oder anderen Stelle verliehen wurde, darf nach Maßgabe der für die Verleihung geltenden Rechtsvorschriften in der verliehenen Form unter Angabe der verleihenden Stelle geführt werden. 2Dies gilt nicht, wenn die verleihende

*Stelle kein Recht zur Vergabe des entsprechenden Grades nach Absatz 1 besitzt.*

2. 1 A foreign honorary degree, awarded by an authorized higher education institution or another (authorized) body according to the law of a country of origin can be used/displayed/mentioned according to applicable law in the form in which it was awarded while also mentioning the awarding institution. 2 This does not apply if the foreign institution did not have the right to award to corresponding academic degree according to Paragraph 1.

*(4) Die Absätze 1 und 3 gelten entsprechend für sonstige Hochschultitel und Hochschultätigkeits-bezeichnungen.*

4. Paragraphs 1 and 3 apply accordingly for other academic titles and academic designations.

*(5) Soweit Vereinbarungen und Abkommen der Bundesrepublik Deutschland mit anderen Staaten über Gleichwertigkeiten im Hochschulbereich und Vereinbarungen der Länder in der Bundesrepublik Deutschland die Inhaber ausländischer Grade abweichend von den Absätzen 1 bis 3 begünstigen, gehen diese Regelungen vor.*

5. Where agreements and treaties of the Federal Republic of Germany with other countries favour equivalences in higher education (equivalence treaties), and agreements of the states (the Länder) in the Federal Republic of Germany favour the holders of foreign degrees deviating from paragraphs 1 to 3, these regulations (the treaties and agreements) prevail.

(6) *1Eine von den Absätzen 1 bis 4 abweichende Grad- oder Titelführung ist untersagt. 2Grade oder Titel, die durch Kauf erworben wurden, dürfen nicht geführt werden. 3Wer einen Grad oder Titel gemäß den Absätzen 1 bis 4 führt, hat auf Verlangen der jeweils zuständigen Ordnungsbehörde die Berechtigung hierzu nachzuweisen.*

6. 1Using/displaying/mentioning degrees and titles differently as prescribed in paragraphs 1 to 4 is not permitted. 2 Degrees or titles acquired through title peddling may not be used/ displayed/ mentioned. 3He who uses/ displays/ mentions a degree or title according to Paragraphs 1 to 4 has to prove the justification for this upon request of a relevant public authority.

(7) *1Die für Hochschulen zuständige Senatsverwaltung kann eine von ihr vor dem Inkrafttreten des Neunten Gesetzes zur Änderung des Berliner Hochschulgesetzes vom 30. Januar 2003 (GVBl. S. 25) erteilte Genehmigung zur Führung eines ausländischen Grades unter den Voraussetzungen des § 34 Absatz 7 widerrufen oder den Widerruf einer allgemein erteilten Genehmigung für den Einzelfall aussprechen. 2Gleiches gilt, wenn Umstände bekannt werden, dass die Verleihung des Grades, der zur Führung*

*genehmigt worden war, auf einer Geldzahlung oder Erbringung einer geldwerten Leistung beruht, die keine übliche Studien- oder Prüfungsge- bühr darstellt.*

7. 1 The relevant senate administration in charge of universities can withdraw a permission for using/ displaying/ mentioning a foreign degree awarded according to the “Ninth Law for the Change of the State University Law from 30. January 2003” according to the requirements of Paragraph 34, Sentence 7 or proclaim the withdrawal of the General Permission in an individual case. 2Same applies if circumstances come to light that the award of a degree that was permitted for use/display/ mention, rests upon the payment of money or rendering another service equivalent to money that does neither constitute a common tuition or examination fee. **26**

### **How to legally use and display a foreign degree in Berlin?**

According to the state law, degrees have to be held as follows:

John Doe, MBA (Doetown University)

John Doe, PhD (Doetown University)

If the degree comes from an English influenced country

or

Dr. (Universidad de Doetown) John Doe

If the university comes from a Latin influenced country like former French, Portuguese or Spanish colonies.

A special exception is certainly a female holder of a Spanish doctorate as she is forced to hold the degree as Dra. for doctora.

It is also noteworthy that Berlin is a hard-line state and honorary degrees can therefore not be abbreviated and must be written completely with their awarding institution:

Honorary Doctor (Doetown University) John Doe

Exceptions:

According to the Guide Booklet **27** issued by the State Government of Berlin there are exceptions in regards to holding degrees from the EU, Russia, US Universities listed on the so-called Carnegie List, Universities from Canada and Israel.

Degrees from governmentally recognized and accredited universities or colleges of the EU can be used/ displayed/ mentioned abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

The same rule (for the better understanding, e.g. John Doe, MBA or Dr. John Doe) applies to degrees from US universities that are listed on the Carnegie List and are listed with a high research activity. All other degrees

of US Universities must be held according to our general example, i.e. the awarding university must be mentioned and a PhD cannot be displayed as Dr. before the name. **28**

The same rule applies again for universities from Canada and Israel that can just be held abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

An additional exception is reserved for the degrees from Russian Universities. They can be used and displayed abbreviated in the German way but the university must be mentioned. For the better understanding, e.g. John Doe, MBA (Moscow University) or Dr. (Kursk University) John Doe.

A further exception has been permitted in the State of Berlin. While all other Federal states do not accept so called little doctorates from the Czech and Slovak Republics as research doctorates, they must be usually displayed in their original form only (for example: PhDR). This means that they do not enjoy the favourable regulation of EU degrees on doctoral level that could be used and displayed in the German way as “Dr.”. However, “little” doctorates that have been conferred till 6<sup>th</sup> of September 2007, are permitted to be used and displayed in Berlin as “Dr.”.

### 3.1.4

#### The State of Brandenburg



#### *§ 28 Ausländische Hochschulgrade*

*(1) Ein ausländischer Hochschulgrad, der von einer nach dem Recht des Herkunftslandes anerkannten Hochschule und aufgrund eines nach dem Recht des Herkunftslandes anerkannten Hochschulabschlusses nach einem ordnungsgemäß durch Prüfung abgeschlossenen Studium verliehen worden ist, darf in der Form, in der er verliehen wurde, unter Angabe der verleihenden Hochschule geführt werden. Dabei kann die verliehene Form, soweit erforderlich, in lateinische Schrift übertragen und die im Herkunftsland zugelassene oder nachweislich allgemein übliche Abkürzung benutzt werden.*

*zung verwendet und eine wörtliche Übersetzung in Klammern hinzugefügt werden. Hochschulgrade aus Mitgliedstaaten der Europäischen Union oder des Europäischen Wirtschaftsraumes sowie des Europäischen Hochschulinstituts Florenz und der Päpstlichen Hochschulen können ohne Herkunftsbezeichnung geführt werden. Eine Umwandlung in einen entsprechenden deutschen Grad findet nicht statt; eine Ausnahme hiervon gilt für Berechtigte nach § 10 des Bundesvertriebenengesetzes in der Fassung der Bekanntmachung vom 10. August 2007 (BGBl. I S. 1902), geändert durch Artikel 19 Abs. 1 des Gesetzes vom 12. Dezember 2007 (BGBl. I S. 2840). Die Sätze 1 bis 4 gelten entsprechend für ausländische staatliche oder kirchliche Grade.*

1. 1 A foreign university degree, which was awarded according to the law of the country of origin by an authorized higher education institution as a recognized academic degree after a due and thorough examination concluded study, can be held without further permission (use and display) in the form in which it was awarded while also mentioning the awarding institution. 2. If this is necessary the wording of the award may be translated into Latin script, abbreviations that are either common or evident in the country of origin may be used and a literal translation (into German) may be added in brackets. 3 Degrees from member-states of the European Union or the European Economic Area and the Pontifical Universities can be displayed/used without mentioning the awarding institution. 4 A conversion into corresponding German degrees does not take place, an exception from this are displaced persons according to § 10 of the Federal Displaced Persons Law from 10. August 2007 (BGBl. I S. 1902), changed through Article 19, Paragraph 1 from 12 December 2007 (BGBl. I S. 2840) and meaning those favoured by the Federal Law for Displaced Persons from

the former Eastern Provinces). 5 The sentences 1 to 4 apply accordingly for foreign governmental or ecclesiastical degrees.

(2) *Inhaber eines in einem wissenschaftlichen Promotionsverfahren erworbenen Doktorgrades, der entweder in den in Absatz 1 Satz 3 bezeichneten Staaten oder Institutionen oder an Universitäten der sogenannten Carnegie-Liste der Vereinigten Staaten von Amerika erworben wurde, können anstelle der im Herkunftsland zugelassenen oder nachweislich allgemein üblichen Abkürzung gemäß Absatz 1 Satz 2 die Abkürzung „Dr.“ ohne fachlichen Zusatz und ohne Herkunftsbezeichnung führen. Dies gilt nicht für Doktorgrade, die ohne Promotionsstudien und -verfahren vergeben werden (sogenannte Berufsdoktorate) und für Doktorgrade, die nach den rechtlichen Regelungen des Herkunftslandes nicht der dritten Ebene der sogenannten Bologna-Klassifikation der Studienabschlüsse zugeordnet sind. Die für Hochschulen zuständige oberste Landesbehörde kann durch Erlass für Doktorgrade aus bestimmten Staaten die Führung der Abkürzung „Dr.“ ohne fachlichen Zusatz mit Herkunftsbezeichnung zulassen. Die gleichzeitige Führung der im Herkunftsland zugelassenen oder nachweislich allgemein üblichen Abkürzungen und der Abkürzung „Dr.“ ist nicht zulässig.*

2. 1Holders of doctoral degrees that were obtained after a scientific research procedure, which were obtained in the countries or institutions mentioned under Paragraph 1 Sentence 3 or from Institutions and universities listed on the so-called Carnegie list of the United States of America can use the (German) abbreviation Dr. instead of using the abbreviations that are either common or evident in the country of origin and without mentioning the awarding university. This does not apply to doctoral de-

grees that were awarded without a scientific research procedure (so called vocational doctorates) and for doctorates that are not allocated to the third level of the Bologna Classification of Degrees. The highest State Authority relevant for universities can permit through decree that doctorates from certain countries may be held “Dr.” without mentioning the major but by mentioning the origin (awarding institution). Holding the abbreviation that is common or evident in the country of origin and using the abbreviation “Dr.” at the same time is not permitted.

(3) *Ein ausländischer Ehrengrad, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Hochschule oder anderen Stelle verliehen wurde, darf nach Maßgabe der für die Verleihung geltenden Rechtsvorschriften in der verliehenen Form unter Angabe der verliehenden Stelle geführt werden. Dies gilt nicht, wenn die verleihende Stelle kein Recht zur Vergabe des entsprechenden Grades nach Absatz 1 besitzt.*

3. 1 A foreign honorary degree, awarded by an authorized higher education institution or another (authorized) body according to the law of a country of origin can be held (holding in the sense of use and display) according to applicable law in the form in which it was awarded while also mentioning the awarding institution. 2 This does not apply if the foreign institution did not have the right to award to corresponding academic degree according to Paragraph 1.

(4) *Die Absätze 1 und 3 gelten sinngemäß für sonstige Hochschultitel und Hochschultätigkeitsbezeichnungen.*

4. Paragraphs 1 and 3 apply similarly for other academic titles and academic designations.

(5) Soweit Vereinbarungen und Abkommen der Bundesrepublik Deutschland mit anderen Staaten über Gleichwertigkeiten im Hochschulbereich und Vereinbarungen der Länder der Bundesrepublik Deutschland die Inhaber ausländischer Grade abweichend von den Absätzen 1 bis 3 begünstigen, gehen diese Regelungen vor.

5 Where agreements and treaties of the Federal Republic of Germany with other countries favour equivalences in higher education (equivalence treaties), and agreements of the states (the Länder) in the Federal Republic of Germany favour the holders of foreign degrees deviating from paragraphs 1 to 3, these regulations (the treaties and agreements) prevail.

(6) Eine von den Absätzen 1 bis 4 abweichende Grad- oder Titelführung ist untersagt. Grade oder Titel, die durch Kauf oder sonst in unrechtmäßiger Weise erworben wurden, dürfen nicht geführt werden. Wer einen Grad oder Titel gemäß den Absätzen 1 bis 4 führt, hat auf Verlangen der jeweils zuständigen Ordnungsbehörde die Berechtigung nachzuweisen. Ausländische Grade dürfen nicht gegen Entgelt vermittelt werden.

6. 1 Using/displaying/mentioning degrees and titles differently as prescribed in paragraphs 1 to 4 is not permitted. 2 Titles or degrees acquired illegally through title peddling may not be held. 3 He who holds a degree

or title according to Paragraphs 1 to 4 has to prove upon request of a relevant public authority the justification for this. Foreign degrees must not be brokered against remuneration.

*(7) Die für die Hochschulen zuständige oberste Landesbehörde kann eine von ihr vor dem 24. März 2004 erteilte Genehmigung zur Führung eines ausländischen Grades auch nach Inkrafttreten dieses Gesetzes zurücknehmen,*

7. 1 The highest State Authority relevant for universities can withdraw a permission for holding a foreign degree given according to the Law of 24. March 2004 even after the law became applicable:

*1. wenn Umstände bekannt werden, dass die für den Erwerb des Grades vorauszusetzenden Prüfungsleistungen offensichtlich nicht erbracht worden sind oder qualitativ hinter den maßgeblichen Anforderungen an den Erwerb eines entsprechenden deutschen akademischen Grades erheblich zurückbleiben,*

1 if circumstances come to light that the examination effort which is necessary to obtain the degree has obviously not been rendered or if it is far below the requirements that are necessary to obtain a corresponding German degree

*2. wenn Umstände bekannt werden, dass der Grad aufgrund von Studien- und Prüfungsleistungen verliehen wurde, die bei einer in der Bundesrepublik Deutschland arbeitenden privaten Bildungseinrichtung ohne staatliche Anerkennung erbracht worden sind, oder*

2 if circumstances come to light that the degree has been awarded based on Studies and Examinations, which have been rendered at a private educational institution in the Federal Republic of Germany that is not governmentally accredited, or

*3. sobald Anzeichen dafür vorliegen, dass die Verleihung des Grades von der Zahlung von Geld oder der Erbringung geldwerter Leistungen abhängig gemacht wurde, soweit es sich nicht um übliche Studien- oder Prüfungsgebühren handelt.*

3 if there are indicators that the award of the degree was depending on payments of money or rendering other services equivalent to money that do neither constitute a common tuition or examination fee.

**Note:** Paragraph 7, Sentence 2 is the so-called Lex Allianz. The State of Brandenburg entered this additional provision especially in order to impede cooperation between the University of Wales and Allianz Insurance of Germany. People who obtained within Allianz's academy the vocational German bachelor degree in business administration with emphasis in insurance were permitted to attend University of Wales courses for another 2-3 months whereupon they would obtain the Bachelor Business Administration on university level from there. This enraged legislators in

Brandenburg so much that they changed and enhanced the provisions of their state law in order to outlaw this cooperation.

Nonetheless, Allianz Insurance stubbornly followed its path and offers nowadays her Bachelor of Arts in Insurance and Distribution via German Vocational Academies. **29**

### **How to legally use and display a foreign degree in Brandenburg?**

According to the state law, degrees have to be held as follows:

John Doe, MBA (Doetown University)

John Doe, PhD (Doetown University)

If the degree comes from an English influenced country

or

Dr. (Universidad de Doetown) John Doe

if the university comes from a Latin influenced country like former French, Portuguese or Spanish colonies.

A special exception is certainly a female holder of a Spanish doctorate as she is forced to hold the degree as Dra. for doctora.

It is also noteworthy that Brandenburg is a hard-line state and honorary degrees can therefore not be abbreviated and must be written completely with their awarding institution:

Honorary Doctor (Doetown University) John Doe

Exceptions:

According to the Guide Booklet issued by the State Government of Brandenburg there are exceptions in regards to holding degrees from the EU, Russia, US Universities listed on the so-called Carnegie List, Universities from Canada and Israel. **30**

Degrees from governmentally recognized and accredited universities or colleges of the EU can be used/ displayed/ mentioned abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

The same rule (for the better understanding, e.g. John Doe, MBA or Dr. John Doe) applies to degrees from US universities that are listed on the Carnegie List and are listed with a high research activity. All other degrees of US Universities must be held according to our general example, i.e. the awarding university must be mentioned and a PhD cannot be displayed as Dr. before the name.

The same rule applies again for universities from Canada and Israel that can just be held abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

A further exception from those exceptions are the degrees from Russian Universities. They can be held abbreviated in the German way but the university must be mentioned (for the better understanding, e.g. John Doe, MBA (Moscow University) or Dr. (Kursk University) John Doe).

### 3.1.5

#### Hanseatic City of Bremen



#### *§ 64b [1] Führung von ausländischen Graden*

*1 Ausländische Hochschulgrade, Hochschultätigkeitsbezeichnungen und Hochschultitel sowie entsprechende staatliche oder kirchliche Grade, Bezeichnungen und Titel dürfen in der verliehenen Form unter Angabe der verleihenden Stelle geführt werden, wenn sie von einer ausländischen, im Herkunftsland anerkannten und zur Verleihung berechtigten Hochschule oder von einer entsprechenden staatlichen oder kirchlichen Stelle nach ordnungsgemäß durchgeföhrtem und durch Prüfung abgeschlossenen Hochschulstudium verliehen worden sind.*

Paragraph 64b, 1 Using/display and mention of Foreign Degrees

1 Foreign higher education degrees, academic designations and academic titles and corresponding governmental and ecclesiastical degrees, designations and titles can be used / displayed /mentioned in the way they have been conferred while mentioning the awarding institution, if they have been awarded after due studies concluded through examination by an authorized foreign higher education institution or a corresponding authorized governmental or ecclesiastical body which is recognized in the country of origin.

*2 Dabei kann die verliehene Form in die lateinische Schrift übertragen und die im Herkunftsland zugelassene oder nachweislich allgemein übliche Abkürzung geführt sowie eine wörtliche Übersetzung in Klammern hinzugefügt werden.*

2 Furthermore, the conferred degree may be transliterated into Latin script and the approved or evidently customary abbreviation in the country of origin can be used, and a literal translation can be added in brackets.

*3 Grade, Bezeichnungen und Titel aus Staaten, mit denen die Bundesrepublik Deutschland ein Abkommen über die Anerkennung von Gleichwertigkeiten im Hochschulbereich geschlossen hat, dürfen nach Maßgabe des jeweiligen Abkommens geführt werden.*

3 Degrees, designations and titles from countries with which the Federal Republic of Germany signed a Treaty of Mutual Recognition and Equiva-

lency within the field of higher education, can be used/ displayed/ mentioned according to the regulations of the respective treaty.

*4Das gilt sinngemäß auch für sonstige Vereinbarungen zur Führung von Graden, Bezeichnungen und Titeln.*

4. This is valid also in the same meaning for other agreements in regards to use/display/mention of degrees, designations and titles.

*5Grade, Bezeichnungen und Titel aus Mitgliedstaaten der Europäischen Union und des Europäischen Wirtschaftsraums sowie des Europäischen Hochschulinstituts Florenz dürfen in der Originalform ohne Herkunftsbezeichnung geführt werden.*

5. Degrees, designations and titles from member states of the European Union as much as from the European Economic Area and the European Tertiary Institute in Florence can be used/ displayed/ mentioned in the originally awarded form without mentioning the awarding institution.

*6Entgeltlich erworbene Grade, Bezeichnungen und Titel dürfen nicht geführt werden.*

6 Degrees, designations and titles obtained through purchase may not be used/ displayed/ mentioned.

*7 Für ehrenhalber verliehene Grade, Bezeichnungen und Titel gelten die Sätze 1 bis 6 entsprechend.*

7 For honorary degrees, designations and titles the sentences 1 to 6 apply accordingly

*8 Es gelten jeweils die für die Betroffenen günstigsten Regelungen.*

8 For those persons in question, always the most favourable regulation applies

*9 Ausländische Grade, Bezeichnungen und Titel, die von einer inländischen, zur Vergabe berechtigten Einrichtung oder Organisationseinheit im Sinne der §§ 13 und 13a vergeben werden, dürfen nach Maßgabe der Sätze 1 bis 8 geführt werden.*

9 Foreign Degrees, designations and titles, conferred by an authorized domestic institution or organisation according to Paragraphs 13 and 13a, can be used/ displayed/ mentioned according to sentences 1 to 8.

*10 Über die Führung von sonstigen Graden, Bezeichnungen und Titeln, für die nach Maßgabe der Sätze 1 bis 9 keine gesetzliche Allgemeingenehmigung erteilt wurde, entscheidet die Senatorin für Bildung, Wissenschaft und Gesundheit, soweit die Aufgabe nicht nach den §§ 4 und 12 übertragen ist.*

10 About use/display/mention of other degrees, designations and titles for which there are no regulations decreed within the sentences 1 to 9, the Minister for Education, Science and Health will decide if the task has not been delegated according to Paragraphs 4 and 12.

*11 Wird ein Hochschulgrad, eine Hochschultätigkeitsbezeichnung oder ein Hochschultitel abweichend von den Regelungen in den Sätzen 1 bis 9 geführt oder ist der Inhaber oder die Inhaberin wegen einer Straftat, die ihn oder sie als eines akademischen Grades, Titels oder einer Hochschultätigkeitsbezeichnung unwürdig erscheinen lässt, rechtskräftig verurteilt worden, kann die Senatorin für Bildung, Wissenschaft und Gesundheit die Führung untersagen.*

11 If a higher education degree, a university designation or an academic title is used/ displayed/ mentioned deviating from the regulations laid down in sentences 1 to 9, or if the (he or she) holder has been duly convicted of a felony, which let him appear unworthy of using/ displaying an academic degree or title, the Minister of Education, Science, and Health can forbid the use/ display/ mention.

*12 Widerspruch und Anfechtungsklage haben keine aufschiebende Wirkung.*

12 Appeal and law suits have no delaying effect.

*13 Auf Verlangen der Senatorin für Bildung, Wissenschaft und Gesundheit hat derjenige oder diejenige, der oder die einen Hochschulgrad, eine Hochschultätigkeitsbezeichnung oder einen Hochschultitel führt, die Berechtigung urkundlich nachzuweisen.*

13 Upon request of the Minister for Education, Science and Health has the one who uses/displays/mentions a higher education degree, an academic designation or an academic title to prove the eligibility for this by certificate.

*14 Weitergehende Einzelfallentscheidungen der Senatorin für Bildung, Wissenschaft und Gesundheit finden nicht statt.*

14 Apart from this, there are no further decisions in individual cases by the Minister of Education, Science and Health. 31

### **How to legally use and display a foreign degree in Bremen?**

According to the state law, degrees have to be held as follows:

John Doe, MBA (Doetown University)

John Doe, PhD (Doetown University)

If the degree comes from an English influenced country

or

Dr. (Universidad de Doetown) John Doe

if the university comes from a Latin influenced country like former French, Portuguese or Spanish colonies.

A special exception is certainly a female holder of a Spanish doctorate as she is forced to hold the degree as Dra. for doctora.

It is also noteworthy that Bremen is a hard-line state and honorary degrees can therefore not be abbreviated and must be written completely with their awarding institution:

Honorary Doctor (Doetown University) John Doe

Exceptions:

According to the Guide Booklet **32** issued by the State Government of Bremen there are exceptions in regards to holding degrees from the EU, Russia, US Universities listed on the so-called Carnegie List, Universities from Canada and Israel.

Degrees from governmentally recognized and accredited universities or colleges of the EU can be used/ displayed/ mentioned abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

The same rule (for the better understanding, e.g. John Doe, MBA or Dr. John Doe) applies to degrees from US universities that are listed on the Carnegie List **33** and are listed with a high research activity. All other degrees of US Universities must be held according to our general example, i.e. the awarding university must be mentioned and a PhD cannot be displayed as Dr. before the name.

The same rule applies again for universities from Canada and Israel that can just be held abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

Another exception are the degrees from Russian Universities. They can be held abbreviated in the German way but the university must be mentioned (for the better understanding, e.g. John Doe, MBA (Moscow University) or Dr. (Kursk University) John Doe).

### 3.1.6

#### Hanseatic City of Hamburg



§ 69 HmbHG

#### Ausländische Grade

*1. Ein ausländischer akademischer Hochschulgrad, der auf Grund einer Prüfung im Anschluss an ein tatsächlich absolviertes Studium von einer nach dem Recht des Herkunftslandes anerkannten Hochschule ordnungsgemäß verliehen wurde, kann in der Form, in der er verliehen wurde, unter Angabe der verleihenden Institution geführt werden. Die verliehene Form des Grades kann bei fremden Schriftarten in die lateinische Schrift übertragen werden; ferner kann die im Herkunftsland zugelassene oder nachweislich allgemein übliche Abkürzung geführt sowie eine wörtliche*

*Übersetzung in Klammern hinzugefügt werden. Die Sätze 1 und 2 gelten für ausländische staatliche und kirchliche Hochschulgrade entsprechend.*

*§ 10 des Bundesvertriebenengesetzes in der Fassung vom 3. Juni 1993 (BGBl. I S. 830), zuletzt geändert am 22. Dezember 1999 (BGBl. I S. 2534, 2535), in der jeweils geltenden Fassung bleibt unberührt.*

1. A foreign academic university degree, which was awarded according to the law of the country of origin as a recognized academic degree after a duly through examination concluded study, can be held without further permission (use and display) in the form in which it was awarded by also mentioning the awarding institution. The award can be translated into Latin script, and also the commonly used or officially permitted abbreviation in the country of origin can be held and a literal translation (into German) can be added in brackets. Sentences 1 and 2 apply accordingly for foreign governmental and ecclesiastical university degrees. § 10 of the Federal Law for Displaced Persons (from the former Eastern Provinces) lastly changed on 22. December 1999 (BGBl. I S. 2534, 2535) in the applicable form, remains unaffected.

2. *Ein ausländischer Ehrengrad, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Hochschule oder einer anderen Stelle verliehen wurde, kann nach Maßgabe der für die Verleihung geltenden Rechtsvorschriften in der verliehenen Form unter Angabe der verleihenden Stelle geführt werden. Ein ausländischer Ehrengrad darf nicht geführt werden, wenn die verleihende Institution kein Recht zur Vergabe des entsprechenden Grades nach Absatz 1 besitzt.*

2. A foreign honorary degree, awarded by a university or another authority that is permitted to do so according to the law of a country of origin can be held (holding in the sense of use and display) according to applicable law in the form in which it was awarded by also mentioning the awarding institution. Excluded from (the General Permission of) being held (holding a degree in the sense of use and display) are honorary degrees if the foreign institution did not have the right to award to corresponding academic degree according to Paragraph 1.

