

## 2023 #EarthMonthofAction Arbor Day Wildlife Drawing Rules and Legal Conditions

Sempervirens Fund invites you to enter its 2023 #EarthMonthofAction Arbor Day Wildlife Drawing (“Drawing”). BY ENTERING THE DRAWING, YOU ARE ACCEPTING AND AGREEING TO ALL RULES, TERMS, AND CONDITIONS (“RULES”). The Drawing is free and open to all participants regardless of residence or citizenship, so long as the laws of their jurisdiction allow participation. Employees of Sempervirens Fund are not eligible to participate.

### YOUR RIGHTS

You will retain all rights to any photograph you submit—including ownership if applicable—other than those rights licensed in these rules. By entering the Contest, you hereby grant to Sempervirens Fund:

(ii) the right to credit and use your name in promotions and other publications.

Any photograph reproduced will include a photographer credit as feasible. Sempervirens Fund will not be liable for any errors in attribution other than to make reasonable efforts to correct such errors. Sempervirens Fund has final approval of any language that appears on its website, in its emails, newsletters, or print publications with any of the photos and will not promote or endorse third-party products or services.

### WHAT TO ENTER

Sempervirens Fund maintains sole discretion in selecting eligible photographs. We are looking for digital images of wildlife in the forest.

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 Sempervirens Fund upon request.

Entrants must not submit images that involve the handling or disruption of plants, nature, and/or wildlife willful harassment of wildlife, damage to the environment by the photographer, or infringe on the rights of any other photographer or person.

All photographs should accurately reflect the subject matter and the scene as it appeared. Photos that have been digitally altered beyond standard optimization will be disqualified.

Acceptable methods for standard optimization include removal of dust, cropping, and reasonable adjustments to color and contrast. Multiple exposures that have been combined to produce a single “High Dynamic Range” image are acceptable.

### HOW TO ENTER

Beginning April 28, 2023 at 12:01 am PDT, and ending April 28, 2023 at 11:59 pm PDT, enter one image (per participant) by posting your photo on Instagram with the hashtag #EarthMonthofAction and tag @sempervirensfund to enter the free random Drawing. The theme for this Drawing is celebrating trees for Arbor Day during Earth Month and photos should feature wildlife in the forest.

We do NOT accept entries submitted via email or through the postal mail.

## ELIGIBILITY

Images should be posted to Instagram with the hashtag #EarthMonthofAction and tag @sempervirensfund. A Sempervirens Fund staff member will randomly select one (1) winner from the eligible entries.

## DEADLINES

The deadline for submitting entries will be 11:59 pm Pacific Daylight Time on April 28, 2023. Entries can be posted to Instagram beginning at 12:01 am Pacific Daylight Time on April 28, 2023.

Entrants may be contacted to submit a paragraph describing the story behind the photo. The winner will be announced on Friday May 5.

Sempervirens Fund reserves the right to adjust any deadline(s) as the result of causes beyond its immediate control.

## PRIZES

The winning entrant will receive a free registration for The Cornell Lab's Bird Academy "How to Paint Birds with Jane Kim" class with Jane Kim of InkDwell: <https://academy.allaboutbirds.org/product/how-to-paint-birds-with-jane-kim/>.

The prize is non-transferable; no substitutions allowed. All federal, state, or other tax liabilities are the responsibility of the winner. All details of any prize not specified herein shall be determined solely by Sempervirens Fund.

## LEGAL CONDITIONS

By entering the 2023 #EarthMonthofAction Arbor Day Wildlife Drawing, participants agree to indemnify, defend and hold harmless Sempervirens Fund, its respective subsidiaries, affiliates, directors, officers, employees, attorneys, agents, and representatives, from any and all third-party liability for any injuries, loss, claim, action, demand, or damage of any kind arising from or in connection with the Drawing (collectively, "Losses"), including without limitation any third-party claim for copyright infringement or a violation of an individual's right to privacy and/or publicity right. The Drawing is void where prohibited by law.

Each participant in the Drawing ("Participant") is responsible for ensuring that they have the right to post a photo to the Drawing per these rules. You agree that any and all disputes that cannot be resolved with Sempervirens Fund, and causes of action arising out of or connected with this Drawing, shall be resolved individually, without resort to any form of class action, before a court of competent jurisdiction located in California, which court shall apply the laws of California without regard for rules of conflicts of law. IN ANY SUCH DISPUTE, PARTICIPANT SHALL NOT BE ENTITLED TO ANY PUNITIVE, SPECIAL, INDIRECT, INCIDENTAL OR CONSEQUENTIAL DAMAGES, INCLUDING WITHOUT LIMITATION ATTORNEYS' FEES, OR ANY DAMAGES OTHER THAN PARTICIPANT'S ACTUAL OUT-OF-POCKET EXPENSES (IF ANY) ASSOCIATED WITH PARTICIPATING IN THE DRAWING. YOU HEREBY WAIVE ANY RIGHTS TO HAVE DAMAGES MULTIPLIED OR INCREASED. The Drawing and Sempervirens Fund's website are provided "as is" without warranty of any kind, either express or implied.

Sempervirens Fund is not responsible for any incorrect or inaccurate information, whether caused by website users or by any equipment or programming associated with or utilized in the Drawing, or by any technical or human error that may occur in the processing of submissions to the Drawing, including but not limited to any misprints or typographical errors.

Sempervirens Fund assumes no responsibility for any error, omission, interruption, deletion, defect, delay in operation or transmission, communications line failure, theft, or destruction, or unauthorized access to, or alteration of, entries. Sempervirens Fund is not responsible for any problems or technical malfunction of any telephone network or lines, computer equipment, servers, providers, computer on-line systems, software, or failure of email on account of technical problems or traffic congestion on the Internet or at any website, including injury or damage to participant's or to any other person's computer related to or resulting from participating or uploading images or information in the Drawing.

If, for any reason, the Drawing is not capable of completion as planned, including but not limited to, any reason of infection by computer virus, bugs, tampering, unauthorized intervention, fraud, technical failures, or any other causes beyond the control of Sempervirens Fund that corrupt or affect the administration, security, fairness, integrity, or proper conduct of the drawing, Sempervirens Fund reserves the right at its sole discretion to cancel, terminate, modify, or suspend the Drawing.

#### QUESTIONS

Questions and inquiries about Contest rules can be emailed to [redwoods@sempervirens.org](mailto:redwoods@sempervirens.org).