

## REGULATIONS OF THE CONTEST

### „L'Esprit Photo”

These regulations define rules of the all-Poland photographic contest "L'Esprit Photo", organized by the company Barlinek S.A. with its registered office in Kielce, the theme of which is female nude and portrait.

## § 1

### General provisions

1. These regulations (hereinafter referred to as the "**Regulations**") define rules of the all-Poland photographic contest entitled "L'Esprit Photo", hereinafter referred to as the "**Contest**".

The contest is organized and the prizes granted in the Contest are sponsored by the company Barlinek S.A. with its registered office in Kielce (address: Al. Solidarności 36, 25-323 Kielce), entered into the Register of Entrepreneurs of the National Court Register kept by the District Court in Kielce, X Commercial Department of the National Court Register under KRS No.: 0000018891, with share capital PLN 145,170,000.00, NIP: 959-08-21-486, hereinafter referred to as the "**Organizer**".

2. The Organizer shall have the right to entrust third parties with certain obligations related to organization and/or conducting the Contest. The foregoing shall not affect any Contest rules defined herein.
3. Official web site of the Contest shall be available under the following Internet address: [www.lespritphoto.com](http://www.lespritphoto.com), hereinafter referred to as the „**Contest Web Site**".

## § 2

### Subject Matter and Dates of the Contest

1. The subject matter of the contest is taking the best artistic female nude or portrait photograph (hereinafter referred to as the "**Contest Entry**").
2. Each Contest participant shall have the right to submit not more than 5 (in words: five) Contest Entries.

Contest Participant shall have the right to submit Contest Entries which are the expression of his/her individual creativity to which he/she has all copyrights or the Contest Entries which have been co-created by him/her and all copyrights to which are initially vested in the co-authors indicated by the Contest Participant in the procedure of registration to the Contest.

The Contest Entry which has more than one author can be sent to the Contest by only one co-author on his/her own behalf. Should a given Contest Entry with more than one author be submitted to the Contest by two or more co-authors, only the Contest Entry sent in first shall be admitted to the Contest (this means that a given Contest Entry shall be deemed submitted to the Contest by the co-author who was first to submit such Contest Entry to the Contest in accordance with the procedure described in the Regulations).

The Contest Participant shall not have the right to submit Contest Entries that are a derivative work and, in particular, an alteration or adaptation of a different photograph.

The Contest Participant shall have the right to submit to the Contest both the Contest Entries taken after the date of announcement of the Contest and the Contest Entries taken before the date of announcement of the Contest.

The Contest Participant shall have the right to submit to the Contest only the Contest Entries which had not been previously submitted to any other contest.

Contest Participant shall not submit Contest Entries that are a photomontage.

3. The Contest Participant shall have the right to introduce post-production corrections into the Contest Entry in the scope allowing the Entry to be still recognized as a photography (colour or monochromatic) but not as a graphic artistic interpretation. The opinion of the Contest Committee shall decide in the said situation. . Corrections and processing of RAW files is allowed in the scope regarded by the author as appropriate. It is also allowed to correct photographs in the post-production process in the scope regarded by the author as appropriate, however, the work must not lose its character of a photograph.

4. The Contest shall be held from 15 September 2009 to 31 December 2009, whereas applications to the Contest can be submitted from 15 September 2009 to 31 December 2009. Applications submitted after the said date or the Contest Entries sent after that date shall not be taken into consideration.

### § 3

#### Terms and Conditions of Participation

1. The persons who have the right to participate in the Contest are only natural persons with the full capacity to enter into legal transactions (i.e. adults, persons not incapacitated partially or totally) and persons with limited capacity to enter into legal transactions (i.e. persons between 13-18 years of age or persons partially incapacitated) who had obtained prior consent of their statutory representative.
2. Workers or co-workers of the Organizer or of the companies affiliated with the Organizer within the meaning of the Commercial Companies Code of 15 September 2000 as well as members of the families of workers and co-workers of the Organizer or companies affiliated with the Organizer shall not participate in the Contest. Persons employed by the Organizer (or by a company affiliated with the Organizer) on the basis of a civil law contract (e.g. task-specific contract, contract of service) shall be considered co-workers of the Organizer (or of a company affiliated with the Organizer). Parents, children, spouses of and persons adopted by workers or co-workers of the Organizer (or of the company affiliated with the Organizer) shall be considered family members of the said persons.