*3. Die Absätze 1 und 2 gelten für die Führung von Hochschultiteln und Hochschultätigkeitsbezeichnungen entsprechend.*

3. The regulations under paragraph 1 and paragraph 2 apply accordingly for university titles and university vocational denominations. For governmental and ecclesiastical degrees Paragraph 1 applies accordingly.

*4. Soweit Vereinbarungen und Abkommen der Bundesrepublik Deutschland mit anderen Staaten über Gleichwertigkeiten im Hochschulbereich und Vereinbarungen der Länder der Bundesrepublik Deutschland die Betroffenen gegenüber den Absätzen 1 bis 3 begünstigen, erhalten diese Regelungen den Vorrang. Die zuständige Behörde trifft durch Allgemeinverfügung die erforderlichen Bestimmungen zur Umsetzung.*

4. Where agreements and treaties of the Federal Republic of Germany with other countries favour equivalences in higher education (equivalence

treaties), and agreements of the states (the Länder) in the Federal Republic of Germany favour the holders of foreign degrees differently from paragraphs 1 to 3, these regulations prevail. The authority in charge decides through general decree the necessary regulations for implementation.

*5. Eine von den o.g. Regelungen abweichende Grad- oder Titelführung ist ebenso untersagt wie die Führung von durch Kauf erworbenen Graden und Hochschultiteln. Wer einen ausländischen Grad oder Hochschultitel führt, hat auf Verlangen der zuständigen Behörde die Berechtigung hierzu nachzuweisen.*

5. Displaying degrees and titles differently as mentioned before is as much not permitted as holding university titles and degrees acquired through purchase. He who holds a foreign degree or university title has to prove upon request of the authority in charge the justification for this. **34**

### **How to legally use and display a foreign degree in Hamburg?**

According to the state law, degrees have to be held as follows:

John Doe, MBA (Doetown University)

John Doe, PhD (Doetown University)

If the degree comes from an English influenced country

or

Dr. (Universidad de Doetown) John Doe

if the university comes from a Latin influenced country like former French, Portuguese or Spanish colonies.

A special exception is certainly a female holder of a Spanish doctorate as she is forced to hold the degree as Dra. for doctora.

It is also noteworthy that Hamburg is a hard-line state and honorary degrees can therefore not be abbreviated and must be written completely with their awarding institution:

Honorary Doctor (Doetown University) John Doe

Exceptions:

According to the Guide Booklet **35** issued by the State Government of Hamburg there are exceptions in regards to holding degrees from the EU, Russia, US Universities listed on the so-called Carnegie List, Universities from Canada and Israel.

Degrees from governmentally recognized and accredited universities or colleges of the EU can be used/ displayed/ mentioned abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

The same rule (for the better understanding, e.g. John Doe, MBA or Dr. John Doe) applies to degrees from US universities that are listed on the Carnegie List **36** and are listed with a high research activity. All other degrees of US Universities must be held according to our general example, i.e. the awarding university must be mentioned and a PhD cannot be displayed as Dr. before the name.

The same rule applies again for universities from Canada and Israel that can just be held abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

A further exception from those exceptions are the degrees from Russian Universities. They can be held abbreviated in the German way but the university must be mentioned (for the better understanding, e.g. John Doe, MBA (Moscow University) or Dr. (Kursk University) John Doe).

### 3.1.7

#### State of Hesse



#### § 22

##### Führung ausländischer Grade und Titel

(1) *Ein ausländischer Hochschulgrad, der aufgrund eines nach dem Recht des Herkunftslandes anerkannten Hochschulabschlusses nach einem ordnungsgemäß durch Prüfung abgeschlossenen Studium verliehen worden und auch nach europä -ischem Rechtsverständnis ein Hochschulgrad ist, kann in der Form, in der er verliehen wurde unter Angabe der verliehenen Hochschule geführt werden. Dabei*

*kann die verliehene Form bei fremden Schriftarten in die lateinische Schrift übertragen (transliteriert) werden und die im Herkunftsland zugelassene oder allgemein übliche Abkürzung geführt und eine wörtliche*

*Übersetzung in Klammern hinzugefügt werden. Bei Graden aus der Europäischen Union und der Schweiz kann der Hinweis auf die verleihende Hochschule entfallen.*

1. A foreign academic university degree, which was awarded according to the law of the country of origin as a recognized academic degree after having due and through examination concluded the studies and which is also according to the European understanding of law a university degree, can be held without further permission (use and display) in the form in which it was awarded by also mentioning the awarding institution. In case of foreign alphabets, the award can be translated into Latin script, and also the commonly used or officially permitted abbreviation in the country of origin can be held and a literal translation (into German) can be added in brackets. In case of degrees from the European Union and Switzerland the awarding university may not be mentioned.

(2) *Ein ausländischer Ehrengrad, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Hochschule oder anderen Stelle verliehen wurde, kann nach Maßgabe der für die Verleihung geltenden Rechtsvorschriften in der verliehenen Form unter Angabe der verliehenen Stelle geführt werden. Abs. 1 Satz 2 gilt entsprechend. Ausgeschlossen von der Führung sind Ehrengrade, wenn die ausländische Institution kein Recht zur Vergabe des entsprechenden Grades nach Abs. 1 besitzt.*

2. A foreign honorary degree, awarded by a university or another authority that is authorized to do so according to the law of a country of origin can be held (holding in the sense of use and display) according to applicable law in the form in which it was awarded by also mentioning the awarding institution. Paragraph 1, Sentence 2 apply. Excluded from (the General Permission of) being displayed (using and displaying a degree in public) are honorary degrees if the foreign institution did not have the right to award to corresponding academic degree according to Paragraph 1.

*(3) Die Regelungen in Abs. 1 und 2 gelten entsprechend für Hochschultitel und Hochschultätigkeitsbezeichnungen (Titel).*

3. The regulations under paragraph 1 and paragraph 2 apply accordingly for university titles and university vocational denominations.

*(4) Soweit Vereinbarungen und Abkommen der Bundesrepublik Deutschland mit anderen Staaten über Gleichwertigkeiten im Hochschulbereich und Vereinbarungen der Länder der Bundesrepublik Deutschland die Betroffenen gegenüber den Abs. 1 bis 3 begünstigen, gehen diese Regelungen vor.*

4. Where agreements and treaties of the Federal Republic of Germany with other countries regarding equivalences in higher education (equivalence treaties), and agreements of the states (the Länder) in the Federal Republic of Germany favour the persons in question with foreign degrees compared with paragraphs 1 to 3, these regulations (agreements and treaties) prevail.

*(5) Eine von den Abs. 1 bis 3 abweichende Grad- und Titelführung ist untersagt. Durch Kauf erworbene Grade, Titel oder Tätigkeitsbezeichnungen dürfen nicht geführt werden. Wer einen Grad, einen Titel oder eine Tätigkeitsbezeichnung führt, hat auf Verlangen einer Ordnungsbehörde die Berechtigung hierzu urkundlich nachzuweisen.*

Displaying degrees and titles differently as mentioned in the paragraphs 1 to 3 is not permitted. Titles, degrees and vocational denominations which were purchased, are not permitted for display. He who displays a foreign degree or university title has to prove justification for this upon request of the authority in charge. **37**

How to legally use and display a foreign degree in Hesse?

According to the state law, degrees have to be held as follows:

John Doe, MBA (Doetown University)

John Doe, PhD (Doetown University)

If the degree comes from an English influenced country

or

Dr. (Universidad de Doetown) John Doe

if the university comes from a Latin influenced country like former French, Portuguese or Spanish colonies.

A special exception is certainly a female holder of a Spanish doctorate as she is forced to hold the degree as Dra. for doctora.

It is also noteworthy that Hesse is a hard-line state and honorary degrees can therefore not be abbreviated and must be written completely with their awarding institution:

Honorary Doctor (Doetown University) John Doe

Exceptions:

According to the Guide Booklet issued by the State Government there are exceptions in regards to holding degrees from the EU, Russia, US Universities listed on the Carnegie List, Universities from Canada and Israel. **38**

Degrees from governmentally recognized and accredited universities or colleges of the EU can be used/ displayed/ mentioned abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

The same rule (for the better understanding, e.g. John Doe, MBA or Dr. John Doe) applies to degrees from US universities that are listed on the Carnegie List and are listed with a high research activity. All other degrees of US Universities must be held according to our general example, i.e. the

awarding university must be mentioned and a PhD cannot be displayed as Dr. before the name.

The same rule applies again for universities from Canada and Israel that can just be held abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

Another exception are the degrees from Russian Universities. They can be held abbreviated in the German way but the university must be mentioned (for the better understanding, e.g. John Doe, MBA (Moscow University) or Dr. (Kursk University) John Doe).

### 3.1.9

#### The State of Mecklenburg-Western Pomerania



#### § 42

##### Ausländische Grade / Foreign Degrees

(1) Ein ausländischer Hochschulgrad, der aufgrund eines nach dem Recht des Herkunftslandes anerkannten Hochschulabschlusses nach einem ordnungsgemäß durch Prüfung abgeschlossenen Studium verliehen worden ist, kann in der Form, in der er verliehen wurde, unter Angabe der verleihenden Hochschule geführt werden. Dabei kann die verliehene Form gegebenenfalls transliteriert und die im Herkunftsland zugelassene oder nachweislich allgemein übliche Abkürzung geführt und eine wörtliche Übersetzung in Klammern hinzugefügt werden. Die Regelungen finden auch Anwendung auf staatliche und kirchliche Grade. Eine Umwandlung in einen entsprechenden deutschen Grad findet mit Ausnahme zu Gunsten der nach dem Bundesvertriebenengesetz Berechtigten nicht statt.

1A foreign academic university degree, which was awarded according to the law of the country of origin as a recognized academic degree after having due and through examination concluded the studies, can be used/ displayed/ mentioned without further permission in the form it was awarded by also mentioning the awarding institution. If necessary, the original form of the award may be transliterated and the commonly used or officially permitted abbreviation in the country of origin can be displayed and a literal translation (into German) can be added in brackets. These regulations apply also to governmental and ecclesiastical titles. A transformation into a corresponding German degrees does not take place except for those who are permitted to this according to the Federal Displaced Persons Act (= people who originate to date from the areas of the German Empire that were informally incorporated into Russia and Poland after 1945).

*(2) Ein ausländischer Ehrengrad, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Stelle verliehen wurde, kann nach Maßgabe der für die Verleihung geltenden Rechtsvorschriften in der verliehenen Form unter Angabe der verleihenden Stelle geführt werden. Ausgeschlossen von der Führung sind Ehrengrade, wenn die ausländische Institution kein Recht zur Vergabe des entsprechenden Grades im Sinne von Absatz 1 besitzt.*

2. A foreign honorary degree, awarded by an authority that is authorized to do so according to the law of a country of origin can be used/ displayed/ mentioned according to applicable law in the form in which it was awarded by also mentioning the awarding institution. Excluded from (the General Permission of) being displayable/usable are honorary degrees if

the foreign institution did not have the right to award the corresponding academic degree according to Paragraph 1.

*(3) Die Regelungen der Absätze 1 und 2 gelten entsprechend für Hochschultitel und Hochschultätigkeitsbezeichnungen.*

3. The regulations under paragraph 1 and paragraph 2 apply accordingly for university titles and university (vocational) denominations.

*(4) Soweit Vereinbarungen und Abkommen der Bundesrepublik Deutschland mit anderen Staaten über Gleichwertigkeiten im Hochschulbereich und Vereinbarungen der Länder in der Bundesrepublik Deutschland die Inhaber ausländischer Grade abweichend von den Absätzen 1 bis 3 begünstigen, gehen diese Regelungen vor.*

4. Where agreements and treaties of the Federal Republic of Germany with other countries regarding equivalences in higher education (equivalence treaties), and agreements of the states (the Länder) in the Federal Republic of Germany favor the persons in question with foreign degrees compared with paragraphs 1 to 3, these regulations (agreements and treaties) prevail.

*(5) Das Ministerium für Bildung, Wissenschaft und Kultur wird ermächtigt, von den Absätzen 1 bis 3 abweichende, begünstigende Regelungen für Gradinhaberinnen und Gradinhaber durch Verordnung zu treffen. Die*

*Verordnung kann den Erlass von Allgemeingenehmigungen für bestimmte ausländische Grade vorsehen.*

5 The Ministry for Education, Science and Culture is enabled to implement more favorable regulations and decrees, which divert from Paragraphs 1 to 3. The decree may prescribe a general permission for certain foreign degrees.

*(6) Eine von den Absätzen 1 bis 5 abweichende Grad- und Titelführung ist untersagt. Durch Titelkauf erworbene Grade dürfen nicht geführt werden. Wer einen Grad, Titel oder eine Hochschultätigkeitsbezeichnung führt, hat auf Verlangen der zuständigen Stelle die Berechtigung hierzu urkundlich nachzuweisen.*

Displaying/using/mentioning degrees and titles differently as mentioned in the paragraphs 1 to 5 is not permitted. Purchased degrees are not permitted for use/ display/ mention. He who uses/displays a degree or university title has to prove eligibility for this through the certificate upon request of the authority in charge.

*(7) Die Überwachung und Durchsetzung der Einhaltung dieser Vorschrift obliegt dem Ministerium für Bildung, Wissenschaft und Kultur.*

Monitoring and Enforcement of this regulation is in the hands of the Ministry of Education, Science and Culture. **39**

How to legally use and display a foreign degree in Mecklenburg-Western Pomerania?

According to the state law, degrees have to be held as follows:

John Doe, MBA (Doetown University)

John Doe, PhD (Doetown University)

If the degree comes from an English influenced country

or

Dr. (Universidad de Doetown) John Doe

if the university comes from a Latin influenced country like former French, Portuguese or Spanish colonies.

A special exception is certainly a female holder of a Spanish doctorate as she is forced to hold the degree as Dra. for doctora.

It is also noteworthy that Mecklenburg-Western Pomerania is a hard-line state and honorary degrees can therefore not be abbreviated and must be written completely with their awarding institution:

Honorary Doctor (Doetown University) John Doe

Exceptions:

According to the Guide Booklet **40** issued by the State Government there are exceptions in regards to holding degrees from the EU, Russia, US Universities listed on the so-called Carnegie List, Universities from Canada and Israel.

Degrees from governmentally recognized and accredited universities or colleges of the EU can be used/ displayed/ mentioned abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

The same rule (for the better understanding, e.g. John Doe, MBA or Dr. John Doe) applies to degrees from US universities that are listed on the Carnegie List and are listed with a high research activity. All other degrees of US Universities must be held according to our general example, i.e. the awarding university must be mentioned and a PhD cannot be displayed as Dr. before the name.

The same rule applies again for universities from Canada and Israel that can just be held abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

Another exception are the degrees from Russian Universities. They can be held abbreviated in the German way but the university must be mentioned (for the better understanding, e.g. John Doe, MBA (Moscow University) or Dr. (Kursk University) John Doe).

### 3.1.9

#### The State of Lower Saxony



§ 10

Ausländische Grade, Titel und Bezeichnungen

Foreign Degrees, Titles and Denominations

(1) Ein ausländischer Hochschulgrad, der von einer nach dem Recht des Herkunftslandes anerkannten Hochschule aufgrund eines durch Prüfung abgeschlossenen Studiums verliehen worden ist, kann in der verliehenen Form unter Angabe der verleihenden Hochschule geführt werden. Dabei kann die verliehene Form gegebenenfalls in lateinische Schrift übertragen und die im Herkunftsland zugelassene oder nachweislich allgemein übliche Abkürzung geführt sowie eine wörtliche Übersetzung in Klammern

*hinzugefügt werden. Die Regelungen finden auch Anwendung auf staatliche und kirchliche Grade. Eine Umwandlung in einen entsprechenden inländischen Grad findet nicht statt.*

1A foreign academic university degree, which was awarded according to the law of the country of origin by a recognized university after having due and through examination concluded the studies, can be used/ displayed/ mentioned without further permission in the form it was awarded while also mentioning the awarding institution. Furthermore, the original form of the award may be transliterated into Latin script and the commonly used or officially permitted abbreviation (of the degree) in the country of origin can be displayed and a literal translation (into German) can be added in brackets. A conversion into a corresponding German degree does not take place.

*(2) Ein ausländischer Ehrengrad, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Stelle verliehen wurde, kann nach Maßgabe der für die Verleihung geltenden Rechtsvorschriften in der verliehenen Form unter Angabe der verleihenden Stelle geführt werden.*

*Absatz 1 Satz 2 gilt entsprechend. Ausgeschlossen von der Führung sind Ehrengrade, wenn die ausländische Institution kein Recht zur Vergabe des entsprechenden Grades nach Absatz 1 besitzt.*

2. A foreign honorary degree, awarded by an authority that is authorized to do so according to the law of a country of origin can be used/ displayed/ mentioned according to applicable law in the form it was awarded while also mentioning the awarding institution. Excluded from (the Gen-

eral Permission of) being displayable/usable are honorary degrees if the foreign institution did not have the right to award the corresponding academic degree according to Paragraph 1.

(3) *Die Regelungen der Absätze 1 und 2 gelten entsprechend für Hochschultitel und Hochschultätigkeitsbezeichnungen.*

3. The regulations under paragraphs 1 and 2 apply accordingly for university titles and university (vocational) denominations.

(4) *Das Fachministerium wird ermächtigt, von den Absätzen 1 bis 3 abweichende, begünstigende Regelungen aufgrund von Äquivalenzvereinbarungen, Vereinbarungen der Länder oder für Berechtigte nach dem Bundesvertriebenengesetz, durch Verordnung zu treffen.*

4. The Ministry in charge is enabled to implement more favourable regulations diverging from paragraphs 1 to 3 by decree on the basis of equivalency treaties, agreements of the states (Länder) or for claimants according to the Federal Law on Displaced Persons.

(5) *Eine von den Absätzen 1 bis 4 abweichende Grad- und Titelführung ist untersagt. Entgeltlich erworbene Grade, Titel und Hochschultätigkeitsbezeichnungen dürfen nicht geführt werden. Wer einen ausländischen Grad, Titel oder eine ausländische Hochschultätigkeitsbezeichnung führt, hat auf Verlangen einer zuständigen öffentlichen Stelle die Berechtigung hierzu urkundlich nachzuweisen.*

5. Displaying/using/mentioning degrees and titles differently as mentioned in the paragraphs 1 to 5 is not permitted. Purchased degrees are not permitted for use/ display/ mention. He who uses/displays a degree or university title has to prove eligibility for this through certificate upon request of the authority in charge. **41**

*Verordnung über die Führung ausländischer akademischer Grade, Titel und Tätigkeitsbezeichnungen (AkGradVO)*

*Vom 24. April 2008 (Nds.GVBl. Nr. 8/2008 S.116) - VORIS 22210 )*

Decree about Displaying Foreign Academic Degrees, Titles and job denominations (AkadGradVO)

From the 24<sup>th</sup> of April 2008, Lower Saxony Gazette Number: 8/2008 S.116) - VORIS 22210

*Aufgrund des § 10 Abs. 4 des Niedersächsischen Hochschulgesetzes (NHG) in der Fassung vom 26.Februar 2007 (Nds.GVBl. S.69), geändert durch Artikel 3 des Gesetzes vom 13.September 2007 (Nds.GVBl. S.444), wird verordnet:*

Due to § 10, Sentence 4 of the University Law of Lower Saxony (NHG), according to the version of the 26th of February 2007, changed through article 3 of the law from 13th September 2007 (Lower Saxony Gazette, page 444), the following is decreed:

## § 1

### *Regelungsbereich*

*Diese Verordnung enthält von § 10 Abs. 1 bis 3 NHG abweichende, begünstigende Regelungen über die Führung von ausländischen Hochschulgraden, Ehrengraden, Hochschultiteln, Ehrentiteln und Hochschultätigkeitsbezeichnungen.*

## § 1

### Jurisdiction

This decree contains favorable regulations differing from § 10, Sentences 1 to 3 NHG regarding the use/display/mentioning of foreign tertiary level degrees, honorary degrees, academic titles, honorary titles and academic denominations.

## § 2

### *Regelungen für Berechtigte nach dem Bundesvertriebenengesetz*

*(1) Personen, die eine Bescheinigung nach § 15 des Bundesvertriebenengesetzes (BVFG) besitzen und denen vor der Aussiedlung ein ausländischer Hochschulgrad, Ehrengrad, Hochschultitel oder Ehrentitel oder eine ausländische Hochschultätigkeitsbezeichnung verliehen wurde, der oder die unter § 10 Abs. 2 BVFG fällt und die Voraussetzungen des § 10 Abs. 1 bis 3 NHG erfüllt, können diesen oder diese ohne Angabe der verleihenden Hochschule führen.*

## §2 Rules for claimants according to the Federal Displaced Persons Law

1 Persons who own a certification according to § 15 Federal Displaced Persons Law (BVG) and who were awarded a foreign tertiary level de-

gree, honorary degree, tertiary level title or honorary title or a foreign work denomination that falls under § 10 Sentence 2 BVFG and fulfills the requirements set in § 10, Sentence 1-3 NHG before re-settlement, can use/mention display it/them without mentioning the awarding tertiary institution.

(2) *Ist in den Fällen des Absatzes 1 der Hochschulgrad einem inländischen Hochschulgrad gleichwertig, so gestattet das Fachministerium auf schriftlichen Antrag, dass der Hochschulgrad in der Form des entsprechenden inländischen Hochschulgrades geführt wird und legt diese Form in einer Urkunde fest. 2Im Einzelfall erteilte entsprechende Gestattungen und Festlegungen anderer Länder gelten auch in Niedersachsen.*

2. 1If in cases of Sentence 1 the tertiary level degree is equivalent to a domestic tertiary level degree, it is allowed upon written request through the respective ministry that the degree is mentioned/held/displayed like a corresponding domestic tertiary level degree and this form is defined by certificate. 2Individual cases with corresponding permissions and definitions of other provinces are valid in Lower Saxony, too.

### § 3

#### *Regelungen aufgrund von Äquivalenzvereinbarungen*

*Soweit Vereinbarungen und Abkommen der Bundesrepublik Deutschland mit anderen Staaten über Gleichwertigkeiten im Hochschulbereich begünstigende Regelungen bezüglich der Form enthalten, in der ein ausländischer Hochschulgrad, Ehrengrad, Hochschultitel oder Ehrentitel oder eine ausländische Hochschultätigkeitsbezeichnung geführt werden darf, haben diese Vorrang vor § 10 Abs. 1 bis 3 NHG.*

### §3

#### Regulations based on Equivalency Agreements

Insofar agreements and treaties of the Federal Republic of Germans with other countries regarding equivalency on tertiary level contain favorable regulations regarding the way of displaying/using/mentioning a foreign tertiary level degree, honorary degree, academic title or honorary title or a foreign academic denomination, these regulations prevail over § 10, Sentences 1 to 3 NHG.

### § 4

#### Regelungen aufgrund von Vereinbarungen der Länder

##### § 4

#### Regulations based on agreements of countries

*(1) Hochschulgrade, Ehrengrade, Hochschultitel, Ehrentitel und ausländische Hochschultätigkeitsbezeichnungen, die in einem anderen Mitgliedstaat der Europäischen Union, einem anderen Vertragsstaat des Abkommens über den Europäischen Wirtschaftsraum oder durch eine Päpstliche Hochschule verliehen wurden, können ohne Angabe der verleihenden Hochschule geführt werden.*

1 Tertiary level degrees, honorary degrees, academic titles, honorary titles and foreign academic denominations, which were awarded in another member state of the Agreement of the European Economic Zone or through a Papal University, can be used/ mentioned/displaced without mentioning the awarding tertiary institution.

*(2) Personen, denen in einem wissenschaftlichen Promotionsverfahren in einem in Absatz 1 bezeichneten Staat oder durch eine Päpstliche Hochschule ein Doktorgrad verliehen wurde, können anstelle der im Herkunftsstaat zugelassenen oder nachweislich allgemein üblichen Abkürzung die Abkürzung „Dr.“ ohne einen das Fachgebiet kennzeichnenden Zusatz und ohne Angabe der verleihenden Hochschule führen. Dies gilt nicht für Doktorgrade, die ohne Promotionsstudien und -verfahren verliehen wurden und für Doktorgrade, die nach den Rechtsvorschriften des Herkunftsstaates nicht der Doktoratsebene (dritte Ebene der Bologna-Klassifikation der Studienabschlüsse) zugeordnet sind.*

2 Persons who obtained a doctorate in a state as listed under sentence 1 or from a Papal University and through research process, can use “Dr.” without mentioning the field of expertise instead of the generally evidently permitted acronym of the country of origin. This does not apply to doctorates that were awarded without research process and that are not doctorate level according to the regulations of the country of origin (third level of the Bologna Classification).

*(3) Personen, denen einer der nachstehend genannten Doktorgrade verliehen wurde, können anstelle der im Herkunftsstaat zugelassenen oder nachweislich allgemein üblichen Abkürzung die Abkürzung „Dr.“ ohne einen das Fachgebiet kennzeichnenden Zusatz unter Angabe der verleihenden Hochschule führen:*

1. Australien: Doctor of
2. Israel: Doctor of
3. Kanada: Doctor of Philosophy
4. Russland: kandidat biologiceskich nauk

kandidat chimiceskich nauk  
kandidat farmacevticeskich nauk  
kandidat filologiceskich nauk  
kandidat fiziko-matematiceskich nauk  
kandidat geograficeskich nauk  
kandidat geologo-mineralogiceskich nauk  
kandidat iskusstvovedenija  
kandidat medicinskich nauk  
kandidat nauk (architektura)  
kandidat psichologiceskich nauk  
kandidat selskochozjajstvennych nauk  
kandidat techniceskich nauk  
kandidat veterinarnych nauk.

