

# GTC General terms and conditions (GTC) for the Night of the Prog - Festival

## 1. Organizer

WiV Entertainment GmbH, Weiherweg 5, D-89299 Unterroth, Tel: +49 (0) 7343 – 92 999 0; e-Mail: info@wiventertainment.de. Managing Director: Winfried Völklein

Commercial register: Memmingen / HRB 11122

## 2. Scope of terms

The event „Night of the Prog Festival“ takes place at the Loreley open air theatre and on the designated festival area in the district of Bad Ems, Rheinland-Pfalz.

The “festival area” includes all camping areas, event sites, parking lots and the whole area of the Loreley open air theatre. These terms and conditions apply to the entire festival grounds.

These terms and conditions apply between the buyer of a ticket (“visitor”) and the organizer, WiV Entertainment GmbH (“promotor”). By buying a ticket the “visitor” enters into a contract with the organizer and acquires a right to visit the event.

Every visitor acknowledges the rights and obligations in these terms and conditions as well as the parking and camping rules.

## 3. Secondary purchase, contractual penalty

The organizer agrees to the transference of rights of access to a third party unless in principle unless

- there is a ban against the third party to stay away from the festival grounds - the rights will be transferred at a price higher than the nominal price of the

ticket

- it is a trade or a commercial resale

- the sale is handled by unauthorized third parties, in particular web service

providers, executed or processed by an unauthorized third party, especially on unauthorized marketplaces and ticket resellers in the web the sale is handled by unauthorized third parties, in particular gives Internet service

- tickets will be used for purposes of advertising, in the context of unauthorized travel packages, bonus additions or as part of competitions.

Every visitor who passes on tickets in breach of above conditions has to pay an appropriate contractual penalty of 1.000 Euro to the organizer for each offered ticket respectively for each right of access. In case of violation of the laid down regulations the organizer is entitled to withdraw the right of access or the ticket.

#### **4. Campground**

Holders of a camping ticket are entitled to enter the designated camping area for tents and RVs and to build their tent within the period and times mentioned on our Festivalwebsite ([www.nightoftheprogfestival.com](http://www.nightoftheprogfestival.com)). Wild camping is strictly prohibited.

As usual cars and tents are not placed on the same meadow. Parking is however directly opposite the camping area to guarantee no long walking distances.

#### **5. Caravans/RVs**

There is a special area for caravans/mobile homes – there is no power supply within this area. The German road traffic regulations are in force within the entire festival area.

#### **6. Food and beverages on the campground**

Visitors may take food and beverages to the camping area as self catering. It is not allowed to bring in glassware!

Gas cookers/camping stoves should be checked before leaving home. Be absolutely careful when using this equipment. Defective equipment does not only endanger yourself but also other festival visitors. Gas cooker/camping oven may only be operated out-of-doors and under no circumstances in a tent!

Naked flames/open fires are prohibited on the entire camping and festival area!

#### **7. Admission and admission control**

It is only allowed to enter the festival area with a valid ticket or an undamaged festival strap (also called “wristband”). At the first intake the ticket has to be presented.

On the festival site the ticket will be exchanged for the festival strap (“wristband”).

Visitors who leave the festival site will only be granted renewed admission with a sealed, intact “wristband” around the wrist. Unsealed or damaged “wristbands” are no longer valid.

A security check can be executed by the security staff when entering the festival grounds. The security staff is instructed to take pre-body search and pocket/bag checks especially when entering the infield and the stage area. All visitors comply with this procedure.

The organizer reserves his rights to refuse admission to the festival site in case of a significant cause. Good cause is especially but not limited e.g. the entrainment of prohibited items as laid down in cipher 6 or an obviously intoxicated state of the visitor. A significant reason is also a visitor influenced on drugs or a visitor with obviously homophobic, sexist, racist or inhuman attitude.

Admission is also refused in case of violation the protection of minors.

In case of an existing aforementioned reason to refuse the admission to the festival grounds the ticket or the festival strap (“wristband”) cease to be valid. The entrance fee will not be refunded.

#### **8. Prohibited items**

Following items are prohibited on the festival site and are considered as illegal:

- all kinds of glass bottles, animals/pets, any kind of weapon (even in a technical sense), flares, pyrotechnic items, sparklers, sky lanterns, vuvuzelas, megaphones, all kinds of political or religious objects (e.g. metal bible, banners, tags, signs, symbols or leaflets),

- t-shirts with imprints of fascist bands - and dangerous objects of any kind.

Without prior written permission it is not allowed to carry any cameras (photo/film/video) or any other recording devices which obviously not only can be used after their appearance, size and facilities for other purposes than for private usage.

Following objects are also prohibited to carry on the festival site and especially within the stage area:

- any kind of glassware (also perfume bottles), CamelBaks, cans, plastic bottles, PET bottles, drinking horns, cans (including hairspray or antiperspirant etc.), CS gas and pepper spray

- studded bracelets, studded necklaces/collars or studded belts with protruded or pointed rivets or rivets longer than half an inch

- chains, flag poles, clubs, sticks, ammunition/cartridge belts

- any kind of drinking containers, own food, cooler bags, solid packages

and any other kind of repository.

The organizer is entitled to take possession and to keep prohibited items temporarily.

