

# **Regulations as of 01 May 2018 specifying the rules of the photographic competition as part of the Municipal Photographic Portal**

## **Article 1**

### **General provisions**

1. The Organiser of the competition is the City of Poznań, seated in Poznań, 61-841, pl. Kolegiacki 17, NIP 2090001440.
2. Supervisor over the proper course of the Competition will be exercised by a Competition Commission appointed by the Organiser.
3. By participating in the Competition, the Participant agrees to the terms and conditions of the Competition contained in the Regulations.
4. Whenever these Regulations mention:
  - a) the Regulations – it is to be understood as the Competition Regulations,
  - b) a Work – it is to be understood as a photograph,
  - c) the Commission – it is to be understood as the Competition Commission,
  - d) the Competition Website – it is to be understood as the website supporting the competition, under the following address: [www.fotoportal.poznan.pl](http://www.fotoportal.poznan.pl).

## **Article 2**

### **Competition Participants**

1. Any person who has full legal capacity to conclude legal transactions and meets all the participation conditions specified in the Regulations may take part in the competition.
2. Organiser's employees and members of the immediate family of such persons are excluded from the Competitions.
3. Members of the immediate family referred to in paragraph 2 are understood as: ascendants, descendants, siblings, spouses, spouses' parents and person in an adoption relationship.
4. The Organiser has the right to delete the account of a user whose comments, in the opinion of the Organiser, infringe the principles of decency.
5. The Organiser has the right to delete the account of a user if they have more than one account that they use to vote in the competition.

## **Article 3**

### **Competition Rules**

1. The type and form of the Competition is determined as a multistage, open photographic competition.
2. The competition has a continuous one-year formula, provided that the selection of winners for December takes place in January of the following year.
3. The competition is divided into two categories:
  - a) general – the photographs must show Poznań as a modern, dynamically developing city with interesting, modern architecture, where apt and energetic people, being the best specialist, live and work, and also as a city perfect to spend free time in. Also, Poznań is a city with rich history. A city full of climatic, charming places.
  - b) thematic – the theme of the photographs will be announced by the Organiser in advance; the photographs submitted in this category must correspond to the set theme.
4. The competition consists of 2 stages:
  - a) stage one – submitting photographs and selecting photographs of the month. Every month, one photograph wins in the general category (voting of internet users) and two photographs win in the thematic category (selection of the Jury): a photograph of the month and a distinction of the month;
  - b) stage two – selection of the photograph of the year and 2 distinctions. The winning photographs are selected out of the photographs of the month and the photographs selected by the Organiser.
5. Selection of the photographs of the month:
  - a) in the general category, the selection of the photographs of the month is made by internet users, who may vote for the photographs at the Competition Website after creating an account on the Competition Website. The winner of the month is selected based on an algorithm, which into account the number of votes, user's activity, voting user's activity and other, measurable and countable features of activity of a voting user. In order to prevent abuse, the operation of the algorithm will be shown to the jury and the results of its operation will be each time verified. The algorithm has no random features and the result, based on the same input parameters, is always the same.
  - b) two photographs from the thematic category will be selected by the jury.
6. Selection of the photographs of the year:
  - a) photographs distinguished by the Competition Commission: after the calendar year ends, the Competition Commission awards prizes of the Jury in the category 'photograph of the year', which are: the main prize and two distinctions. These photographs will be selected from among the winning photographs during the year, in both categories.

- b) photographs distinguished by the internet users – internet users award the first, second and third prize it their vote.
7. The Organizers anticipates arranging additional thematic competitions, for which prizes will be awarded. Selection of the winning photograph will be made by a commission established to select the competition photograph.
  8. The Organizer reserves the right not be award the prizes in the event of an unsatisfactory level of the submitted works.
  9. Information concerning a decision about the competition results will be announced to the public on the Competition Website and sent by e-mail to the winner's e-mail address, provided upon registration on their account.

#### **Article 4**

##### **Image of third parties**

1. The Participant assures and guarantees that they have obtained consents from the person whose image is incorporated into the photographs submitted for the competition to use the image of such persons without time restrictions and without the right to revocation, including such a consent in the given case, for any purpose, in particular for the purposes of education, information, advertising, promotion and marketing.
2. Moreover, the Participant assures that the photographs submitted for the competition will not otherwise violate any personal rights of third parties.
3. With respect to the above representation, the Participant of the Competitions bears full compensatory liability towards the City of Poznań that encompasses in particular direct losses, court costs, costs of legal assistance rendered in order to defend the interests of the City of Poznań and the equivalence of the performances rendered by the City of Poznań in order to satisfy the claims of third parties whose image is contained in the photographs submitted for the competition due to the violation of their personal rights. The above does not release the Participant of the Competition from the obligation to cooperate with the City of Poznań in order to effectivity defend it against the claims of such third parties concerning the violation of their rights to their image.

