

## Terms and Conditions

ContestPad and [Houston Audubon's Flock Together Photo Contest](#) ("the Contest" or "the Photo Contest") is open to all aged 18 or over or those with proof of a legal guardian's consent to enter the contest ("the Contestants" or "the Participants" or "the Entrants").

### **ETHICS**

Participants must place the welfare of a subject and its environment ahead of their desire to capture a photograph. Upon entering the contest, participants automatically certify that subjects were treated with respect and dignity, and that no people, wildlife, or the environment were harmed or otherwise unethically treated in the capturing of a photograph. Houston Audubon and the judge panel reserve the right to ultimately decide whether or not a particular photograph was captured unethically.

If food-baiting or special equipment such as camera traps (e.g. trail cameras) were used to capture the photograph, this must be disclosed in the submission form under 'Special Equipment Disclosure'. Live animal baiting of wildlife is not permitted. Drone photography and/or videography is not permitted. Entrants can read a thorough treatment of ethical wildlife photography best practices at the National Audubon Society website [HERE](#).

If requested, participants must disclose the circumstances under which an image was captured as well as any instructions given to a subject.

### **BASIC RULES and CONTEST INFORMATION**

Houston Audubon's (HA) *Flock Together Photo Contest* open submission period **begins August 1, 2023, and ends August 31st 2023, at 11:59 PM Central Daylight Time**. Category winners will be announced as part of HA's [Bird Week](#) on **September 30th, 2023**. By submitting an entry, each participant agrees to the rules of the contest and states that they are 18 years old **or** older or has a legal guardian's consent to enter the contest.

Each participant may enter into the contest no more than two (2) photographs total and no more than one (1) photograph per category. Entering the same photograph, regardless of edits, into more than one category is prohibited.

All entries are eligible for the People's Choice Award (PCA) and will automatically be entered upon submission. The PCA winner will be announced on **September 29, 2023**.

All photographs must be taken within the state of Texas and must be submitted without a watermark.

As this is a yearly contest, Houston Audubon will only accept photographs taken since the end of the prior year's contest. For 2023, the photo must have been taken between **August 27, 2022 and August 31, 2023**. Contest judges reserve the right to require participants to provide proof of photo location and date if requested. If the participant does not or cannot provide the information, the photo in question will be disqualified.

### **CATEGORIES**

Judging will be based on content, Relevance to Theme, Creativity (think artistic), Uniqueness/Impact/Originality (think rare shot), Composition, Lighting, Color, and Technical Quality.

All entries are eligible for the People's Choice Award. HA seeks photos that best illustrate the following categories.

- **Houston Audubon Sanctuary Spotlight:** You might already know that Houston Audubon proudly manages 17 sanctuaries in the region, all of which support a diversity of bird species in a variety of habitats. We invite you to bring your camera to one of our public sanctuaries and then submit to our judges your favorite shot! Any bird photographed in one of our sanctuaries is eligible for this category. Click [here](#) for a list of our sanctuaries.
- **Raptors:** If you have ever visited the Houston Audubon Raptor Center, then you know that raptors are an important part of our mission. We ask participants to send in their best photographs of raptors: raptors soaring, raptors feeding, raptors hunting or perched, raptors migrating. Any photograph of a raptor capture in Texas is eligible.
- **Not Just A...:** If someone's ever told you, "Oh, that's just a blue jay" or "That's just a cardinal" or "That's just a grackle; they're everywhere," Houston Audubon is challenging the community to make the common beautiful — and asking participants to find the beauty in every bird, especially those often taken for granted. The following birds are eligible in this category: grackles, blue jays, mockingbirds, doves, robins, cardinals, house finches, Carolina chickadees, Carolina wrens, and ruby-throated hummingbirds. One or more of the above species must be prominently featured in the photo.
- **Small-In-Frame:** This category challenges participants to capture the diverse landscapes and vital habitats upon which birds rely to survive, as part of Houston Audubon's [Bird-Friendly Communities](#) initiative. Creativity and storytelling are emphasized by showcasing the bird(s) in their larger environment. *Bird(s) must only occupy approximately 10% or less of the frame. \*\* Percentage will be at discretion of the judges in the spirit of the category. \*\**
- **Birds of All Feathers:** This category is for those who don't need a label! All wild and free birds found in Texas are welcome (refer to BASIC RULES above).
- **People's Choice Award (PCA):** In place of a panel of judges, The People's Choice Award is a separate award for submissions in any category that is selected by popular vote online. The window for voting on the PCA will take place during Bird Week from **September 23-28, 2023**. The link to vote can be found on Houston Audubon's website.

## PARTICIPANT ELIGIBILITY

Participants 18 years or older at the time of the contest OR participants below 18 years of age with consent of a legal guardian at the time of the contest are eligible. Winners under the age of 18 must have a signed consent form by a legal parent or guardian before they are eligible to have their photographs published by HA. The Photo Contest is open to all participants with the exception of HA employees and current Young Professional Advisory Council members. HA will determine winners' eligibility in its sole discretion.

## PHOTOGRAPH ELIGIBILITY

All photographs must be taken within the state of Texas. Judges reserve the right to require participants to provide proof of photo location if requested. The Photo Contest will only accept photographs taken since the end of the 2022 HA Photo Contest (from August 27, 2022 to August 31, 2023). The participant certifies that they are the sole creator and copyright owner of the submitted photograph.

All photographs should accurately reflect the subject matter and the scene as it appeared. Cropped photos are eligible in all categories. We do not accept digitally or otherwise enhanced or altered photos; image composites including HDR and stitched panoramas will be disqualified. Minor adjustments, including the removal of sensor dust or scratches on scans of negatives, dodging and burning, sharpening, contrast, toning, slight color adjustment and conversion to grayscale are acceptable for all categories. The addition and subtraction of objects is not permitted. Remember, this is not a photo editing contest! If the judges determine that a photographer has altered their photo beyond the above specified parameters, they reserve the right to disqualify it.

