



## PHOTOGRAPHY POLICY

### 1 INTRODUCTION

- 1.1 Tswalu's remote location in the southern Kalahari offers the ultimate off-the-beaten-track escape. From the landmark Korannaberg mountains and the grassy, red sand dunes rippling away to the horizon, to the abundance of wildlife, birdlife and plant life, this vast tract of privately owned wilderness in the Northern Cape is a photographer's paradise.
- 1.2 As custodians of this important conservational area, we have an obligation to ensure that photographic footage of Tswalu is carefully monitored and used in a responsible manner to ensure that the interests of Tswalu are promoted and protected.
- 1.3 This Policy sets out the terms and conditions upon which amateur and professional photographers are permitted to create, author and use photographic footage of Tswalu **for commercial purposes**.
- 1.4 For purposes of this Policy –
- 1.4.1 “**NEMA**” refers to the National Environmental Management: Protected Areas Act, No. 57 of 2003;
- 1.4.2 “**photographic works**” refers to all photographs, videos, cinematograph films, and other digital media content created of Tswalu, including but not limited to the residents, visitors, employees and contractors, structures, facilities and amenities, landscapes, wildlife, birdlife and any part of the natural environment of Tswalu;
- 1.4.3 “**Policy**” refers to this photography policy, as amended and revised by us from time to time;
- 1.4.4 “**Tswalu**” refers to the Tswalu Kalahari Private Reserve, a private wildlife and nature reserve situated in the Northern Cape, South Africa;
- 1.4.5 “**us**” or “**we**” or “**our**” refers to Tswalu Kalahari Reserve (Pty) Ltd (registration number 1968/001382/07), the owner and management authority of Tswalu, and includes, where appropriate, our affiliates, subsidiaries, related and inter-related companies forming part of the Tswalu group of companies;
- 1.4.6 “**use**” means any act relating to the use or exploitation of the photographic work in any manner, including but not limited to the reproduction of the photographic work in any manner or form, the publication of the photographic work in any medium or form, including the work in any film or television broadcast and making an adaptation of the work;
- 1.4.7 “**you**” or “**your**” refers to you, the amateur or commercial photographer, visiting or accessing Tswalu.

### 2 REGULATORY REQUIREMENT OF CONSENT

- 2.1 Tswalu is a privately owned nature reserve declared in terms of section 23 NEMA.
- 2.2 As owner of Tswalu, we reserve the right to grant, restrict, and refuse any person's access to Tswalu. This Policy forms part of the conditions upon which you are permitted to access Tswalu. By visiting and entering Tswalu, you agree and undertake to be bound by and to adhere to the provisions of this Policy.



- 2.3 In addition, Regulation 34 of the Regulations for the Proper Administration of Nature Reserves (GNR 99 of 8 February 2012, Government Gazette No. 35021, published in terms of NEMA), no person may undertake an activity of any kind in a declared nature reserve for the purpose of fund raising, personal gain or making a profit except pursuant to a licence, permit or agreement between that person and the management authority of the reserve. Accordingly, by law you are required to obtain our agreement, as the management authority of Tswalu, should you wish to create, author and use photographic works of Tswalu for the purpose of personal gain or making a profit.

### **3 SCOPE OF POLICY**

- 3.1 This Policy applies to all photographic works which are used by you for commercial purposes or commercial gain. You will be regarded as using any photographic works for commercial purposes or gain if you use such works at any time (whether intentionally or otherwise) to obtain financial benefit for yourself or any other person, for the purpose of promoting, marketing or advertising any commercial services or products provided by you or any other person, for the purposes of promoting or advancing your career or profession as a photographer, or for any other reason commercial reason.
- 3.2 This Policy does not apply to –
- 3.2.1 photographers who have been contracted or commissioned by Tswalu to take photographic works of Tswalu; and
  - 3.2.2 photographic works taken and used by you for your personal use and enjoyment and not for commercial gain. If you post any photographic works to your social media platforms for your personal use and enjoyment, you are required to adhere to the Tswalu Social Media Policy and to tag and credit Tswalu in such posts as follows:
    - 3.2.2.1 Facebook: @TswaluKalahariReserve
    - 3.2.2.2 Twitter: @Tswalu
    - 3.2.2.3 Instagram: @Tswalu
    - 3.2.2.4 TikTok – please ensure all posts uphold the integrity of the Tswalu brand

### **4 RESTRICTIONS ON THE COMMERCIAL USE OF PHOTOGRAPHIC WORKS**

- 4.1 **Consent**
- 4.1.1 You may not use any photographic works of Tswalu for any commercial purpose without first obtaining our written consent.
  - 4.1.2 We reserve the right to grant or withhold our consent at our reasonable discretion, and to impose appropriate conditions for such consent. Such conditions may include the imposition of a reasonable location fee payable by you in exchange for your use of Tswalu as the subject and location of your photographic work.



4.1.3 Unless we specifically agree otherwise in writing, if we consent to your use of photographic work for commercial purposes, such consent will be subject to the condition that you grant us an irrevocable, non-exclusive and perpetual licence to use such photographic works for the purpose of promoting, marketing and advertising Tswalu. This includes the right to publish such photographic works on the Tswalu website, social media platforms, magazines, newsletters and other publications at no charge. We will credit you, where applicable, when using your photographic works.

#### 4.2 **Stock Images**

You may not sell or licence any photographic works to any stock image database under any circumstances, unless you have obtained the marketing executive's explicit prior written consent.

#### 4.3 **Model Release**

Where your photographic works feature any identifiable individual, in addition to our consent to your use of such works for commercial purposes, you will be required to obtain the prior written consent of such individual should you wish to use such photographic works.

#### 4.4 **Drones**

No drones may be used at Tswalu under any circumstance without express prior written consent from both marketing and security departments.

#### 4.5 **Location identification**

No location information or data may be collected by you during the course of creating your photographic works in circumstances where such information may pose any risk of identifying the location of any endangered species at Tswalu. You are required to disable your location and geo-tagging settings on your electronic devices when accessing Tswalu.

### **5 CODE OF CONDUCT AND RULES OF THE RESERVE**

You are required to observe all rules, regulations and codes of conduct applicable to visitors of Tswalu at all times, including when scouting, authoring, composing and creating your photographic works.

### **6 CONTACT DETAILS**

All enquiries relating to this Policy may be directed by email to [russel.binks@tswalu.com](mailto:russel.binks@tswalu.com)