### **9. Domestic authority**, house rules, code of conduct, photographing and filming

The domestic authority is exercised by the organizer as well as by his marshalls and his security staff. On the festival site the organizer's house rules respectively the festival regulations, the car park and campground regulations are in force. Directions and guidance of the organizer's staff must be followed.

Visitors of the festival grounds are not allowed

- to carry illegal objects (see para 6)

- to exert physical violence against other visitors, against the organizer's

staff or other person

- to throw items on stage or towards other visitors

- to exercise the "wall of death" or the "circle pit"

- to urinate outside the toilets or to relieve oneself

- to paint, to spray or to soil physical structures, walls, objects and others

- to merchandise or to carry out promotion and marketing campaigns without

a documented permission issued by the organizer.

Any advertisements and promotion in the meaning of promoting products or services of a company or a brand on the festival site is forbidden. It is also prohibited to fix and to mount decorations, banners and similar objects on the entire festival site.

It is not allowed to enter areas and rooms which are blocked, and it is forbidden to scramble the stage, tents, crossbars, rigging or similar objects.

It is allowed to take pictures with cellular phones for private use. The personal rights of other person are to preserve at any time. Any video, film and sound recording and their publication (on- and offline) without the organizer's permission is prohibited.

Visitors transgressing or having transgressed against the preceding regulations (no.5, 6, 7) can be sent off the festival site by the organizer. They can be ordered to stay away from the festival site by the organizer or his staff.

Visitors committing a criminal act at the "Night of the Prog Festival (e.g. drug distribution, criminal assault, burglary, sexual assault) will be sent off the festival site and the criminal act will be reported to the police.

Is there an important reason as laid down in the preceding regulation and the organizer sends one off the festival location, the tickets or the "wristband" loses its validity. The admission charge will not be refunded.

Who whoever culpably violates these terms and conditions is the organizer liable for the resulting damage.

## **10. Cancellation or termination of an event, program changes**

If the Night of the Prog Festival will be cancelled the ticket charge will be refunded except the charge for advanced booking.

The event will be carried out regardless of the weather conditions. But if the weather conditions should fear threat to life, limb or health for visitors, artists or staff, the "RockFels" festival will be cancelled immediately. In this case as well as cancellation by other reasons, by force majeure, due to official orders or due to court decision there will be no repayment or claim compensation unless the organizer can be accused of intention or culpable negligence.

In case of program changes, cancellation of individual shows or deletion of individual concerts, even of so called "headliners", the visitor does not have any claims versus the organizer, as long as the changes are in line and will not change the general character of the event. The visitor has to accept delays and shift of individual items of the program. Changes will be promptly reported by the organizer in [www.nightoftheprogfestival.com](http://www.nightoftheprogfestival.com).

## **11. Impairment of health by loudness**

Visitors are aware to the risk of possible impairment of health (aurally defects) caused by the loudness during events on the Loreley open air theatre, especially in front of the stage. The organizer takes care by using appropriate technical equipment, by volume limiters and by selecting individual locations that the visitor will not meet with a loss by the noise level of the performances. Irrespective of these measures it is recommended to use earplugs, particularly when staying in the vicinity of loudspeakers, and to choose a location in front of the respective stages which is beneficial to the individual listening habits.

## **12. Protection of minors**

The provisions of the law on protection of minors in the public apply for any event.

Children below four years do not have access to the stage area at the Night of the Prog Festival. On the campground children only have admission when accompanied by a parent and legal guardian or by a person with the right of custody.

A person with the right of custody can be any person older than 18 years who has permanently or temporarily taken over the custody due to an agreement with the person having the right of custody and educational functions or caring for a child or a juvenile person in the context of education or youth services (para 1 chapter 1 no. 4, German law for the protection of the youth, JuSchG).

Adolescent persons aged between 16 and 17 years (in the meaning of below 18 years), are allowed to stay on the campground after midnight. Corresponding restrictions persist for all children and adolescent persons.

Person with the right of custody shall carry a written record of appointment of their assignment. This document and a copy of the id-card of the person having the custody shall be presented on request.

### **13. Limitation of liability**

The organizer, his legal representatives or his auxiliary person or agents are only liable for intent or gross negligence.

Unaffected by the preceding liability limitation it is the organizer's responsibility for initial impossibility and for violations of essential contractually obligations even for simple negligence, though defined to the foreseeable and contractual typical damage.

Claims concerning damages of injury of life, the body or one's health as well as those concerning the act of product liability remain unaffected of the preceding limitation.

The organizer is not liable for lost or damaged property. Parking in designated parking areas or on the campsite at your own risk.

### **14. Right of personal portrayal**

The organizer and firms by third parties are entitled to as part of the events to produce images, sound and video recording of the visitors without compensation for the persons shown and to allow use in all known and future media and to make full use of in any way, particularly for reporting across all media including internet, in audio or video recordings for promoting the Night of the Prog Festival, to allow use for acquisition of sponsors and for all other business activities of the organizer and his affiliates. All rights may be transferred to the above purposes to any third parties.

### **15. Applicable law, others**

Only German law is applicable.

The organizer reserves the right to change the terms and conditions at any time.

There is space enough for all visitors to the event in front of the stage of the festival site.  
Instructions of personnel to be obeyed.

Unterroth 12.2016