

## **Annex No. 1 to the Rules and Regulations of the "Celebrating 15 years of eSky" Contest**

Due to the huge interest in the Contest, which made it necessary to introduce significant organizational changes by the Organizer, pursuant to section 9 para. 4 of the Rules and Regulations of the "Celebrating 15 years of eSky" Contest, the following amendments have been made:

### **Section 1**

1. Section 1 para. 4 shall be replaced with the following:

"4. The contest will consist of two stages, with the first one starting on 8 July 2019, and will last until 20 September 2019, 3:00 pm (hereinafter "the first stage"), while the second stage will be held from 21 September to 26 September 2019 until 11:59 pm (hereinafter the "second stage"). This period is hereinafter referred to as the "Contest Duration".

2. Section 3 para. 3 shall be replaced with the following:

"3. The closing date for submitting entries is September 17, 2019, 3:00 pm."

### **Section 2**

Other provisions of the Rules and Regulations remain unchanged.

### **Section 3**

The annex shall enter into force on September 15, 2019.

## 'Celebrating 15 years of eSky' - contest regulations

### § 1 General conditions

1. The organiser of the Contest is eSky.pl S.A., with headquarters in Radom, 26-600, at Plac Jagielloński 8, address for correspondence: ul. Murckowska 14a 40-265 Katowice, entered into the register of entrepreneurs of the National Court Register maintained by the District Court for the Capital City of Warsaw, 14th Commercial Department, under number 0000383663, using Taxpayer Identification Number (NIP): 948-19-87-199, with share capital in the amount of PLN 990,471.00 (hereinafter referred to as the 'Organiser').
2. The Regulations set out the rules for participation in the Contest and the provisions of its course, as well as the supervision of conduct and complaint proceedings (hereinafter referred to as the 'Regulations').
3. The 'Celebrating 15 years of eSky' contest is conducted in order to promote and advertise the 'eSky' brand on the terms set out in these Regulations through the esky15.eu website (hereinafter the 'Contest'), at: esky15.eu (hereinafter 'the contest website')
4. The contest shall take place in two stages, the first of which shall start on July 8th, 2019 and shall run until September 15th, 2019, until 23:59 (the 'stage I'), and the second from September 16th to September 22nd 2019 to 23:59 (hereinafter 'stage II'). The period shall hereinafter be referred to as the 'Contest period'.
5. The Jury composed of representatives of the Organiser shall closely monitor the proper course of the Contest. The Jury will also decide on the final result of the contest and the awarding of prizes based on the evaluation of the most interesting responses to the contest question from among Participants meeting all formal conditions.
6. The Contest shall be conducted on the territory of the Republic of Poland and on the territory of countries where eSky conducts business.
7. Participation in the Contest is free and voluntary.
8. These Regulations shall be available on the contest website and at the Organiser's office.

### § 2 Conditions for participating in the Contest

1. The contest is open to natural persons (called 'Participants') who:
  - a. are over 18 years old,
  - b. perform the contest task set out below,
  - c. become acquainted with and accept the rules of the Contest and the content of the Regulations which may be accessed by clicking on the link in the posts informing about the Contest that directly transfers to the content of the Regulations,

2. The action of each Participant which has been implemented in accordance with the assumptions of the Contest under §3 of the Regulations shall be hereinafter referred to jointly as the 'Submission'.
3. The Organiser reserves the right to verify the accuracy of the profile data of each Participant making the Submission in order to award the prizes provided for in the Regulations.
4. The Organiser reserves the right to claim for any damage suffered by the Organiser in connection with the breach by the Participant of the conditions set out in the Regulations.
5. The employees of the Organiser and persons cooperating with the Organiser on any other legal basis than the employment relationship may not participate in the Contest.
6. It is prohibited for the Participants to provide unlawful content that violates good customs, in particular content that is pornographic, racist, defamatory, incites violence, infringes copyright or other intellectual property rights of third parties.

