

Rules for the Bernard-Massard competition – Golden Talents



Clause I: organisation

The public limited liability company CAVES BERNARD-MASSARD, recorded on Luxembourg Business Register under number B 4057, registered for VAT under number LU 10407130, represented by its Board of Directors, and based at its registered office at 8, rue du Pont, L-6773 Grevenmacher, in partnership with its exclusive distributor for Belgium, VA.S.Co, with its registered office at Industrielaan 16-20, B-1740 Ternat, hereinafter the “organiser”, is organising a competition that is free of charge, with no purchase necessary.

To that end, Caves Bernard-Massard is inviting amateur and professional artists of all kinds (painters, illustrators, photographers, sculptors, graphic designers, etc.) to submit their piece(s) of work via the site <http://goldentalents.lu>, to try to have their creations published on bottles of Bernard-Massard’s Cuvée Signature Edition, to go on sale in time for late 2018.

Registration for the competition will be open from 05 April 2018 to 18 May 2018, 23:59.

Three artists will be selected: two will be chosen by a panel of judges, and a third one will be chosen by the panel of judges and the public, who will be able to vote by means of “likes” for their favourite piece of work, which will be counted by 60 %.

The three selected pieces of work will then be displayed on bottle’s sleeves of Bernard-Massard’s Cuvée Signature Edition which will go on sale in late 2018, and in the context of a promotional campaign of unlimited duration (advertisements, posters, social media, TV spot, cinema spot, etc.).

Clause II: conditions of entry

Entry to this competition is free of charge, with no purchase necessary, and is open to any natural person of legal age, with the exception of permanent or temporary members of staff and representatives of the companies Bernard-Massard, VA.S.Co, agence binsfeld and Gracious, as well as their family members.

Any artist, amateur or professional, has the chance to design one or more original pieces of work of his or her choice. The piece(s) of work submitted must not include the trademarks of third parties or references to the trademarks of third parties. They must be original works

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of the entrant and must not infringe the rights of third parties, nor must they include inappropriate or prohibited content.

Any entry on behalf of another person and/or any entry that is incomplete and/or submitted after the limit date (see clause I) will be considered null and void. The organiser of the competition may demand proof of identity and/or proof of address.

Clause III: competition process

To enter the competition, artists (amateur and professional) are invited to visit the website <http://goldentalents.lu>, to fill in a form and to send their piece(s) of work in digital format, in accordance with the template and technical requirements laid down on the website. In the case where the technical requirements or template are not respected, the organiser reserves the right to withdraw an entry.

The following information is requested on the form:

- First name (*)
- Surname (*)
- e-mail address (*)
- Address (*)
- Date of birth (*)
- Postcode (*)
- City (*)
- Country of residence (*)
- "I accept the rules." (*)

The fields of the form marked with an asterisk are compulsory.

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When the entire form has been filled in correctly and the piece of work has been approved by the organiser, an e-mail will be sent to the entrant at the address given. That e-mail will confirm the entry of the artist to the Bernard-Massard competition.

Clause IV: intellectual property

By submitting one or more pieces of work, several thousand copies of which will be produced, distributed on the Luxembourg market and exported and published on the website <http://goldentalents.lu> and on social media, the entrant declares that, to the best of his or her knowledge, the piece or pieces of work are neither copied nor adapted from existing work, whatever their format.

In particular, entrants declare that their piece(s) of work do(es) not infringe the rights of any third party, meaning that it/they include(s) no element that:

- Violates any intellectual property right (including, but not limited to, trademarks, industrial designs, industrial property rights, artistic or literary rights, or the rights of an artist or performer) or any other property right;
- Violates any personal right (including, but not limited to, the right to a name, the right to an image and the right to a private life);
- Constitutes unfair or unlawful competition.

The organiser reserves the right to reject or delete any piece of work that falls into any of the above categories. If, despite the guarantee set out above, publication of the piece of work on the website <http://goldentalents.lu>, brought to light the violation or misuse of any right, the injured party would be entitled to inform the organiser of that violation or misuse, and to ask for the content to be deleted.

Entrants guarantee that they own and control all rights that could be linked to the piece or pieces of work, with the result that the organiser is obtaining the entirety of the rights to use and enjoy it or them.

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In particular, entrants declare that the rights over the piece or pieces of work have not been the object of any assignment, in whole or in part, or of any granting of permission, that they are unencumbered by any preference or easement, and that they are not currently the object of any legal action or threat of legal action.

Consequently, entrants shall compensate the organiser in the event of a suit, claim or other proceedings entered into against the organiser by any natural or legal person as a result of or in any way related to the use by the organiser of pieces of work created and submitted by the entrants. This guarantee applies to all damages, interest, expenses, settlement costs or fees that may be paid or borne by the organiser.

Authorisation to use pieces of work

By submitting their entry to the organiser, so that it can be published on the website <http://goldentalents.lu>, entrants expressly authorise the organiser to reproduce and display publicly their work on its website, on social media, and as part of a promotional campaign of unlimited duration (advertisements, posters, social media, TV spot, cinema spot, etc.).