The conditions for participation in the Contest shall be the following:

- a. registration of a unique, password-protected participant's account within the IT system available on the Contest Web Site (hereinafter referred to as the "**Contest Operation System**"). Each Contest Participant shall provide true information and data during the procedure of account registration in the system and the condition of proper registration procedure shall be possession of an active e-mail account (no limitations regarding e-mail account providers). E-mail address shall also become a unique user ID of the Contest Participant's account in the Contest Operation System. Each Contest Participant should register at least one account in the Contest Operation System and each account shall have a unique e-mail address assigned to it, such e-mail address being at the same time Contest Participant's ID. A single participant shall have the right to register more than one account. Contest Operation System has been prepared in Polish or English language to be selected by the participant. Should the submitted Contest Entry have more than one author, the Contest Participant shall provide, during registration procedure, full names of all co-authors of such Contest Entry.
- b. sending of the Contest Entry in an electronic form in the procedure of the Contest Operation System in the form matching technical requirements described in § 4 point 1 hereof. The procedure of contest entry submission in the Contest Operation System enables the participant to send to the system the Contest Entry with its unique title via participant's account. Via one account the

participant may send from one to five Contest Entries that meet technical and formal requirements. The participant can submit his/her application by selecting "Submit a photo" while logged into participant's account in the system. Contest Entries can be submitted from 15 September 2009 to 31 December 2009;

- c. in the case of persons with limited capacity to enter into legal transactions (referred to in § 3 point 1 hereof) - sending to Organizer's address a statutory representative's written consent for participation in the Contest,
3. Should the Contest Entry have more than one author the Contest Participant submitting such Contest Entry shall, upon Organizer's request, provide a written declaration of all Contest Entry's co-authors with a consent for submission of the Contest Entry to the Contest as well as consent for granting a license for a Contest Entry and a consent for using co-authors' full names for purposes of the Contest in the scope described in § 8 point 7 of the Regulations, in accordance with the specimen of a declaration provided by the Organizer (available on the Contest Web Site).

Submitting an application to the Contest shall be deemed Contest Participant's consent to all terms and conditions specified herein.

#### **§ 4**

##### **Contest Entries**

1. Only the Contest Entries that are submitted in an electronic form and that meet the following technical requirements shall be admitted to the Contest: files in JPG format in the "RGB" color space or in "Greyscale". Size of the photographs submitted for the needs of the first stage of evaluation of Contest Entries should be between 800 px and 1600 px on the longer edge (horizontal or vertical depending on the orientation of the contest photograph); shorter edge should be proportional to the longer one depending on the original composition of the submitted photograph. Should Contest Entries be selected for the second stage of evaluation of Contest Entries, the Contest Participant shall be asked to submit the Photograph in a larger size because of the necessity to make its reproduction for the purposes of Contest Entries' evaluation and presentation procedures that are part of the Contest.

On the second stage of evaluation of Contest Entries the Contest Entry should meet another size criterion - the minimum size of the longer edge shall be 2500 px and the maximum one - 7000 px (the shorter edge should be proportional depending on the composition).

Contest Entries shall be submitted only in an electronic form by means of downloading them by the Contest Participant into the Contest Operation System in accordance with the procedures specified in details in the instructions that can be found on the Contest Web Site.

2. During registration of the application via the Contest Web Site each Contest Entry submitted to the Contest should be marked in a manner specified in the instructions. Appropriate instructions shall be placed on the Contest Web Site 2 days before the starting date of accepting application acceptance and shall remain there during the entire period of accepting applications.

