

Solicitation Documents for Design  
Proposals of Public Art Works for the Olympic  
and Paralympic Winter Games  
Beijing 2022

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## **Part I Introduction**

The Olympic and Paralympic Winter Games Beijing 2022 will be held in Beijing and Zhangjiakou, the People's Republic of China (the "PRC") in 2022. Tens of Thousands of athletes, sports officials and journalists will then gather joyfully in Beijing to jointly celebrate this global sports event. Hosting the Olympic and Paralympic Winter Games Beijing 2022 as a fantastic, extraordinary and remarkable event will leave precious cultural and sports heritage to Beijing, China as well as to the Olympic and Paralympic movements.

The public art works of the Olympic and Paralympic Winter Games Beijing 2022 (which will be mainly in the form of sculptures and are hereinafter referred to as "City Sculptures") will be important components of the looks of the Olympic and Paralympic Winter Games Beijing 2022. The Beijing Organising Committee for the 2022 Olympic and Paralympic Winter Games (hereinafter referred to as the "Beijing 2022"), the People's Government of Beijing Municipality and the People's Government of Hebei Province (hereinafter collectively referred to as the "Organizers") hereby solicit design proposals on the City Sculptures (hereinafter referred to as this "Solicitation"). The Organizers sincerely welcome the natural persons, legal persons and other organizations, who are interested in participating in design of City Sculpture, to actively take part in this Solicitation and submit the proposals as required in these Solicitation Documents and to dedicate wisdom and strength to the Olympic and Paralympic Winter Games Beijing 2022.

## **Part II Instructions to the Applicants**

### **2.1 Qualifications of Applicants**

All natural persons, legal persons and other organisations who love Olympic Movements, who support and are concerned about the Olympic and Paralympic Winter Games Beijing 2022 and who are willing to actively participate in the solicitation for the design proposals of City Sculptures for the Olympic and Paralympic Winter Games Beijing 2022 (hereinafter collectively referred to as the "Applicants"), may take part in this Solicitation.

The Organizers are entitled to examine the qualifications of the Applicants. If any Applicant is found to have made any misrepresentation, the Organizers are entitled to disqualify such Applicant from participating in this Solicitation at any stage thereof.

## **2.2 Fundamental Requirements to be complied with by the Applicants**

An Applicant shall comply with the following fundamental requirements, including but not limited to:

2.2.1 An Applicant shall fully abide by all the applicable laws, regulations, rules and regulatory documents, including but not limited to, the laws, regulations and rules of the PRC. An applicant shall comply with laws and regulations of other countries/regions (if applicable), the applicable regulations of the International Olympic Committee, the International Paralympic Committee and the Beijing 2022 (including but not limited to the *Olympic Charter*, the *IPC Handbook and etc.*).

2.2.2 Unless as explained otherwise in these Solicitation Documents, an Applicant shall bear on his/her/its own all the expenses and costs incurred in his/her/its participation in this Solicitation. The Organizers shall not be responsible for any expense or cost (except for what is explained otherwise) incurred by any Applicant's voluntary participation in this Solicitation.

2.2.3 An Applicant acknowledges and agrees that the Organizers, or any third party authorized by the Organizers, are entitled to use any proposal submitted by any Applicant free of charge for the purpose of the organization, examination and assessment of this Solicitation, provided that none of them shall disclose any submitted proposal to any third party other than the aforesaid entities.

2.2.4 An Applicant shall comply with the other requirements contained in these solicitation documents (these "Solicitation Documents").

## **Part III Design Proposals and Requirements**

### **3.1 General Requirements**

With the prospect of “Joyful Rendezvous upon pure ice & snow”, and with the concepts of “Green, Sharing, Openness and Integrity”, “Let the Olympic flame light up the dreams of youth, Let winter sports inspire hundreds of millions of people throughout the globe, Let the Olympic Games contribute to the development and prosperity of the world, Let the Games bring all of us closer together”, the Olympic and Paralympic Winter Games Beijing 2022 advocates the philosophy of “A Community with a Shared Future for Mankind.” An Applicant shall create his/her/its works by focusing on the theme of the Olympic and Paralympic Winter Games Beijing 2022 and with a view to embodying Olympic spirit, consolidating the idea of Winter Olympics of Wisdom and outspreading the splendid culture of the Chinese nation.