3 Persons, who obtained a doctor degree as listed below, can use the acronym „Dr.“ without mentioning the field of expertise while mentioning the awarding institution instead of using the generally evidently permitted acronym of the country of origin:

1. Australia: Doctor of
2. Israel: Doctor of
3. Canada: Doctor of Philosophy
4. Russia: kandidat biologiceskich nauk

kandidat chimiceskich nauk  
kandidat farmacevticeskich nauk

kandidat filologiceskich nauk  
kandidat fiziko-matematiceskich nauk  
kandidat geograficeskich nauk  
kandidat geologo-mineralogiceskich nauk  
kandidat iskusstvovedenija  
kandidat medicinskich nauk  
kandidat nauk (architektura)  
kandidat psichologiceskich pauk  
kandidat selskochozjajstvennych nauk  
kandidat techniceskich nauk  
kandidat veterinarnych nauk.

(4) Personen, denen der Doktorgrad „Doctor of Philosophy“ von einer Research University der Carnegie-Liste der Vereinigten Staaten von Amerika verliehen wurde, die zum Zeitpunkt der Verleihung in der Carnegie Classification von 1994 als „Research University I/II“ oder von 2005 als „Research University/very high research activity“ (RU/VH) oder „Research University/high research activity“ (RU/H) eingestuft war, können anstelle der dort zugelassenen oder nachweislich allgemein üblichen Abkürzung die Abkürzung „Dr.“ ohne einen das Fachgebiet kennzeichnenden Zusatz und ohne Angabe der verleihenden Hochschule führen.

4 Persons who obtained the doctor degree (Doctor of Philosophy) from a research university listed on the Carnegie List of the United States of America, which was listed in 1994 as Research University I/II or 2005 as Research University/very high research activity (RU/VH) or Research

University/ high research activity (Ru/H) can use the acronym „Dr.“ without mentioning the field of expertise and without mentioning the awarding institution instead of using the generally evidently permitted acronym of the country of origin.

(5) *Die gleichzeitige Führung der im Herkunftsstaat zugelassenen oder nachweislich allgemein üblichen Abkürzung und der Abkürzung „Dr.“ ist nicht zulässig.*

5Using/displaying/mentioning the generally evidently permitted acronym of the country of origin and the acronym “Dr.” is not permitted.

(6) *Genehmigungen anderer Länder über die Führung ausländischer Hochschulgrade im Einzelfall gelten auch in Niedersachsen.*

6Permissions of other provinces regarding the use/display/mention of foreign tertiary level degree in individual cases, are also valid in Lower Saxony.

## § 5

### Inkrafttreten

1Diese Verordnung tritt am Tag nach ihrer Verkündung in Kraft.

2Gleichzeitig tritt die Verordnung über die Führung ausländischer akademischer Grade, Titel und Bezeichnungen vom 9.Juli 2001 (Nds.GVBl. S.423) außer Kraft.

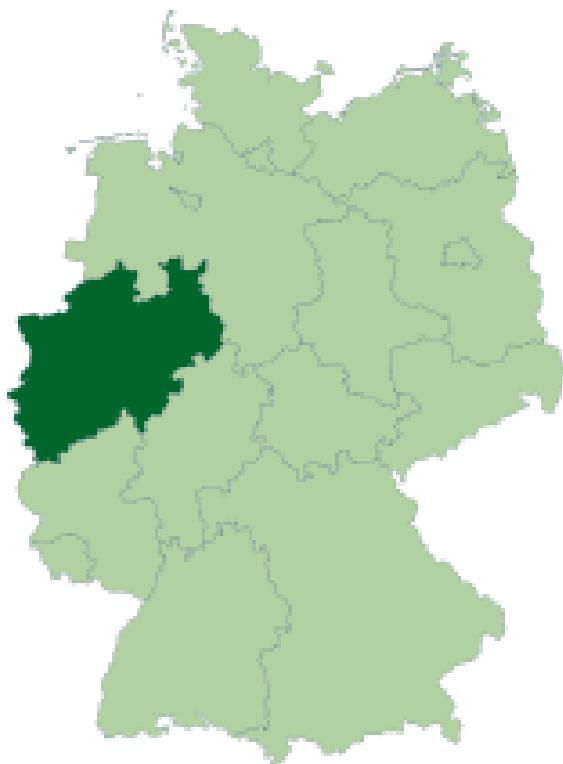
## §5

### Validity

This decree becomes valid at the day after its promulgation. At the same time the decree regarding the display/use/mention of foreign academic degrees, titles and denominations from 9<sup>th</sup> of July 2001 (Lower Saxony Gazette Page 423) is lifted. **42**

### **3.1.10**

#### **The State of North-Rhine Westphalia**



**GESETZ ÜBER DIE HOCHSCHULEN DES LANDES NORDRHEIN-WESTFALEN (HOCHSCHULGESETZ – HG – )**  
**IN DER FASSUNG DES HOCHSCHULFREIHEITSGESETZES (HFG)**  
**– HFG-VOM 31.10.2006 (GV.NRW S. 474) –**  
**DAS GESETZ IST MIT WIRKUNG 1. JANUAR 2007 IN KRAFT**  
**GETREten.**

Law regarding the Universities of the State of North Rhine-Westphalia,  
version of the University Liberty Law from 31.10.2006, the law came into  
power on 1st of January 2007

## § 69

### Verleihung und Führung von Graden

#### Awarding and Displaying/using/mentioning degrees

*(1) Grade dürfen nur verliehen werden, wenn innerstaatliche Bestimmungen es vorsehen. Bezeichnungen, die Graden zum Verwechseln ähnlich sind, dürfen nicht vergeben werden.*

Degrees may only be conferred if interstate regulations provide for this.  
Denominations that can be confused with degrees cannot be awarded.

*(2) Von einer staatlichen oder staatlich anerkannten Hochschule in Deutschland oder in einem anderen Mitgliedstaat der Europäischen Union einschließlich der Europäischen Hochschulen in Florenz und Brügge sowie der Päpstlichen Hochschulen in Rom verliehene Hochschulgrade sowie entsprechende staatliche Grade können im Geltungsbereich dieses Gesetzes in der verliehenen Form geführt werden. Ein sonstiger ausländischer Hochschulgrad, der auf Grund einer Prüfung im Anschluss an ein tatsächlich absolviertes Studium von einer nach dem Recht des Herkunftslandes anerkannten Hochschule ordnungsgemäß verliehen wurde, kann in*

*der verliehenen Form unter Angabe der verleihenden Institution geführt werden. Die verliehene Form des Grades kann bei fremden Schriftarten in die lateinische Schrift übertragen werden; ferner kann die im Herkunftsland zugelassene oder dort nachweislich allgemein übliche Abkürzung geführt sowie eine wörtliche Übersetzung in Klammern hinzugefügt werden. Die Sätze 2 und 3 gelten für ausländische staatliche und kirchliche Hochschulgrade entsprechend. Eine Umwandlung in einen entsprechenden inländischen Grad ist ausgeschlossen.*

2 Degrees awarded by governmental or governmentally recognized higher education institutions in Germany or another member state of the European Union inclusive the European University in Florence and Bruges and also the Papal University in Rome and corresponding governmental degrees can be used/displayed/ mentioned in the wording they were awarded within reach of this law. Another foreign higher education degree that was duly awarded based on an examination following a real study at a higher education institution can be used/mentioned/displayed in the conferred wording while mentioning the awarding institution. The original wording of the award may be transliterated into Latin script and the commonly used or officially permitted acronym in the country of origin can be displayed and a literal translation (into German) can be added in brackets. The Sentences 2 and 3 apply for foreign governmental and ecclesiastical higher education degrees accordingly. A conversion into a domestic degree is not possible.

(3) *Ein ausländischer Ehrengrad, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Hochschule oder einer anderen zur Verleihung berechtigten Stelle verliehen wurde, kann nach Maßgabe*

*der für die Verleihung geltenden Rechtsvorschriften in der verliehenen Form unter Angabe der verleihenden Stelle geführt werden. Absatz 2 Sätze 3 bis 5 gelten entsprechend.*

3. A foreign honorary degree, awarded by an authorized higher education institution or another authorized body according to the law of a country of origin can be used/displayed/mentioned, according to applicable regulations in regard to the award, in the wording it was awarded while also mentioning the awarding authority. Paragraph 2, Sentence 3 to 5 apply accordingly.

*(4) Die Absätze 2 und 3 gelten für die Führung von Hochschultiteln und Hochschultätigkeits-bezeichnungen entsprechend.*

4. Paragraphs 2 and 3 apply accordingly to the use/display/mention of university titles and university denominations.

*(5) Soweit Vereinbarungen und Abkommen der Bundesrepublik Deutschland mit anderen Staaten über Gleichwertigkeiten im Hochschulbereich und Vereinbarungen der Länder der Bundesrepublik Deutschland die Betroffenen gegenüber den Absätzen 2 bis 4 begünstigen, gehen diese Regelungen vor.*

5. Where agreements and treaties of the Federal Republic of Germany with other countries regarding equivalences in higher education (equivalence treaties), and agreements of the states (the Länder) in the Federal Republic of Germany favour the persons in question with foreign degrees compared with paragraphs 2 to 4, these regulations (agreements and treaties) prevail.

*(6) Das Ministerium kann in begründeten Fällen durch Rechtsverordnung für bestimmte Grade, Institutionen und Personengruppen Ausnahmen regeln, die Betroffene gegenüber den Absätzen 2 bis 5 begünstigen. Das Ministerium kann ferner durch Rechtsverordnung für bestimmte Grade eine einheitliche Schreibweise in lateinischer Schrift sowie einheitliche deutsche Übersetzungen vorgeben.*

6 The Ministry may regulate through decree exceptions in reasonable cases for institutions and groups that favour those persons in question compared with Paragraphs 2 to 5. Moreover, the Ministry can regulate through decree a unified way of display in Latin script and a unified German translation.

*(7) Von den Absätzen 2 bis 6 abweichende Grade und Titel sowie durch Titelkauf erworbene Grade dürfen nicht geführt werden. Wer einen Grad führt, hat auf Verlangen der zuständigen Behörden die Berechtigung hierzu urkundlich nachzuweisen. Eine von den Absätzen 2 bis 6 abweichende Grad- oder Titelführung kann vom Ministerium oder einer von ihm beauftragten Behörde untersagt werden. Wer vorsätzlich gegen Satz 1 oder eine Anordnung nach Satz 2 oder 3 verstößt, handelt ordnungswidrig. Ordnungswidrig handelt ferner, wer vorsätzlich Urkunden ausstellt oder beschafft, in denen ein nach den Absätzen 1 bis 6 sowie Satz 1 nicht führbarer Grad verliehen wird. Die Ordnungswidrigkeit kann mit einer Geldbuße bis zu 500.000 Euro geahndet werden. Zuständige Verwaltungsbehörde für die Verfolgung und Ahndung von Ordnungswidrigkeiten nach Satz 4 und 5 ist das Ministerium oder eine von ihm beauftragte Behörde.*

7. Displaying/using/mentioning degrees and titles differently as mentioned in the Paragraphs 2 to 6 is not permitted and purchased degrees are not permitted for use/ display/ mention. A person using/displaying/mentioning a degree or university title has to prove eligibility for this through (producing the) certificate upon request of the authority in charge.

Usage/display/mention diverging from Paragraphs 2-6 of a degree or title can be forbidden by the ministry or by an authority put in charge. A person acting premeditated against Sentence 1 or a decree according to sentences 2 or 3, is guilty of a misdemeanor. A person premeditatedly issuing or procuring certificates in which a degree is awarded that cannot be used/displayed/mentioned according to Paragraphs 1 to 6 and Sentence 1 is guilty of a misdemeanor. The misdemeanor can lead to a fine of 500,000 EUR. The relevant administrative authority according to sentences 4 and 5 is the Ministry, or a department put in charge by it.

*(8) Die Landesregierung kann an Personen, die außerhalb der Hochschule wissenschaftliche, künstlerische oder kulturelle Leistungen erbracht haben, die die Anforderungen nach § 36 Abs. 1 Nr. 3 und 4, § 36 Abs. 1 Nr. 3 und 5, § 36 Abs. 2 oder § 36 Abs. 3 erfüllen, den Titel einer Professorin oder eines Professors verleihen.*

8. The State Government can confer professorships onto persons that rendered outside the university scientific, artistic or cultural efforts satisfying the requirements according to Paragraph 36, Sentence 1, Number 3 and 5, Paragraph 36, Sentence 2 or Paragraph 36, Sentence 3.

## Verordnung

über die Führung von akademischen Graden

Vom 31. März 2008 (Fn 1)

*Aufgrund des § 69 Abs. 6 des Gesetzes über die Hochschulen des Landes Nordrhein-Westfalen (Hochschulgesetz – HG) vom 31. Oktober 2006 (GV. NRW. S. 474), zuletzt geändert durch Artikel 2 des Gesetzes zur Neuregelung des Kunsthochschulrechts vom 13. März 2008 (GV. NRW. S. 195), wird verordnet:*

Decree regarding the display and holding of academic degrees

From March 31, 2008 (Fn 1)

On the basis of Article 69 (6) of the Law on the Universities of the State of North Rhine-Westphalia (Hochschulgesetz – HG) of 31 October 2006 (GV NRW p 474), as last amended by Article 2 of the Act on the Revisions on the Law of the Arts of 13 March 2008 (GV NRW p. 195), it is decreed:

### § 1

*(1) Inhaberinnen und Inhaber von Doktorgraden, die von einer staatlichen oder staatlich anerkannten Hochschule in Deutschland oder in einem anderen Mitgliedstaat der Europäischen Union einschließlich der Europäischen Hochschulen in Florenz und Brügge sowie der Päpstlichen Hochschulen in Rom verliehen und in einem wissenschaftlichen Promotionsverfahren erworben sind, können anstelle der im Herkunftsland verliehenen Bezeichnung die Bezeichnung „Dr.“ ohne fachlichen Zusatz und ohne Herkunftsbezeichnung führen.*

(1) Holders of doctoral degrees conferred by a national or nationally recognized higher education institution in Germany or in another Member State of the European Union, including the European universities in Florence and Bruges, and the Pontifical universities in Rome, and acquired by a scientific doctoral procedure, can use the term "Dr." instead of the designation given in the country of origin without the addition of the major and without mention of the origin.

(2) *Absatz 1 gilt nicht für Grade, die die Bezeichnung „Doktor“ enthalten, jedoch ohne Promotionsstudien und ohne Promotionsverfahren vergeben wurden („Berufsdoktorate“), oder die nach den rechtlichen Regelungen des Herkunftslandes nicht der dritten Ebene der Bologna-Klassifikation der Studienabschlüsse zugeordnet sind („kleine Doktorgrade“).*

(2) Paragraph 1 does not apply to degrees that have the denomination "doctor", but which were awarded without doctoral studies and without doctoral procedure ("professional doctorates"), or that are not subject to and not assigned to the third level of the Bologna classification according to the legal regulations of the country of origin ("little doctor degree").

(3) *Die gleichzeitige Führung mehrerer Bezeichnungen aufgrund eines Grades ist nicht zulässig.*

(3) The simultaneous display and mention of several designations on the basis of one degree is not permitted.

§ 2 (Fn 2)

(1) *Inhaberinnen und Inhaber der nachstehend genannten russischen Doktorgrade können anstelle der im Herkunftsland verliehenen Bezeichnung die Bezeichnung „Dr.“ ohne fachlichen Zusatz, jedoch mit Angabe der verleihenden Einrichtung, führen:*

(1) Persons, who obtained one of the Russian doctoral degrees as listed below, can use the acronym „Dr.“ without mentioning the field of expertise while mentioning the awarding institution instead of using the generally evidently permitted acronym of the country of origin:

kandidat biologiceskich nauk

kandidat chimiceskich nauk

kandidat farmacevticeskich nauk

kandidat filologiceskich nauk

kandidat fiziko-matematiceskich nauk

kandidat geograficeskich nauk

kandidat geologo-mineralogiceskich nauk

kandidat iskusstvovedenija

kandidat medicinskich nauk

kandidat nauk (architektura)

kandidat psichologiceskich nauk

kandidat selskochozjajstvennych nauk

kandidat technicесkich nauk

kandidat veterinarnych nauk.

(2) *Inhaberinnen und Inhaber des in den Vereinigten Staaten von Amerika erworbenen Grades „Doctor of Philosophy“ – abgekürzt „Ph.D.“ –, können, sofern die verleihende Einrichtung von der Carnegie Foundation for the Advancement of Teaching als „Research University (high research activity)“ oder als „Research University (very high research activity)“ klassifiziert ist (Carnegie-Liste), die Abkürzung „Dr.“ ohne weitere Zusätze führen.*

(2) Persons who obtained in the USA the degree of „Doctor of Philosophy“ – abbreviated „Ph.D.“ – can use the acronym „Dr.“ without mentioning the field of expertise while mentioning the awarding institution instead of using the generally evidently permitted acronym of the country of origin, if the awarding institution is listed with the Carnegie Foundation for the Advancement of Teaching and if it is classified there as „Research University (high research activity)“ or as „Research University (very high research activity)“.

(3) *Inhaber von folgenden Doktorgraden*

(3) Holders of the following doctoral degrees

1. Australien: „Doctor of ...“ (mit jeweils unterschiedlicher Abkürzung)

2. Israel: „Doctor of ...“ (mit jeweils unterschiedlicher Abkürzung)

- 2 -

3. Japan: „Doctor of ...“ (hakushi ...)

4. Kanada: „Doctor of Philosophy“ (Abkürzung „Ph.D.“)

*können anstelle der im Herkunftsland zugelassenen oder nachweislich allgemein üblichen Abkürzungen die Abkürzung „Dr.“ jeweils ohne fachlichen Zusatz und Herkunftsbezeichnung führen.*

can use the acronym „Dr.“ without mentioning the field of expertise and the awarding institution instead of using the generally evidently permitted acronym of the country of origin.

(4) *Die gleichzeitige Führung mehrerer Bezeichnungen aufgrund eines Grades ist nicht zulässig.*

(4) Displaying or mentioning various denominations based upon one degree is not permitted.

### § 3

*Diese Rechtsverordnung tritt am Tage nach ihrer Veröffentlichung in Kraft. Zum selben Zeitpunkt tritt die Verordnung über die Führung ausländischer Doktorgrade vom 9. Dezember 2005 (GV. NRW. 2006 S. 4) außer Kraft.*

### § 3

This decree comes into force one day after having been published. At the same time the Decree Regarding the mentioning and displaying of foreign doctorates from 9 December 2005 (GV. NRW. 2006 page 4) is lifted

*Der Minister für Innovation, Wissenschaft, Forschung und Technologie des Landes Nordrhein-Westfalen*

The minister for Innovation, Science, Research and Technology of the State of NRW **44**

### **3.1.11**

#### **The State of Rhineland-Palatinate**



**§ 31**

**Akademische Grade, hochschulbezogene Titel und Bezeichnungen**

**Foreign Degrees, Titles and Denominations**

*(1) Ein von einer staatlichen oder staatlich anerkannten deutschen Hochschule ordnungsgemäß verliehener Hochschulgrad darf in Rheinland-Pfalz geführt werden.*

1 Duly conferred academic degrees from a governmental or governmentally-recognized higher education institution duly conferred academic degrees can be used/ displayed/ mentioned in (the State of) Rhineland-Palatinate.

*(2) Ein ausländischer Hochschulgrad darf nur geführt werden, wenn die verleihende Hochschule nach dem Recht des Herkunftslandes anerkannt, zur Verleihung dieses Grades berechtigt und der Grad nach einem ordnungsgemäß durch Prüfung abgeschlossenen Studium verliehen worden ist. Der Hochschulgrad ist unter Angabe der verleihenden Hochschule in der Form zu führen, die dem Wortlaut der Verleihungsurkunde entspricht. Dabei kann die verliehene Form gegebenenfalls in lateinische Schrift übertragen und die im Herkunftsland zugelassene oder nachweislich allgemein übliche Abkürzung geführt und eine wörtliche Übersetzung in Klammern hinzugefügt werden. Eine Umwandlung in einen entsprechenden deutschen Grad findet nicht statt. Entsprechendes gilt auch für Hochschulgrade, die im Ausland durch gesetzliche Regelung von einer staatlichen oder staatlich anerkannten Stelle verliehen worden sind. Die Regelungen finden auch Anwendung auf staatliche und kirchliche Grade.*

2 A foreign higher education degree can only be used/ displayed/ mentioned, if the awarding higher education institution was recognized according to the law of the country of origin, (if she was) permitted to

award this degree and if the degree has been awarded after due studies, concluded by examination. The degree is to be used/ displayed/ mentioned in the (written) form corresponding to the awarded certificate. Furthermore, the original form of the award may be transliterated into Latin script and the commonly used or officially permitted abbreviation (of the degree) in the country of origin can be displayed and a literal translation (into German) can be added in brackets. A conversion into a corresponding German degree does not take place. The same applies also for higher education degrees that have been awarded abroad through legal regulation of a governmental or governmentally-recognized body. The regulation is also applicable on governmental and ecclesiastical degrees.

*(3) Ein ausländischer Professorentitel darf nur geführt werden, wenn er als Amtsoder Dienstbezeichnung in Verbindung mit einem Forschungs- oder Lehrauftrag vom Staat oder einer vom Staat ermächtigten Stelle auf der Grundlage besonderer wissenschaftlicher Leistung verliehen wurde. Nach dem Ausscheiden aus dem Dienst der ausländischen Hochschule darf der ausländische Professorentitel im Geltungsbereich dieses Gesetzes nur geführt werden, wenn dies auch nach dem Recht des Herkunftslandes zulässig ist.*

3 A foreign professor title may only be used/ displayed/ mentioned when it was awarded as the official designation or service designation or in conjunction with a research or teaching position by the government, or an institution authorized by the government, on the basis of excellent academic achievement. After leaving the service of the foreign higher education institution the foreign professor title may only be used/ dis-

played/ mentioned within the jurisdiction of this law if this is permitted under the law of the country of origin as well.

(4) Ein ausländischer Ehrengard, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Stelle für herausragende wissenschaftliche Leistungen verliehen wurde, kann nach Maßgabe der für die Verleihung geltenden Rechtsvorschriften in der verliehenen Form unter Angabe der verleihenden Stelle geführt werden. Ein ausländischer Ehrengard darf nicht geführt werden, wenn die verleihende Stelle kein Recht zur Vergabe des entsprechenden Grades im Sinne des Absatzes 2 Satz 1 besitzt.

4. A foreign honorary degree, awarded on the basis of excellent academic achievement by a body that is authorized to do so according to the law of a country of origin can be used/ displayed/ mentioned according to applicable law in the form it was awarded while also mentioning the awarding institution. A foreign honorary degree cannot be displayed/used/mentioned if the foreign body did not have the right to award the corresponding higher education degree according to Paragraph 2, Sentence 1.

(5) Soweit Vereinbarungen und Abkommen der Bundesrepublik Deutschland mit anderen Staaten über Gleichwertigkeiten im Hochschulbereich und Vereinbarungen der Länder in der Bundesrepublik Deutschland, die Inhaberinnen und Inhaber ausländischer Grade abweichend von den Absätzen 2 und 4 begünstigen, gehen diese Regelungen vor.

5Where agreements and treaties of the Federal Republic of Germany with other countries regarding equivalences in higher education (equivalence treaties), and agreements of the states (the Länder) in the Federal Republic of Germany favour the persons in question with foreign degrees compared with paragraphs 2 and 4, these regulations (agreements and treaties) prevail.

(6) *Das fachlich zuständige Ministerium wird ermächtigt, von den Absätzen 2 bis 4 abweichende, begünstigende Regelungen, insbesondere für Berechtigte nach dem Bundesvertriebenengesetz durch Rechtsverordnung zu treffen.*

6The relevant ministry in charge is enabled to implement more favourable regulations and decrees deviating from Paragraphs 2 and 4, especially for those entitled according to the Federal Displaced Persons Act (= people who originate to date from the areas of the German Empire that were informally incorporated into Russia and Poland after 1945).

(7) *Eine von den Absätzen 2 bis 6 abweichende Grad- und Titelführung ist untersagt. Hochschulgrade und Hochschultitel, die käuflich erworben wurden, dürfen nicht geführt werden. Auf Verlangen des fachlich zuständigen Ministeriums ist die Berechtigung, einen Grad, Titel oder einen sonstigen hochschulbezogenen Grad oder Titel zu führen, urkundlich nachzuweisen. Wird festgestellt, dass die Inhaberin oder der Inhaber eines Hochschulgrades oder Hochschultitels diesen auf unlautere Weise erworben hat oder diesen abweichend von den Voraussetzungen der Absätze 2 bis 4 führt, kann das fachlich zuständige Ministerium die Führung des be-*

*treffenden Hochschulgrades oder Hochschultitels untersagen. Daraüber hinaus kann die Hochschule Hochschulgrade oder Hochschultitel entziehen, wenn sie auf unlautere Weise erworben worden sind.*

*Das Gleiche gilt, wenn die Inhaberin oder der Inhaber wegen einer Straftat rechtskräftig verurteilt worden ist, die sie oder ihn als eines akademischen Grades oder Titels unwürdig erscheinen lässt.*

7 Displaying degrees and titles differently as mentioned in the paragraphs 2 to 6 is not permitted. Titles, degrees and vocational designations which were purchased, are not permitted for display. A person who displays a foreign degree or academic title has to prove justification for this upon request of the relevant ministry in charge.

If it is determined that the holder of a higher education degree or higher education title has acquired it in an unlawful manner or has obtained it deviating from the requirements of paragraphs 2 to 4, the relevant ministry can prohibit use/ display/ mention of the respective higher education degree or academic title. In addition, the higher education institution (itself) can rescind higher education degrees or academic titles if they have been acquired in an unlawful manner. The same applies if the holder ( of a higher education degree) has been lawfully convicted because of a felony which lets him appear unworthy to have an academic degree or title. **45**

How to legally use and display a foreign degree in Rhineland-Palatinate?

According to the state law, degrees have to be held as follows:

John Doe, MBA (Doetown University)

John Doe, PhD (Doetown University)

If the degree comes from an English influenced country

or

Dr. (Universidad de Doetown) John Doe

if the university comes from a Latin influenced country like former French, Portuguese or Spanish colonies.

A special exception is certainly a female holder of a Spanish doctorate as she is forced to hold the degree as Dra. for doctora.

It is also noteworthy that Rhineland-Palatinate is a hardline state and honorary degrees can therefore not be abbreviated and must be written completely with their awarding institution:

Honorary Doctor (Doetown University) John Doe

## Exceptions:

According to a guide booklet issued by the State Government there are exceptions in regards to holding degrees from the EU, Russia, US Universities listed on the so-called Carnegie List, Universities from Canada and Israel.

