

#Happy40JG

PHOTO CONTEST

RULES AND TERMS

ELIGIBILITY

The Japanese Garden Photo Contest (“Photo Contest”) is open only to legal residents of the United States who are at least eighteen (18) years old. Trustees, Board Members, Employees or partners of the Missouri Botanical Garden, as well as the immediate family (spouse, parents, siblings, and children) and household members of those employees, are not eligible to enter.

ENTRY PERIOD

The Photo Contest begins at 12:00am CST on May 1, 2017 and ends at 11:59pm CST on August 31, 2017 (the “Entry Period”). Entries submitted before or after the Entry Period will not be eligible.

WHAT TO ENTER

In celebration of the 40th anniversary of *Seiwa-en*, the 14-acre Japanese Garden at the Missouri Botanical Garden’s, we want to see the Japanese Garden through the eyes and lenses of our visitors.

Participants are invited to enter photos in the contest by posting them to a valid Instagram account and including the contest hashtag (#Happy40JG) in the photo caption or comments.

Previously published material for which non-exclusive rights were granted may be entered as long as you still maintain the right to grant the Missouri Botanical Garden a license (see “Your Rights” below). You must be able to disclose when and where the photo appeared previously upon request.

If you choose to include people in your submission, you are responsible for obtaining the necessary releases from the individuals depicted, and must be able to provide copies of those releases to Missouri Botanical Garden upon request.

The following submissions are ineligible:

- Photos that violate or infringe upon another person’s rights, including but not limited to copyright.
- Photos that contain sexually explicit, nude, obscene, violent or other objectionable or inappropriate content.
- Images that involve the willful harassment of wildlife, or damage to the environment by the photographer.
- Images that involve putting any individual or animal in danger.
- Images taken more than three years prior to the beginning date of the Contest (May 1, 2017).
- The Missouri Botanical Garden shall determine entry eligibility in its sole and absolute discretion.

HOW TO ENTER

All images must be submitted by posting to a valid Instagram account, including the hashtag #Happy40JG in the photo caption or comments.

You may enter an unlimited number of times, but you may not use an agency or automated system to enter. The Garden reserves the right to reject any additional entries or entries that do not comply with these Official Rules. By entering, you indicate your unconditional agreement to, and acceptance of, these Official Rules and the Garden’s decisions, which are final and binding. You cannot win a prize unless you comply with all requirements in these Official Rules.

Entrants may be asked to supplement their submission with the highest resolution version of their photo anytime on or after July 1, 2017.

JUDGING

Photos will be judged on originality, composition, perspective, and artistic merit. Judging will be conducted by a panel of Missouri Botanical Garden employees (the “Panel”). The Panel will evaluate all valid entries, making them anonymous to ensure impartial judging, and pick the four winners for public display as part of the Garden’s retrospective Japanese Garden exhibition in the fall of 2017.

Throughout the contest the Panel will select submissions to be posted to the Garden’s Instagram account. All submissions shared will be accompanied by an acknowledgment of the original source.

All judging decisions are final. Please do not contact us about the status of entries or judging.

The Missouri Botanical Garden will notify the winners via Instagram.

POTENTIAL WINNER REQUIREMENTS

Except where prohibited, a potential winner may be required to complete and return an affidavit of eligibility, including proof of age, and liability/publicity release within 14 days. If a potential winner is a minor, his/her parent or legal guardian will be required to sign the documents on his/her behalf. If a potential winner fails to return these documents on time, an alternate potential winner may be selected in his/her place.

PRIZES

The the Garden will award the following prizes.

Four prize winners, one per month, will receive:

- Inclusion of their photographs in the Garden’s fall photography exhibition featuring the Japanese Garden, on public display in the Garden’s Ridgway Visitor Center from approximately September 7 through November 10, 2017.
- Two (2) passes to the 2017 Japanese Festival, which takes place Labor Day weekend (September 2–4, 2017).

One grand prize winner will receive:

- Inclusion of their photographs in the Garden's fall photography exhibition featuring the Japanese Garden, on public display in the Garden's Ridgway Visitor Center from approximately September 7 through November 10, 2017.
- A Festival-level membership to the Missouri Botanical Garden (a value of \$195). If winner is already a member but at a lower level, he or she will be upgraded to Festival level. If already a Festival-level member, he or she will get the opportunity to add 12 months to their current membership term. Limit one membership per household. For more details about the benefits of a Festival membership, visit www.mobot.org/membership.

Prizes will only be shipped to an address in the United States.