#### **§ 5**

##### **Contest Committee**

1. The course of the Contest shall be supervised and the decision regarding the results of the contest shall be made by the Contest Committee appointed by the Organizer.

The Contest Committee shall consist of 7 (in words: seven) Members, including the Chairperson. The Organizer shall appoint Members of the Contest Committee not later than on 30 September 2009. The names of Committee Members shall be announced on the Contest Web Site.

From among the Members of the Contest Committee the Organizer shall select the Board for Initial Selection, consisting of at least 2 (two) Committee Members.

Decisions of the Contest Committee shall be made during meetings or by voting in writing or by means of electronic communication, in particular of the Contest Operation System.

The decision on the final evaluation of Contest Entries and selection of the Awarded Contest Entries shall be made during the meeting of the Contest Committee in which at least 3 (three) Contest Committee Members shall participate. The decision regarding the foregoing issue shall be recorded.

Decisions of the Contest Committee shall be final and no appeals can be made against such decisions.

## § 6

### Evaluation of Contest Entries

1. The submitted Contest Entries shall first be subject to an initial evaluation, including formal verification, performed by the Board for Initial Selection and then the selected Contest Entries shall be subject to further evaluation performed by the Contest Committee in accordance with the procedure described herein.
2. On the first stage of evaluation of the Contest Entries the Board for Initial Selection shall:
  - a. make a formal evaluation of Contest Entries by verifying, for example, whether the Contest Participant abides by the terms and conditions specified in the Regulations, whether the Contest Entry is consistent with the theme of the Contest and whether it meets the requirements and conditions specified in the Regulations.
  - b. make an artistic evaluation of Contest Entries.
3. On the first stage of evaluation of Contest Entries the Board for Initial Selection shall select a specified number of Contest Entries intended for further evaluation by the Contest Committee in accordance with the procedure described in § 6 point 4 of the Regulations. The photographs not selected for further evaluation by the Board for Initial Selection, whether for formal or artistic reasons, shall not be subject to further evaluation in the Contest.
4. The second stage of evaluation of Contest Entries shall be conducted according to the foregoing procedure:
  - a. The Contest Entries selected by the Board for Initial Selection shall be evaluated by all members of the Contest Committee with the use of Contest Operation System (i.e. Contest Committee Members shall assign points to particular Contest Entries by means of the Contest Operation System);

The Contest Entries evaluated in the way described in point 4 a) hereinabove shall be ranked according to the total number of points awarded to such entries by the Members of the Contest Committee evaluating the Contest Entry (starting from the Contest Entry that has been awarded the largest number of points);

The Contest Committee shall make a decision regarding the number of Contest Entries from the list which shall be qualified for further evaluation by the Contest Committee, provided that the number of such works qualified for further evaluation shall not exceed 100 Contest Entries,

- b. the Contest Entries from the ranking list, in the number specified by the Contest Committee, starting from the Contest Entry that has been awarded the largest number of points, subject to § 6 point 4 e)-f) hereof, shall be qualified for further evaluation (Initial Selection of Contest Entries),
- c. The Organizer shall inform the Contest Participants indicated by the Contest Committee of the Initial Selection of Contest Entries and shall ask such Contest

Participants to submit the Contest Entry in the size not smaller than 2500 px (vertical and/or horizontal) and not larger than 7000 px (vertical and/or horizontal) in TIFF format in a possible lossless ZIP or LZW conversion in RGB space, in a file allowing for its unlimited copying (without any technical protection) - for the purpose of further use of the Contest Entry within the scope of the Contest, in particular for the purpose of post-contest publication and exhibition of Contest Entries. The foregoing information shall be sent to the Contest Participant's e-mail address submitted during registration. The Organizer shall specify the date before which the Contest Entry in the form meeting the technical requirements specified above should be submitted. The Contest Entry shall be classified as one of the Initially Selected Contest Entries only if provided to the Organizer in the form compliant with the foregoing technical requirements