For a photo in which a person is recognizable, the participant must be prepared to provide a model release from the subject or, in the case of a minor, the subject's parent or guardian, to HA upon request. A model release is available [here](#).

Similarly, entrants whose photos depict other people's work (such as sculptures, statues, paintings, and other copyrightable works) must be prepared to provide a release from the rights holder to HA upon request. When photographing the work of others, it must be as an object in its environment and not a full-frame close-up of another person's creation. An art release will be provided upon request.

## **RIGHTS TO PHOTOS**

The Photographer will retain all rights to any photograph they submit -- including ownership if applicable. By entering the 2023 Photo Contest, you grant HA a nonexclusive right and royalty free license, in perpetuity, to:

- Publish the images for HA purposes in any format, including on the HA website, social media accounts, and in HA publications or presentations, such as newsletters, brochures, magazine issues, fundraising appeals, public service announcements, grant proposals, reports, awards, thank-you cards, displays, mailings, and invitations.
- Use, in connection with the Photo Contest, your name, city, state, and country of residence, and artist statement in promotions and other publications.
- Keep the files provided and archive the images on disk or in other electronic forms, so that your photo(s) can be used to support the HA mission and be properly credited.

As conditions of this permission, HA shall credit all photographs with the caption “© [Person's Name]” and/or social media handles when available.

Images remain the property of the Photographer. However, HA reserves and retains the rights to use all the images submitted as part of any HA photography contest, winning or not, indefinitely for all HA purposes, including, but not limited to, production of brochures, advertising promotions, education, exhibits, commercials, social media, and any other use as it pertains to the mission and promotion of HA and its programs existing today or established in the future.

HA reserves and retains the right to market and sell both prints and images on merchandise of any and all images, winning or not, submitted as part of any HA photography contest. HA has sole discretion to set the price of the prints it sells. This is not an exclusive right and Photographers may also sell their own prints. HA will not be required to pay any additional consideration or seek any additional approval in connection with such uses.

## Judging and Winning Photographs

- FIVE MAIN CATEGORY ENTRIES

Eligible images will be judged by an independent panel of judges. Judges will be instructed to select the best photos based on photographic merit. Photo entries will be judged based on Relevance to Theme, Creativity (think artistic), Uniqueness/Impact/Originality (think rare shot), Composition, Lighting, Color, and Technical Quality. Difficulty in obtaining the photo and the rarity of the subject will only be considered to break a tie. Decisions of the judges are final.

The five category winners will be notified via the contact information provided at the time of entry. After the category winners have been notified, they will be announced during Bird Week 2023. Please note, HA will attempt to reach the winners before announcing, however, HA retains the right to announce the winners whether the winners respond or not.

- PEOPLE'S CHOICE AWARD ENTRIES

Eligible entries will be judged by the public via a link on Houston Audubon's website. The window for voting on the PCA will take place during Bird Week from **September 23-28, 2023**.

The PCA winner will be announced on **September 29, 2023**. Please note, HA will attempt to reach the winner before announcing, but due to the expedited timeline, HA retains the right to announce the winner whether the winner responds or not.

HA may require a higher quality resolution of the winning photograph. If a suitable resolution for print is not available, an alternate winner may be selected.

**Please do not contact HA staff or volunteers about the status of entries or judging.**

## Conditions of Entry

All Participants hold the Sponsors and their respective regents, directors, officers, employees, emeriti, fellows, interns, research associates, and volunteers (the "Indemnified Parties") harmless from and against all claims of any nature arising in connection with entrants' participation in the contest and acceptance or use of a prize. The Indemnified Parties are not liable for any costs, damages, injuries, or other claims incurred as a result of entrants' participation in the contest or winners' acceptance and usage of a prize. The Indemnified Parties are not responsible for incomplete or misdirected entries, technical or network malfunctions or failures, or causes beyond their control. Entrants are solely responsible for their entries. Entrants may not submit materials that introduce any software viruses, worms or other programs designed to damage software, hardware or telecommunications equipment or are off-topic, partisan-political, contain advertising, nudity, personal attacks or expletives, or is otherwise abusive, threatening, unlawful, harassing, discriminatory, libelous, obscene, false, sexually explicit, or that infringes on the rights of any third party.

The contest is void where prohibited or restricted by law. HA reserves the right to cancel the contest or modify these rules at its discretion. In the event of a dispute regarding the winners, HA reserves the right to award or not award the

prizes in its sole discretion. HA reserves the right to disqualify any entrant whose entry or conduct appears in any way to: inhibit the enjoyment of others; tamper with the competition; violate these rules or other applicable law or regulation; infringe on the rights of third parties; or act in an unsportsmanlike or disruptive manner. Decisions of HA are final and binding.

### **Other Terms and Conditions**

HA reserves the right to adjust the contest start and deadline if necessary.

By participating in this contest, you agree to these terms and conditions.

In the event that any Contestant does not, or is unable to, comply with and meet these Terms and Conditions and the Contest Information, We shall be entitled at its sole discretion to disqualify such Contestant, without any further liability to such Contestant. In these circumstances, any prize won by the Contestant may be forfeited. All Contestants must comply with any directions given by any Contest Party including but not limited to any and all relevant laws, rules and regulations, and where applicable.

The invalidity or unenforceability of any provision of these Terms and Conditions shall not affect the validity or enforceability of any other provision. In the event that any provision is determined to be invalid or otherwise unenforceable or illegal, these Terms and Conditions shall otherwise remain in effect and shall be construed in accordance with their terms as if the invalid or illegal provision were not contained herein.