### **3.2 Quantity Requirement**

The number of proposals to be submitted by each Applicant shall not exceed 2 and he/she/it shall fill in the registration information as guided in the submission system and upload the design proposal.

### **3.3 Joint Works**

Joint Works refer to the works jointly created and accomplished by two or more persons. In view of the special nature of sculpture works, only natural persons are permitted to jointly participate in this Solicitation and no joint participation in any other form is permissible. Applicants who jointly participate in this Solicitation shall fill in the relevant information of all the Applicants in the submission system as guided and required therein.

### **3.4 Requirements of Proposals to be Submitted**

#### **3.4.1 Proposals to be Submitted**

A proposal to be submitted shall contain design effect sketches and a design description.

(1) For electronic version of design effect sketches produced by computer, at least 3 effect drawings of the works from different perspectives (in JPG electronic format with image size being 300kb or above and resolution being 300dpi or above) shall be provided. For hand-produced version of design effect sketches, at least 2 drawings from different perspectives shall be provided.

No text information shall be marked on any design effect sketch and anything requiring elaboration shall be stated in the design description.

(2) The length of a design description shall not exceed 500 words.

(3) If the applicant needs to show his/her/its proposal in the form of video, he/she/it can upload AVI, MP4, RMVB format video files as guided by the system. The size of a video file cannot exceed 200M. In the video file, only the proposal can be shown, and any irrelevant information and any information related to the applicant, including the applicant's voice, cannot appear.

#### 3.4.2 Requirements of Proposals to be Submitted

(1) A proposal to be submitted shall be an original piece of works which has not been previously published, or which is not any reproduction or copy of any works of any other person, nor any addition to, deletion or modification of any works of any other person without changing the features of the subjects.

(2) The contents of a proposal to be submitted shall be consistent with the theme of this Solicitation without any limitation on the artistic style, form, material, specification or expression method and technique. Designs with innovative modelling or using new materials or technologies are advocated.

(3) An Applicant may clearly indicate the spot and location where the subject works under his/her/its proposal is intended to be placed (please refer to the “Download Link of Solicitation Documents and relevant Materials” for the “Draft List of Spots and Locations to be Selected for Placing the Public Art Works of the Olympic and Paralympic Winter Games Beijing 2022”, provided however that, the intention of the Applicant shall only be considered as a reference and shall not form the basis for the final decision.

(4) A proposal to be submitted shall not create any deviation from the Olympic and Paralympic values and shall not contain any religious implication or create any connection or association with any unrelated third party.

(5) A proposal shall not contain any Olympic symbols provided in the Regulations on Protection of Olympic Symbols (which were promulgated via No. 345 Order of the State Council on February 4, 2002 and revised via No.699 Order of the State Council on June 28, 2018).

## **Part IV Submission of Design Proposals**

### **4.1 Downloading of Solicitation Documents**

Starting from the date on which these Solicitation Documents are released, any Applicant can download such documents and the relevant materials from the official website of the Beijing 2022 (<https://www.beijing2022.cn>) or the official website of Beijing Municipal Commission of Planning and Natural Resources (<http://ghzrzyw.beijing.gov.cn>).

### **4.2 Time Schedule of Solicitation**

This Solicitation will start at 22: 00 pm, July 9th, 2020, Beijing time (hereinafter referred to as the “Commencement Time”) and end at 24:00 pm, October 15th, 2020, Beijing time (hereinafter referred to as the “Deadline”). An Applicant shall ensure he/she/it will submit the proposal in accordance with the requirements of these Solicitation Documents before the Deadline. Any proposal submitted prior to the Commencement Time or after the Deadline shall be disqualified.

All the dates referred to in these Solicitation Documents and all the appendixes thereof, the submitted proposals and the relevant documents thereof shall be calendar days (instead of working days).

