

# #OURWK WEEKLY PHOTO CHALLENGE RULES AND REGULATIONS

PLEASE READ THESE TERMS AND CONDITIONS CAREFULLY. BY ENTERING THE #OURWK WEEKLY PHOTO CHALLENGE (THE “PHOTO CHALLENGE”), THE ENTRANT AGREES TO BE BOUND BY ALL THE TERMS AND CONDITIONS CONTAINED HEREIN. IF YOU DO NOT AGREE TO ALL OF THESE TERMS AND CONDITIONS, DO NOT ENTER THE PHOTO CHALLENGE. FAILURE TO COMPLY WITH THESE TERMS AND CONDITIONS MAY RESULT IN DISQUALIFICATION AND/OR NULLIFY THE ENTRANT FROM PARTICIPATING IN THE PHOTO CHALLENGE.

## OVERVIEW

The #OURWK Weekly Photo Challenge (the “Photo Challenge”) is sponsored by the City of West Kelowna (hereinafter referred to as “West Kelowna” or the “Sponsor”). Eligible entrants must submit an original photo that captures the Weekly Photo Challenge topic and post the photo to their Instagram account using the weekly hashtag provided or upload their photo to the photo upload page at [ourwk.ca](https://ourwk.ca). See How to Enter below for specific entry requirements. If your posted photo is randomly selected to win a weekly prize, you will be notified directly by the City of West Kelowna. You will have 48 hours to respond and, subject to compliance in full with these Official Rules and Regulations (“Photo Challenge Rules” or “Rules”), you will be eligible to win.

## PHOTO CHALLENGE PERIOD

The Photo Challenge opens at 12:00 midnight Pacific Standard Time (“PST”) on Monday, July 6, 2020 and ends at 11:59 pm PST on Sunday, September 13, 2020 (the “Photo Challenge Period”).

During the Photo Challenge Period, each week will have a different Photo Challenge topic, with the Weekly Photo Challenge beginning at 12:00 midnight PST each Monday of the Photo Challenge Period and ending at 11:59 pm PST each Sunday of the Photo Challenge Period.

## ELIGIBILITY AND PARTICIPATION

To be eligible for the Photo Challenge, an individual must be (a) a legal resident of the Province of British Columbia, (b) regularly spend time in West Kelowna (living, working, going to school), and (c) 13 years of age or older. If a winning photo bears a minor’s name, the prize will be lawfully delivered on behalf of the minor to the minor’s parent, legal guardian, or trustee.

Employees of the City of West Kelowna, its subsidiaries and its contractors, as well as family members of such employees, and household members who reside at the same address as such employees are not eligible for the Photo Challenge.

The Photo Challenge is void where prohibited by law.

## HOW TO ENTER

No purchase necessary. During the Photo Challenge Period, post your original photo that responds to the Weekly Photo Challenge Topic and tag it using the weekly hashtag on Instagram as follows:

| Week | Dates                 | #             |
|------|-----------------------|---------------|
| 1    | July 6 - July 12      | #OURWKGreen   |
| 2    | July 13 - July 19     | #OURWKFun     |
| 3    | July 20 - July 26     | #OURWKMove    |
| 4    | July 27 - August 2    | #OURWKOperate |
| 5    | August 3 - August 9   | #OURWKHealth  |
| 6    | August 10 - August 16 | #OURWKJobs    |
| 7    | August 17 - August 23 | #OURWKGrowth  |
| 8    | August 24 - August 30 | #OURWKLIVE    |

By posting your photo, you acknowledge that you have read and agree to comply with these Photo Challenge Rules. You also understand that your photo will be available to be viewed by any and all users (who search Instagram) using the hashtag. When using the hashtag on Instagram, you understand that your photo may be mirrored on West Kelowna's Instagram tab on Facebook and Twitter or uploaded to the West Kelowna's website, and consent to sharing your photo across platforms.

Alternately, photos may be uploaded on West Kelowna's website using the photo upload page at [ourwk.ca](http://ourwk.ca). By uploading your photo, you acknowledge that you have read and agree to comply with these Photo Challenge Rules. You understand that your photo may be posted on West Kelowna's website or social media, including Facebook, Twitter, and Instagram, and consent to sharing your photo across platforms.

By entering the Photo Challenge, you agree to be bound by the Photo Challenge Rules and the decisions of West Kelowna, which are final with respect to all Photo Challenge-related matters.