Degrees from governmentally recognized and accredited universities or colleges of the EU can be used/ displayed/ mentioned abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

The same rule (for the better understanding, e.g. John Doe, MBA or Dr. John Doe) applies to degrees from US universities that are listed on the Carnegie List and are listed with a high research activity. All other degrees of US Universities must be held according to our general example, i.e. the awarding university must be mentioned and a PhD cannot be displayed as Dr. before the name. **47**

The same rule applies again for universities from Canada and Israel that can just be held abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

Another exception are the degrees from Russian Universities. They can be held abbreviated in the German way but the university must be mentioned (for the better understanding, e.g. John Doe, MBA (Moscow University) or Dr.(Kursk University) John Doe).

### 3.1.12

#### The State of Saarland



#### § 63

##### Führung ausländischer Grade und Titel

(1) Ein ausländischer Hochschulgrad, der aufgrund einer Prüfung im Anschluss an ein tatsächlich absolviertes Studium von einer nach dem Recht des Herkunftslandes anerkannten Hochschule ordnungsgemäß verliehen wurde, kann in der Form, in der er verliehen wurde, unter Angabe der verleihenden Einrichtung geführt werden. Die verliehene Form des Grades kann bei fremden Schriftarten in die lateinische Schrift übertragen werden; ferner kann die im Herkunftsland zugelassene oder nachweislich allgemein übliche Abkürzung geführt sowie eine wörtliche Übersetzung in Klammern hinzugefügt werden. Die Regelungen finden auch auf staatliche und kirchliche Grade Anwendung. Eine Umwandlung in einen deutschen

*Grad findet außer zugunsten der nach dem Bundesvertriebenengesetz Berechtigten nicht statt.*

1. A foreign higher education degree can only be used/ displayed/ mentioned in the wording it was awarded while mentioning the awarding institution, if the awarding higher education institution is recognized according to the law of the country of origin, and if the degree has been awarded after due studies concluded by examination. Furthermore, the original wording of the award may be transliterated into Latin script and the commonly used or officially permitted acronym (of the degree) in the country of origin can be displayed and a literal translation (into German) can be added in brackets. A conversion into a corresponding German degree does not take place, except for those entitled according to the Federal Displaced Persons Act.

*(2) Ein ausländischer Ehrengrad, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Hochschule oder einer anderen Einrichtung verliehen wurde, kann nach Maßgabe der für die Verleihung geltenden Rechtsvorschriften in der verliehenen Form unter Angabe der verleihenden Einrichtung geführt werden. Ein ausländischer Ehrengrad darf nicht geführt werden, wenn die verleihende Einrichtung kein Recht zur Vergabe des entsprechenden Grades nach Absatz 1 besitzt.*

2. A foreign honorary degree, awarded by a higher education institution or another body that is authorized to do so according to the law of a country of origin can be used/ displayed/ mentioned according to applicable law in the form it was awarded while mentioning the awarding institution. A for-

eign honorary degree cannot be displayed/used/mentioned if the foreign body did not have the right to award the corresponding higher education degree according to Paragraph 1.

*(3) Die Absätze 1 und 2 gelten für die Führung von Hochschultiteln und Hochschultätigkeitsbezeichnungen entsprechend.*

3. Paragraphs 1 and 2 apply accordingly for the use/display/mention of academic titles and academic designations.

*(4) Äquivalenzabkommen und Vereinbarungen der Länder der Bundesrepublik Deutschland, die Inhaber ausländischer Grade begünstigen, gehen den Regelungen in den Absätzen 1 bis 3 vor.*

4. Equivalence treaties and agreements of the states of the Federal Republic of Germany that favour holders of foreign degrees supersede the regulations of Paragraphs 1 to 3.

*(5) Eine von den Absätzen 1 bis 4 abweichende Gradführung ist untersagt. Wer einen Grad führt, hat auf Verlangen des Ministeriums für Bildung, Kultur und Wissenschaft 1 die Berechtigung hierzu insbesondere urkundlich nachzuweisen.*

5. Use/mention/display of degrees deviating from Paragraphs 1 to 4 is not permitted. Persons using/mentioning/displaying a degree have to prove the justification for this by certificate upon demand of the Ministry of Education, Culture and Science. **48**

## How to legally use and display a foreign degree in Saarland?

According to the state law, degrees have to be held as follows:

John Doe, MBA (Doetown University)

John Doe, PhD (Doetown University)

If the degree comes from an English influenced country

or

Dr. (Universidad de Doetown) John Doe

if the university comes from a Latin influenced country like former French, Portuguese or Spanish colonies.

A special exception is certainly a female holder of a Spanish doctorate as she is forced to hold the degree as Dra. for doctora.

It is also noteworthy that Saarland is a hardline state and honorary degrees can therefore not be abbreviated and must be written completely with their awarding institution:

Honorary Doctor (Doetown University) John Doe

## Exceptions:

According to the Guide Booklet issued by the State Government of Saarland there are exceptions in regards to holding degrees from the EU, Russia, US Universities listed on the so-called Carnegie List, Universities from Canada and Israel. 49

*Degrees from governmentally recognized and accredited universities or colleges of the EU can be used/ displayed/ mentioned abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).*

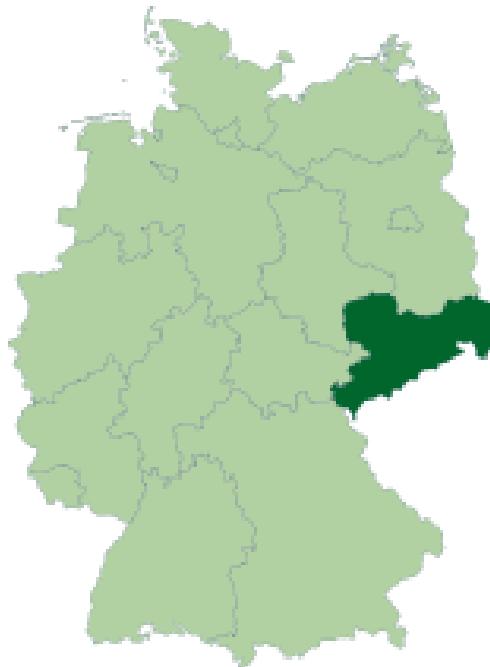
The same rule (for the better understanding, e.g. John Doe, MBA or Dr. John Doe) applies to degrees from US universities that are listed on the Carnegie List\* and are listed with a high research activity. All other degrees of US Universities must be held according to our general example, i.e. the awarding university must be mentioned and a PhD cannot be displayed as Dr. before the name.

The same rule applies again for universities from Canada and Israel that can just be held abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

Another exception are the degrees from Russian Universities. They can be held abbreviated in the German way but the university must be mentioned (for the better understanding, e.g. John Doe, MBA (Moscow University) or Dr.(Kursk University) John Doe).

### 3.1.13

#### The State of Saxony



#### § 44

##### Ausländische Grade, Titel und Tätigkeitsbezeichnungen

(1) Ein ausländischer Hochschulgrad kann in der verliehenen Form unter Angabe der verleihenden Hochschule geführt werden, wenn er aufgrund eines nach dem Recht des Herkunftslandes anerkannten Hochschulabschlusses nach einem ordnungsgemäß durch Prüfung abgeschlossenen Studium verliehen worden ist. Dabei kann die verliehene Form in lateinische Schrift übertragen, die im Herkunftsland zugelassene oder allgemein übliche Abkürzung geführt und eine wörtliche Übersetzung in Klammern hinzugefügt werden.

Gleiches gilt für staatliche und kirchliche Grade. Eine Umwandlung in einen entsprechenden deutschen Grad findet nur für Berechtigte nach dem Gesetz über die Angelegenheiten der Vertriebenen und Flüchtlinge (Bundesvertriebenengesetz – BVFG) in der Fassung der Bekanntmachung vom

*10. August 2007 (BGBl. I S. 1902), geändert durch Artikel 19 Abs. 1 des Gesetzes vom 12. Dezember 2007 (BGBl. I S. 2840, 2859), in der jeweils geltenden Fassung, statt. Das Staatsministerium für Wissenschaft und Kunst kann durch Rechtsverordnung das Verfahren für die Umwandlung von ausländischen Graden der nach dem Bundesvertriebenengesetz Berechtigten regeln, insbesondere die Zuständigkeiten und Voraussetzungen.*

1. A foreign higher education degree can be used/ displayed/ mentioned in the wording it was awarded while mentioning the awarding institution, if the higher education degree is recognized according to the law of the country of origin, and if the degree has been awarded after due studies concluded by examination. Furthermore, the original wording of the award may be transliterated and the commonly used or officially permitted acronym (of the degree) in the country of origin can be displayed and a literal translation (into German) can be added in brackets.

The same applies to governmental and ecclesiastical degrees. A conversion into a corresponding German degree does only take place for those entitled according to the Federal Displaced Persons Act, proclaimed on 10. August 2007, changed through Article 19, Paragraph 1 of the Law from 12. December 2007. The State Ministry for Science and Arts can regulate through decree the procedure for the conversion of foreign degrees for those entitled according to the Federal Displaced Persons Law, especially relevance and requirements.

(2) *Ein ausländischer Ehrengrad, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Hochschule oder anderen Stelle verliehen wurde, kann nach Maßgabe der für die Verleihung geltenden*

*Rechtsvorschriften in der verliehenen Form unter Angabe der verliehenen Stelle geführt werden. Absatz 1 Satz 1, 2, 4 und 5 gilt entsprechend.*

2. A foreign honorary degree, awarded by a higher education institution or another body that is authorized to award according to the law of a country of origin can be used/ displayed/ mentioned according to applicable law in the wording it was awarded while mentioning the awarding institution.

Paragraph 1, Sentences 1, 2, 4 and 5 apply accordingly.

*(3) Soweit abweichend von den Absätzen 1 und 2 Vereinbarungen und Abkommen der Bundesrepublik Deutschland oder ihrer Bundesländer mit anderen Staaten die Inhaber ausländischer Grade begünstigen, gehen diese Regelungen vor.*

3. Where deviating from Paragraphs 1 and 2 Agreements and Treaties of the Federal Republic of Germany and her states with other countries favour the holders of foreign degrees, these regulations prevail.

*(4) Wer einen Hochschulgrad führt, hat auf Verlangen des Staatsministerriums für Wissenschaft und Kunst die Berechtigung hierzu urkundlich nachzuweisen.*

4. A person using/displaying/mentioning a degree has to prove the justification for this by certificate upon request of the State Ministry of Science and Arts.

*(5) Für das Führen von ausländischen Hochschultiteln und Hochschultätigkeitsbezeichnungen gelten die Absätze 1 bis 4 entsprechend. Nach dem Ausscheiden aus dem Dienstverhältnis der ausländischen Hochschule ist das Führen eines ausländischen Hochschultitels gestattet, wenn dies auch nach dem Recht des Herkunftslandes zulässig ist. 51*

5. For the use/display/mention of foreign academic titles and academic denominations the Paragraphs 1 – 4 apply accordingly. After retirement from a foreign higher education institution, the use/mention/display of a foreign academic title is permitted if this is also permitted according to the law of the country of origin.

How to legally use and display a foreign degree in Baden-Wuertemberg?

According to the state law, degrees have to be held as follows:

John Doe, MBA (Doetown University)

John Doe, PhD (Doetown University)

If the degree comes from an English influenced country

or

Dr. (Universidad de Doetown) John Doe

if the university comes from a Latin influenced country like former French, Portuguese or Spanish colonies.

A special exception is certainly a female holder of a Spanish doctorate as she is forced to hold the degree as Dra. for doctora.

It is also noteworthy that Saxony is a hardline state and honorary degrees can therefore not be abbreviated and must be written completely with their awarding institution:

Honorary Doctor (Doetown University) John Doe

### 3.1.14

#### The State of Saxony-Anhalt



§ 19

Führung ausländischer akademischer Grade und  
entsprechender ausländischer staatlicher Grade oder Titel

(1) 1 Ein ausländischer Hochschulgrad, der aufgrund eines nach dem Recht des Herkunftslandes anerkannten Hochschulabschlusses nach einem ordnungsgemäß durch Prüfung abgeschlossenen Studium verliehen worden ist, kann in der Form, in der er verliehen wurde, unter Angabe der verleihenden Hochschule geführt werden. 2 Dabei kann die verliehene Form gegebenenfalls transliteriert und die im Herkunftsland zugelassene oder nachweislich allgemein übliche Abkürzung geführt und eine wörtliche Übersetzung in Klammern hinzugefügt werden. 3 Die Regelungen finden auch Anwendung auf staatliche und kirchliche Grade. 4 Eine Umwandlung in einen entsprechenden deutschen Grad findet nicht statt.

1 A foreign higher education degree which was awarded, according to the law of the country of origin as recognized higher education degree, after due studies which are concluded through examination, can be used/mentioned/displayed as it was awarded while mentioning the awarding higher education institution. Furthermore, the award can be transliterated and the commonly used or officially permitted abbreviation in the country of origin can be used/displayed/mentioned and a literal translation (into German) can be added in brackets. This regulation is also applicable for governmental and ecclesiastical degrees. A conversion into a corresponding German degree does not take place.

*(2) 1 Ein ausländischer Ehrengrad, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Stelle verliehen wurde, kann in der verliehenen Form unter Angabe der verleihenden Stelle geführt werden. ausgeschlossen von der Führung sind Ehrengrade, wenn die ausländische Institution kein Recht zur Vergabe des entsprechenden Grades im Sinne von Absatz 1 besitzt.*

2. A foreign honorary degree, awarded by an authorized body according to the law of a country of origin can be used/mentioned/displayed as it was awarded while mentioning the awarding body. Excluded from (the General Permission of) being mentioned/displayed/used are honorary degrees if the foreign institution did not have the right to award the corresponding academic degree according to Paragraph 1.

*(3) Die Regelungen der Absätze 1 und 2 gelten entsprechend für Hochschultitel und Hochschultätigkeitsbezeichnungen.*

3 The regulations of paragraphs 1 and 2 apply accordingly for academic titles and academic designations.

*(4) Soweit Vereinbarungen und Abkommen der Bundesrepublik Deutschland mit anderen Staaten über Gleichwertigkeiten im Hochschulbereich und Vereinbarungen der Länder in der Bundesrepublik Deutschland die Inhaber ausländischer Grade abweichend von den Absätzen 1 bis 3 begünstigen, gehen diese Regelungen vor.*

4 Where agreements and treaties about equivalencies in higher education of the Federal Republic of Germany with other countries, and agreements of the states (the Länder) in the Federal Republic of Germany favor the holders of foreign degrees deviating from paragraphs 1 to 3, these regulations prevail.

*(5) 1 Das Ministerium wird ermächtigt, von den Absätzen 1 bis 3 abweichende Regelungen für Gradinhaber und Gradinhaberinnen durch Verordnung zu treffen. 2 Die Verordnung kann den Erlass von Allgemeingenehmigungen für bestimmte ausländische Grade vorsehen.*

5 The ministry is being enabled to implement regulations for holders of degrees that deviate from Paragraphs 1 to 3. The decree may prescribe

general permissions (for using/holding/mentioning) certain foreign degrees.

*(6) 1 Eine von den Absätzen 1 bis 5 abweichende Grad- und Titelführung ist untersagt. 2 Durch Titelkauf erworbene Grade dürfen nicht geführt werden. 3 Wer einen Grad, Titel oder eine Hochschultätigkeitsbezeichnung führt, hat auf Verlangen der zuständigen Stelle die Berechtigung hierzu urkundlich nachzuweisen. 4 Sofern die Berechtigung nicht nachgewiesen werden kann, darf der Grad, der Titel oder die Hochschultätigkeitsbezeichnung nicht geführt werden.*

6. Using/displaying/mentioning degrees and academic titles differently as prescribed in paragraphs 1 to 5 is not permitted. Degrees acquired through title peddling may not be used/displayed/mentioned. He who holds a degree, title or an academic designation has to prove upon request of a relevant authority, the justification for this by certificate. **53**

How to legally use and display a foreign degree in Saxony-Anhalt?

According to the state decree, degrees have to be held as follows: **54**

John Doe, MBA (Doetown University)

John Doe, PhD (Doetown University)

If the degree comes from an English influenced country

or

Dr. (Universidad de Doetown) John Doe

if the university comes from a Latin influenced country like former French, Portuguese or Spanish colonies.

A special exception is certainly a female holder of a Spanish doctorate as she is forced to hold the degree as Dra. for doctora.

It is also noteworthy that Saxony-Anhalt is a hardline state and honorary degrees can therefore not be abbreviated and must be written completely with their awarding institution:

Honorary Doctor (Doetown University) John Doe

Exceptions:

According to the aforementioned Guide Website issued by the State Government of Saxony-Anhalt there are exceptions in regards to holding degrees from the EU, Russia, US Universities listed on the Carnegie List, Universities from Canada and Israel.

Degrees from governmentally recognized and accredited universities or colleges of the EU can be used/ displayed/ mentioned abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

The same rule (for the better understanding, e.g. John Doe, MBA or Dr. John Doe) applies to degrees from US universities that are listed on the so-called Carnegie List\* and are listed with a high research activity. All other degrees of US Universities must be held according to our general example, i.e. the awarding university must be mentioned and a PhD cannot be displayed as Dr. before the name.

The same rule applies again for universities from Canada and Israel that can just be held abbreviated without mentioning the awarding institution (for the better understanding, e.g. John Doe, MBA or Dr. John Doe).

A further exception from those exceptions are the degrees from Russian Universities. They can be held abbreviated in the German way but the university must be mentioned (for the better understanding, e.g. John Doe, MBA (Moscow University) or Dr. (Kursk University) John Doe).

### 3.1.15

#### The State of Schleswig Holstein



Original texts are in *italics*, translations in normal script

#### § 57

##### *Führen ausländischer Grade*

(1) *Ein ausländischer Hochschulgrad, der von einer nach dem Recht des Herkunftslandes anerkannten Hochschule aufgrund eines durch Prüfung abgeschlossenen Studiums verliehen worden ist, kann in der Form, in der er verliehen wurde, unter Angabe der verleihenden Hochschule geführt werden. Dabei kann die verliehene Form in lateinische Schrift übertragen und die im Herkunftsland zugelassene oder nachweislich allgemein übliche Abkürzung geführt und eine wörtliche Übersetzung in Klammern hinzugefügt werden. Dies gilt entsprechend für staatliche und kirchliche Grade. Die Umwandlung in einen inländischen Grad findet nicht statt.*

## § 57, using/displaying foreign degrees

1 A foreign higher education degree, which was awarded by an authorized higher education institution according to the law of the country after due studies which are concluded through examination, can be used/mentioned/displayed as it was awarded while mentioning the awarding higher education institution. Furthermore, the award can be transliterated into Latin Script and the commonly used or officially permitted abbreviation in the country of origin can be used/displayed/mentioned and a literal translation (into German) can be added in brackets. This regulation is also applicable accordingly for governmental and ecclesiastical degrees. A conversion into a domestic degree does not take place.

*(2) Ein ausländischer Ehrengrad, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Stelle verliehen wurde, kann nach Maßgabe der für die Verleihung geltenden Rechtsvorschriften in der verliehenen Form unter Angabe der verleihenden Stelle geführt werden. Dabei kann die verliehene Form in die lateinische Schrift übertragen werden. Ehrengrade dürfen nicht geführt werden, wenn die ausländische Institution kein Recht zur Vergabe des entsprechenden Grades nach Absatz 1 hat.*

2. A foreign honorary degree, awarded by an authorized body according to the law of a country of origin can be used/mentioned/displayed according to applicable laws for such conferrals and as it was awarded while mentioning the awarding body. Honorary degree cannot be

mentioned/displayed/used if the foreign institution did not have the right to award the corresponding academic degree according to Paragraph 1.

(3) *Die Regelung der Absätze 1 und 2 gelten entsprechend für Hochschultitel und Hochschultätigkeitsbezeichnungen. Professorentitel dürfen grundsätzlich nur für die Dauer der Tätigkeit geführt werden.*

3 The regulations of paragraphs 1 and 2 apply accordingly for academic titles and academic designations. Professorships can in general only be mentioned/used/displayed as long as the academic appointment lasts

(4) *Das Ministerium wird ermächtigt, durch Verordnung von den Absätzen 1 bis 3 abweichende begünstigende Regelungen, insbesondere für Berechtigte nach dem Bundesvertriebenengesetz sowie für das Führen ausländischer Professorentitel zu treffen.*

4 The ministry is being enabled to implement deviating regulations from Paragraphs 1 to 3, especially for those persons to who the Displaced Persons law applies and for the use/mentioning/ display of professorships.

(5) *Eine von den Absätzen 1 bis 4 abweichende Grad- oder Titelführung ist untersagt. Durch Entgelt erworbene Titel und Grade dürfen nicht geführt werden. Wer einen Grad, Titel oder eine Hochschulbezeichnung führt, hat auf Verlangen der zuständigen Stelle die Berechtigung hierzu urkundlich nachzuweisen.*

5. Using/displaying/mentioning degrees and academic titles differently as prescribed in paragraphs 1 to 4 is not permitted. Degrees and academic titles acquired through title peddling may not be used/displayed/mentioned. A person who displays/mentions/uses a degree, academic title or an academic designation has to prove the justification for this by certificate upon request of a relevant authority. **55**

## *2.2 Die Verordnung zu § 57 Absatz 4 HSG*

*Die Veröffentlichung der Verordnung zu § 57 Absatz 4 HSG erfolgte im Gesetz- und Verordnungsblatt (GVOBl. 2004, ab Seite 61, damals noch bezogen auf § 132a HSG). Die letzte Änderung der Verordnung wurde im Gesetz- und Verordnungsblatt (GVOBl. 2011, S. 271) veröffentlicht. Im Folgenden finden Sie die konsolidierte Fassung.*

The decree to § 57, Sentence 4 Higher Educational Institution Law

The publication of the decree regarding § 57, Sentence 4 Higher Educational Institution Law took place in the Law and Decree Gazette ((GVOBl. 2004, from page 61 on, back then in regard to § 132a HSG).

*Landesverordnung zur Regelung der Führung ausländischer Hochschulgrade (Regelungsverordnung - ReVO)*

*Vom 17.02.2004, zuletzt geändert durch Verordnung vom 06.10.2011*

The State Decree for the Regulation of Use/Display of Foreign higher education degrees (Regulative Decree – ReVO)

§ 1

(1) Hochschulgrade aus Mitgliedstaaten der Europäischen Union (EU) oder des Europäischen Wirtschaftsraumes (EWR) sowie Hochschulgrade des Europäischen Hochschulinstituts Florenz und der Päpstlichen Hochschulen können in der Originalform ohne Herkunftsbezeichnung geführt werden. Diese Regelung gilt entsprechend für Hochschultitel und Hochschultätigkeitsbezeichnungen. Ausgenommen sind Ehrendoktortitel sowie Ehrenprofessortitel, soweit eine landesrechtliche Zuständigkeit hierfür vorliegt.

§ 1 Higher education degrees from member countries of the European Union (EU) or the European Economic Area (EEA) and higher educational degrees from the European Higher Education Institute in Florence and the Papal Higher Education Institutions can be used/displayed in the original form without adding a denomination of origin. This regulation applies accordingly for academic titles and academic designations. Exempted from this are honorary doctor titles and honorary professorships if state law applies for them.

(2) Inhaber von in einem wissenschaftlichen Promotionsverfahren erworbenen Doktorgraden, die in den in Absatz 1 bezeichneten Staaten oder Institutionen erworben wurden, können anstelle der im Herkunftsland zugelassenen oder nachweislich allgemein üblichen Abkürzung

*gemäß § 57 Abs. 1 HSG wahlweise die Abkürzung „Dr.“ ohne fachlichen Zusatz und ohne Herkunftsbezeichnung führen. Dies gilt nicht für Doktorgrade, die ohne Promotionsstudien und -verfahren vergeben werden (sog. Berufsdoktorate) und für Doktorgrade, die nach den rechtlichen Bestimmungen des Herkunftslandes nicht der dritten Ebene der Bologna-Klassifikation der Studienabschlüsse zugeordnet sind. Die gleichzeitige Führung beider Abkürzungen ist nicht zulässig.*

2 Holders of doctoral degrees obtained through a research procedure that were obtained in the countries or institutions listed under paragraph 1, have the choice to use the acronym “Dr.” without mentioning the subject and denomination of origin instead of using the acronym of the degree that is evident or permitted in the country of origin according to § 57 Sentence 1 HSG. This does not apply for doctorates that were awarded without research procedure and research studies (so called vocational doctorates) and for doctorates, that are not allocated to the third level of the Bologna Classification for Educational Credentials according to the legal regulations of the country of origin. Using/displaying both acronyms simultaneously is not permitted. **56**

### 3.1.16

#### The Free State of Thuringia



Original texts are in *italics*, translations in normal script

#### § 53

##### *Führung von Graden*

*(1) Die von einer deutschen staatlichen oder staatlich anerkannten Hochschule oder deutschen staatlichen Stelle verliehenen Grade nach § 52 dürfen im Geltungsbereich dieses Gesetzes nur gemäß der Verleihungsurkunde oder in der sonst festgelegten Form geführt werden.*

##### § 53, Use/mention of degrees

*1. Degrees that were awarded by authorized tertiary institutions or German governmental bodies according to Paragraph 52 can only be displayed/used/mentioned within reach of this law according to the wording of the award certificate or according to another regulated form.*

*(2) Ein von einer Hochschule des Landes verliehener Grad soll von der verleihenden Hochschule entzogen werden, wenn sich der Inhaber als unwürdig zur Führung dieses Grades erwiesen hat. Die Verleihung eines Grades ist zurückzunehmen, wenn die der Verleihung zugrunde liegende Hochschulprüfung, staatliche oder kirchliche Prüfung nachträglich für nicht bestanden erklärt wird oder wenn die Verleihung durch Täuschung über sonstige Voraussetzungen der Verleihung, durch Drohung oder Bestechung erlangt wurde.*

2. A degree that was awarded by a tertiary institution of the state should be rescinded if the holder rendered himself unworthy to display/mention/use said degree. The Award of a degree is to be rescinded if the underlying tertiary institution examination, governmental or ecclesiastical examination is declared “not passed” afterwards or if the award has been obtained through fraud regarding other requirements for the award, or by threat, or by bribery,

*(3) Ein ausländischer Hochschulgrad, der von einer nach dem Recht des Herkunftslandes anerkannten Hochschule aufgrund eines tatsächlich ordnungsgemäß durch Prüfung abgeschlossenen Hochschulstudiums verliehen worden ist, kann in der verliehenen Form unter Angabe der verleihenden Hochschule (Herkunftshinweis) geführt werden. Dabei kann die verliehene Form gegebenenfalls transliteriert und die im Herkunftsland zugelassene oder nachweislich allgemein übliche Abkürzung unter Angabe des Herkunftshinweises geführt und eine wörtliche Übersetzung in Klammern hinzugefügt werden. Eine Umwandlung in einen entsprechenden deutschen Grad findet nicht statt; ausgenommen davon sind Berechtigte nach dem Bundesvertriebenengesetz, für die eine Genehmi-*

*gung auf Antrag erteilt werden kann. Die Sätze 1 bis 3 gelten entsprechend für ausländische staatliche oder kirchliche Grade.*

3. A foreign higher education degree, which was awarded by an authorized higher education institution according to the law of the country after due studies which are concluded through examination, can be used/mentioned/displayed as it was awarded while mentioning the awarding higher education institution. Furthermore, the award can be transliterated (into Latin Script) and the commonly used or officially permitted acronym in the country of origin can be used/displayed/mentioned and a literal translation (into German) can be added in brackets. A conversion into a domestic degree does not take place, except for those who are entitled according to the Federal Displaced Persons Law. Regulations 1 – 3 apply accordingly to foreign governmental or ecclesiastical degrees.