### **§ 3 Contest rules and course**

1. With the start of stage I of the Contest, the Organiser will publish an entry on the contest website of eSky Poland informing about the possibility of participating in the Contest.
2. The Participant has the opportunity to participate in stage I of the Contest by submitting a photo from a journey of the Participant on the terms set out below:
  - a. the contest submission must contain each Participant's own photos
  - b. the longer side of the photo must be at least 1200 px
  - c. the photo can have a maximum size of 15 MB
  - d. it must be sent in bmp, jpg, png graphic file format
  - e. it must be taken by the applicant
  - f. it may not contain images of third parties, unless they are part of the background and will not be recognisable
  - g. it may not contain an advertising message
  - h. it may not be a photomontage or composition created from the combination of different files
  - i. it may not be the effect of a change to the original composition of the picture
  - j. he or she could not have previously participated in contests conducted by eSky or others regarding the topic of travel
  - k. it may not infringe the personal rights of third parties.
3. Contest submissions can be sent by September 15th, 2019 until: 23:59.
4. Each Participant may make only one Submission.
5. If it is suspected that a given submission has been copied from another Participant, it will not be taken into consideration by the Organiser.
6. If the response made by the Participant violates the rights of third parties, including copyrights, trademark rights, in particular if it constitutes a compilation within the meaning of the Act on Copyright and Related Rights, is inappropriate, offensive, vulgar or otherwise violates good customs, displays content universally recognised as reprehensible, unacceptable or otherwise not meeting the Organiser's expectations, or failing to meet the requirements of the Contest and the terms and conditions of facebook.com, the submission will not be accepted in the Contest.
7. The Organiser reserves the right to verify (delete) the submissions of those Participants of the Contest who have violated these Regulations, also the regulations of the platform on

which the contest application was installed, in particular regulations protecting the privacy of platform users.

8. The Organiser has the right to remove from the Contest those Submissions of Participants obtained through fraud, as well as to remove Participants who have committed frauds against the Organiser and other Contest Participants.

9. Throughout stage I of the Contest, the persons visiting the contest website will have the opportunity to vote for the selected Submission available on the contest website by selecting the 'vote' button, providing the email address in the designated place and sending the appropriate comment under the selected photo (hereinafter 'Voting').

10. Each person participating in the Voting may execute the activities specified above once in one day from one e-mail address.

11. Once at the end of each week (Friday) during stage I of the Contest, the Jury will select one person from among those participating in the Voting on the terms set out below who will receive an award from the Organiser in the form of a 'scratchcard map'.

12. There will be 50 Participants qualified to stage II of the Contest, who have received the largest number of votes in the Voting on the principles set out above.

13. As part of stage II of the Contest, the Jury (selected by the Organiser) will choose 3 of the best works that will be awarded on the principles set out in para. 4 below from among 50 works of the Participants selected on the basis of the Voting.

14. The Commission makes a subjective selection of winners by assessing the Participants' applications in terms of aesthetic value, relevance, creativity, the extent to which they are interesting and unique. The choice made by the Jury is final.

15. The Jury will prepare a report with the results of the Contest. The report will be recorded and archived at the Organiser's office.

#### **§ 4 Prizes**

1. The prizes in the Contest shall be

- main prize in the form of a voucher worth PLN 15,000 for eSky services
- consolation prizes in the form of 2 x GOPRO HERO7 White CHDHB-601-RW camera

2. The condition for using the voucher constituting the main prize in the Contest is telephone contact with eSky.pl at the number indicated on the eSky website at the address [https://www.esky.eu/about-us/contact?base\\_name=dbr\\_redirect\\_to\\_new\\_contact](https://www.esky.eu/about-us/contact?base_name=dbr_redirect_to_new_contact) providing the consultant with the voucher number, which will entitle to the purchase of services via eSky.