Furthermore, entrants authorise the organiser to reproduce several thousand copies of their piece of work (displayed on sleeves of Cuvée Signature Edition as well as on caps of Bernard-Massard Cuvées) and to distribute them in Luxembourg and on the export market.

They also authorise the organiser to use their piece of work to publicise the competition, including, but not limited to, by means of communication through the press and other media, regardless of format, throughout the duration of the competition and for an unlimited period, without indemnification of any kind for the entrant.

Clause V: prize fund

This competition has provision for a prize for each winner.

Each of the three winners will see several thousand copies of their work published when the sleeved limited editions of the Cuvée Signature Edition go on sale and will win a prize named “golden cheque”. The value of the cheque will correspond to royalties of €1.00 per bottle

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sold that is equipped with the artist's piece of work. The maximal amount of the remuneration is limited to €2,500.00 per artist.

Clause VI: selection of winners

The panel of judges will consider all complete and correct registrations by persons of legal age.

Three pieces of work will be selected by a panel of judges, the third one will be chosen by the public, who will be able to vote by means of "likes" on the website <http://goldentalents.lu>, which will be counted by 60 %. The remaining 40 % of the votes will be granted by the panel of judges.

The voting is based on the Facebook system of "likes", with each bottle having its own Facebook ID. The displaying of "votes counted" visible on the website under each piece of work will be considered as a proof to avoid cheating. There will be no prize for voting.

The organiser reserves the right, at any time, to disqualify any entrant suspected of cheating or paying a third party in consideration for additional "likes".

When selecting winners, Bernard-Massard reserves the right to inspection in relation to the pieces of work that win the competition. In the event of disagreement between the judges and Bernard-Massard or between the choice of the public and Bernard-Massard, the decision of Bernard-Massard is final.

The winners will be personally informed of their victory via e-mail at the address given by the entrant on the registration form.

In the event that a winner does not respond within seven days of being informed of his or her victory, it will be awarded to another artist, who is chosen by the panel of judges or who received the second-highest number of "likes" at <http://goldentalents.lu>, the decision of Bernard-Massard is final.

The royalties will be transferred to each winner's respective bank account.

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Clause VII: organisers' exclusion from liability

If, following a case of force majeure, on technical grounds or for any other purely accidental reason, the competition has to be cancelled, postponed or interrupted, the organiser, in the capacity of organising company, shall not be held in any way liable.

The organiser may not be held liable if the e-mail address for the entrant entered on the registration form is not valid or does not work, or if the inbox is full and prevents e-mails from being received.

The organiser hereby reminds entrants of the characteristics and limitations of the Internet and accepts no liability for the consequences of entrants connecting to the Internet through the page <http://goldentalents.lu>.

Furthermore, the organiser cannot, under any circumstances, be held liable in the event of problems with the delivery and/or loss of e-mails. More specifically, the organiser cannot be held liable for any damage, material or immaterial, caused to entrants, to their computer equipment or to the data stored therein, or for any potential resulting consequences for their personal, professional or commercial activities.

Nor can the organiser be held liable if one or more participants cannot connect to the site of the operation or enter the competition through it because of any technical error or any problem linked anything, including, but not limited to: (1) a network overload; (2) human or electronic error; (3) any malicious action; (4) the telephone connection; (5) hard-or software; (6) any hard-or software error; (7) a case of force majeure; (8) disruptions that could affect the smooth running of the competition.

The organiser reserves the right to suspend, amend, extend, shorten, cancel or interrupt the competition at any time and without notice.

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Clause VIII: acceptance

Entry to the competition requires acceptance of the general terms and conditions and answering of the questions asked on the form.

Entrants unconditionally accept all the decisions taken by the organiser in relation to the competition. The decision of the organiser in relation to identification of the winner is irrevocable and final. The organiser has the right to check, at any time, that these rules have been properly applied.

Merely by entering, entrants permit, without entitlement to compensation, the use of their (sur)name and work for the advertising and press releases and/or e-mailshots in relation to the competition, which may be published.

Clause IX: personal data

The e-mail address of the winner is collected for the purposes of monitoring. The e-mail addresses of all entrants will be deleted no later than one month after the expiration of the competition. Pursuant to the law of 2 August 2002 on the protection of persons in relation to the processing of personal data, all entrants have the right to access and amend such data about them and can oppose their processing with computers by writing to the following competition address: Bernard-Massard, 8, rue du Pont, L-6773 Grevenmacher.

Clause X: sundry

These rules are governed by Luxembourg law. All the provisions hereof have the force of law between the parties. No dispute shall be admissible from fifteen days after the competition closes.

Questions or appeals in respect of these rules or this competition can be sent via e-mail to concours@bernard-massard.lu. No communication will be entered into in relation to this competition.

The rules can be obtained from the organiser, free of charge, on written request.

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The rules have been filed with the firm of officers of the court Tapella & Nilles, of 14-16, rue du Canal, L-4050 Esch-sur-Alzette, and can be viewed at the following website: www.tapella-nilles.lu.