

## BATTLE OF THE BANDS – CONTEST RULES

### Who Can Enter

1. Entrants (i.e., the persons filling out the entry form) and all band members must be legal residents of Minnesota or Wisconsin who are 18 years of age or older. Entrants must have lawful access to the Internet with a valid e-mail address. Only the original author (or the author's affiliated band member with the author's permission) of the submitted song may enter or win.
2. Employees of Fox Television Stations, Inc., COPYCATS Media, Masters Recording, Border Foods Companies (collectively, "Sponsors") their affiliates, and advertising and promotion agencies, and the immediate family members of such employees, are ineligible to participate either as entrants or band members.

### How To Enter

1. No purchase is necessary to enter or win. Only one entry per band and no person may perform in more than 2 band entries. A band is defined as at least one person with one instrument. The Battle of the Bands competition includes three portions: 1) The entry portion of this contest begins when announced on May 12, 2009 and all entries must be received by email 11:59 pm CT on June 14, 2009 or postmarked no later than June 14, 2009 and received no later than June 16, 2009; 2) The online voting portion begins when announced on June 25, 2008, and continues through 11:59 p.m. on July 29, 2009; and 3) The final portion of the contest will be a live Battle of the Bands at the Fine Line in Minneapolis on August 6, 2009.

2. To enter, access the on-line contest entry form at [myfox9.com](http://myfox9.com) and follow all instructions to complete the on-line contest entry form and to upload a jpeg photo of your band plus an MP3 audio file of your band performing one original song. Bands may also print out the entry form and submit the completed entry form, a CD and an 8" x 10" picture of their band via mail to Attn: Lauren Freeland, KMSF FOX 9, 11358 Viking Drive, Eden Prairie, MN 55344. Any band that does not enter all required material will not be considered. Any band that competes in the final live performance may be required to sign additional documentation prior to performing. By entering the Battle of the Bands contest you represent and warrant that: 1) the song you submit is an original composition of your band 2) all authors of the song have given their consent to its posting, and 3) all members of your band are 18 years of age or older and legal residents of Minnesota or Wisconsin. All songs must conform to FOX standards and practices and policies as established or determined by Sponsor in its sole discretion. Without limiting the foregoing, songs may not contain profanity, or references to violence, or demean any gender, race, religion or sexual orientation. Entries will not be confirmed. Sponsor reserves the right to disqualify any entrant or remove any entry based on any claim of a third party, including, without limitation, a claim of copyright infringement or misappropriation of likeness.

3. Sponsor is not responsible for error, omission, interruption, deletion, defect, delay in operations or transmission, theft or destruction or unauthorized access to or alterations of entry materials, or technical, network, telephone equipment, electronic, computer, hardware, or software malfunctions of any kind, or inaccurate transmission of or failure to receive entry, winner(s) or other contest information by Sponsor or entrants for any reason whatsoever. Sponsor is also not responsible for any injury or damage to any entrant's or any other person's computer related to or resulting from playing or downloading any materials in the Contest or for entries that are late, misdirected or incomplete. All entries become the property of Sponsor and will not be returned. **CAUTION: ANY ATTEMPT BY AN ENTRANT TO DELIBERATELY DAMAGE ANY WEB SITE OR UNDERMINE THE LEGITIMATE OPERATIONS OF THE CONTEST IS A VIOLATION OF THE CRIMINAL AND CIVIL LAWS, AND SHOULD SUCH AN ATTEMPT BE MADE, THE SPONSOR RESERVES THE RIGHT TO SEEK DAMAGES FROM ANY SUCH ENTRANT TO THE FULLEST EXTENT PERMITTED BY LAW.** Sponsor reserves the right to cancel or revise the contest if it becomes technically or otherwise corrupted.

### Selection Process

1. All eligible contest submissions will be reviewed by Sponsor. Sponsor will select fifteen bands ("Semi-Finalists") from the contest submissions, on the basis of technical proficiency, vocals, and music ability. The Semi-Finalists' submissions will be posted online in order to compete in the online portion of the Battle of the Bands contest from June 25, 2009, through 11:59 pm July 29, 2009. Sponsor may also post non-selected submissions on [www.myfox9.com](http://www.myfox9.com), but they will not participate in the remainder of the contest. Entry constitutes an unlimited perpetual license for Sponsor and its licensee and assigns to use entry materials, including, but not limited to, the right to copy, publicly perform and display the entry materials on its websites (including, without limitation, in downloadable form), television stations and in any and all media whether now known or hereinafter invented.

2. The Semi-Finalists will be posted online at [myfox9.com](http://myfox9.com) and users will have the opportunity to vote each week for their favorite band(s). The voting will be held weekly from approximately 12:01 p.m. CT each Thursday through the following Wednesday at approximately 11:59 p.m. CT. Voters will have the opportunity to vote up to once per hour per

person for each band. At the end of each one week cycle, the two bands with the least amount of online votes will be deleted from the contest. A total of 5 bands ("Finalists") will be remaining at the end of the online voting portion.