*(4) Hochschulgrade aus Mitgliedstaaten der Europäischen Union oder des Europäischen Wirtschaftsraumes sowie Hochschulgrade des Europäischen Hochschulinstituts Florenz, der Deutsch-Französischen Hochschule und der Päpstlichen Hochschulen können unter den Voraussetzungen nach Absatz 1 in der Form, in der sie verliehen wurden, ohne Herkunftshinweis geführt werden. Inhaber von in einem wissenschaftlichen Promotionsverfahren erworbenen Doktorgraden, die in den in Satz 1 bezeichneten Staaten oder Institutionen erworben wurden, können anstelle der entsprechend Absatz 3 Satz 2 zulässigen Abkürzung wahlweise die Abkürzung "Dr." ohne fachlichen Zusatz und ohne Herkunftshinweis führen. Die gleichzeitige Führung beider Abkürzungen ist nicht zulässig. Die Sätze 1 bis 3 gelten nicht für Doktorgrade, die ohne Promotionsstudium und -verfahren vergeben werden (Berufsdoktorate).*

4. Higher education degrees from member countries of the European Union or from the European Economic Area as much as higher education degrees from the European Higher Education Institute in Florence, the German-French Higher Education Institution and the Papal Higher Education Institutions can be used/mentioned/displayed according to the requirements of Paragraph 1 in the wording they were awarded without mentioning the awarding institution. Holders of research doctorates, which were obtained in countries or institutions mentioned in Paragraph 1, can by choice use/mention/display the acronym “Dr.” instead of using the acronym that is permitted according to Paragraph 3, sentence 2. Using/mentioning/displaying both acronyms at the same time is not permitted. Sentences 1 to 3 do not apply to doctoral degrees that are awarded without research studies and (research) procedure (vocational doctorates).

*(5) Absatz 3 und Absatz 4 Satz 1 gelten entsprechend für sonstige Hochschultitel und Hochschultätigkeitsbezeichnungen.*

5. Paragraph 3 and Paragraph 4, Sentence 1 apply accordingly to other academic titles and academic denominations.

*(6) Ein ausländischer Ehrengard, der von einer nach dem Recht des Herkunftslandes zur Verleihung berechtigten Stelle verliehen wurde, kann nach Maßgabe der für die Verleihung geltenden Rechtsvorschriften in der verliehenen Form unter Angabe der verleihenden Stelle geführt werden. Ausgeschlossen von der Führung sind Ehrengrade, wenn die ausländische*

*Stelle zur Vergabe des entsprechenden Grades nach Absatz 3 nicht berechtigt ist.*

6. A foreign honorary degree, awarded by an authorized body according to the law of the country of origin can be used/mentioned/displayed, according to applicable laws for such conferrals and, as it was awarded while mentioning the awarding body. Honorary degree cannot be mentioned/displayed/used if the foreign institution is not authorized to award the corresponding degree according to Paragraph 3.

*(7) Soweit Vereinbarungen und Abkommen der Bundesrepublik Deutschland mit anderen Staaten über Gleichwertigkeiten im Hochschulbereich die Inhaber ausländischer Grade abweichend von den Absätzen 3 bis 6 begünstigen, gehen diese Regelungen vor.*

Where agreements and treaties about equivalencies in higher education of the Federal Republic of Germany favor the holders of foreign degrees deviating from paragraphs 3 to 6, these regulations prevail.

*(8) Das Ministerium wird ermächtigt, durch Rechtsverordnung von den Absätzen 3 bis 6 abweichende begünstigende Regelungen zu treffen.*

8. The ministry is enabled to implement by decree more favourable regulations deviating from Paragraphs 3 to 6.

*(9) Grade dürfen nur verliehen werden, wenn dies gesetzlich vorgesehen ist. Bezeichnungen, die Graden zum Verwechseln ähnlich sind, dürfen nicht verliehen werden. Grade, Hochschultitel oder Hochschultätigkeitsbezeichnungen dürfen gegen Entgelt nicht vermittelt und gegen Entgelt erworbene Grade, Hochschultitel oder Hochschultätigkeitsbezeichnungen nicht geführt werden.*

9. Degrees can only be awarded if this is permitted legally. Denominations that can be confused with degrees cannot be awarded. Degrees, academic titles or academic denominations cannot be brokered for remuneration and degrees, academic titles or academic denominations obtained through remuneration cannot be displayed/used/mentioned.

*(10) Eine von den Absätzen 1 bis 7 abweichende Führung von Grad-, Titel- oder Hochschultätigkeitsbezeichnungen ist untersagt. Wer einen Grad, Hochschultitel oder eine Hochschultätigkeitsbezeichnung führt, hat auf Verlangen einer Ordnungsbehörde die Berechtigung hierzu urkundlich nachzuweisen.*

10. Using/displaying/mentioning degrees and academic titles differently as prescribed in paragraphs 1 to 7 is not permitted. A person who displays/mentions/uses a degree, academic title or an academic designation has to prove the justification for this by certificate upon request of a relevant authority. **57**

*Grundsätzliche Regelung:*

*Ein ausländischer Hochschulgrad („akademischer Grad“, z.B. Diplom-, Magister-,*

*Bachelor-, Master-, Doktorgrad), ein ausländischer staatlicher oder kirchlicher Grade und sonstige Hochschultitel und Hochschultätigkeitsbezeichnungen (z. B. Professor,*

*Assistenzprofessor) können im Freistaat Thüringen nach § 53 Abs. 3 Satz 1 ThürHG geführt werden, wenn folgende Voraussetzungen erfüllt sind:*

### Basic Regulations

A foreign higher education degree (academic degree, e.g. Diploma – in the sense of Master of Science degree, Master - in the sense of a Master of Arts degree, bachelor, master and doctoral degree), a foreign governmental or ecclesiastical degree and other academic titles and academic designations (e.g. Professor, Assistant Professor) can be used/displayed/ mentioned in the Free State of Thuringia according to Paragraph 53, Sentence 3.1 if the following requirements are fulfilled:

*a) Der akademische Grad muss von einer nach dem Recht des Herkunftslandes anerkannten Hochschule und*

a) The academic degree must emanate from an authorized higher education institution according to the law of the country of origin, and

*b) aufgrund eines tatsächlich ordnungsgemäß durch Prüfung abgeschlossenen Hochschulstudiums verliehen worden sein.*

b) Be awarded on the basis of a due and thorough examination concluded study.

Eine Liste staatlich anerkannter Hochschulen finden Sie im Internet unter [www.anabin.de](http://www.anabin.de) (Informationssystem „Anerkennung und Bewertung ausländischer Bildungsnachweise [ANABIN]“ der Zentralstelle für ausländisches Bildungswesen beim Sekretariat der Ständigen Konferenz der Kultusminister der Länder in der Bundesrepublik Deutschland).

You can find a list of governmentally recognized higher education institutions on the internet [www.anabin.de](http://www.anabin.de) (Information system: “Recognition and Evaluation of foreign educational credentials ANABIN” of the Central Authority for foreign educational affairs at the Secretariat of the Standing Conference of the Cultural Ministers of the States within the Federal Republic of Germany)

*Sofern die oben genannten Voraussetzungen für den erworbenen bzw. verliehenen ausländischen Grad zutreffen, ist der Berechtigte kraft Gesetzes nach § 53 Abs. 3 Satz 1 ThürHG befugt, den Grad in der verliehenen (Original-)Form unter Angabe der verleihenden Hochschule (Herkunftshinweis) zu führen.*

Insofar as the aforementioned requirements for the obtained or awarded foreign degree are matched, the entitled person is permitted according to The Thuringian Higher Educational Institution Law Paragraph 53, Sentence 3,1 to use/mention/display the degree in the awarded (original) form

while mentioning the awarding higher education institution (Evidence of Origin).

- „Verliehene Form“ bedeutet, dass der Grad entsprechend der in der Originalurkunde verwendeten Form zu führen ist. Der Wortlaut des Grades in der amtlichen Übersetzung stellt nicht die Originalform dar.

„Awarded Form“ means that the degree is to be mentioned/used/displayed according to the original (award) certificate. The wording in official translations does not constitute the original form.

- Als „Herkunftshinweis“ ist dem akademischen Grad der vollständige Name der verleihenden Hochschule beizufügen, um Dritten eine konkrete Zuordnung zu ermöglichen.

As ”Evidence of Origin“ the complete name of the awarding higher education institution has to be added to the academic degree, in order to allow third parties a direct allocation.

*Beispiel: Ingeniero en Informática, Universidad de Murcia*

Example: Ingeniero en Informática, Universidad de Murcia

*Sofern der Grad nicht in lateinischer Schrift verliehen wurde, kann er gemäß § 53 Abs. 3 Satz 2 ThürHG in lateinische Schrift übertragen werden (Transliterierung).*

Insofar as the degree has not been awarded in Latin script, it can be translated into Latin script according to The Thuringian Higher Educational Institution Law Paragraph 53, Sentence 3, 2 (Transliteration).

*Beispiel: економист, Казанский государственный университет*

*ekonomist, Kazanskij gosudarstvennyi universitet*

*інженер-механік, Національний транспортний університет*

*inzener-mechanik, Nacionalnyi transportnyj universitet*

*Example: економист, Казанский государственный университет*

*ekonomist, Kazanskij gosudarstvennyi universitet*

*інженер-механік, Національний транспортний університет*

*inzener-mechanik, Nacionalnyi transportnyj universitet*

*Zum besseren sprachlichen Verständnis kann der Originalform eine wörtliche Übersetzung in deutscher Sprache in Klammern hingefügt werden (§ 53 Abs. 3 Satz 2). Dabei darf die deutsche Übersetzung nicht eigenständig ohne den verliehenen Originalgrad geführt werden.*

For the better lingual understanding a literal translation in German language can be added in brackets (§ 53 Abs. 3 Satz 2). Thereby the German

translation may not be used/displayed solely without the awarded original degree.

*Beispiele: ekonomist, Kazanskij gosudarstvennyi universitet  
(Ökonom, Kasaner Staatliche Universität)  
inzener-mechanik, Nacionalnyi transportnyj universitet  
(Maschinenbauingenieur, Nationaluniversität für Verkehrsverbindung)*

Examples: ekonomist, Kazanskij gosudarstvennyi universitet  
(Economist, Kazan Governmental University)  
inzener-mechanik, Nacionalnyi transportnyj universitet  
(Mechanical Engineer, National University for Transportation)

*Anstelle der verliehenen Form kann eine im Herkunftsland zugelassene oder nachweislich übliche Abkürzung des Grades verwendet werden. Dabei muss es sich um die jeweilige Abkürzungsform des verliehenen Grades handeln. Eine Abkürzung entsprechend dem deutschen oder englischen Sprachgebrauch ist nicht zulässig.*

Instead of using the awarded form, an acronym of the degree that is evident or permitted in the country of origin can be used. Thereby it has to be the acronym of the respective degree. An acronym corresponding to the lingual German or English use it not permitted.

*Beispiele: Master of Business Administration, University of East London*

*Abkürzung: MBA, University of East London*

*Doktor práv, Univerzita Komenskeho v Bratislave*

*Abkürzung: JUDr., Univerzita Komenskeho v Bratislave*

*(Doktor der Rechte, Comenius-Universität in Pressburg)*

Examples: Master of Business Administration, University of East London

Acronym: MBA, University of East London

Doktor práv, Univerzita Komenskeho v Bratislave

Acronym: JUDr., Univerzita Komenskeho v Bratislave

(Doctor of Laws, Comenius-Universität in Pressburg)

Hinweise zur Transliterierung, Übersetzung und entsprechenden Abkürzung einer Vielzahl von ausländischen Graden finden Sie im Internet unter [www.anabin.de](http://www.anabin.de).

Advice regarding transliteration, translation and corresponding acronyms of a plethora of foreign degrees can be found on the internet

[www.anabin.de](http://www.anabin.de) . 58

### 3.2

## AUSTRIA



Austria has dropped all legal references to the Akademisches Grad-Gesetz von 1939 although it was law there between 1939 and 1945 as well. There is a nostrification process, which is in thought comparable to the system of transferring a driver license from one country to another. Legally, however, the process is voluntary and by far fairer structured than it ever was in Germany.

In the following in *italics* an original advisory text in English, published by the **Austrian Education Ministry's Dr. Heinz Kasparovsky**

### *Registration of Academic Degrees in Documents*

*(Eintragungsrichtlinien 2012)*

*The Federal Ministry for Science and Research will give recommendations for the registration of academic degrees in documents in line with the following principles:*

#### *1. Legal basis*

##### *a. Austrian study law*

*aa. According to art. 88 para. 1 of the Universities Act 2002 – UG, BGBl. I No. 120/2002, as amended, persons who have been awarded an academic degree by a recognized Austrian or foreign institution of post-secondary education are entitled to use this degree in the form which is determined by the document of award. A suffix which indicates the sex of the holder may be added.*

*bb. For holders of academic degrees of EU and EEA countries, this includes, according to art. 88 para. 1a UG, the right to demand the registration of the degree in public documents in an abbreviated form, without the suffix indicating the sex of the holder. Regarding Swiss and Pontifical higher education institutions, see lit. d. For Austrian academic degrees, art. 88 para. 2 UG, in line with the international tradition, makes provisions for putting the academic degrees in front of or, respectively, behind the name: Diploma, Magister and doctoral degrees – i.e. those academic degrees which in Austria are frequently used while addressing a person – shall be put in front of, bachelor and master degrees as well as “PhD” behind the name. This shall apply also to academic degrees which have been awarded in present EU and EEA countries, even if the award has taken place before the access to EU or EEA.*

*cc. These provisions apply not only to academic degrees which have been awarded by public universities, but equally to those awarded by private universities and by universities of applied sciences, because neither the Private Universities Act – PUG, BGBl. I No. 74/2011, nor the University of Applied Sciences Studies Act – FHStG, BGBl. No. 340/1993, each as amended, make own provisions. Art. 66 of the Teacher Education Act 2005 – HG, BGBl. I No. 30/2006, makes clear that, as far the use of academic degrees which have been awarded by University Colleges of*

*Education is concerned, the UG shall apply. – Academic degrees do not form part of the name.*

*dd. The term "recognized institutions of post-secondary education" means, according to Austrian law, those educational institutions which offer programmes of study with a duration of at least six semesters, admission to which is conditional on the possession of a general university entrance qualification or, in the case of art studies, evidence of artistic ability, and which are recognized as educational institutions in the meaning of this definition by the laws of the country in which they are domiciled (art. 51 para. 2 subpara. 1 UG et al.). What is essential is the recognition of institution as such and not only of the single programme of study. – Academic degrees which have been awarded by university-level courses (art. 124 para. 6 and 6a UG in connection with art. 28 of the Universities Studies Act – UniStG, BGBl. I No. 48/1997, as amended) shall be registered, too, although these institutions are not recognized institutions of post-secondary education.*

*ee Academic degrees are, according to the present study law, only those titles which have been awarded upon completion of programmes of study and which are, due to the respective legal provisions, recognized as academic degrees. Therefore, honorary titles*

*(e.g. "Dr. h.c.") do not give a right to registration.*

*b. Other Austrian educational provisions*

*aa. The designations "Akademische/r ..." (= "Academic ..."), which have been awarded by public universities upon completion of university courses according to art. 58 para. 2 UG, possibly by private universities upon completion of university courses, by universities of applied sciences upon completion of advanced training courses according to art. 14a para. 3*

*FHStG, or by university colleges of education upon completion of university courses according to art. 39 para. 1 HG, are not academic degrees; there is no legal basis for a registration.*

*bb. The diploma degree “Diplompädagoge”/”Diplompädagogin” (abbreviation “Dipl.-Päd.”) according to art. 7 para. 1, art. 12 para. 1, art. 16f, and art. 21 para. 1 of the Decree on Studies at Academies – AStO, BGBl. II No. 2/2000, as amended, which has been awarded by Academies up to 30th September 2007 at the latest, is not supposed an academic degree; there is no legal basis for a registration.*

*cc. The Professional titles “Ingenieur/in” (abbreviation “Ing.”), formerly also “Diplom-HLFLIngenieur/in” (abbreviation “Dipl.-HLFL-Ing.”), and “Diplom-HTL-Ingenieur/in” (abbreviation “Dipl.-HTL-Ing.”), according to art. 1 and 14 of the Engineers Act 2006 – IngG 2006, BGBl. I No. 120/2006, as applicable are not educational titles; they shall rather be registered according to art. 2 para. 1 and art. 13 para. 1 of the Engineers Act 1990 in combination with art. 6 para. 4 PStV.*

*c. Austrian documents law*

*aa. Art. 6 para. 1 to 3 of the Decree on Personal Status – PStV, BGBl. No. 629/1983, as amended defines the right to the registration of degrees on the part of the documents law, at which the formulation is oriented at the study law.*

*bb. Art. 6 of the Passports Act Execution Decree – PassG-DV, BGBl. II No. 223/2006, as amended, which is legally based on art. 3 of the Passports Act 1992, BGBl. No. 839/1992, as amended, states the possibility for registration corresponding to art. 88 UG. It is explicitly stated honorary titles may not be registered. Art. 6a para. 2 of the Passports Decree – PassV, BGBl. No. 861/1995, as amended gives the possibility to register*

*academic degrees which can because of the length of the name not or not completely be registered on page 2 or the travelling document on the pages “Official annotations”.*

*cc. Other legal regulations, e.g. art. 365a of the Trade Code, BGBl. No. 194/1994, as amended, lay down similar provisions.*

*d. International law*

*aa. Art. VI.1 and VI.3 of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (“Lisbon Recognition Convention”), BGBl. III No. 71/1999, provide for the recognition of academic degrees for the purpose of their use. As to the refinement, however, of the right to use the academic degree, reference is made to the relevant national legislation in force, so that from the Convention itself there cannot be derived a subjective right to a definite kind of registration of the degree.*

*bb. According to art. 54 of the Directive on the recognition of professional qualifications, 2005/36/EC, nationals of Member states who fulfil the conditions for access to a regulated profession and its exercise in a host Member state have the right to use their lawful academic degree and, where appropriate, the abbreviation thereof deriving from their Member state of origin or the Member state from which they come, in the language of that state. In the current context, academic degrees are at stake. As to the refinement of the right to use the academic degree, however, also in this context reference is made to the relevant national legislation in force.*

*cc. Academic degrees from Switzerland shall be entered, according to art. 4 of the Agreement between the Republic of Austria and the Swiss Federation on the Mutual Recognition of Equivalences in Higher Education, BGBl. No. 678/1994, in an analogous way to lit. a sublit. aa.*

*dd. Academic degrees in Theology (not in other fields of study) which have been awarded by Pontifical higher education institutions shall be entered, according to art. 5 para. 2 of the Concordat between the Holy See and the Republic of Austria, BGBl. II No. 2/1934, in an analogous way to lit. a sublit. aa.*

*2. Basis for registration*

*a. Document of award*

*The principle of high fidelity to the original, which results from art. 88 UG, requires the consultation of the document of award itself. The basis for registration shall therefore be the original or a duly legalized copy of the document by which the award of the authentic (not a secondary) academic degree has taken place.*

*b. Legalization*

*Apart from the possible legalization of the correspondence of a copy to the original (see lit. a), the document of award, in order to show evidence of its genuineness and therefore develop legal effects, has to pass the necessary international legalization procedure. If needed, details can be found in the communiqué “Legalization of Foreign Documents in Higher Education” (“Beglaubigungsliste Hochschulwesen 2010”) of ENIC NARIC AUSTRIA: [http://www.bmwf.gv.at/fileadmin/user\\_upload/wissenschaft/naric/english/legalization\\_list.pdf](http://www.bmwf.gv.at/fileadmin/user_upload/wissenschaft/naric/english/legalization_list.pdf)*

*For the review of the genuineness on the basis of the due legalization that authority is responsible that has to make a registration. ENIC NARIC AUSTRIA therefore includes, as a rule, an appropriate note in its recommendations with regard to single cases.*

*c. Translation*

*Translations of documents of award – insofar they have been provided by sworn and officially accredited translators – can only serve as a remedy*

*for a better identification of the academic degree concerned in the original document. The translated wording, however, of an academic degree is not the criterion for the settlement of an abbreviation. Cases covered by para. 4 lit. b are exempted.*

*d. Austrian correspondence*

*Just as little registration of the Austrian correspondence (“transformation”) of a foreign academic degree shall take place. The Austrian academic degree shall be registered instead of the foreign (i.e. conferred) one if a validation (*Nostrifizierung*) by a public university (art. 90 UG), a University of Applied Sciences (art. 6 para. 6 FHStG) or a University College of Education (art. 68 HG) has taken place, or full equivalence has been granted by the Federal Ministry for Science and Research on the basis of a bilateral agreement. In these cases the original document of award shows a respective note (art. 90 para. 3 last phrase UG).*

*3. Form of abbreviation*

*a. Abbreviations of the country of origin*

*The principle of high fidelity to the original requires the settlement of an abbreviation which is orientated to the system of higher education of the country of origin. This is justifiable the more, as the registration does not imply any assessment of the contents of study. Therefore, in case that provisions on the abbreviation of certain academic degrees are laid down in laws, regulations or administrative provisions of the country of origin, or are at least of common use because of custom, those abbreviations shall be used for the registration, too.*

*b. Abbreviations which are settled without reference to the country of origin*

*If an abbreviation cannot be found according to lit. a, it shall be settled independently from the country of origin. In doing so, the overall context to other, in particular related systems of higher education, the logic of the internationally used abbreviations, and, if possible, the rules on abbreviations of the German language shall be taken into account. The question whether or not an abbreviation with the same wording exists for an Austrian academic degree, is of no relevance for that.*

*c. Position in front of or behind the name*

*Lit. a and b apply also to the question whether an abbreviation has to be put in front of or behind the name. Generally speaking, the abbreviations for academic degrees according to the system of the European Higher Education Area (“Bachelor …”, “Master …”, “Doctor of Philosophy”) are used behind the name, whereas the abbreviations for the former academic degrees are rather used in front of the name. Art. 88 para. 2 UG is in line with that.*

*d. Dot of abbreviation*

*Principally, after those abbreviations which are put in front of the name as defined by lit. c there appears a dot; on the other hand, if they are put behind the name, a dot will not appear. Nevertheless, if the legal provisions of the country of origin foresee another regulation, or the document of award shows another original wording, the latter shall be given priority.*

*e. Separation by comma*

*In order to avoid the false impression that those academic degrees which shall be used behind the name as defined by lit. c be part of the family name, they shall be separated from the latter by a comma.*

*f. Priority of the single case*

*In a single case where the document of award shows an abbreviation which does not correspond to the rules laid down above under lit. a to e, that abbreviation which appears in the document of award shall be registered.*

*g. Supplements on fields of study*

*If possible, supplements on the field of study in which the degree programme has been completed shall not be shown; one should better stick to the group-specific designation (e.g. “MSc”, “Dr. phil.”). Nevertheless, there exist some systems of higher education which for many fields of study provide for a specific academic degree (e.g. in Germany “Diplom-Informatikerin”, “Diplom-Mikrobiologe”, ...).*

*h. Supplements on institutions*

*The necessity to add the name of the institution which has awarded the degree is not foreseen by law, unless be it an inseparable part of the wording (e.g. “Dipl.-Ing. ETH”).*

**4. Particularities**

*a. Foreign characters*

*In using academic degrees which are awarded in Latin script, there are assumed also those characters that are, no doubt, not part of the German, but of the international Latin alphabet*

*(e.g. č, ž). This corresponds to the principle of high fidelity to the original.*

*b. Non-Latin scripts*

*Special reference has to be made to those academic degrees that are awarded in a language which uses a non-Latin script. Insofar European systems of scripts are concerned, e.g. Cyrillic or Greek, the official rules of transliteration shall apply, by which possibly even diacritic characters*

*shall be used which are, no doubt, not part of the German, but of the international Latin alphabet (e.g. č, ž). That applies also to non-European systems of scripts, provided that an unambiguous transliteration seem possible; otherwise the designations of the academic degrees will auxiliarily be assumed in the respective second language (above all English, French, Russian or Spanish).*

### *5. Validity*

*These rules shall be valid from 15th October 2012 and shall replace the Eintragungsrichtlinien 2011 of 27th December 2010, GZ BMWF-53.810/0003-I/11/2010.*

*Vienna, 15th October 2012*

*On behalf of the Federal Minister:*

*Dr. Kasparovsky 59*

## The Process of Nostrification

### Nostrification foreign academic degrees

Nostrification in Austria is the recognition of a foreign degree as equivalent to a domestic bachelor, master, diploma (German master degree) or doctoral program by the competent organ of Student Affairs or a tertiary school degree program through the University of Applied Sciences Board.

Therefore, a successful nostrification would constitute the complete equality with an Austrian university degree, and with it would come the right to use the corresponding form of an Austrian academic degree and authorization to practice a profession, which is often connected in Austria with holding a corresponding degree.