- d. should the Contest Entry that meets the foregoing technical (qualitative) requirements be not provided to the Organizer before the date specified in the information sent to the Contest Participant, such Contest Entry shall be excluded from further evaluation (i.e. excluded from the ranking). In the said situation the Contest Entry from the next position in the ranking which had not been previously classified as one of the Initially Selected Contest Entries (i.e. the Entry next in the ranking, the author of which had not been asked by the Organizer to send a better quality version of such Contest Entry) shall be classified as one of the Initially Selected Contest Entries. The foregoing procedure shall be conducted until the Organizer receives the Contest Entries in the number specified by the Contest Committee (§ 6 point 4 c) of the Regulations),

the ranking list of the Initially Selected Contest Entries shall be placed on the Contest Web Site (i.e. the list of Contest Entries in the number specified by the Contest Committee, in an order arranged in accordance with the number of scored points and consisting of the Entries which have been provided to the Organizer in the form meeting technical (qualitative) requirements, specified in § 6 point 4 e of the Regulations),

- e. The Initially Selected Contest Entries shall be subject to final evaluation conducted by the Contest Committee during the meeting of the Contest Committee attended by Members thereof in person. In the scope of the final evaluation of Contest Entries the Contest Committee shall award prizes provided for herein. The place and date of the meeting of the Contest Committee Members shall be specified by the Organizer; the final evaluation of Contest Entries shall be conducted not later than on \_\_\_\_.

2. During the procedure of getting by the Organizer Contest Entries of better quality, the Contest Committee shall have the right to change its decision regarding the number of Contest Entries which shall be subject to further evaluation.

The Contest Committee, including the Board for Initial Selection, shall have the right, on each stage of the Contest, to exclude from the Contest the Contest Entries:

- a. which violate the conditions of the Regulations, in particular the Contest Entries which do not comply with the theme of the Contest or which do not comply with formal conditions of the Contest as well as the Contest Entries submitted by

persons who do not meet the conditions of participation in the Contest (in such situation the Committee shall have the right to block the account of the contest participant by means of an appropriate procedure in the Contest IT System), which violate legal regulations, decency or commonly accepted morals, in particular the Contest Entries of pornographic or racist character etc. in relation to which the Contest Committee or the Organizer conceived a suspicion that they may infringe third party rights, in particular copyrights, industrial property rights or personal rights, including the third party right of publicity, which have been submitted by way of infringement of the conditions hereof or in relation to which the conditions hereof have not been complied with, in particular the Contest Entries in relation to which the Contest Participant kept back the information that they have more than one author or failed to provide, on Organizer's request, the declaration of all the remaining co-authors, referred to in § 3 point 4 hereof.

## **§ 7**

### **Prizes and Artistic Evaluation of Contest Entries**

1. The Organizer shall provide the following Prizes in the Contest:
  - a. The Main Prize (Grand Prix) - a high range car.
  - b. 1st Prize – high range DSLR camera with lens (the choice between the Nikon D700 with Nikkor AF-S VR 24-120mm f/3,5-5,6G IF-ED kit and the Canon EOS 5D mark II with Canon EF 24-105 f4 L kit).
  - c. 2nd Prize – notebook Toshiba Satellite L300-1F9.
  - d. 3rd Prize – Sekonic L-758D DigitalMaster Light Meter.
2. Irrespectively of the awarded Prizes, the Initially Selected Contest Entries (i.e. the Contest Entries announced in accordance with § 6 point 4 g) hereof) shall be awarded a Special Award in the form of exhibition of the Contest Entry in galleries within the scope of post-contest exhibitions and a publication presenting the Contest Entries awarded with Prizes and Special Awards.

The Contest Participant shall not receive more than one Prize for one Contest Entry.

Only one Prize for one Contest Participant may be awarded for the Contest Entry that has more than one author.