Up to three entries per person per week will be accepted. All subsequent entries will be void. Entries received by any other method will not be accepted.

West Kelowna and its subsidiaries are not responsible or liable for any potential entrant's inability to access the submission process. West Kelowna and its subsidiaries are not responsible for lost, late, damaged, illegible, garbled, stolen, misdirected, misidentified, delayed, or incomplete entries, for any problems or technical or mechanical malfunction of the computer online systems, servers, access providers, computer equipment, software, failure of any entry to be received by West Kelowna on account of technical problems or traffic congestion on the internet or at any website, or inaccurate entry information, whether caused by equipment, programming used in this prize draw, human processing or otherwise, or any combination thereof.

The Photo Challenge is in no way sponsored, endorsed or administered by, or associated with, Instagram. Instagram is completely released of all liability from each entrant in this Photo Challenge. Any questions,

comments or complaints regarding the Photo Challenge must be directed to Sponsor and not the social media platform.

## PHOTO SUBMISSION REQUIREMENTS

BY SUBMITTING A PHOTO, THE ENTRANT AGREES THAT THE PHOTO COMPLIES WITH ALL CONDITIONS STATED IN THESE RULES. THE SPONSOR AND THOSE ASSOCIATED WITH IT WILL BEAR NO LEGAL LIABILITY, EXPRESSED OR IMPLIED, REGARDING THE USE OF THE PHOTO BY THE SPONSOR AND THE SPONSOR SHALL BE HELD HARMLESS BY AN ENTRANT IN THE EVENT IT IS SUBSEQUENTLY DISCOVERED THAT THE ENTRANT HAS DEPARTED FROM OR NOT FULLY COMPLIED WITH ANY OF THE RULES.

### PHOTO REQUIREMENTS:

To be eligible for entry in the Photo Challenge, your photo must meet the following specific requirements per entry platform:

- a) Instagram
  - Max width: 1936 pixels
  - Max height: 1936 pixels
- b) Photo Uploader at [ourwk.ca](http://ourwk.ca)
  - Minimum resolution: 300 DPI (dots per inch)
  - Acceptable image formats: JPG, PNG, TIF
  - Maximum size: 10 MB

By participating in the Photo Challenge, each entrant agrees to be bound by these Rules and by the interpretation of these Rules by the Sponsor, and further warrants and represents that his/her photo:

- c) is original to him/her and that the entrant has all necessary licenses, consents and rights in and to the photo and all of its components (if applicable) to enter the photo in the Photo Challenge;
- d) does not and will not violate any law, statute, ordinance or regulation;
- e) does not contain any reference to or likeness of any third parties, unless consent has been obtained from all such individuals (or their legal guardian if such third parties have not reached the age of majority in their jurisdiction of residence) to the sharing of their image. If your photo does contain the image of individuals other than yourself, you represent and warrant to the City of West Kelowna that you have obtained all necessary rights from all such persons to share their image online as part of your participation in the Photo Challenge and you agree to indemnify City of West Kelowna from and against any and all claims of any kind arising out of your participation in the Photo Challenge and/or your sharing of your photo;
- f) will not give rise to any claims of infringement, invasion of privacy or publicity, or infringe on any rights and/or interests of any third party, or give rise to any claims for payment whatsoever; and
- g) is not defamatory, trade libelous, pornographic or obscene, and further that it will not contain, depict, include, discuss or involve, without limitation, any of the following: nudity; sexual activity; crude, vulgar or offensive language and/or symbols; derogatory characterizations of any ethnic,

racial, sexual or religious groups; content that endorses, condones or discusses any illegal, inappropriate or risky activity, behaviour or conduct; personal information of individuals, including without limitation, images, names and addresses (physical or e-mail), except as permitted by these Rules; conduct or other activities in violation of these Rules; commercial messages, comparisons or solicitations for products or services; any identifiable third party products and/or trade-marks, brands or logos. For example, any clothing worn by persons appearing in a photo must not contain any visible logos, trade-marks or other third party materials; URLs or links to any websites; and any other content that is or could be considered inappropriate, unsuitable or offensive, all as determined by the Sponsor in their sole discretion.

Any photo that the Sponsor deems, in their sole discretion, to violate the terms and conditions set forth in these Rules will not be eligible. Any submitted photograph displaying a disregard for safety or depicting unsafe or dangerous practices or acts will not be eligible.