3. The voucher is valid till December 31, 2020

4. The Participants are not entitled to exchange prizes for another type of prize or cash.

5. If the Contest Winner is a representative of a country other than the seat of eSky.pl S.A., the value of the main prize shall be converted into the respective currency for the Prizewinner in accordance with the terms of currency conversion for transactions accepted at eSky and the relevant legal provisions for the Organiser.

6. Participants are not entitled to transfer the right to receive prizes to third parties.

7. Participants have the right to submit a declaration of refusal to accept the prize.

8. In the event of the winner's resignation from the prize, the Organiser reserves the right to transfer the prize to another Participant of the Contest indicated by the Jury.

## **§ 5 Handover of prizes**

1. The winner will be notified of the prize by e-mail after stage II of the Contest has finished within 7 working days from the date of the end of the Contest.
2. After receiving notification of the prize in the Contest, the winners should send a confirmation reply within 5 working days of receiving the notification to the email address provided in the email - their data required to hand over the prize, i.e.: name, postal address, contact number, to which the prize shall be sent. The voucher may also be sent in electronic form to the address indicated by the prizewinner.
3. Non-cash prizes will be sent to the prizewinners who have provided the data described in §5 point 2 within 14 working days from the date of receipt by the Organiser of the data needed to transfer the prize via courier, in person, with confirmation of the recipient's identity.
4. In the event that the winner of the prize is any person who does not meet the conditions specified in these Regulations, such a person loses the right to the prize. If this fact is disclosed after delivery of the prize, the person shall be obliged to return it. The Organiser shall be entitled to award such a prize to the Participant next in the ranking in the Contest.
5. The Organiser is not responsible for the Participant's provision of incorrect or false data regarding the address of residence or other data preventing or delaying the awarding of the prize by the Organiser in connection with the Contest.
6. In certain cases where a tax obligation arises for obtaining the prize, an additional cash prize shall be allocated in the amount corresponding to the tax amount which the Organiser is obliged to settle due to the issue of prizes related to the Contest, intended to cover the flat-rate income tax from natural persons from the prizes transferred in the Contest, which is not payable to the Prizewinner.
7. The flat-rate personal income tax from the Prizes won in the Contest shall be collected by the Organiser and paid to the account of the competent tax authority in accordance with the relevant legal provisions.

## **§ 6 Complaint proceedings**

1. Complaints regarding the prizes in the Contest must be submitted in written or electronic form. Complaints may be submitted at eSky.pl S.A., ul. Murckowska 14a 40-265 Katowice.
2. The complaint should contain the name, surname, exact address of the person submitting the complaint, as well as the reason for the complaint and the request of the complainant.
3. The Organiser undertakes to consider the complaint and notify the Participant about the method of settlement within 14 days of its receipt by registered mail or e-mail sent to the return address provided by the Participant.

## **§ 7 Copyright**

1. By submitting an answer to the Contest question, the Participant grants a non-exclusive, unpaid license for an indefinite period without any territorial restrictions on the use of submitted Contest works in the fields of use in the scope of public display, reproduction, broadcasting and rebroadcasting, as well as public sharing on the Internet in such a way that everyone can have access to the responses in a place and time chosen by them, as well as in the scope of saving, recording in computer memory and recording on portable

storage media.

2. At the same time, the Participant making the Contest submission containing his or her image, while taking part in the Contest, agrees to the free use, utilisation and distribution of their image, recorded by any technique on any media by the Organiser for the purposes of the Contest (including the publication of winning works on the Onet Travel website). The image may be used for various forms of electronic processing, framing and composition, as well as juxtaposed with images of other people, can be supplemented with accompanying commentary, while film recordings with his or her participation may be cut, edited, modified, added to other materials created for the needs of the Contest and for information purposes.

3. The consent referred to in para. 2 is free of charge, is not limited in quantity, temporarily or territorially, as well as includes all forms of publication, in particular dissemination on the Internet and inclusion in promotional and informational materials.

4. The Organiser may use the works and comments for promotional, marketing and advertising activities concerning eSky.pl awarded in the Contest.