The Contest Committee shall evaluate Contest Entries and shall award the Prizes not later than on 15 March 2010.

Contest results shall be announced by publication of the results (Contest Participant's full name, title of the Contest Entry and information about the awarded Prizes and Special Awards) on the Contest Web Site.

Each Contest Participant awarded a Prize or a Special Award shall be notified about the Special Award or Prize via e-mail sent to the e-mail address submitted by such Contest Participant in the Contest Application Form.

Each Contest Participant shall promptly notify the Organizer about any change in his/her contact details submitted in the Contest Application Form. The Organizer shall not be held liable for any consequences resulting from the impossibility to contact the Contest Participant caused by outdated data provided by the Contest Participant or by incorrect functioning of Contest Participant's e-mail.

The Organizer shall specify dates of exhibition(s) of the Contest Entries awarded with a Special Award and the place of the post-contest exhibition as well as the date and technical conditions of the post-contest publication (e.g. edition, publication format, publisher etc).

The Prizes shall be presented to the winners during a final ceremony, held on the date specified by the Organizer, not later, however, than on 1 April 2010. Authors of the Contest Entries awarded with Prizes and Special Awards shall be invited to the ceremonious presentation of awards. The invitation shall specify time and date of the presentation of Prizes and announcement of Special Awards.

Prizes and Special Awards shall not be replaced with any equivalents, in particular with any financial equivalents.

The Organizer shall not be held liable for any defects in Prizes not attributable to the Organizer.

Should the Organizer and/or Contest Committee and/or any member of the Contest Committee receive an information, after or before granting by the Contest Committee of any Prize (or a Special Award) specified herein, that the awarded Contest Entry infringes third party rights, in particular moral rights or copyrights or

that law or any provision of these Regulations has been infringed in any other way, the Organizer, subject to the decision of the Contest Committee, shall have the right either to hold back handing in of the Prize until the doubts are removed or to refuse to award the Prize (Special Award) to a given Contest Participant and to award it to another Contest Participant. In the foregoing situation such decision can be made by \_\_\_\_ Members of the Contest Committee.

## § 8

### Intellectual Property Rights

1. By submitting his/her application to the Contest each Contest Participant shall grant the Organizer a royalty free authorization to use the Contest Entry in the scope necessary to conduct the Contest, including, in particular, making digital copies of the Contest Entry by introducing it to the Contest Operation System and by making available the Contest Entry to the members of the Contest Committee for evaluation purposes. The Organizer shall have the right to grant further authorizations to other entities to use Contest Entries in the scope specified above.

Each Contest Participant, the Contest Entry of whom has been classified as one of the Initially Selected Contest Entries (i.e. the Contest Entry placed on the ranking list published on the Contest Web Site) shall grant the Organizer a non-exclusive license to use the said Contest Entry for purposes of contest promotion, organization of an exhibition and of a post-contest publication, in the following fields of use:

- a. recording and copying the work - making copies of the work by a specific technique, including printing, reprography, magnetic recording and digital technology;

sales of the original or copies on which the work has been recorded - distribution, lease or rental of the original or copies;

- b. distribution of the work in a manner other than specified in point 2 - public performance, exhibition, projection, play back, broadcasting and re-broadcasting, as well as making the work publicly available so that everybody can have access to it wherever and whenever they choose.

2. The license, referred to hereinabove, shall authorize the Organizer to grant sublicenses to the Contest Entry, in particular to the entities participating in conducting of the Contest.

The Contest Participant shall grant the Organizer a license for the Contest Entry at the moment of the Contest Entry being classified as one of the Initially Selected Contest Entries, without any necessity to submit any additional declarations by the Contest Participant or Organizer. Should a given Contest Entry have more than one author the Contest Participant shall grant the Organizer the said licenses (point 1 and 2) also on behalf of its co-authors.

