

General Terms of Use

for use of content on 'Presseportal Stubai Tirol' (the Stubai Tirol Press Portal or 'STPP' for short)

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'Tourismusverband Stubai Tirol' (the Stubai Tirol tourist board or 'Stubai TB' for short) makes www.stubai.at/en/press/ available for licence-free images, logos, videos, audio files and texts ('files') for Stubai Valley advertising for use by member companies, advertising and press agencies and journalists ('users').

Please note the following Terms of Use before using images, logos, videos, audio files and texts.

Permission for use that goes beyond the use granted by the licence may be requested directly from the Stubai TB on a case-by-case basis.

I. General

(1) The purpose of the STPP is to make photos (image files), videos and audio files as well as icons available free of charge through a copyrighted Internet database. The files taken or downloaded from it may be used free of charge and exclusively for touristic and journalistic purposes with exclusive reference to the Stubai Valley, subject to the usage restrictions set out in section II.

(2) In addition to downloading, any form of electronic or printed publication of the files or parts thereof is considered to be use within the meaning of these Terms of Use. Use also includes the use of the files in a layout, copy, projection – including public communication – reproduction in all currently technically available processes, printing, scanning and the storage of the files on electronic data carriers or in electronic databases, even these are only excerpts.

II. Types of use

The Stubai TB grants the user a licence to use the files made available in the Stubai TB image database for use as a simple permission to use works as part of the following licence:

(1) the licence is valid worldwide for the editorial (non-commercial) use of the files provided to advertise the Stubai Valley in online and print media (e.g., websites, newspapers, magazines, advertising brochures, catalogues, newsletters etc.) and on social media platforms (e.g., Facebook, Instagram) and video/film platforms (e.g., YouTube, Vimeo, TikTok);

(2) the licence granted is non-exclusive and non-transferable; and

(3) editorial adjustments are permitted, i.e., editorial adjustments to the files as part of a report or post (e.g., changing the image size/format and changing the resolution) while safeguarding the moral rights of the author.

All rights to the files not mentioned above, including all exploitation rights and other industrial property rights to the files, expressly remain with the Stubai TB or the author or producer.

III. Usage restrictions

(1) Permitted and banned usage purposes

The permitted usage purposes are limited to the non-commercial use of the files for touristic or journalistic purposes with exclusive reference to the Stubai Valley. If the user pursues a banned usage purpose, the permission to use the work is deemed not to have been granted. Authorisation to access the STPP does not constitute approval by the Stubai TB to use Stubai TB files in a way that contravenes the provisions of these Terms of Use.

(2) Ban on defamation

The files downloaded by the user from the STPP may not be used in a way that might damage the reputation and standing of the state of Tyrol, the Stubai TB, tourist destinations in the Stubai Valley or any other public or private institution. The above limitation applies *mutatis mutandis* to the collaborative partners of the files hosted in the STPP with regard to their reputation and standing.

(3) Use on social networks

The files downloaded by the user from the STPP may only be used on social networks for touristic or journalistic purposes with exclusive reference to the Stubai Valley, where the respective context from which the file in question originates must be retained.

(4) Ban on direct commercial use

Furthermore, the files downloaded by the user from the STPP may not be used for direct or immediate commercial purposes – even in the case of touristic use, i.e., files downloaded from the STPP may not be used for merchandising purposes as part of a product intended for sale (e.g., t-shirt displaying an image file from the STPP). However, files from the STPP may be used for touristic image and advertising purposes (e.g., use of an image file from the STPP in an advertising brochure) with exclusive reference to the Stubai Valley and for touristic public relations exclusively referencing the Stubai Valley, as the files from the STPP or the archives hosted are simply being used to market a product or service here and do not directly form part of a product intended for sale (permitted indirect commercial use). In case of doubt, written approval must be obtained from the Stubai TB or the relevant collaborative partner of the Stubai TB in advance.

(5) Protection of personal rights

Use of the files from the STPP in connection with the use of texts that may lead to the disparagement or impairment of interests of the people depicted in the file are not permitted and make the user liable for damages. The personal rights of the people depicted must not be negatively affected or impaired as a result of STPP file usage. Use of the files in erotic,

pornographic, criminal or other objectionable contexts and use that denigrates minorities, ethnic, religious or other groups or that is likely to be harmful to the feelings or opinions of members of these groups is also banned.

(6) Use for journalistic purposes

The use of files from the STPP for journalistic purposes in analogue and electronic media and blogs is permitted, notwithstanding the above paragraphs, provided that the exclusive reference to the Stubai Valley is maintained. The user is hereby obliged to comply with the journalistic principles of the Austrian Press Council ([Austrian Press Council Code of Ethics](#)).

IV. Specific permission to use works

(1) By downloading the files from the STPP, the Stubai TB generally only grants a (specific and non-exclusive) licence to use the work. This also applies in particular to files where the image content represents a work (e.g., works of fine art and/or the performing arts). The use of these files may require the consent of the author or rights holder of the work depicted in the file.

(2) Files from the STPP are only made available by the Stubai TB for touristic or journalistic use with exclusive reference to the Stubai Valley (= permitted usage purposes). Tourist purposes also include tourist image and advertising purposes (e.g., use of the image file from the STPP in a tourist advertising brochure) as well as tourist public relations, in each case limited to exclusive reference to the Stubai Valley.

V. Copyright notices (photo credit)

(1) The Stubai TB expressly requires an agency and copyright notice (proof of source) in such a way that there can be no doubt as to the assignment to the respective file (photo, video, audio). The above obligation is part of the licensing agreement. Collective evidence is only sufficient in this sense if it can also be used to unambiguously assign it to the respective file. The user is required to indemnify Stubai TB against third-party claims resulting from the omission of copyright notices. The copyright indicated directly on the medium is deemed to be a copyright notice.

(2) Paragraph (1) also applies to advertising and insertions in television programmes and films or other media, unless an explicit special agreement has been made.

(3) Unless specifically stated above, any use of the files is subject to the provisions of the Austrian Copyright Act (Urheberrechtsgesetz).

(4) A complete specimen copy of each printed publication of a file must be sent to the Stubai TB unprompted and free of charge, detailing exactly which file was used in which publication and where.

VI. Duration and provision

(1) The files are generally made available for use for an unlimited period of time, but this is subject to the explicit reservation of a right of withdrawal on the part of the Stubai TB at any time.

(3) The Stubai TB is entitled to restrict and/or withdraw the permission to use the work at any time without giving reasons.

VII. Place of jurisdiction, other

(1) Substantive Austrian law applies to all disputes arising from the use of the STPP. Even if the STPP is used by foreign users, the application of Austrian law is agreed, to the exclusion of principles on conflict of laws.

(2) The exclusive place of jurisdiction for all legal disputes arising from usage on the basis of these Terms of Use is the competent court for 6020 Innsbruck.

Date: February 2021