3. An additional 15 bands (the "Wild Card Finalists") will be selected from the contest submissions, on the basis of technical proficiency, vocals, and music ability. The Wild Card Finalists' submissions will be posted online in order to compete in a Wild Card portion of the Battle of the Bands contest from June 25, 2009, through 11:59 pm July 29, 2009, on [www.cravingstogo.com](http://www.cravingstogo.com). The Wild Card Finalist with the most number of votes will then compete in the live Battle of the Bands competition with the other Finalists (for a total of 6 Finalists) on August 6, 2009.

4. The 6 Finalists will compete in a live Battle of the Bands on August 6, 2009, at the Fine Line in Minneapolis, MN. Bands will be judged by a panel of local judges who will select the winners on the basis of technical proficiency, vocals, music ability, stage presence, and audience response.

## The Prizes

(a) The first place winning band will receive a prize package to include the following:

Starring role in a Border Foods Companies commercial (prize provided by Border Foods Companies)  
A one year supply of Border Foods Companies Pizza Hut pizza (prize provided by Border Foods Companies);  
4 days of studio time and a Grammy award winning producer engineer from Masters Recording (prize provided by Masters Recording);  
1000 retail ready CD's including, CD replication with full color on disc, full color six page insert and tray card, jewel case packaging, top-spine sticker with barcode, 500 Color posters, Graphic Design Services, Professional Audio Mastering Services, (prize provided by COPYCATS Media); and  
A prize pack from Twin Town Guitars! Band equipment will be selected by Sponsor, at its sole discretion. Winning band may choose not to receive the added band equipment from Twin Town Guitar as part of their grand prize.

Total retail value of the first place prize is \$16,200. Without Twin Town Guitar prize pack - \$14,200.

(b) The second place band will receive 500 digital download cards from COPYCATS Media and a \$500 gift certificate for participating Taco Bell restaurants. Total retail value of the second place prize is \$800.

(c) The third place band will receive a \$250 "My Sonic Card" good at participating Sonic restaurants. Total retail value of the third place prize is \$250.

2. Winners will be announced at the end of the Battle of the Bands at The Fine Line in Minneapolis on August 6, 2009. All members of the winning bands will be required to sign and return an Affidavit and Release within 2 days of the date of winning or the entire band will be disqualified and the runner up band will be deemed the Battle of the Bands winner, pending a signed and returned Affidavit and Release within 2 days of notification. Winners will be required to sign additional documents by the prize-providers in order to receive prizes.

3. Except where prohibited by law, entry constitutes permission to use all contestants' names, hometowns, likenesses, and photographs for online posting, and/or any advertising and publicity without additional compensation.

4. The Prizes cannot be redeemed for cash or substituted for any other items by the winners. The winners cannot assign or transfer prizes. Sponsor reserves the right to substitute a comparable prize of like or greater value, including cash, for any prize, for any reason.

5. The entrants agree to act as the winning bands' representative and must agree to be responsible for all local, county, state, and federal taxes on prizes based on the value of the prizes set forth in these rules.

## Miscellaneous

1. Odds of becoming a Semi-Finalist or Wild Card Finalist depend on the number of entries. Odds of a Semi-Finalist becoming a Finalist are 1 out of 3. Odds of a Wild Card Finalist becoming a Finalist are 1 out of 15. Odds of a Finalist winning are 1 out of 6.

2. Complete contest rules are available Monday through Friday during normal business hours at KMSP FOX 9, 11358 Viking Drive, Eden Prairie, MN 55344 and at [www.myfox9.com](http://www.myfox9.com) through August 7, 2009.

3. For a list of the names of the winning bands, send a separate, self-addressed, stamped envelope after August 10, 2009 to: Battle of the Bands c/o Danielle Schulz, KMSP FOX 9, 11358 Viking Drive, Eden Prairie, MN 55344.

4. This contest is subject to all applicable laws and regulations and is void where prohibited or restricted by law, including without limitation, in jurisdictions requiring registration, filing, trust account, or posting of a bond, or any other requirements or disclosures that are not expressly satisfied by these rules. Sponsor is not responsible for typographical or other errors in the printing, offering, or administration of this contest, or in the announcement of the winners or the prizes.

5. Entrants hereby agree to release and hold harmless Sponsor from any removal of an entry pursuant to such DMCA procedures, for violation of Sponsor's standards and practices, or for any other reason.

6. By entering, entrants represent that they are eligible, and that their entry materials are original and that entrants own all copyrights to the materials, and agree (a) to be bound by these rules and the decisions of the judges, (b) to release Sponsor, its parent, subsidiaries, affiliates, directors, officers, employees, and agents from any and all liability for any injuries, losses, or damages of any kind caused by any prize or resulting from acceptance, possession, use, or misuse of any prize, and (c) to Sponsor's use of participants' personal information as described in Sponsor's Privacy Policy located at [www.myfox9.com](http://www.myfox9.com).