### **4.3 Way of Submission**

4.3.1 An applicant may conduct an online submission via the links to the submission system provided on the official website of the Beijing 2022 (<https://www.beijing2022.cn>) or the office website of Beijing Municipal Commission of Planning and Natural Resources (<http://ghzrzyw.beijing.gov.cn>). The Organizers authorize Beijing Municipal Commission of Planning and Natural Resources to be responsible for operating and maintaining the submission system of this Solicitation.

(1) An online submission includes the completion of registration information and submission of proposal. An applicant shall complete the information verification and filling in accordance with the instructions provided in the system when conducting the online submission. The final processes of the



online submission and the requisite materials will be subject to the guidance of the system. If a submission is successful, “Your Submission is Successful” will pop up on the computer screen.

- (2) In the event an Applicant is a natural person without civil capacity or with limited civil capacity, consent of his/her legal agent (guardian) shall be obtained and the verification of the relevant information related to such legal agent (guardian) shall be completed in accordance with the requirements indicated by the system.

A person without civil capacity refers to a juvenile at age below 8 or an adult without capacity to identify his/her own acts;

A person with limited civil capacity refers to a juvenile at age above 8 or an adult without complete capacity to identify his/her own acts.

- (3) The age of an Applicant of this Solicitation will be calculated by using [January 1], 2020 as the reference date. In other words, a person who was born after [January 1], 2002 (exclusive) shall be considered as a juvenile at age below 18.
- (4) In the event an Applicant is a legal person or other organization, an authorization letter shall be filled out simultaneously and the verification of the relevant information shall be completed in accordance with the requirements indicated by the system.

#### **4.4 Language**

All the information filled out in the system shall be in Chinese or English. No language other than Chinese and English is acceptable in the system.

#### **4.5 Change of Information**

In the event of any change in the aforesaid information required for a proposal to be submitted, the Organizers will timely make an announcement on the official website of the Beijing 2022 (<https://www.beijing2022.cn>) and on the official website of Beijing Municipal Commission of Planning and Natural Resources

(<http://ghzrzyw.beijing.gov.cn>). Please keep yourself updated of any relevant information.

If the Organizers decides to postpone the Deadline for receiving the submission of the design proposals, the Organizers will publish the relevant information on the aforesaid official websites in advance. Under such circumstance, the rights and obligations of the Organizers and Applicants shall be subject to the adjusted Deadline.

#### **4.6 Modification and Withdrawal of Submitted Proposals**

No modification to or withdrawal of any submitted proposal is permissible.

#### **4.7 Determination of Invalid Proposals**

An Applicant shall fill in the registration information and submit his/her/its design proposal strictly in compliance with the provisions of these Solicitation Documents and as guided by the system. If an Applicant fails to fill in the registration information and submit his/her/its design proposal timely and fully in compliance with the requirements of these Solicitation Documents, or there exists any untrue content or any other flaw in the registration information filled by or the proposal submitted by the Applicant, or in the event of any violation of any other requirement of these Solicitation Documents, the Organizers are entitled to determine such a proposal to be invalid and to disqualify the Applicant from participating in the subsequent examination and assessment. In addition, with respect to an invalid proposal, the Organizers are not obliged to notify the Applicant or return the submitted proposal.

If necessary, the Organizers are entitled to require an Applicant to provide the originals of the relevant documents and such Applicant shall not refuse to do so; otherwise, the Organizers are entitled to disqualify this Applicant from participating in these Solicitation and being awarded with any prize.

## **Part V Procedural Arrangements and Prizes of the Solicitation**

5.1 An Applicant shall prepare the proposal in accordance with the requirements of these Solicitation Documents, and ensure the Organizers will receive it after the Commencement Time and prior to the Deadline. No submitted proposal will be returned by the Organizers.

5.2 The Organizers will organize experts to carry out the following examination and assessment over all the proposals which have been successfully submitted:

Initial Assessment: 100 proposals will be selected as short-listed ones and be granted Short-Listed Awards.