By entering the Photo Challenge by uploading a photo on their Instagram account or through the photo uploader at [ourwk.ca](http://ourwk.ca), each entrant grants to the Sponsor, in perpetuity, a non-exclusive license to publish, use, adapt, display, reproduce, modify, edit or otherwise use their submitted photo, in whole or in part, for advertising or promoting the Photo Challenge or for any other reason. By entering the Contest and uploading a photo, each entrant also agrees to release and hold harmless the Sponsor and its advertising and promotion agencies, employees, directors, successors, and assigns against any and all claims based on publicity rights, defamation, invasion of privacy, copyright infringement, trade-mark infringement or any other intellectual property related cause of action. For greater certainty, the Sponsor reserves the right, in their sole discretion, to ask the respective social media platform to remove any photo, or to request an entrant to modify or edit his or her photo, if a complaint is received with respect to the photo, or for any other reason.

By submitting an entry, each entrant acknowledges that he or she has read and understands and agrees that he or she shall be bound by these Rules. The entrant acknowledges that his/her photo may be posted or linked to or used in any media by City of West Kelowna in its sole discretion.

## PRIZES

There is one (1) prize available to be won each week, consisting of either two (2) recreation passes to Johnson Bentley Memorial Aquatic Centre or (1) monthly transit pass.

Prizes must be accepted as awarded, may not be sold or transferred and is not convertible to cash. City of West Kelowna reserves the right to substitute the Prizes in whole or in part in the event that all or any component of the Prize is unavailable. If winner cannot use the Prize, the Prize will be forfeited in its entirety.

## WINNER SELECTION

Within 5 business days of the closing of the Weekly Photo Challenge, a weekly winning entry will be chosen randomly from all qualified entries. The selected winner will be notified by West Kelowna within 48 hours of the draw via telephone, email, or direct message provided by the entrant at the time of entry.

The selected winner will be required to acknowledge via email or direct message his/her receipt of the notification of eligibility for the prize. If no response is received by West Kelowna within five (5) business days of initial notification, the prize will be forfeited.

To be declared a winner, the selected winner must:

- a) Sign a release form, in a form acceptable to West Kelowna;
- b) Sign and return an Image Copyright License agreement, confirming their grant to City of West Kelowna, in perpetuity, of a non-exclusive license to publish, use, adapt, display, reproduce, modify, edit or otherwise use their submitted photo, in whole or in part, for advertising or promoting the Photo Challenge or for any other reason and, without limiting the generality of the foregoing, in other City of West Kelowna marketing/advertising material.

If the selected winner fails to meet these conditions within 7 days of acknowledging his/her receipt of the notification of eligibility for the prize, the prize will be forfeited.

## GENERAL TERMS AND CONDITIONS

By entering this Photo Challenge, entrants automatically agree to accept and abide by these Rules.

Prizes are non-transferable and non-assignable. Prizes must be accepted as awarded and cannot be substituted or redeemed for cash. The odds of winning are dependent upon the number of eligible entries received.

The decision of West Kelowna is final on all matters of fact, interpretation, eligibility, procedure and fulfillment in all matters related to this Photo Challenge and without appeal.

West Kelowna reserves the right to require proof of age and jurisdiction of residence prior to awarding any prize.

West Kelowna may, at its sole discretion, alter, amend, suspend, or cancel this Photo Challenge or amend the draw procedures at any time, subject to applicable law.

Winners are solely responsible for the reporting and payment of any and all taxes, if any, that may result in claiming a prize in this Photo Challenge.

By participating in this Photo Challenge, the entrant agrees to release and hold West Kelowna and their subsidiaries and each of their directors, officers, employees, contractors and agents harmless from any and all losses, damages, rights, claims and action of any kind in connection with this Prize Draw or resulting from the entrant's acceptance, possession, or use of any prize, including without limitation, personal injury, death, or property damage.

These are the official Photo Challenge Rules. This Photo Challenge is subject to the laws of the province of British Columbia and the laws of Canada applicable herein.

The personal information collected, used and disclosed is necessary for the administration of the Photo Challenge and is in accordance with the provisions of Part 3 of the Freedom of Information and Protection of Privacy Act (British Columbia). Please refer to West Kelowna's Privacy Statement

<https://www.westkelownacity.ca/en/privacy-policy.aspx?mid=1265> or contact the City of West Kelowna City Clerk, 2760 Cameron Road, West Kelowna, BC, or call 778-797-1000.