If somebody wants to work as physician, he has to bring evidence that he either finished successfully an Austrian medical study or that he has the right according to European Union Law to practice medicine (which would in fact mean: having finished successfully a medical study in a member state of the EU) or having successfully nostrified a third country (non-Austria, non-EU) medical study in Austria.

In cases of degrees from the European Union and European Economic Area such nostrifications are not possible because these degrees lead directly to the vocational acceptance in Austria.

In case that somebody wishes to enter a PhD study in Austria, a previous nostrification of the master degree is also not necessary.

Application:

As a requirement the applicant must prove that the nostrification for his intended activities in Austria are a compelling case. In all other cases, the assessment of the foreign degree is up to the employer.

Depending on the nature of the degree, a nostrification can be proposed at every Austrian university or university of applied science where a comparable Austrian study is taught. Therefore, many different universities could come up for consideration and the choice is up to the applicant. However, one nostrification can only be initiated at once university and multiple nostrification processes are not legal.

The applicant has to submit his passport, degree diplomas, transcripts, course syllabi and scientific papers. Additionally, it should be indicated what professional activity is desired in Austria.

These documents must be presented either as originals or as certified copies. Documents in foreign languages must be accompanied by certified translations.

### **What happens if the nostrification is denied?**

When the reason for denial lies in a vast difference with comparable Austrian studies, it is likely that some studies have to be done in Austria to cover missing fields of expertise and then an Austrian degree is awarded upon this fast track study.

## **Favorable procedures**

There are certain degrees of Bosnia and Herzegovina, Italy, Croatia, Liechtenstein, Macedonia, Serbia and Montenegro, Slovenia and of pontifical universities where the recognition procedure for certain fields of study is simplified due to special agreements. This, obviously, results from historically well-established closeness and similarity of the education systems.

Points of contact for further inquiry:

<http://www.portal.ac.at/>.

ENIC NARIC AUSTRIA

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### **3.3**

## **SWITZERLAND**



Switzerland does to date not have any unified system of legal evaluation with foreign educational degrees and titles. However, there are yearlong efforts to change that and some cantons have introduced some more or less useful legislation regarding this. Due to the fact that little Switzerland has nonetheless 26 different possible jurisdictions possibly dealing with holding and using foreign educational degrees and titles, it is useful to apply some general common-sense considerations in order to be on the right side of the law. Convictions in Switzerland in regards to academic educational titles would mostly result from law suits under the Unfair Competitions Act (UWG), which must not be underestimated as financial punishments and implications in case of a conviction may be severe. After reviewing the Swiss legislation, I found two general things: a) more than half of Switzerland is completely unregulated regarding foreign educational titles. b) in case where regulations are, they seem to concern mostly domestic degrees, diplomas and titles. In order not to come into conflict with the UWG it is therefore nonetheless wise to hold foreign educational degrees as awarded (PhD) plus mentioning country or the institution where the award came from.

The foreign university should be UNESCO/IAU listed in order to have an undeniable status as university internationally.

So, our example John Doe should hold his foreign PhD either as

**John Doe, PhD (Liberia) or John Doe PhD (Tubman College)**

Master and Bachelor degrees should be held and displayed accordingly.

Foreign degrees should under no circumstances be held as **Dr.** or **Magister/Mag.** without at least mentioning the awarding institution or the country of origin as otherwise less than well-meaning persons in Switzerland could construct a law suit out of “concern” for the protection of domestic titles or due to perceived Unfair Competitions. Fully excepted from these requirements are obviously doctoral titles from Austria and Germany and they can be held simply as **Dr.** with proper legal documentation, however, even provincially approved degrees like from California or Florida might well be acceptable in Switzerland, although I personally would consider the case as not being so clear like in the case of UNESCO listed universities as to aforementioned reasons.

The following information has been taken in full from a publication of the Confederate Department of the Interior EDI, State Secretariat for Education and Research SBF. **The text has been written in German by Konrad Sahlfeld on 30. January 2006.** 61 Translation into English by George Reiff as follows:

## Protection of Titles

### Basics

#### 1. Introduction

In the proposed Higher Education Act, an article is dedicated to the protection of titles.

The Following Formulations are proposed:

#### Art. 19 Penalties

1 imprisonment or a fine will be imposed on anyone who:

- a) pretends to be a lecturer of an accredited university without being appointed accordingly;
- b) holds a title from an accredited university without having received it
- c) uses a title that gives the impression that it was awarded an accredited university.

2 He who refers to a university as an accredited university without meeting the requirements of this Act, shall be punished with imprisonment or a fine.

3 offenses are also punishable if committed with negligence.

4 Law enforcement is the responsibility of the cantons.

In opposition, the following objections were raised:

- The proposed act overdoes things, because it is only the University of Applied Science Education Act that should be replaced because the ETH Law (Confederate Technical University Act) and cantonal regulations remained.
- Basically, protection of titles is a matter of the cantons and already partly regulated in criminal code, for example, in Art. 287 StGB Unauthorized Assumption of Authority.
- Public interest in a system that punishes those who pretend to be lecturer or lecturer of an accredited university without being appointed so with imprisonment or a fine is extremely low.

## 2. Federal Law

The federal government does not comprehensively regulate the acquisition and use of professional designations and titles. It merely adopted provisions to protect either the federally recognized professional certificates and diplomas in the field of vocational education and training (industry, trade, commerce, etc.), the higher agricultural technical and higher education (only Federal Technical University and universities of applied science), or to punish generally the use of job titles and designations if these meet the definition of unfair competition, fraud, or willful injury to property. The private use of titles, particularly at the social level, is not regulated by federal law. In the course of a non-business-related context it is therefore not (easily) possible to prevent the use of an incorrect title not.

### ETH-Act1

**Art. 38** Protection of the titles of the Federal Technical University (ETH)  
1 imprisonment or a fine will be imposed on anyone who:

- a) poses as a lecturer of a ETH without having been appointed accordingly;
- b) holds a ETH title without having been awarded such title;
- c) uses a title that gives the impression that it was given to him by an ETH.

2. Law enforcement is the responsibility of the cantons.

1 ETH-Act from 4. October 1991, SR 414, 110.

### Applied University Act2

#### **Art. 22**

1 He who unlawfully assumes a title according to Articles 7, paragraph 4 or 8, paragraph 3 will be punished with Imprisonment or a fine.

2 He who runs or designates without proper authorization (Art. 14) a school as University of Applied Sciences according to this Act, shall be punished with imprisonment or a fine.

3 Offenses are also punishable if committed with negligence.

4 Law enforcement is the responsibility of the cantons.

### **UWG3 (Unfair Competitions Act)**

Art. 3 Unfair advertising and sales methods and other illegal conduct  
Acting unfairly in particular those who: b. makes about himself, his company, his trade name, his goods, works or services, their prices, the quantity on the kind of sales pitch or false or misleading information about its financial situation or equivalently third party favors competition; c. incorrect titles or job titles used that are likely to give the appearance of special awards or skills;

### **Art. 23 Unfair Competitions**

a) A person who commits intentional unfair competition under Articles 3, 4, 5 or 6, shall be punished with imprisonment or a fine at the request of up to 100,000 francs. Anybody who is entitled to civil action according to Articles 9, and 10 may lodge a complaint.

Acting unfairly in particular are those who: b. give about himself, his company, his trade name, his goods, works or services, the price, the quantity on stock, the kind of sales pitch, about his financial situation false or misleading information or who accordingly favors third parties in competition; c. who uses incorrect titles or job titles that are likely to give the appearance of special awards or skills;

### **Penal Code4**

#### **Art. 146 Fraud**

- 1 Whoever, with the intention to enrich himself or another unlawfully, misleads maliciously someone by pretense or suppression of facts or encourages his error maliciously and thus determines the behavior of the mistaken one to cause harm to the assets of himself or others shall be punished by imprisonment up to five years in a penitentiary or with prison.
- 2 If the offender acts for commercially, he shall be punished by imprisonment in a penitentiary up to ten years or by imprisonment for no less than three months.
- 3 Fraud committed to the detriment of a relative or family member is investigated at request only.

## **Art. 151 Willful Damage to Property**

Any person who, without looking for personal gain, misleads maliciously by pretense or suppression of facts or encourages him maliciously in his mistake and thus determines the mistaken person to behavior causing harm to their own or other persons' assets, shall be punished, upon request, with imprisonment or a fine.

In the absence of national legislation, it has become common practice in Switzerland that foreign academic titles that have been awarded by nationally recognized universities as part of a regular study and research program can be held in the original form as awarded with an additional reference to the awarding university.

2 Bundesgesetz vom 6. Oktober 1995 über die Fachhochschulen (Fachhochschulgesetz, FHSG),  
SR 414.71.

3 Bundesgesetz vom 19. Dezember 1986 gegen den unlauteren Wettbewerb (UWG), SR 241.

4 Schweizerisches Strafgesetzbuch vom 21. Dezember 1937 (StGB), SR 311.0.

### **3. Cantonal Law**

In the following, the cantonal regulations for title protection are presented. First, each of the regulations in the respective cantonal criminal code and then the respective special education legal provisions, if there are any. This presentation does not claim to be complete.

#### **3.1 Aargau**

*University of Applied Science*<sup>5</sup>

**§ 33 Protection of Titles, Protection of the denomination „University of Applied Science“**

1 He who holds a title according to § 9 Sentence 4, without having passed the necessary examinations, will be punished with Imprisonment or a fine.

2 He who runs or designates without proper authorization or recognition a school as University of Applied Sciences, as University or as College of

Fine Arts according to this Act, shall be punished with imprisonment or a fine. Art. 22 FHSG in the area of federal legislation remains reserved.

3 Offenses are also punishable if committed with negligence.

### **3.2 Appenzell Ausserrhoden<sup>6</sup>**

#### **Art. 27 Unlawful Assumption of a Professional Designation**

1 He who calls himself without permission as the owner of an academic degree or who holds the academic degree of an institution that is obviously not equivalent to an identically worded degree of a Swiss public university, who proclaims without permission, that he has acquired a diploma of education or a certificate of competence shall be punished with imprisonment or a fine

2 The judge may order the publication of the judgment.

### **3.3 Appenzell Innerrhoden<sup>7</sup>**

#### **Art. 52 Holding a Title unlawfully**

He who designates himself without permission as the holder of an academic degree or who holds the academic title of an institution whose degree is not equivalent to those of Swiss universities, and he who is publicly referring to himself without permission as the owner of an education diploma or special qualification shall be punished upon request with a fine.

### **3.4 Basel-Circuit<sup>8</sup>**

#### **§ 57 Holding an academic degree unlawfully**

He who designates himself without permission as the owner of an academic degree, or who holds the academic degree of an institution whose degrees are to be considered unequal to those of the Swiss state universities, shall be punished with imprisonment or a fine.

## § 45

He who holds a title in accordance with § 16 Sentence 1 without having passed the required examinations, shall be punished with imprisonment or a fine.

2 offenses are also punishable if committed with negligence.

5 Canton of Aargau University of Applied Science Act of 27 May 1997, GS 426100.

6 Law on the cantonal criminal law from 25.05.1982, GS 311.

7 Regulation on the cantonal Transgression –Criminal code (transgressions Ordinance) of November 24, 1941, GS 306.

8 The law on the implementation of the Swiss Criminal Code of 30 October 1941, SGS 241.

9 Agreement between the cantons of Basel-Landschaft and Basel-Stadt on the University of Applied Science of both Basel districts (FH Agreement) November 26 / 17th December 1996 GS 662.1.

University for Pedagogy and Social Work of both Basel Districts 10

## § 47 Penalties

1 He who holds a title according to § 16 paragraph 1, without having passed the required examinations, shall be punished with imprisonment or a fine.

2 Offenses are also punishable if committed with negligence.

## 3.5 Basel-City 11

### § 64 Academic Degrees and Diplomas

1 He who designates himself without permission as holder of an academic degree or who holds the degree of an institution that is obviously not equivalent to the conforming degree of a Swiss university.

2 He who makes known without permission in order to do business to have an education diploma or a skill.

*University of Applied Science*12

## § 45

- 1 He who holds a title according to § 16 Sentence 1 without having passed the necessary examinations, will be punished with prison or a fine.
- 2 Offenses are also punishable if committed with negligence.

*Hochschule für Pädagogik und Soziale Arbeit beider Basel*13

## § 47 Penal Regulations

- 1 He who holds a title according to § 16 Sentence 1 without having passed the necessary examinations, will be punished with prison or a fine.
- 2 Offenses are also punishable if committed with negligence.

## 3.6 Bern14

### **Art.14a** Unlawful Assumption of an academic title

He who holds an academic title without permission will be punished with prison or a fine.

*University*15

### **Art. 4** Titles, Certificates

- 4 She [the university] rescinds a title
  - a) when it is obtained by deception or error,
  - b) when a grave crime is committed while exercising the scientific work

### **Art. 78** Penal Regulations

He who designates without permission an institution as university or who holds a title according to Article 4 will be punished with prison or a fine.

*University Regulation*16

## **Art. 20** Rescinding Titles

- 1 The Senate rescinds titles acquired by deception or that have been awarded erroneously.
  - 2 It may rescind a particular title if the holder has broken the rules of scientific honesty by doing... () .
  - 3 Moreover, it rescinds the title when the holder committed a crime while working scientifically
- 10 Treaty between the cantons of Basel-Landschaft and Basel-Stadt on the University of Education and Social Work Basel, GS 662.4.
- 11 Cantonal Criminal Law of 15 June 1978, GS 253100.
- 12 Treaty between the cantons of Basel-Landschaft and Basel-Stadt on the University of Applied Science of Basel (FH contract) November 26 / 17th December 1996 GS 428,100.
- 13 Treaty between the cantons of Basel-Landschaft and Basel-Stadt on the University of Education and Social Work Basel, GS 428700.
- 14 Law regarding the implementation of the Swiss Penal Code as of October 06 1940 BGS 311.
- 15 Law on Universities (UniG) of 5 September 1996, GS 436.11.
- 16 Statute of the University of Bern (University Statutes; UniSt) of 17 December 1997, GS 436.111.2.

*University of Applied Science* 17

## **Art. 61** Penal Regulations

He who holds a cantonal diploma according to Article 3 without having passed the required examinations, will be punished with prison or a fine.

### **3.7 Freiburg**

Protection of Titles is not regulated in the law of the canton

### **3.8 Genf**

Protection of Titles is not regulated in the law of the canton

### **3.9 Glarus**

Protection of Titles is not regulated in the law of the canton

### **3.10 Graubünden**

Protection of Titles is not regulated in the law of the canton

*University of Pedagogy18*

#### **Art. 21** Titles

1 A title that has been obtained in an unlawful way, will be rescinded through the awarding body.

2 Prosecution for non-permitted holding of a protected title is reserved.

### **3.11 Jura19**

#### **Art. 14** Unlawful assumption of a degree

He who has held a university degree unlawfully, will be punished with a fine or prison.

### **3.12 Luzern20**

#### **§ 25** Unauthorized practice of a profession and unlawful assumption of a title

He who practices without the required permit a profession, a trade or a commercial business or exceeds the powers provided in the authorization, who holds unjustified a title or professional designation (an academic degree, diploma, patent, etc.) in order to give the appearance of special awards or skills, shall be punished with imprisonment or a fine.

### **3.13 Neuenburg<sup>21</sup>**

#### **Art. 63 Unlawful assumption of a title**

He who suggests to have a special education or a title with an official character without lawfully having it shall be punished with a fine if the deed is not punished more severely by another legal provision.

17 Gesetz über die Berner Fachhochschule (FaG) vom 19. Juni 2003, GS 435.411.

18 Gesetz über die Pädagogische Hochschule (PHG) vom 8. Dezember 2004, GS 427.200.

19 Loi d'introduction du code pénal suisse du 09. novembre 1978, RSJ 311.

20 Übertretungsstrafgesetz vom 14. September 1976, SRL Nr. 300.

21 Code pénal neuchâteloise du 20. Novembre 1940, RSN 310.0.

### **3.14 Nidwalden**

Protection of Titles is not regulated in the law of the canton

### **3.15 Obwalden**

Protection of Titles is not regulated in the law of the canton

### **3.16 Schaffhausen<sup>22</sup>**

#### **Art. 20 Unlawful Assumption of a Permit, Unlawful Vigilantism**

He who executes a public permission without being enabled to do so, who by circumvention of public authority claims or tries to claim a real or purported right, shall be punished with a fine or prison.

According to information from the prosecutor of the canton of Schaffhausen title protection falls partially under Article 20 EG of the Swiss Criminal Code in the canton of Schaffhausen. It must be remembered that this article of law deals with "public" entitlement. The prosecution could imagine the case where, for example, someone poses as a police officer in a restaurant, inviting guests to observe the curfew and asks them to leave the restaurant. Art. 20 EG of the Criminal Code requires no unlawful intent, as opposed to Unlawful Assumption of a Public Office in Art. 287 of

the Criminal Code, According to the information from the prosecutor Article 20 EG of the Criminal Code has not too much practical importance.

### **3.17 Schwyz<sup>23</sup>**

**§ 25 Unlawful Assumption of a Title and unauthorized practice of a profession**

He who designates himself without permission as holder of an academic degree, or who holds the academic degree of an institution whose degrees are not equivalent with those of Swiss universities, who publicly pretends without authorization to be a holder of a diploma certifying special training or special qualifications, who is without the required permit pursuing a profession, a trade or commercial business or exceeds the powers provided in the authorization, shall be punished with imprisonment or a fine.

### **3.18 Solothurn**

Protection of Titles is not regulated in the law of the canton

### **3.19 St.Gallen**

Protection of Titles is not regulated in the law of the canton

*University<sup>24</sup>*

**Art. 75 Tasks of the Senate Commission**

1 lit. f: The Senate Commission decides about rescinding a title.

### **3.20 Tessin**

Protection of Titles is not regulated in the law of the canton

22 Law about the Introduction of the Swiss Penal Code (StGB) of 22.

September 1941, GS 311.100.

23 Law about the Cantonal Penal Code of 13. Januar 1972, GS 220.100.

24 University Regulation of 3. November 1997, GS 217.15.

### **3.21 Thurgau**

Protection of Titles is not regulated in the law of the canton

Tertiärbereich25

#### **§ 5 Protection of Titles**

Titles that have been obtained at a governmental or governmentally recognized tertiary institution are protected. The Government Councillor regulates details.

The Government Councillor should regulate the scope and the sanctions. This has not happened so far (due to lack of reported demand), and so there is no real protection here.

### **3.22 Uri**

Protection of Titles is not regulated in the law of the canton.

### **3.23 Waadt**

Protection of Titles is not regulated in the law of the canton.

### **3.24 Wallis**

Protection of Titles is not regulated in the law of the canton.

### **3.25 Zug26**

#### **§ 30 Unauthorized practice of a profession and unlawful assumption of a title**

Those who practice without the required permit a profession, a trade or a merchant business or exceed the powers provided in an authorization, or who holds a title or professional designation, including an academic degree or diploma without authorization to create the appearance of special awards or skills shall be punished with imprisonment or a fine.

### **3.26 Zürich27**

#### **§ 8a Abuse of academic designations and titles**

He who uses the name University, University Institute, Faculty, university, college, or another academic term in German or in another language for an institution or activity without authorization of the competent Directorate of the Government Council, who awards degrees or titles without authorization from the competent Directorate of the Government Council, who without authorization holds a degree or title, shall be punished with imprisonment or a fine of no less than Swiss Fr 2,000. In case of recurrence, the punishment is imprisonment or a fine.

*University28*

#### **Art. 47 Protection of Titles**

An unlawfully obtained title is to be rescinded by the authority who awarded it. Criminal laws regarding any unauthorized use of academic titles remain reserved.

25 Law about Tertiary Education (Tertiärbildungsgesetz) of 24. October 2001, GS 414.2.

26 Police Penal Code of 26. February 1981, GS 311.1.

27 Cantonal Penal and Procedural Law of 30. June 1974, GS 331.

28 Law about Zurich University of 15. March 1998, GS 415.11.

*University of Applied Science29*

#### **§ 50 Title Protection**

He who concludes an education with diploma at a university of applied science is authorized to hold the corresponding title. An unlawfully obtained title is to be rescinded by the authority who awarded it. Criminal laws regarding any unauthorized use of academic titles remain reserved.

#### 4. Legislation Projects (Planned but not implemented)

##### **4.1 Protection of Titles in the planned Psychology Professions Law (PsyG)**

Due to the consultation results (July-October 2005) the Whole Federal Council may decide on the next steps in the summer of 2006.

##### **Art. 48**

1 With a fine will be punished who:

- a. calls himself psychologist without having a recognized degree in psychology
- b. call himself psychotherapist without having accordingly a recognized Swiss continued education title
- c. uses compound denominations that indicate psychology or psychotherapy or contain the adjectives psychological or psychotherapeutically without having a degree in psychology or a continued education title according to the law.

2 Law enforcement is in the hands of the cantons.

##### **4.2 Protection of Titles in the planned Medical Professions Law (MedBG)**

Template and bill have been completely considered at the end of April in 2005 by the SGK-N as the first chamber. Whether, and to what extent, and with what implications adjustments are due for the reorganization of the higher education landscape 2008 is the subject of ongoing current work.

##### **Art. 58**

A fine is imposed on anyone who:

- a. claims to have a diploma or continued education titles under this Act, without having it or these legally acquired;
- b. to give the impression without having completed the education or training under this Act successfully, that he has the relevant education or continued education completed under this Act.

## 5. Investigations so far

### 5.1 EDK (1990)

In a 1990 study published in the prestigious Education Law Scholar Herbert Plotke came to the following conclusion:

Measures in the field of criminal law do not come to mind. The relatively small number of cantonal penal provisions against the unauthorized use of academic titles outside the economic life have little deterrent effect given the low penalties. It is completely unnecessary to introduce them in all cantons. [...] Now, although someone in private life feels the need to adorn himself with worthless or purchased title, so he should be able to indulge in his vanity. Obviously, there are also plenty of people who like to be blinded or reflect themselves in academic titles of others. Let us leave them to their pleasure!

29 Law on universities of applied science and post-secondary schools (Fachhochschulgesetz) from 27. September 1998, GS 414.11.

### 5.2 Commission for Legal Questions (2002)

In the report of the commission for legal questions from 23. August 2002 regarding the Petition Wälchli the following was written:

#### 1. Inhalt der Petition

The petition presented by Mr Philipp Wälchli on 12. February 2001 demands that Swiss law creates unified regulations in order to protect titles and professional designations. This protection is supposed to benefit foreign titles and professional designations in Switzerland on a mutual legal basis as Swiss titles are protected abroad.

The petitioner requests also the creation of a central authority in order to maintain a register with all titles that are protected to confederate law and to answer inquiries.

The petitioner gives as reason that due to the partition of title protection between confederate law and cantonal law, there is actually only cantonal penal law in order to protect academic titles. Oftentimes this gives rise in problems between the cantons and internationally regarding the definition of the scope of protection. The general prohibition in the Confederal Law against Unfair Competition (SR 241), to hold titles that are misleading or imply special skills do not protect titles themselves but only threatens the unfair use in economic competition. The legal position can therefore hardly meet today's problems.

## **2. Statement of the Confederate Justice and Police Department (EJPD)**

In its opinion of 31 July 2001, the FDJP summarized the applicable law in the protection title as follows:

In order to protect titles and professional designations, the confederation has certain constitutional powers, for example in the field of vocational education – inclusive in the field of universities of applied science - (Article 63 Abs. 1 BV), in the field of the Confederate Technical Universities (Article 63 Abs. 2 Sentence 1 BV) and in the area of the private sector economic activities that fall under the protection of economic freedom (Article 95 Sentence 1 BV). These include activities of scientific professional persons like the medial staff (doctors, dentists, vets and pharmacists) and lawyers.

In contrast, the federal government lacks a constitutional basis for the adoption of rules on the protection of academic titles, which are awarded by the cantonal universities. Due to the free movement of persons between Switzerland and the EU, the federal government is obliged to ensure mutual recognition of qualifications and competence certificates in state law and to ensure the appropriate title protection also through criminal law. The abuse of regulated professional designations is punishable by a special statutory penal provision in the Vocational Education Act of Confederate Law (Article 72 BBG; Article 64 BBG.). This is also the case for the titles, which are given by the universities of applied science (Article 22 Sentence 1 FHSG). However, the criminal title protection for academic title is only ensured in some cantonal criminal laws.

The provisions for the protection of titles and professional designations in unfair competition law (Article 3 letters b and c of the Federal Law against Unfair Competition, SR 241) covers only offenses through which incorrect and professional titles prevent or distort competition and thus damage the legal right of good faith in commercial transactions. The protection against incorrect and misleading information from a provider as a person, and therefore also regarding inaccurate titles and professional designations, is guaranteed through civil claims (repressive and indemnity claims) as well as criminal provision (Article 23 UWG).

### **3. Considerations of the Commission**

The Commission has examined the petition and took note of the corresponding statement by the Federal Office of Justice on 31 July 2001. She is of the opinion that the ad hoc federal regulations relating to the protection of titles meet the requirements. Since the adoption of rules on the protection of academic titles, which are distributed by the cantonal universities, is the responsibility of the individual university cantons, a uniform system for the grant of titles in federal law would cause issues of constitutionality. The Commission considers the criminal-law protection of the federal law against unfair competition as sufficient and sees no need for action for a general criminal protection regulation. She therefore requests to take note of the petition, but to give her no consequence.

#### **Summary**

A change in federal law with respect to title protection does not really impose itself, because it is constitutionally problematic, and in criminal law it has only a very minor effect and it is politically not communicable. A positive list, for example on the website of CRUS, would be a possible alternative in terms of self-regulation. De facto, such positive list is likely to generate the greatest effect and could possibly also be used in addition to statutory regulation.

Another alternative for a nationwide regulation is an inter-cantonal agreement as the one of 18 February 1993 on the recognition of qualifications. In it the protection of titles is regulated as follows:

#### *Art. 11 Penal Regulations*

He who holds a protected title according to Article 8 Sentence 4 without having a recognized degree or who uses a title that gives the impression that he obtained a recognized degree, will be punished with prison or a fine. Negligence is punishable. Law Enforcement is the responsibility of the cantons.

Such a concordat would be preferable in every case to a federal solution in the regards to the cantonal universities. The question is whether such a concordat is desired politically at the moment.