Re-Assessment: 20 proposals will be selected from the 100 short-listed ones and be granted Nomination Awards.

Final Assessment: 10 proposals will be selected as the Best Proposals through public vote.

### **5.3 Subsequent Arrangements**

5.3.1 With respect to each proposal granted a Nomination Award, the Applicant will be required to provide a model made on his/her/its own with permanent material (three-dimensional sample) with a size of 100 cm -150 cm and deliver the same to the location and at the time as designated by the Organizers for display and publicity.

5.3.2 With respect to each proposal awarded with a Best Proposal, Beijing 2022 will authorize the People's Government of Beijing Municipality and the People's Government of Hebei Province (hereinafter referred to as "Beijing Government" or "Hebei Government") to produce more enlarged sculpture and ground it at the corresponding public venue. The material, size and display spot & location will be decided by the Organizers through communication between the Organizers and Applicant. The ownership of the enlarged sculpture shall be enjoyed by the Beijing Government or Hebei Government (including any third party as recognized thereby).

If the Organizers (including any third party as recognized thereby) believe any works granted Short-Listed Award are suitable to be enlarged and grounded, the Organizers (including any third party as recognized thereby) will communicate with the Applicant separately.

#### **5.4 Prizes**

For any proposal granted a “Nomination Award”, the Applicant will be given a prize of RMB 200,000 (after-tax) and a “Certification of Nomination Award”. Meanwhile, the Applicant will be given RMB 50,000 (pre-tax) for each proposal to be used to produce a three-dimensional sample. Other proposals granted Short-Listed Awards will be granted award certifications.

All the award certifications will be issued by the Beijing 2022.

The Organizers will provide to the Applicants part of the expenses to be used in the production of the three-dimensional samples before the commencement of such production and provide the remaining production expenses after the completion of such production. The specific amount and proportion of each expense-providing shall be decided by the Organizers. An Applicant shall independently handle and declare the taxes and dues associated with the costs and expenses used in the production of the three-dimensional samples. The Organizers will give the prizes, which are granted to the Nominated Proposals, to the accounts designated by the Applicants after this Solicitation has been fully completed, the Applicants have performed all their obligations and the Organizers have received all the qualified documents submitted by the winning Applicants. The relevant taxes and dues will be withheld by the Organizers pursuant to the applicable laws and regulations.

In case a winning proposal is prepared by two or more Applicants, they shall allocate the prizes between/among them on their own and no dispute arising therefrom shall be borne by the Organizers.

## **Part VI Matters to be Noticed**

### **6.1 Matters relating to Online Submission**

6.1.1 In view that online submission will be adopted for this Solicitation, each Applicant who fills in registration information and submit his/her/its proposal online shall read, understand and consent to the relevant contents requiring consent after reading as required in these Solicitation Documents and the submission system. The corresponding contents will not legally bind the relevant parties until an Applicant properly ticks the icon “I have read and agreed such contents” and successfully submit the confirmation.

6.1.2 In the event the Applicant is a natural person without civil capacity or with limited civil capacity, please read these Solicitation Documents, fill in registration information and submit the design proposal with the instruction or guidance of his/her legal agent (guardian). After filling in and verifying the information of the person without civil capacity or with limited civil capacity and his/her guardian, the consent of his/her legal agent (guardian) shall be considered as having been given for the participation in this Solicitation by such natural person.

6.1.3 If the Applicant is a legal person or any other organisation, a letter of authorization shall be filled out and the information verification shall be completed in accordance with the requirements indicated in the system. After a letter of authorization is filled out and the relevant information is verified, the acknowledgment of the submission by the legal person or other organization can be deemed as having been given.

6.1.4 Under any circumstance, an Applicant shall not be credulous about any request for login name, password, mobile phone number, verification code or any other personal or financial information or material made in the name of the Organizers in order to ensure the safety of his/her/its personal information and properties.

6.1.5 In the event of any inquiry or question arising in the course of the

submission of any proposal for this Solicitation, an applicant may contact the Organizers via telephone (010-55595556).