5. The Organiser is entitled to change and modify the Submissions and to use them in whole or in part, also in other works or in combination with other works, as well as paired or in connection with the eSky.pl logo.

6. The Participant declares that he or she is the only author and has the appropriate rights (including in the scope of copyrights) authorising the Participant to use the works in the Contest in accordance with the rules.

7. By providing answers in the Contest, the Participant declares that the response does not violate the law, rights of third parties, including proprietary copyrights and personal rights.

8. The Participant shall release the Organiser from claims resulting from the fact that while providing an answer in the Contest he or she did not have sufficient rights to submission in accordance with the rules set out in the Regulations or sufficient entitlements allowing his or her use in accordance with the rules set out in the Regulations. Transfer of copyrights to the Submission of each winner made by the Participant under the Contest will take place on the basis of a separate statement sent by the Organiser after the end of the Contest.

## **§ 8 Personal data**

1. The administrator of personal data provided by the Contest Participants shall be the Organiser. Providing personal data is voluntary, but necessary for the Participant to enter the Contest.

2. The data administrator has appointed the Data Protection Supervisor (hereinafter: 'Supervisor'). The Participant may contact the Supervisor in all matters related to the processing of personal data, also in case of doubts as to his or her rights. The Supervisor shall be obliged to maintain secrecy or confidentiality regarding the performance of its tasks - in accordance with EU or national law - Data Protection Supervisor: Grzegorz Gawin, e-mail: [iod@esky.com](mailto:iod@esky.com).

3. The personal data of Participants such as: name, surname, email address will be processed in connection with the organisation and conduct of the Contest. The data of persons participating in the Contest, such as name and surname, may be published on social media or in the case of sharing works - on the Organiser's website (the Participant has the right to mark his or her work with a pseudonym). The winning or highlighted works may be additionally published free of charge on the Organiser's Partner's website - Onet Podróże - the Participant has the right to mark his or her work with a pseudonym. The data of the prizewinners will be published in a post on social media, on the Organiser's

contest website, on the Partner's website and through a direct message.

4. In the event of receiving the prize, the User will be additionally asked to provide his or her address data in order to send the prize, and his or her data will be made available to the company providing the prize. In the event that winning the prize involves the obligation to pay tax, the winners will be asked to provide additional data necessary for tax settlements.

5. The data of the contest Participants will be processed throughout its duration and until the prizes are shipped. In the case of data processed in order to fulfil public law obligations (e.g. tax obligations), the data will be processed until the expiry of public law liabilities.

6. The data shall not be disclosed to anyone, unless it is necessary to conclude or enforce the provisions of these Regulations or if it results from the law. The data of Participants may be entrusted to, for example, IT and accounting service providers and made available to the entity providing prize shipment services. The Participant has the right to access data, including to obtain the copies of data, the right to data transfer, the right to rectify and delete data (unless it is related to processing for tax reporting purposes), restriction of processing and the right to object (when processing takes place pursuant to Article 6 sec. 1 (f) GDPR), or to withdraw consent to the processing of personal data processed on the basis of consent. The Participant has the right to lodge a complaint to the supervisory body (the President of Personal Data Protection Office). For more information on the rights of persons whose data is processed, see [www.uodo.gov.pl](http://www.uodo.gov.pl) and the Privacy Policy at <https://www.esky.pl/polityka-prywatnosci>

## **§ 9 Final provisions**

1. The Regulations shall enter into force on the day of the start of the Contest.

2. The Participants are not entitled to remuneration for participating in the Contest.

3. Each of the Participants joining the Contest must accept the terms of these Regulations. Matters not regulated by these Regulations shall be governed by the law applicable to the Organiser, in particular the provisions of the Civil Code and the Act of 26 July 1991 on Personal Income Tax (OJ of 2000, No. 14, item 176, as amended) and other generally applicable provisions of law.

4. These Regulations may be changed during the Contest for important organisational and legal reasons - however, the changes will not affect the already acquired rights of the Contest Participants.