#### **Article 5**

##### **Prizes**

1. It is planned to award prizes for authors of photographs of the month and photographs of the year.

2. Financial prizes will be paid to the Winners upon completion of appropriate documents, sent by the Organiser at the latest within 21 business days since the day the winners are selected.
3. Failure to complete and submit appropriate documents to the Organiser within 14 days of the day of receiving them from the Organiser means that the right to receive the prize is forfeited.
4. The distinction of the month, in the form of souvenirs from the official line of city gadgets will be provided to the Winner in person at a time that is convenient for both parties, no later than within 21 business days of the selection of the photograph, at the seat of the Poznań City Hall, pl. Kolegiacki 17, 61-841 Poznań.
5. The Organiser of the Competition is not liable for the lack of possibility to contact the Winner due to the provision of incomplete or incorrect personal data.
6. The Competition is qualified as a competition in the field of arts pursuant to the Personal Income Tax Act of 26 July 1999 Chapter 3, Article 21, item 68.
7. The list of prizes is available on the Competition website: [www.fotoportal.poznan.pl](http://www.fotoportal.poznan.pl) (Appendix np. 1).

## **Article 6**

### **Submitting Works**

1. Submission of the work to the competition takes place upon the publication of the photograph on the website: [www.fotoportal.poznan.pl](http://www.fotoportal.poznan.pl) in the competition bookmark.
2. Registration means consenting to the Competition Rules and to personal data processing.
3. Real personal data must be provided upon registration. The information is necessary to determinate the copyright to the photographs submitted for the competition.
4. Providing false data will result in the fact that the Organiser will not able to present the prizes.
5. The Organiser hereby informs that impersonating another person is subject to criminal liability.
6. Registration on the Competition Website may take place:
  - a) by completing a registration form, which can be found on the website;
  - b) via Facebook Connect.

## **Article 7**

### **Voting by internet users**

1. Only registered users may take part in the voting.

2. Each competition participant may have only one account.
3. If it is determined that the user has more than one account they will be asked to select the account they would like to use. Other accounts will be deleted.
4. Voting for photographs takes place by adding them to the favorites.
5. If it is determined that any of the aforementioned items is infringed, the Organiser reserves the right not to accept such votes.

## **Article 8**

### **Qualification and Evaluation Criteria**

1. Files in the JPG format with the maximum possible size and printout resolution are to be published on the website.
2. The selection on the Photograph of the Year will be made from among the photographs submitted to the Organizers, provided that their format allows for printing them in the format that is close to A4 with printing resolution of 300 dpi, i. e. the minimum size of 2800x2100px with the printing resolution 300 dpi must be observed. If the resolution is lower, e.g. 250 dpi, the size photograph must be proportionally bigger and be 3360x2520px.
3. The photographs submitted for the competition may not have any additional markings.
4. The title of the photograph should contain the note on the address of the place, where it was taken (street, house number)
5. The Competition Commission selects the winner by the majority of votes.
6. If the number of votes is even, the representative of the Organiser has the deciding vote.
7. The Competition Commission will use the following criteria while evaluating the photograph:
  - a) fulfilment of the idea underlying the competition;
  - b) quality of aesthetic and artistic values.

## **Article 9**

### **Competition Commission**

1. The Commission Competition is composed of the Organiser's representative, administrator and the jury members:
  - a) Organiser's Representative – Acting Director of the Major's Office;
  - b) Administrator – an employee responsible for coordinating promotion;
  - c) Jury Member – an employee responsible for graphic design projects/for supervising the visual identification system of the City;
  - d) Jury Member – an employee responsible for coordinating promotion.

2. The Commission operates based on these Regulations developed and approved by the Organiser.
3. If an additional thematic competition is organized, the Organiser will establish a competition commission to be composed of the Organiser's representatives, administrator, and Jury members:
  - a) Organiser's Representative – Acting Director of the Major's Office;
  - b) Administrator – an employee responsible for coordinating promotion;
  - c) Jury Member – an employee responsible for graphic design projects/for supervising the visual identification system of the City;
  - d) Jury Member – an employee responsible for coordinating promotion.

## **Article 10**

### **Complaints**

1. All and any complaints regarding the course of the Competition are to be sent in writing to the following address: Gabinet Prezydenta Miasta Poznania, pl. Kolegiacki 17, 61-841 Poznań with a note "Konkurs Fotograficzny", within 10 days of the results are announced (the date of the postal stamp decides). The complaint should include the personal data of the Participant and the basis for complaint.
2. Complaints that do not meet the requirements indicated in item 1 will not be examined.
3. Complaints will be examined by the Organiser within 10 days of receiving them. The date of sending the Organiser's response (the date of the postal stamp decides) decides on adhering to the time limit for examination of complaints.