## **4.0**

### **Applying the Historical Method**

The General Permission Decree from 2000 and all State laws require that a foreign degree must come from a university/college that is recognized as such in the country of origin. Furthermore, the conferred degree must be recognized by the country of origin. However, some state laws only require that the university/college itself be recognized. In Table 1, those states marked with “1” permit foreign degree if the university/college is governmentally recognized. Those marked “2” require that not only the university/college but also the degree itself must be recognized explicitly by the government. Honorary degree must always come from institutions that are governmentally permitted to issue the corresponding academic degree. Concerning this, only a few states permit the use of an abbreviated degree (marked with “3”), whereas the hardline states require the degree written in complete words (marked “4”). There is one state (Mecklenburg) that discriminates openly against transfer of academic credits from private academies located in Germany and elsewhere towards academic degrees at foreign universities as practiced, for example, by the University of Wales in the United Kingdom. The state is indicated with “5”. Another state (Hesse) indicates that the foreign degree must be considered ‘an academic degree according to European regulations’; this remains obscure as no EU law is mentioned, neither is there any indication given that the regulation requires observance of the educational laws of the 27 EU Member states. This ‘exceptionally intelligent work’ of German jurisprudence is marked with “6”.

Table 1: Indications of the Requirements of State Laws Relating to Foreign Degrees (Refer Text)

Baden-Württemberg	1	4	
Bavaria	1	3	
Berlin	2	4	
Brandenburg	2	4	5
Bremen	1	3	
Hamburg	1	4	
Hesse	2	3	6
Mecklenburg-Pomerania	2	4	
Lower Saxony	2	3	
North Rhine Westphalia	1	3	
Rhineland Palatine	2	4	
Saarland	2	4	
Saxony	2	3	
Saxony-Anhalt	2	4	
Schleswig-Holstein	2	4	
Thuringia	1	4	
Austria	1	3	

#### **4.1 Deductions for Germany, Austria and Switzerland**

Unlike Germany, Austria has obviously dropped all legal references to the Akademisches Grad-Gesetz von 1939 although it has been law there between 1939 and 1945 as well. The last reminder maybe the presence of a nostrification process there, which is, however, by far fairer structured and understandable than it ever was in Germany.

Unlike the Germans, the Austrians did not copy the legal principles of the Gradgesetz but went into a far more democratic direction although certain elements of their handling of foreign degrees remain superficially similar.

The Austrians, know, for example the process of nostrification. This was also till 2005 in Germany the process of making a foreign degree “German” and this process was accompanied by many caveats. In Austria this process obviously still exists, meaning that a foreign degree still can be made “Austrian”.

However, unlike in Germany (till 2005) the Austrians do not insist on this nostrification as a requirement for legally holding/displaying/using an academic degree in public. The Austrian nostrification comes for example into play with professions like medicine etc. where a certain standard must be demonstrated in order to get licensed. All non-EU degrees, however, can be held/displayed/used publicly in their original form, so a PhD remains to be a PhD, displayed behind the family name and it does not move before the given name as Dr. as it would be the German, Swiss and Austrian custom. However, unlike in Germany, there is no requirement to add the awarding institution in brackets!

Also, the awarding institutions are certainly good enough in the eyes of the Austrian authorities if they come from universities or colleges or institutes that are listed as such with UNESCO's WHED and the International Handbook of Universities (IAU).

With proper legal documentation even provincially approved degrees like from California, Switzerland or Florida might well be acceptable in Austria, although I personally would consider the case as not being so clear like in the case of UNESCO listed universities.

In Switzerland it seems that mostly their commercial code deals with foreign educational credentials insofar as nobody must derive an undue advantage in business competition. In order to be save of Swiss prosecution, the foreign university in question should be clearly governmentally recognized. Due to their own cantonal structure in Switzerland it appears at the moment as if degree holders are also on the save side if their university is state approved or state licensed.

## 4.2

### **Other Indicators of Educational Law Principles or legal procedures and proceedings that may be influenced through Law Principles originating from National Socialism**

#### 4.2.1

##### The Case of “The Plastinator”

“Dr. Death”, the “Plastinator” alias Dr. Gunther von Hagens exhibits dead bodies that have been prepared with his plastination process. The man and his work are certainly a question of taste, however, it is clear that he brought a lot of work and income (and tax payments) to the desolate city of Guben, at the German Polish demarcation line (where unemployment usually is about 20%), by establishing his permanent exhibition there.

Dr von Hagens holds a doctoral degree from a German university and a professorship awarded from China. On his letterheads and signatures, he sometimes uses the abbreviation Prof. Dr. without indicating the Chinese origin of his professorship. He was convicted in 2005 and fined of €108 000. He was acquitted only after a lengthy legal battle in 2007 but only ‘second class’, i.e. he had to pay his lawyer and court expenses himself which amounted to €30 000 to €40 000.

For similar offences, ‘mere mortals’ are fined between €2 000 and €20 000 EUR plus legal expenses. **62, 63, 64**

#### 4.2.2

### Germany Declares the United Nations Peace University a Diploma Mill – or ANABIN 1.0

In order to talk about the aforementioned headline, we must first talk about the so called Anabin List, which is promoted and maintained by the Central Authority for foreign Educational Affairs (ZAB). It is a body that has – together with its predecessors- severely impeded the use of foreign educational credentials for the last 6 decades in Germany. Various degree holders from foreign countries ended as menial laborers, cleaning personnel or taxi drivers in Germany. And even if citizens and immigrants protested against this type of unfair treatment before the courts, they had to find out what implication the world “expert witness” means in a court suit regarding foreign educational credentials. When court cases regarding foreign educational credentials occur, expert witnesses are regularly called from the Central Authority for foreign Educational Affairs (ZAB) by the court and no other experts are usually allowed. It is nearly needless to mention that the German judges usually follow the expertise of those so-called expert witnesses according to §§ 72ff StPO (German Penal Process Law) and especially § 73, Sentence 2, where they label the civil servants as experts with a special education in evaluating foreign educational credentials. It is also clear that those who first triggered such court procedures, be it an indictment because of alleged wrongful use of academic titles or be it that somebody fights against the dismissal of his foreign degrees as suitable for a corresponding position within the labour market – the Central Authority for Foreign Educational Affairs is often-times not only accuser but due to her expert witness position also the judge. As indictments are usually furnished by the State Education Minis-

tries, the Central Authority (ZAB) can play neutral and innocent though she is, of course, under the guidance of the State Educational Ministries. The results of this legal inbreeding are fines that can easily reach between 3000 USD and 60,000 USD depending on who has been brought to court or a lifelong destruction of a vocational career in the case of credential dismissal.

The database, however, is neither mentioned within the texts of the Higher Educational Laws nor in the laws of the other German language countries like Austria, Switzerland or Liechtenstein. And the list is nowhere declared compulsory in any of the German Federal States. Also, in European context there is no mention – not even by the European Commission.

Let us have ANABIN speak for itself:

Quoted from [www.anabin.de](http://www.anabin.de)

Der Inhalt der Datenbank wird kontinuierlich ergänzt.

Die Datenbankinhalte erheben nicht den Anspruch auf Vollständigkeit, sie werden kontinuierlich ergänzt und aktualisiert werden. Im gegenwärtigen Aufbaustadium ist die Dateneingabe für die einzelnen Länder noch sehr unterschiedlich. Auch die Datenabstimmung und -kontrolle ist noch nicht abgeschlossen.

“The database contents do not claim to be complete” and therefore they stand of course also not for being compulsory nor being correct. If we turn this type of thought simply around, we can conclude that the database can show lies. **65**

Now the question: does she do that? We will follow this up by investigating the strange case of United Nations University for Peace UPEACE:

**Kontakt** **Beschreibung** **Abschlüsse**

---

*Universidad para la Paz*

Ausführliche Bezeichnung: **Universidad para la Paz (auch: University for Peace)**  
Abkürzung: **UPEACE**  
Typ: **Staatlich anerk. Hochschule** Status: **H+**

**Kontakt**

Ort: **San Jose**  
Anschrift: **Universidad para la Paz  
Apartado 138-6100, Ciudad Colon, Canton de Mora,  
San Jose  
Costa Rica**  
Telefon: **+506(249) 15-11** Fax: **+506(249) 19-29**  
eMail: **[info@upeace.org](mailto:info@upeace.org)**  
Homepage: **[www.upeace.org](http://www.upeace.org)**

From 2004 –early 2007 UPEACE was solely and logically listed as H+ what means fully recognized university, good for use in Germany. **66**

In June 2007 the following listing was added

**Kontakt** **Beschreibung** **Abschlüsse**

---

*Universidad para la Paz*



Ausführliche Bezeichnung: **United Nations University for Peace**  
Abkürzung: **UPEACE**  
Typ: Status: **H+/H -**

**Kontakt**

Ort: **San Jose**  
Anschrift: **Universidad para la Paz  
Apartado 138-6-100  
Ciudad Colón, Cantón de Mora  
San Jose  
Costa Rica**  
Telefon: **+506 205-9000** Fax: **+506 249-1929**  
eMail: **info@upeace.org**  
Homepage: **http://www.upeace.org/**

[www.anabin.de](http://www.anabin.de) (June 2007)

and also the listing below:

**Kontakt** **Beschreibung** **Abschlüsse**

---

*Universidad para la Paz*

Ausführliche Bezeichnung: **Universidad para la Paz, auch: University for Peace**  
Abkürzung: **UPEACE**  
Typ: **Staatlich nicht anerkannte Hochschule** Status: **H -**

**Kontakt**

Ort: **San Jose**  
Anschrift: **Universidad para la Paz  
Apartado 138-6-100  
Ciudad Colón, Cantón de Mora  
San Jose  
Costa Rica**  
Telefon: **+506 205-9000** Fax: **+506 249-1929**  
eMail: **info@upeace.org**  
Homepage: **www.upeace.org**

Note that a H- Listing means that the university is considered unrecognized which is equal with being a diploma mill. Degrees are no good for use in Germany and use of them will result in court procedure and heavy fines and an entry in the criminal record.

Let us have a look at the United Nations Peace University.

The United Nations Peace University or short University for Peace **67** , has been founded in 1980 as a United Nations-mandated University for Peace. She has been constituted as a Treaty Organization by the UN General Assembly by addendum to Resolution 35/55 by the General Assembly of the United Nations as 'International Agreement for the Establishment of the University for Peace' from 05.12.1980 **68** and UNESCO. Rapports **69**. The mission of the University for Peace is as determined by her charter: "to provide humanity with an international institution of higher education for peace with the aim of promoting among all human beings the spirit of understanding, tolerance and peaceful coexistence, to stimulate cooperation among peoples and to help lessen obstacles and threats to world peace and progress, in keeping with the noble aspirations proclaimed in the Charter of the United Nations." To ensure academic freedom, the University was established under its own Charter, approved by the General Assembly.

And not only this: The Peace University has been founded not only by the UN's General Assembly and therefore with the FRG's vote. No, even better: the FRG had the chair of this specific General Assembly Number 35/55. To be specific: FRG Germany's permanent representative Rüdiger von Wechmar had the chair. **70**

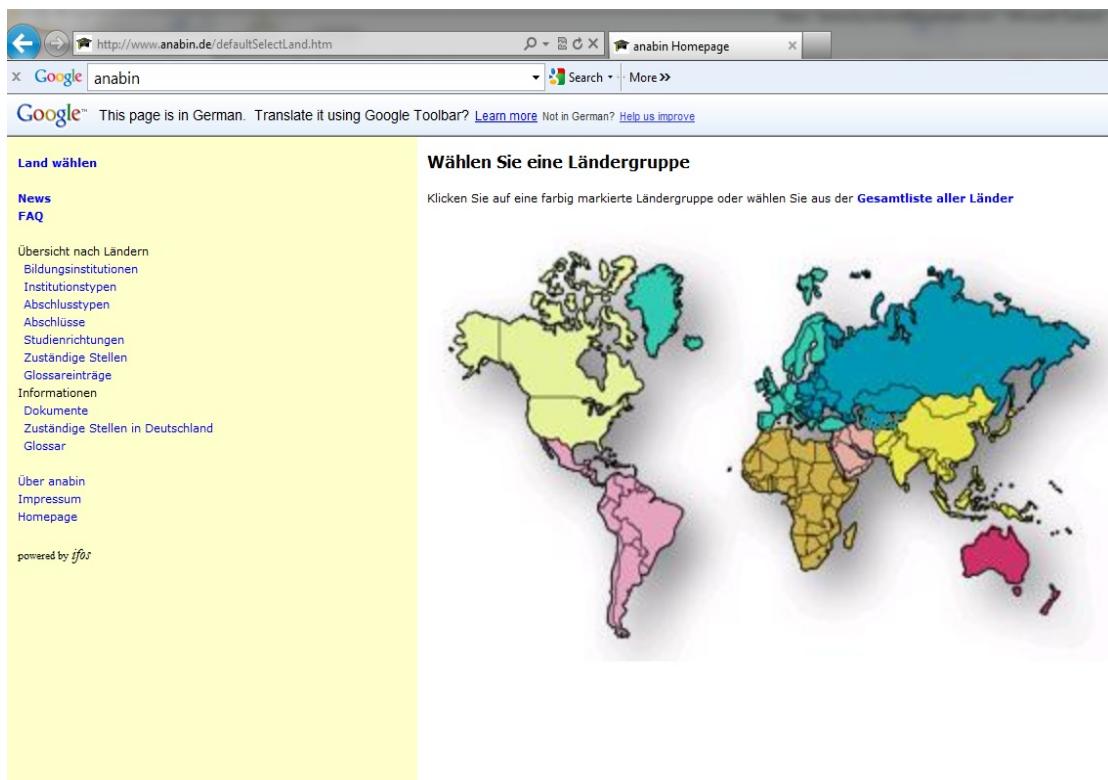
Moreover, the ANABIN creators ZAB do not recognize the International Handbook of Universities that is issued by UNESCO's IAU annually as the guide book and basis for mutual educational recognition in the world. The basis for this is as it was declared on the phone to the author "that universities can be members there (meaning in the IAU)". Obviously, little do they know at ZAB that the listings cannot be influenced by the universities even if they are members of IAU. The information is solely furnished by national competent bodies, which usually means the respective education ministries of the countries. **71**

So, we can for now in the light of German jurisprudence assume that Germany first suggested (as Chairman von Wechmar certainly announced the topic "Establishment of the Peace University") the United Nations Peace University, then voted for it (the vote was naturally unanimous) and afterwards declares its own creation legally a diploma mill.

Sad reference to over qualified people doing menial work in Germany due to the non-recognition of their foreign credentials are just displayed in the following articles from mainstream German press as of Middle of 2012 as follows:

Housecleaners with doctor title: **72, 73, 74, 75, 76, 77**

#### 4.2.3 About “brown” Africa and “yellow” China, Anabin 2.0



Source: [www.anabin.de/defaultSelectLand.htm](http://www.anabin.de/defaultSelectLand.htm)

The initial question of whether or not the contemporary German regulations are infested with National Socialist Principles can also be answered visually. ZAB's (Germany's Central Authority for Foreign Educational Credentials) mouthpiece to the world is the notorious Anabin website [www.anabin.de](http://www.anabin.de). When clicking through the website, we come to the point where countries are to be selected by the viewer in order to find out Anabin's judgement regarding the educational credentials.

All of Africa is depicted in a tainted brown, whereby the perceived sphere of influence of the Chinese is depicted in a deep yellow.

It should be mentioned that in European colour perception brown or black stands for Africans and a deep yellow is supposed to depict the “yellow” Chinese. It is also noteworthy that being brown is considered “dirty”, see Manuela Ritz’s book in Germany “Die Farbe meiner Haut” - the color of my skin. **78** Needless to say that such colour racism was especially widespread under National Socialist rule, where the alleged swarthiness of Jews added to their governmentally imposed stigma.

When we have a look at Europe, we will find it depicted in green. The green colour stands for OK, everything in order. It also stands for life.

So even here we can see how, at least at sub-consciousness level, the spectre of racism and NS Ideology is systemically transported from mere prescriptions by the law into some sinister cultural visualization.

### 4.3 The Constitutional Free Speech

The German Constitution and Free Speech

..

This is a difficult question because, as stated above, Germany does not have a constitution. Since 1949, the Federal Republic of Germany has operated a surrogate constitution called Grundgesetz, i.e. “Basic Law” like in Hong Kong, Macao and Palestine. This is still the case in 2014 despite the fact that Germany was supposedly given independence from Allied rule in 1991. Since that time, German politicians have failed to introduce a real constitution within a real German republic.

But even the surrogate constitution has a free speech provision, which in Germany is referred to as “Meinungsfreiheit” (freedom of expression) in Article 5, Section 114 of the Basic Law. Two statements under this Article are of special interest here:

(1) Every person shall have the right freely to express and disseminate his opinions in speech, writing, and pictures and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed. There shall be no censorship.

(3) Art and scholarship, research, and teaching shall be free. The freedom of teaching shall not release any person from allegiance to the constitution. **80**

If “censorship” is unacceptable, how is it that a German citizen is not permitted to mention a qualification they have obtained? Further, where is academic freedom in scholarship, research and teaching when a teacher is prevented from writing his academic degree on a blackboard?

The Universal Declaration of Human Rights from 1948 declared in the preamble that: **81**

“Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, (we look for) the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want are proclaimed as the highest aspiration of the common people”.

Similarly, Article 10 of the European Convention on Human Rights<sup>16</sup> makes clear that:

“This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority”. <sup>82</sup>

These provisions have been re-emphasized once again in the Treaty of Lisbon of 2009 as follows :

#### Article 6

(ex Article 6 TEU)

1. The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties.

The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties.

The rights, freedoms and principles in the Charter shall be interpreted in accordance with the general provisions in Title VII of the Charter governing its interpretation and application and with due regard to the explanations referred to in the Charter, that set out the sources of those provisions.

2. The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Treaties.

3. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law. **83**

These directives appear to be in opposition to German regulations governing the citing of qualifications not approved by the State. Thus far, the German government has operated contrary to such international and EU requirements with complete impunity.

## **5.0 Conclusion**

The sixteen Educational State Laws and the General Permission Decree from 2000 of the Federal Republic of Germany have nearly the same provisions as the Academic Degree Act of 1939 from the German Realm. It is evident that the Academic Degree Act and its accompanying Regulation were fully incorporated and very actively employed in the Federal Republic of Germany from the beginning of its conception in 1949, and that it only reluctantly ushered in the General Permission Decree and the State Education Laws in the years 2000 to 2005. It is important to remember that:

- The provisions of the Academic Degree Act were introduced by a deformed Weimar Republic which for six years had been changed to a totalitarian state by the Enabling Act of 1933. The provisions of the Act were made by a totalitarian system that was strongly biased against anything and everything “foreign”.
- The important implication in the current State Laws is that they neither ushered out, nor eased, nor abolished the discriminatory provisions within the Academic Degree Act. These survive today within the provisions of the General Permission Decree and all 16 State Laws. The only change was a shift from the need for individuals intending to use a foreign degree in the Federal Republic of Germany to get permission to do so from a government commission in favour of placing full legal responsibility on the individual to not use a degree openly that did not have official approval.

In short:

Provisions like the withdrawal of degrees for persons being “unsuitable” are to be found in the 1939 decree AkaGrGDVVO as much as in half of the Higher Education state laws of today. **84**

A provision for a general permission of certain degrees can be found in the 1939 decree AkaGrGDVVO inasmuch as in all current state laws

Where the 1939 decree AkaGrGDVVO 1 prescribes a kind of license to be obtained, all Higher Education state laws of Germany “offer” a license-like document where they will state a recommendation how to display a foreign degree legally. Also, the same function is taken on by the so-called ANABIN list ([www.anabin.de](http://www.anabin.de)) where ludicrous “recommendations” as of acronyms and wanted and unwanted universities in Germany are listed. These legal circumventions of a direct licensure have been created in order to avoid court suits through the population and the EU.

It is also of note that the word “worthiness/Würdigkeit” is still part of the state laws and that is was that alleged lack of such worthiness upon which Jews lost their doctor titles en masse in Germany after 1939 according to the pioneering speech of Professor Hans-Peter Haferkamp at Cologne University in 2005 *“Also after 1945 doctoral degrees were rescinded because of unworthiness. Among the 22 cases researched by me, in 11 cases the degrees were rescinded after 1945”* **85**

Especially the formula “wenn sie nach dem Recht ihres Heimatstaates zur Führung des akademischen Grades befugt sind = according to the laws of the country of origin permitted to display” in regards to a general permission to display a foreign degree, applies already in § 3 of the 1939 decree

AkaGrGDVVO in as much as it does in all seemingly favour the degrees from the European Union which probably results directly from the Lisbon Convention of 1997 **86**. It is noteworthy that it was only ratified in Germany in November 2007 – 10 years after the fact! It is also an indicator that the German authorities are fully aware of their undemocratic laws regarding foreign educational credentials and change them only minutely upon application of outside pressure.

Reference to current international law shows that the Educational Laws prevalent in the Federal Republic of Germany (FRG) break the provisions of the Universal Declaration of Human Rights and that this practice has been blatantly pursued from the foundation of the Federal Republic of Germany over six decades.

Further, the FRG has not adhered to its own proclamation of freedom of speech (Basic Law, Article 5, Sections 1 and 3) in prosecuting people who have mentioned more than once that they have a foreign degree and fining them €2 000 to €20,000 and recording a criminal conviction according to Criminal Code §132a (Unauthorized Use of Official Titles).

Germany is now operating within the supranational EU structure and is more or less a Federal State within the European Union EU. How is it possible that the FRG may surmount European Law Provisions like Article 10 of the European Convention on Human Rights which clearly states that Freedom of Expression is protected with impunity? How is it that the FRG is still bringing its citizens before court for a speech crime, when they were simply wishing to inform their fellow citizens and business partners of their academic credentials?

## **5.1 Evaluation**

What once set out to be a paper about some legal abnormalities in Germany turned out to become the stuff from which dissertations are made. Little did I know at the beginning of my investigation into the German laws regarding foreign educational credentials that the laws themselves would reveal a picture of a society and country that is absolutely different compared with what is transported to the outside world.

Germany is fostering foreign immigration for over 5 decades now but the people are still too cowed to stand up for themselves and demand equal recognition of the credentials. I have made clear by displaying and translating all 16 state laws, the General Permission Decree from 2000 and the Academic Degree Laws and Decrees from 1939 that laws have changed little and that under the guise of democracy in the field of foreign educational credentials there is still bias that stems from another time and another political system in which so called Academic Law decrees were used to block Jews from doing their academic jobs – the latter nobody wishes to experience anymore in our times. It is noteworthy that all these state laws have never been translated into English to date by the authorities and my translation herein remains the only orientation for foreigners in Germany who cannot read and understand German.

Giving evidence with contemporary sources that are unanimous plentiful and governmental is certainly a peculiar kind of streak of luck and it made the use of the historical method more than easy in this case.

## 5.2 Future Work

It is a courageous citizen with enough financial stamina (and a high-quality lawyer) who is willing to invest 4-5 years of his/her life in a legal battle who would start at a District Court, then through two Appeals Courts before finally coming before the Constitutional Court of the FRG. Thereafter, the applicant would probably have to take the case to the European Court on Human Rights in Strasbourg to obtain justice. However, this is what may be necessary to change the odious Educational Laws in the FRG. They have retained the imprint of totalitarianism over seven decades. It is also noteworthy that in other countries totalitarian means are being employed in the name of quality control as well. We have the famous case of Kennedy Western University, which was a state governmentally approved, though not accredited private university of the USA. The State of Oregon tried via its OSAC authority to cow degree holders into not mentioning the degrees in Oregon. Kennedy Western was not really impressed and answered with a law suit. Their main argument was that OSAC was impeding free speech by denying people the right to refer to their legal credentials obtained at Kennedy Western University. As a result, OSAC and the State of Oregon were forced to settle out of court with Kennedy Western. Draconic laws of Oregon that would have prevented alumni of Kennedy Western to display and use their degrees were overturned or declared moot **87**. Incidents like this show that other countries than the Federal Republic of Germany also sometimes try to implement regulations that smack of totalitarianism. It would also be an interesting question whether there are plans and/or campaigns to make UNESCO recognitions and recommendations mandatory for the world in order to provide some legal security for students as much as employers in a fast-moving world. As concluding note it is interesting to mention that

the “Plastinator” Prof. Dr. von Hagens is meanwhile suing the authorities of the FRG for 2 million EUR compensation after they were unable to prove in the courts of law that he misused any academic titles. **88** Finally, 210-000 EUR were paid as compensation to Professor von Hagens by the State of North-Rhine Westphalia in 2014. It is noteworthy that the whole time the German-Chinese Treaty for Mutual recognition of academic Degrees had been overlooked by all involved parties. **90**

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## **ACRONYMS**

- A A C R O :** American Association of Collegiate Registrars and Admissions Officers (USA)
- A N A B I N :** Anerkennung und Bewertung ausländischer Bildungsnachweise
- A N D E S :** Association nationale des Docteurs es Sciences ( France )
- A U G C :** Association of Universities and Colleges of Canada
- A U P E L F :** Association des universites partiellement ou entièrement de langue française (Canada)
- C C - P U :** Standing Conference on University Problems//Conference régulière du Conseil de l'Europe sur les problèmes universitaires
- C E F I :** Comité d'études sur les formations d'ingénieurs ( France )
- C E P E S :** UNESCO. European Centre for Higher Education (Romania)// Centre européen pour l'enseignement supérieur
- C I M E A :** Centro d'Informazione sulla Mobilità e le Equivalenze Accademiche (Italy)
- C N A A :** Council for National Academic Awards (UK)
- C O M E T T :** European Community Action Programme for Education and Training for Technology
- C O P E R N C U S :** Cooperation Programme in Europe for Research on Nature and Industry through Coordinated University Studies
- C R E :** Standing Conference of Rectors Presidents and Vice-Chancellors of the European Universities( Switzerland )
- E A I E :** European Association for international education
- E C E :** United Nations. Economic Commission for Europe
- E C T S :** European Community Course Credit Transfer System
- E E C :** European Economic Community
- E R A S M U S :** European Community Action Scheme for the Mobility of University Students
- E U R Y D I C E :** Education Information Network in the European Community
- H E R D S A :** Higher Education Research and Development Society of Australasia (Australia)
- I A U :** International Association of Universities
- I B E :** International Bureau of Education
- I C U :** Istituto per la Cooperazione Universitaria (Italy)
- I I E :** Institute of International Education (USA)
- I R S C :** International Student Research Centre
- I U S :** International Union of Students
- N A F S A :** National Association for Foreign Student affairs ( USA )

**N A R I C s** : National Academic Recognition Information Centres

**N C E A** : National Council for Educational Awards (Ireland)

**N E I C s** : National Equivalence Information Centres

**N O O S R** : National Office of Overseas Skills Recognition (Australia)

**N U F F I C** : Netherlands Universities Foundation for International Co-operation

**O E C D** : Organisation for Economic Co-operation and Development

**O N I S E P** : Office national d'information sur les enseignements et les professions (France)

**S R H E** : Society for Research into Higher Education (UK)

**T. E . X . T.** : Trans-European Exchange and Transfer Consortium (UK)

**T E M P U S** : Trans-European Mobility Scheme for University Studies

**U N E S C O** : United Nations Educational Scientific and Cultural Organization

**U N U** : United Nations University

**U N P U** : United Nations Peace University in Costa Rica

## **Appendix 1 Academic Law Decree 1939**

Verordnung zur Durchführung des Gesetzes über die Führung akademischer Grade (Akademische Gradeverordnung) (GrGDV)

k.a.Abk.; V. v. 21.07.1939 RGBl. I S. 1326; aufgehoben durch Artikel 10 G. v. 23.11.2007  
BGBI. I S. 2614; Geltung ab 01.01.1964

FNA: 2210-1-1; 2 Verwaltung 22 Kulturelle Angelegenheiten 221 Bildung, Wissenschaft und Forschung

Änderungen / Synopse

Eingangsformel

§ 1

§ 2

§ 3

§ 4

Eingangsformel

Auf Grund von § 8 des Gesetzes über die Führung akademischer Grade vom 7. Juni 1939 (Reichsgesetzbl. I S. 985) wird verordnet:

§ 1

Ein akademischer Grad darf nur geführt werden, wenn er von der dazu befugten Stelle ordnungsgemäß verliehen worden ist und der Beliehene hierüber eine Verleihungsurkunde oder ein Besitzzeugnis innehat.