Any prize details not specified above will be determined by the Garden, in its sole discretion. A prize may not be transferred and must be accepted as awarded. A winner may not request cash or a substitute prize; however, the Garden reserves the right to substitute a prize with another prize of equal or greater value if the prize is not available for any reason.

YOUR RIGHTS

Your photographs help support the Missouri Botanical Garden's mission to discover and share knowledge about plants and their environment to preserve and enrich life. Thank you for helping to further our mission through your photography.

You will retain all rights to any photograph you submit -- including ownership if applicable.

If you submit a photograph to enter the Photo Contest, you grant the Missouri Botanical Garden a royalty-free, nonexclusive right during the Photo Contest to:

- Display the photograph on the Photo Contest promotional website(s) and the Missouri Botanical Garden social media accounts on Instagram, Facebook, and Twitter.
- Allow third-parties to share the photograph on the following social media platforms: Twitter, Facebook.

If your photograph is formally honored by the competition as a winner or an honorable mention, you grant Missouri Botanical Garden a royalty-free, nonexclusive right, in perpetuity, to:

- Display the photo publicly on Garden grounds and in promotional materials supporting the Japanese Garden photography exhibition.
- Retain a digital copy of your photograph that will be archived in the Missouri Botanical Garden photo library and accessible to Garden staff via the Garden's internal online photo archive.

The Garden will endeavor to credit all photographs with the caption "Person's Name" when the full name is available.

GENERAL CONDITIONS

In the event that the operation, security, or administration of the Photo Contest is impaired in any way, the Garden may, in its sole discretion, either: (a) suspend the Photo Contest to address the impairment and then resume the Photo Contest; or (b) award the prize(s) from among the eligible entries received up to the time of the impairment. The Garden reserves the right, in its sole discretion, to disqualify and seek damages from any individual who tampers with the operation of the Photo Contest, violates these Official Rules, or acts in a disruptive or unsportsmanlike manner. The Garden's failure to enforce any term of these Official Rules shall not constitute a waiver of that provision. Proof of sending any communication to the Garden by mail shall not be deemed proof of receipt of that communication by the Garden.

In the event of a dispute as to the owner of an online entry, the authorized account holder of the e-mail address used to enter will be deemed to be the owner. The Photo Contest is subject to federal, state, and local laws and regulations and is void where prohibited.

RELEASE AND LIMITATIONS OF LIABILITY

By entering, you agree to release and hold harmless the Garden, Facebook, their respective parent, subsidiaries, affiliates, and each of their respective officers, directors, employees, and agents (the "Released Parties") from and against any claim or cause of action arising out of participation in the Photo Contest or receipt or use of any prize, including, but not limited to: (a) unauthorized human intervention in the Photo Contest; (b) technical errors; (c) printing errors; (d) late or undelivered mail; (e) errors in the administration of the Photo Contest; or (f) injury or damage to persons or property. You waive the right to claim any attorneys fees and any damages whatsoever, including, but not limited to, punitive, consequential, direct, or indirect damages.

EMAIL

When you enter, you will automatically become an e-supporter of the Missouri Botanical Garden. This includes special event invitations, digital messages and a monthly e-newsletter. You may cancel and unsubscribe at any time.

PRIVACY AND PUBLICITY

Any information you submit as part of the Photo Contest will be used in accordance with the Garden's Privacy Policy. The information you provide when you enter is provided to the Garden, not to Instagram. Except where prohibited, you consent to the Garden's use of your name in any list of winners (if applicable) and for promotional purposes in any media without further payment or consideration.

DISPUTES

You agree that any and all disputes, claims and causes of action arising out of, or connected with, the Photo Contest or any prize awarded shall be resolved individually, without resort to any form of class action, and exclusively by the appropriate court located in Virginia. All issues and questions concerning the construction, validity, interpretation and enforceability of these Official Rules, your rights and obligations, or the rights and obligations of the Garden in connection with the Photo Contest, shall be governed by, and construed in accordance with, the laws of Missouri, without giving effect to any choice of law or conflict of law rules (whether of Missouri or any other jurisdiction), which would cause the application of the laws of any jurisdiction other than Missouri.

RESULTS

To request a winners list, send a self-addressed, stamped envelope with your request to the Missouri Botanical Garden, Japanese Garden Photo Contest, Communications Division, PO Box 299, St. Louis, MO 63166-0299. Requests must be received by November 1, 2017.

QUESTIONS

Questions and inquiries about contest rules can be emailed to webeditor@mobot.org.



MISSOURI BOTANICAL GARDEN

4344 Shaw Blvd. • St. Louis, MO 63110 • www.mobot.org