## **6.2 Revisions and Withdrawal of these Solicitation Documents**

6.2.1 Prior to the Deadline, the Organizers may, for whatever reason, revise or withdraw these Solicitation Documents at its own discretion. Such revisions or withdrawals shall be announced through the official website of the Beijing 2022 (<https://www.beijing2022.cn>) and the official website of Beijing Municipal Commission of Planning and Natural Resources (<http://ghzrzyw.beijing.gov.cn>), and shall take effect from the time of announcement. The Applicants shall take such announced information as the basis for preparing the proposals to be submitted.

6.2.2 Under no circumstances, the Organizers will take any responsibility to any Applicant for this Solicitation, including but not limited to the following scenarios: any occurrence of technical error, failure or delay in the course of this Solicitation, any loss or damage arising from any participation in or failure to participate in this Solicitation, as well as any loss of contents, loss of profits, direct or indirect penalty and damage arising therefrom.

## **6.3 Disqualified Proposals:**

Any submitted proposal with any of the following problems will be considered as invalid and be disqualified from participating in the examination and assessment of this Solicitation:

- (1) Any design effect sketch containing any text information;
- (2) Any design likely to be confused with the logos of the International Olympic Committee, the International Paralympic Committee, the Chinese Olympic Committee, other international sports organisations or any other large-scale domestic and international sports game or event;
- (3) Any design that contains any Olympic/Paralympic symbol, which is defined in the Regulations on Protection of Olympic symbols (which were promulgated via

No. 345 Order of the State Council on February 4, 2002 and modified via No.699 Order of the State Council on June 28, 2018)

(4) Any design that may infringe any third party's rights including copyright, trademark right, industrial design patent or special packaging and decoration of well-known merchandise, etc.;

(5) Any design which is the same as any published design (including but not limited to any works of the Applicant or any other person which have been published on internet platforms) or similar in main characteristics;

(6) Any design containing political, religious or commercial information (including but not limited to the trademarks, industrial design patents, or packaging and decoration of merchandise etc. the registration of which has been applied for by the Applicant, or in the process of being registered);

(8) Any design in violation of the laws and regulations of the PRC, the Olympic spirit, the concept of the Paralympic Games, or the public order and fair practice.

(9) Other designs which don't meet the requirements of this Solicitation.

#### **6.4 Relevancy and Interpretation of these Documents**

The relevant components of these Solicitation Documents shall be deemed to be mutually relevant and explanatory. The Organizers shall be entitled to interpret, clarify, supplement, illustrate and/or take other necessary measures with respect to the contradiction or ambiguity between/among any of these documents.

#### **6.5 Protection of Personal Data and Information**

All personal information and information related to any legal person or other organization, which are provided by the Applicants as required by these Solicitation Documents, will be only used by the Organizers for the purpose of this Solicitation as well as the establishment of a database of public art experts by Beijing Municipal Commission of Planning and Natural Resources, and not for any other purpose. In particular, the phone number provided by an Applicant will be only used to contact him/her/it, and the passport or ID card information will be

only used to verify and confirm the identity of the Applicant. None of the Organizers or Beijing Municipal Commission of Planning and Natural Resources will disclose such information to any other third-party organisation, and the Applicant shall be entitled to withdraw such data and information.

The Organizers will use the aforesaid data and information only for the purposes of this Solicitation in the course thereof. Beijing Municipal Commission of Planning and Natural Resources will use the aforesaid data and information only for the purpose of establishing a database of public art experts. The Organizers and Beijing Municipal Commission of Planning and Natural Resources will take all reasonable and feasible measures to keep confidential the information provided by the Applicants, and destroy and delete such information when it is no longer needed.

#### **6.6 Rights Reserved by the Organizers**

6.6.1 Prior to the completion of this Solicitation, the Organizers shall be entitled to, for whatever reason, adjust or withdraw any contents contained in these Solicitation Documents subject to the work arrangements.