§ 2

(1) Der Antrag auf Erteilung der Genehmigung zur Führung eines ausländischen akademischen Grades (§ 2 Abs. 1, § 3 des Gesetzes) ist unmittelbar beim Reichsminister für Wissenschaft, Erziehung und Volksbildung zu stellen. Dem Antrag sind folgende Unterlagen beizufügen: Lebenslauf, Reifezeugnis, Studien- und Prüfungsnachweise sowie die Verleihungsurkunde oder das sonstige Besitzzeugnis in Urschrift oder öffentlich beglaubigter Abschrift nebst einer beglaubigten deutschen Übersetzung.

(2) Als vorübergehend im Sinne des § 3 Satz 2 des Gesetzes gilt ein Aufenthalt im allgemeinen nicht mehr, wenn er die Zeit von drei Monaten überschreitet.

(3) Über die Genehmigung wird dem Antragsteller eine Urkunde ausgestellt.

(4) Die vorstehenden Vorschriften gelten nicht in den Fällen, in denen die Genehmigung zur Führung der akademischen Grade einer bestimmten ausländischen Hochschule allgemein erteilt ist (§ 2 Abs. 2 des Gesetzes).

### § 3

(1) Über die Entziehung eines von einer inländischen staatlichen Hochschule verliehenen akademischen Grades entscheidet ein Ausschuß, der aus dem Rektor der Hochschule und den Dekanen besteht. An Hochschulen, denen eine Untergliederung in Fakultäten (Abteilungen) fehlt, treten an die Stelle der Dekane zwei jeweils für die Dauer von fünf Jahren durch den Reichsminister für Wissenschaft, Erziehung und Volksbildung bestellte ordentliche Mitglieder des Lehrkörpers.

(2) Die Entscheidung des Ausschusses wird mit der Zustellung wirksam. Die Zustellung ist nach den Vorschriften der Zivilprozeßordnung über Zustellungen von Amts wegen vorzunehmen.

### § 4

Die Entscheidung über die Aufhebung der Entziehung (§ 4 Abs. 4 des Gesetzes) erfolgt nach Anhörung des in Nr. 3 Abs. 1 dieser Verordnung genannten Ausschusses.

## Appendix 2 – Academic Degree Law 1939



AkadGrG]

[Akademische Grade-Gesetz]

Verkündigungsstand: 17

### **Gesetz über die Führung akademischer Grade<sup>[1] [2] [3]</sup>**

**Vom 7. Juni 1939**

**(RGBl. I S. 985)**

**BGBI. III/FNA 2210-1**

**Zuletzt geändert durch Art. 9 Abs. 2 Zweites G über die Bereinigung von BundesR  
im Zuständigkeitsbereich des BMJ vom 23. 11. 2007 (BGBI. I S. 2614)**

#### **Gesetz über die Führung akademischer Grade**

**Vom 7. Juni 1939**

**Reichsgesetzbl. I S. 985**

#### **§ 1**

**Die von einer deutschen staatlichen Hochschule verliehenen akademischen Grade  
dürfen im Gebiete des Deutschen Reiches geführt werden.**

#### **§ 2**

**(1) Deutsche Staatsangehörige, die einen akademischen Grad einer ausländischen  
Hochschule erworben haben, bedürfen zur Führung dieses Grades im Deutschen  
Reiche der Genehmigung des Minister für Wissenschaft und Kunst.**

**(2) Die Genehmigung kann hinsichtlich der akademischen Grade bestimmter aus-  
ländischer Hochschulen allgemein erteilt werden.**

### **§ 3**

**Die Bestimmungen des § 2 finden auf Ausländer entsprechende Anwendung. Halten sie sich im Deutschen Reiche ausschließlich in amtlichem Auftrage oder nur vorübergehend und nicht zu Erwerbszwecken auf, so genügt es, wenn sie nach dem Recht ihres Heimatstaates zur Führung des akademischen Grades befugt sind.**

### **§ 4**

**(1) Der von einer deutschen Staatlichen Hochschule verliehene akademische Grad kann wieder entzogen werden,**

- a) wenn sich nachträglich herausstellt, daß er durch Täuschung erworben worden ist, oder wenn wesentliche Voraussetzungen für die Verleihung irrigerweise als gegeben angenommen worden sind,**
- b) wenn sich nachträglich herausstellt, daß der Inhaber der Verleihung eines akademischen Grades unwürdig war,**
- c) wenn sich der Inhaber durch sein späteres Verhalten der Führung eines akademischen Grades unwürdig erwiesen hat.**

**Über die Entziehung entscheidet diejenige Hochschule, die den akademischen Grad verliehen hat.**

**(2) ...**

**(3) Unter den im Abs. 1 bezeichneten Voraussetzungen kann der Minister für Wissenschaft und Kunst eine von ihm erteilte Genehmigung zur Führung eines ausländischen akademischen Grades widerrufen und bei allgemein erteilter Genehmigung (§ 2 Abs. 2) den Widerruf auch für den Einzelfall aussprechen.**

**(4) Der Minister für Wissenschaft und Kunst kann eine von einer staatlichen Hochschule verfügte rechtskräftige Entscheidung über die Entziehung (Abs. 1) wieder aufheben und einen von ihm ausgesprochenen Widerruf der Genehmigung zur Führung eines ausländischen akademischen Grades zurücknehmen, wenn besondere Billigkeitsgründe hierfür vorliegen.**

### **§ 5**

**Wer sich erbietet, gegen Vergütung den Erwerb eines ausländischen akademischen Grades zu vermitteln, wird mit Freiheitsstrafe bis zu einem Jahr oder mit Geldstrafe bestraft.**

### **§ 6**

**Änderungen / Synopse | 1 Gesetz verweist aus 1 Artikel auf § 6**

**Die Länder können abweichende Regelungen zu diesem Gesetz und den zu seiner Ausführung erlassenen Bestimmungen, soweit es sich um Bundesrecht handelt, erlassen.**

**Text in der Fassung des Artikels 9 Zweites Gesetz über die Bereinigung von Bundesrecht im Zuständigkeitsbereich des Bundesministeriums der Justiz G. v. 23. November 2007 BGBI. I S. 2614; zuletzt geändert durch Artikel 2 G. v. 05.12.2008 BGBI. I S. 2346 m.W.v. 30. November 2007**

## § 7

**Die vor dem Inkrafttreten dieses Gesetzes in den Ländern erteilten Genehmigungen zur Führung ausländischer akademischer Grade gelten mit Inkrafttreten dieses Gesetzes für das ganze Reich.**

## § 8

**Die zur Durchführung dieses Gesetzes erforderlichen Rechts- und Verwaltungsvorschriften erläßt der Minister für Wissenschaft und Kunst.**

Lfd. Nr.	Änderndes Gesetz	Datum	Fundstelle	Betroffen	Hinweis
1.	Art. 85 Strafgesetzbuch-EinführungsG	2. 3. 1974	BGBI. I S. 469		
2.	Art. 9 Abs. 1 Zweites G über die Bereinigung von BundesR im Zuständigkeitsbereich des BMJ	23. 11. 2007	BGBI. I S. 2614		
3.	Art. 9 Abs. 2 Zweites G über die Bereinigung von BundesR im Zuständigkeitsbereich des BMJ	23. 11. 2007	BGBI. I S. 2614	gesamte Vorschrift	aufgeh. mWv 1. 12. 2010

Die Reichsregierung hat das folgende Gesetz beschlossen, das hiermit verkündet wird:

[1] **Aufgehoben mWv 1. 12. 2010** durch Art. 9 Abs. 2 G v. 23. 11. 2007 (BGBI. I S. 2614); siehe jetzt das Zweites G über die Bereinigung von BundesR im Zuständigkeitsbereich des BMJ.

[2] Änderungen vor dem 1. 1. 2008 sind nicht in Fußnoten nachgewiesen.

[3] Änderungen vor der Rechtsbereinigung durch das BGBI. III sind nicht im Änderungsverzeichnis nachgewiesen.

## **Appendix 3**

### **Lisbon Convention**

Bundesgesetzblatt Jahrgang 2007 Teil II Nr. 15, ausgegeben zu Bonn am 22. Mai 2007

Der Bundestag hat mit Zustimmung des Bundesrates das folgende Gesetz beschlossen:

#### **Artikel 1**

Dem in Lissabon am 11. April 1997 von der Bundesrepublik Deutschland unterzeichneten Übereinkommen über die Anerkennung von Qualifikationen im Hochschulbereich in der europäischen Region wird zugestimmt. Das Übereinkommen wird nachstehend mit einer amtlichen deutschen Übersetzung veröffentlicht.

#### **Artikel 2**

(1) Dieses Gesetz tritt am Tage nach seiner Verkündung in Kraft.

(2) Der Tag, an dem das Übereinkommen nach seinem Artikel XI.2 für die Bundesrepublik Deutschland in Kraft tritt, ist im Bundesgesetzblatt bekannt zu geben.

Das vorstehende Gesetz wird hiermit ausgefertigt. Es ist im Bundesgesetzblatt zu verkünden.

Berlin, den 16. Mai 2007

D e r B u n d e s p r ä s i d e n t

H o r s t K ö h l e r

D i e B u n d e s k a n z l e r i n

Dr. A n g e l a M e r k e l

Die Bundesminist e r i n f ü r B i l d u n g u n d F o r s c h u n g

A n n e t t e S c h a v a n

D e r B u n d e s m i n i s t e r d e s A u s w ä r t i g e n S t e i n m e i e r

Die Bundesminister i n d e r J u s t i z

B r i g i t t e Z y p r i e s

D i e B u n d e s m i n i s t e r i n f ü r G e s u n d h e i t

U l l a S c h m i d t

Gesetz zu dem Übereinkommen vom 11. April 1997 über die Anerkennung von Qualifikationen im Hochschulbereich in der europäischen Region

The Parties to this Convention, Conscious of the fact that the right to education is a human right, and that higher education, which is instrumental in the pursuit and advancement of knowledge, constitutes an exceptionally rich cultural and scientific asset for both individuals and society;

Considering that higher education should play a vital role in promoting peace, mutual understanding and tolerance, and in creating mutual confidence among peoples and nations;

Considering that the great diversity of education systems in the European region reflects its cultural, social, political, philosophical, religious and economic diversity, an exceptional asset which should be fully respected;

Desiring to enable all people of the region to benefit fully from this rich asset of diversity by facilitating access by the inhabitants of each State and by the students of each Party's educational institutions

to the educational resources of the other Parties, more specifically by facilitating their efforts to continue their education or to complete a period of studies in higher education institutions in those other Considering that the recognition or studies, certificates, diplomas and degrees obtained in another country of the European region represents an important measure for promoting academic mobility between the Parties;

Attaching great importance to the principle of institutional autonomy, and conscious of the need to uphold and protect this principle; Convinced that a fair recognition of qualifications is a key element of the right to education and a responsibility of society;

Having regard to the Council of Europe and UNESCO Conventions covering academic recognition in Europe:

European Convention on the Equivalence of Diplomas leading to Admission to Universities (1953, ETS No. 15), and its Protocol (1964, ETS No. 49); European Convention on the Equivalence of Periods of University Study (1956, ETS No. 21);

European Convention on the Academic Recognition of University Qualifications (1959, ETS No. 32); Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region (1979); European Convention on the General Equivalence of Periods of University Study (1990, ETS No. 138);

Having regard also to the International Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab and European States bordering on the Mediterranean (1976), adopted within the framework of UNESCO and partially covering academic recognition in Europe;

Mindful that this Convention should also be considered in the context of the UNESCO conventions and the International Recommendation covering other Regions of the world, and of the need for an improved exchange of information between these Regions; Conscious of the wide ranging changes in higher education in the European region since these Conventions were adopted, resulting in considerably increased diversification within and between national higher education systems, and of the need to adapt the legal instruments and practice to reflect these developments; Conscious of the need to find common solutions to practical recognition problems in the European region;

Conscious of the need to improve current recognition practice and to make it more transparent and better adapted to the current situation of higher education in the European region;

Confident of the positive significance of a Convention elaborated and adopted under the joint auspices of the Council of Europe and UNESCO providing a framework for the further development of recognition practices in the European region;

Conscious of the importance of providing permanent implementation mechanisms in order to put the principles and provisions of the current Convention into practice,

Have agreed as follows: Section I

Definitions

Article I

For the purposes of this Convention, the following terms shall have the following meaning:

Access (to higher education)

The right of qualified candidates to apply and to be considered for admission to higher education.

Admission (to higher education institutions and programmes)

The act of, or system for, allowing qualified applicants to pursue studies in higher education at a given institution and/or a given programme.

Assessment (of institutions or programmes)

The process for establishing the educational quality of a higher education institution or programme.

**Assessment (of individual qualifications)**

The written appraisal or evaluation of an individual's foreign qualifications by a competent body.

**Competent recognition authority**

A body officially charged with making binding decisions on the recognition of foreign qualifications.

**Higher education**

All types of courses of study, or sets of courses of study, training or training for research at the post secondary level which are recognized by the relevant authorities of a Party as belonging to its higher education system.

**Higher education institution**

An establishment providing higher education and recognized by the competent authority of a Party as belonging to its system of higher education.

**Higher education programme**

A course of study recognized by the competent authority of a Party as belonging to its system of higher education, and the completion of which provides the student with a higher education qualification.

**Period of study**

Any component of a higher education programme which has been evaluated and documented and, while not a complete programme of study in itself, represents a significant acquisition of knowledge or skill.

**Qualification**

**A. Higher education qualification**

Any degree, diploma or other certificate issued by a competent authority attesting the successful completion of a higher education programme.

**B. Qualification giving access to higher education**

Any diploma or other certificate issued by a competent authority attesting the successful completion of an education programme and giving the holder of the qualification the right to be considered for admission to higher education (cf. the definition of access).

**Recognition**

A formal acknowledgement by a competent authority of the value of a foreign educational qualification with a view to access to educational and/or employment activities.

**Requirement**

**A. General requirements**

Conditions that must in all cases be fulfilled for access to higher education, or to a given level thereof, or for the award of a higher education qualification at a given level.

**B. Specific requirements**

Conditions that must be fulfilled, in addition to the general requirements, in order to gain admission to a particular higher education programme, or for the award of a specific higher education qualification in a particular field of study.

**Section II**

**The competence of authorities**

**Article II. 1**

1. Where central authorities of a Party are competent to make decisions in recognition cases, that Party shall be immediately bound by the provisions of this Convention and shall take the necessary measures to ensure the implementation of its provisions on its territory.

Where the competence to make decisions in recognition matters lies with components of the Party, the Party shall furnish one of the depositories with a brief statement of its constitutional situation or structure at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or any time thereafter. In such cases, the competent authorities of the components of the Parties so designated shall take the necessary measures to ensure implementation of the provisions of this Convention on their territory.

2. Where the competence to make decision in recognition matters lies with individual higher education institutions or other entities, each Party according to its constitutional situation or structure shall transmit the text of this convention to these institutions or entities and shall take all possible steps to encourage the favourable consideration and application of its provisions.

3. The provisions of paragraphs 1 and 2 of this Article shall apply, mutatis mutandis, to the obligations of the Parties under subsequent articles of this Convention.

**Article II. 2**

At the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or at any time thereafter, each State, the Holy See or the European

Community shall inform either depositary of the present Convention of the authorities which are competent to make different categories of decisions in recognition cases.

### **Article II.3**

Nothing in this Convention shall be deemed to derogate from any more favourable provisions concerning the recognition of qualifications issued in one of the Parties contained in or stemming from an existing or a future treaty to which a Party to this Convention may be or may become a party.

## **Section III**

### **Basic principles related to the assessment of qualifications**

#### **Article III.1**

1. Holders of qualifications issued in one of the Parties shall have adequate access, upon request to the appropriate body, to an assessment of these qualifications.

2. No discrimination shall be made in this respect on any ground such as the applicant's gender, race, colour, disability, language, religion, political or other opinion, national, ethnic or social origin, association with a national minority, property, birth or other status, or on the grounds of any other circumstance not related to the merits of the qualification for which recognition is sought. In order to assure this right, each Party undertakes to make appropriate arrangements for the assessment of an application for recognition of qualifications solely on the basis of the knowledge and skills achieved.

#### **Article III.2**

Each Party shall ensure that the procedures and criteria used in the assessment and recognition of qualifications are transparent, coherent and reliable.

#### **Article III.3**

1. Decisions on recognition shall be made on the basis of appropriate information on the qualifications for which recognition is sought.

2. In the first instance, the responsibility for providing adequate information rests with the applicant, who shall provide such information in good faith.

3. Notwithstanding the responsibility of the applicant, the institutions having issued the qualifications in question shall have a duty to provide, upon request of the applicant and within reasonable limits, relevant information to the holder of the qualification, to the institution, or to the competent authorities of the country in which recognition is sought.

4. The Parties shall instruct or encourage, as appropriate, all education institutions belonging to their education systems to comply with any reasonable request for information for the purpose of assessing qualifications earned at the said institutions.

5. The responsibility to demonstrate that an application does not fulfil the relevant requirements lies with the body undertaking the assessment.

#### **Article III.4**

Each Party shall ensure, in order to facilitate the recognition of qualifications, that adequate and clear information on its education system is provided.

#### **Article III.5**

Decisions on recognition shall be made within a reasonable time limit specified beforehand by the competent recognition authority and calculated from the time all necessary information in the case has been provided. If recognition is withheld, the reasons for the refusal to grant recognition shall be stated, and information shall be given concerning possible measures the applicant may take in order to obtain recognition at a later stage. If recognition is withheld, or if no decision is taken, the applicant shall be able to make an appeal within a reasonable time limit.

### **Section IV**

#### **Recognition of qualifications giving access to higher education**

##### **Article IV.1**

Each Party shall recognize the qualifications issued by other Parties meeting the general requirements for access to higher education in those Parties for the purpose of access to programmes belonging to its higher education system, unless a substantial difference can be shown between the general requirements for access in the Party in which the qualification was obtained and in the Party in which recognition of the qualification is sought.

##### **Article IV.2**

Alternatively, it shall be sufficient for a Party to enable the holder of a qualification issued in one of the other Parties to obtain an assessment of that qualification, upon request by the holder, and the provisions of Article IV.1 shall apply mutatis mutandis to such a case.

##### **Article IV.3**

Where a qualification gives access only to specific types of institutions or programmes of higher education in the Party in which the qualification was obtained, each other Party shall grant holders of such qualifications access to similar specific programmes in institutions belonging to its higher education system, unless a substantial difference can be demonstrated

between the requirements for access in the Party in which the qualification was obtained and the Party in which recognition of the qualification is sought.

#### **Article IV. 4**

Where admission to particular higher education programmes is dependent on the fulfilment of specific requirements in addition to the general requirements for access, the competent authorities of the Party concerned may impose the additional requirements equally on holders of qualifications obtained in the other Parties or assess whether applicants with qualifications obtained in other Parties fulfil equivalent requirements.

#### **Article IV. 5**

Where, in the Party in which they have been obtained, school leaving certificates give access to higher education only in combination with additional qualifying examinations as a prerequisite for access, the other Parties may make access conditional on these requirements or offer an alternative for satisfying such additional requirements within their own educational systems. Any State, the Holy See or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or at any time thereafter, notify one of the depositaries that it avails itself of the provisions of this Article, specifying the Parties in regard to which it intends to apply this Article as well as the reasons therefor.

#### **Article IV. 6**

Without prejudice to the provisions of Articles IV.1, IV.2, IV.3, IV.4 and IV.5, admission to a given higher education institution, or to a given programme within such an institution, may be restricted or selective. In cases in which admission to a higher education institution and/or programme is selective, admission procedures should be designed with a view to ensuring that the assessment of foreign qualifications is carried out according to the principles of fairness and non-discrimination described in

#### **Section III.**

#### **Article IV. 7**

Without prejudice to the provisions of Articles IV.1, IV.2, IV.3, IV.4 and IV.5, admission to a given higher education institution may be made conditional on demonstration by the applicant of sufficient competence in the language or languages of instruction of the institution concerned, or in other specified languages.

#### **Article IV. 8**

In the Parties in which access to higher education may be obtained on the basis of non-traditional qualifications, similar qualifications obtained in other Parties shall be assessed in a similar manner as non-traditional qualifications earned in the Party in which recognition is sought.

#### Article IV.9

For the purpose of admission to programmes of higher education, each Party may make the recognition of qualifications issued by foreign educational institutions operating in its territory contingent upon specific requirements of national legislation or specific agreements concluded with the Party of origin of such institutions.

### Section V

#### Recognition of periods of study

##### Article V.1

Each Party shall recognize periods of study completed within the framework of a higher education programme in another Party. This recognition shall comprise such periods of study towards the completion of a higher education programme in the Party in which recognition is sought, unless substantial differences can be shown between the periods of study completed in another Party and the part of the higher education programme which they would replace in the Party in which recognition is sought.

##### Article V.2

Alternatively, it shall be sufficient for a Party to enable a person who has completed a period of study within the framework of a higher education programme in another Party to obtain an assessment of that period of study, upon request by the person concerned, and the provisions of

Article V.1 shall apply mutatis mutandis to such a case.

##### Article V.3

In particular, each Party shall facilitate recognition of periods of study when:

- (a) there has been a previous agreement between, on the one hand, the higher education institution or the competent authority responsible for the relevant period of study and, on the other hand, the higher education institution of the competent recognition authority responsible for the recognition that is sought; and

(b) the higher education institution in which the period of study has been completed has issued a certificate or transcript of academic records attesting that the student has successfully completed the stipulated requirements for the said period of study.

## Section VI

### Recognition of higher education qualifications

#### Article VI.1

To the extent that a recognition decision is based on the knowledge and skills certified by the higher education qualification, each Party shall recognize the higher education qualifications conferred in another Party, unless a substantial difference can be shown between the qualification for which recognition is sought and the corresponding qualification in the Party in which recognition is sought.

#### Article VI.2

Alternatively, it shall be sufficient for a Party to enable the holder of a higher education qualification issued in one of the other Parties to obtain an assessment of that qualification, upon request by the holder, and the provisions of Article VI.1 shall apply mutatis mutandis to such a case.

#### Article VI.3

Recognition in a Party of a higher education qualification issued in another Party shall have one or both of the following consequences:

- (a) access to further higher education studies, including relevant examinations, and/or to preparations for the doctorate, on the same conditions as those applicable to holders of qualifications of the Party in which recognition is sought;
- (b) the use of an academic title, subject to the laws and regulations of the Party or a jurisdiction thereof, in which recognition is sought.

In addition, recognition may facilitate access to the labour market subject to laws and regulations of the Party, or a jurisdiction thereof, in which recognition is sought.

#### Article VI.4

An assessment in a Party of a higher education qualification issued in another Party may take the form of:

- (a) advice for general employment purposes;
- (b) advice to an educational institution for the purpose of admission into its programmes;

(c) advice to any other competent recognition authority.

#### Article VI.5

Each Party may make the recognition of higher education qualifications issued by foreign educational institutions operating in its territory contingent upon specific requirements of national legislation or specific agreements concluded with the Party of origin of such institutions.

[http://www.kmk.org/fileadmin/pdf/ZAB/Konventionen\\_und\\_Uebereinkommen\\_von\\_Europarat\\_UNESCO/Lissabonkonvention.pdf](http://www.kmk.org/fileadmin/pdf/ZAB/Konventionen_und_Uebereinkommen_von_Europarat_UNESCO/Lissabonkonvention.pdf)

#### Appendix 4

##### Strafprozeßordnung

1. Buch - Allgemeine Vorschriften (§§ 1 - 150)

7. Abschnitt - Sachverständige und Augenschein (§§ 72 - 93)

§ 72.

Auf Sachverständige ist der sechste Abschnitt über Zeugen entsprechend anzuwenden, soweit nicht in den nachfolgenden Paragraphen abweichende Vorschriften getroffen sind.

§ 73.

(1) Die Auswahl der zuzuziehenden Sachverständigen und die Bestimmung ihrer Anzahl erfolgt durch den Richter. Er soll mit diesen eine Absprache treffen, innerhalb welcher Frist die Gutachten erstattet werden können.

(2) Sind für gewisse Arten von Gutachten Sachverständige öffentlich bestellt, so sollen andere Personen nur dann gewählt werden, wenn besondere Umstände es fordern.