## **Article 11**

### **Copyrights**

1. Upon the submission of a Work in the form of a photograph by the User, the Organiser receives, free of charge, financial copyrights and related rights in the following fields of exploitation:
  - a) as regards recording and duplicating the work – the right to make copies of the work using any technique, including printing, reprography, magnetic and digital recording, introducing into computer memory and multi-media networks;
  - b) as regards the disposing of the original or the copies of the work – market, lease or rent the original or it's copies;
  - c) as regards disseminating the work otherwise than as defined in b) – public performance,

staging, displaying, playing as well as broadcasting and re-broadcasting, as well as making the work available to the public so that they may have access to it at the place and time selected by them, including dissemination in guides, catalogues, promotional and advertising prints, announcements and press advertisements, posters, including by webcasting, simulcasting, videocasting and any other forms of online broadcasting and distribution via telephone networks (including landline and mobile networks), in particular using: mobile phones (including WAP) and digital devices (e.g. decoders, VOD, PPV, PCs and other devices), distributing in any other forms of communication, promotion or advertisement (e.g. on gadgets);

d) making the work available to third parties for commercial purposes in the publications and studies describing the City the Poznan;

e) the right to temporarily or permanently multiply the work in its entirety or in part any means and in any form;

f) the right to use the work and its modifications and adaptations in all available

2. Upon gaining the financial copyrights to the Work, the Organiser may exclusively exercise the related copyright within the meaning of Article 2 of the Act on Copyright and Related Rights with respect to any processed versions of the work, i.e. the Participant consents to disposing of and distributing the processed Works, as well as to change it and modify it; moreover, at the same time the Participant transfers onto the Organiser the exclusive right to allow for exercising the related copyright. The enforcement of the aforementioned entitlements shall apply in the fields of exploitation listed in item 1.
3. The Organiser may freely dispose of the acquired financial copyrights, including transfer onto another entity, without any additional fees, remuneration paid to the Participant, both within the country and abroad.
4. The Participant hereby represents that the Works are not encumbered by any rights of third parties; in particular, that the ownership and personal and financial copyrights to the works belong to the Participant within the scope indicated in item 1. In particular, the Participant assures that if it turns out that the Participant did not dispose of such rights, the Participant shall remedy the City of Poznań for any damage incurred therefor and satisfy all and any claims of third parties made due to the violation of their rights, in particular copyrights or related rights. If a third party brings a lawsuit against the City of Poznań for the violation of the copyrights or the personal rights to the Work, the Participant shall cover the costs of legal representation, court costs, as well as pay the damages or the costs of out-of-court settlement of the case.

## **Article 12**

### **Personal Data**

1. The Organiser is the data controller of the Participants' data.
2. Personal data of the Participants will be processed by the Organiser and by the entities operating on the commission of the Organiser in connection with holding the competition, in order to communicate with the Participants and to present the prizes. Personal data processing will take place in line with the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and the national legislation on personal data protection.. The personal data of the Participants are provided by them voluntarily, and the Participants may access their data and rectify them.

## **Article 13**

### **Final provisions**

1. The competition Regulations are available at the seat of the Organiser and on the Competition Website: [www.fotoportal.poznan.pl](http://www.fotoportal.poznan.pl)
2. The Organiser reserves the right to charge these Regulations.
3. In the matters not regulated herein the provisions of the Polish Civil Code apply.
4. All and any disputes arising from the performance of the obligations connected with the Competition shall be resolved by the competent court for the registered office of the Organiser. After the complaint procedure, mentioned in paragraph 10 is completed, the Participant is allowed to file the matter to court.
5. The Organiser reserves the right to cancel the competition or not to determine the winners.
6. In disputable matters concerning the interpretation of the Regulations, the decision is made by the administrator.
7. Participation in the Competition is tantamount to a declaration that the Works submitted for the Competition were made by the person who sends the and that they do not violate any copyrights of third parties and that their content does not violate any personal rights or other legally protected rights.
8. The Regulations of 1 January 2018 setting out terms and conditions of the photographic competition as part of the Municipal Photographic Portal is hereby revoked.
9. The Regulations enter into force on 1 May 2

## Appendix no. 1

### List of prizes:

Jury Prize – photograph of the year

Main prize – PLN 2500

2 distinctions – PLN 1500

Internet users prize

1 prize – PLN 500

2 prize – PLN 300

3 prize – PLN 200

Prize of the month – PLN 200

Prize of the month in thematic category – PLN 300

Distinction of the month in thematic category – a souvenir from the official line of the city gadgets