Awarding the Contest Participant with a Special Award, specified in § 7 point 2 shall mean granting of the license for the Contest Entry. The Contest Participant shall not have the right to make any claims against the Organizer or other entities in relation to the granted license, in particular any claims for remuneration and shall waive any such claims.

The Organizer shall respect any moral rights of the Contest Participants awarded in the Contest with Prizes or Special Awards, in particular by indicating the author (co-authors) of the Contest Entry in the post-contest publication and in the post-contest exhibition(s).

By submitting application to the Contest the Contest Participant expresses his/her consent for making it publically known, e.g. on the radio, television, in the press, on Internet web sites, including the Contest Web Site etc., that he/she participates in the Contest, has submitted a given Contest Entry and received certain awards (Prize/Special Award). Each Contest Participant shall authorize the Organizer to use his/her first name, surname and Contest Entry's title for the foregoing purpose. The Contest Participant shall also give his/her consent to use his/her full name and the title of the Contest Entry for the purpose of putting Contest Participant's name under his/her Contest Entry in an exhibition, post-contest publications etc. as well as for the needs of promotion and advertising of any kind of exhibitions, post-contest publications and next editions of the Contest. Should a given Contest Entry have more than one author, the Contest Participant, acting on behalf of other co-authors, shall authorize the Organizer also to use full names of all co-authors in the scope specified hereinabove.

Each Contest Participant shall have the right to make it publically known that his/her Contest Entry has been submitted to the Contest or what Prizes and Special Awards it has been granted.

After submitting the Contest Entry to the Contest the Contest Participant shall not have the right, until the date of announcement of Contest results, to submit such Contest Entry to any other contest or to distribute it in any way.

By submitting his/her application to the Contest the Contest Participant declares and guarantees to the Organizer that:

- a. if he/she had not indicated during registration that the Contest Entry has more than one author - the Contest Participant is the only author of the Contest Entry and has all copyrights to the submitted and/or sent Contest Entry in the full scope, without any limitations or third party encumbrances,

if he/she had indicated during registration that the Contest Entry has more than one author - the co-authors indicated during registration have all copyrights to the submitted Contest Entry in the full scope, without any limitations or third party encumbrances,

if he/she had indicated during registration that a given Contest Entry has more than one author - the Contest Participant had obtained consent of all co-authors to submit the Contest Entry to the Contest and to grant the license, referred to in point 1 and 2 hereinabove, and to grant authorizations to use their full names for purposes of the Contest,

the use of the Contest Entry by the Organizer for the purposes of the Contest shall not infringe any third party rights, in particular the moral rights and copyrights of such persons, the right of publicity or any other personal rights,

he/she has obtained consent of persons, the image of whom has been used in the Contest Entry, for distribution of their image, including distribution of their image in a post-conference publication, in exhibitions organized by the Organizer, for purposes of promotion and advertising of the Contest.

The Contest Entry shall meet all requirements and conditions specified herein.

## **§ 9**

### **Final Provisions**

1. Every person shall have the right to get familiar with the text of the Regulations free of charge. Each person shall have the right to print, record and copy the text of the Regulations by any technique, including printing, reprography, magnetic recording and digital technology, on any carriers.

The Regulations shall be made available in the form allowing for storing and opening the Regulations in a standard manner (in HTML and PDF format). The Regulations have been made available on the home page of the Contest Web Site. Besides, the Regulations shall be available in the Organizer's office, at the address indicated in § 1 point 2 of the Regulations.

Contest rules, established by the Organizer, have been described herein. Any other information contained in advertising, promotional or information materials, in particular the information presented on the Contest Web Site, shall have informative character only and it shall not be binding upon the Organizer unless expressly stated therein.

The Contest is not any game of chance or mutual wagering within the meaning of Art. 2 of the Act on Games of Chance and Mutual Wagering of 29 July 1992.

In matters not regulated herein the provisions of the the Civil Code shall apply.

Personal data of Contest Participants shall be deleted promptly after the Contest is ended.