6.6.2 The Organizers shall be entitled to postpone or change the time arrangements of this Solicitation.

6.6.3 At any time before the Best Proposals are determined, the Organizers shall be entitled to reject any or all the submitted proposals which do not meet the solicitation requirements or assessment rules, or declare the procedures of this Solicitation be invalid. Furthermore, the Organizers will not take any responsibility for such rejection or declaration.

6.6.4 The Organizers are entitled to select the proposals winning the Short-Listed Award, Nomination Award and Best Proposals and to decide on the numbers of such winning proposals, or to announce a failure in selecting any submitted proposal which meets the characteristics of the Olympic and Paralympic Winter Games Beijing 2022.

6.6.5 Other rights of the Organizers as provided in these Solicitation



Documents and the other relevant documents.

6.6.6 The Organizers reserves the right to interpret this Solicitation and these Solicitation Documents.

## **Part VII Important Legal Provisions to be Complied with by the Applicants**

### **7.1 Applicable laws**

This Solicitation is governed by the laws of the PRC.

### **7.2 Confidentiality and Restrictions on Publicity**

All the Applicants shall keep confidential the submitted proposals, the materials and information related to such proposals and undertake not to disclose any of the aforementioned materials or information to any third party in any way prior to the closing ceremony day of the Olympic and Paralympic Winter Games Beijing 2022 (inclusive).

All the Applicants shall keep confidential any information in relation to the Organizers and the Olympic and Paralympic Winter Games Beijing 2022, which is learnt from this Solicitation and which has never been disclosed, and undertake not to disclose any of the aforementioned materials or information to any third party in any way. Such confidentiality obligation shall remain effective for a long term.

No Applicant shall, at any time or at any place or in any way, carry out any commercial promotion with respect to whether he/she has responded to these Solicitation Documents and whether he/she has participated in this Solicitation, nor shall he/she/it indicate, in any explicit or implicit way, any existence of any association with the Organizers, the Olympic and Paralympic Winter Games Beijing 2022, the Chinese Olympic Committee, the Chinese Paralympic Committee, the International Olympic Committee or the International Paralympic Committee.

The Organizers reserves the right to disqualify any Applicant, who violates the aforesaid confidentiality obligations and restrictions on publicity, from participating in this Solicitation. With respect to any winning Applicant, the Organizers shall be entitled to withdraw any granted honour, immediately withdraw any paid prize and require him/her/it to be responsible for the violation or tort liability.

If an Applicant's violation of the above-mentioned confidentiality obligations and restrictions on publicity causes any loss or damage to the Organizers and the Olympic and Paralympic Winter Games Beijing 2022, the Organizers shall be entitled to require such Applicant to indemnify accordingly.

### **7.3 Intellectual Property Rights related to the Submitted Proposal**

7.3.1 An Applicant warrants the originality of the proposal submitted to the Organizers (including any proposal submitted under any circumstance or at any stage such as the initial submission, subsequent further modification and etc., including but not limited to design effect sketch, design description, and any element or component of the design effect sketch/design description). He/She/It warrants that such proposal has been completed independently without assistance from any other person. He/She/It warrants that no infringement, breach of contract, nor any other illegal or improper circumstance will arise from such proposal or the use of such proposal by the Organizers (including any third party as recognized by the Organizers). He/She/It warrants that all the right holders in relation to such proposal have agreed to jointly participate in this Solicitation.

7.3.2 Any Applicant who participates in this Solicitation shall have complete and flawless rights over the submitted proposal (including any component thereof, the same below), in other words, the copyrights (including but not limited to the property rights, neighbouring rights and derivative product development rights), trademark rights (including but not limited to rights to apply for trademark registration), patent rights (including but not limited to rights to apply for patent registration), and any other intellectual property rights and related rights, proprietary rights and all the derivative rights arising from the proposal which can be obtained or enjoyed worldwide now or in the future, which are not prohibited from being transferred under the applicable laws, shall all be owned by the Applicant. In addition, such proposal has never been published or publicized nor any copyright has been registered for it up to the time when the applicants submit the same to the Organizers. The Applicant has never published, used or developed, and will not publish, use or develop, such proposal on his/her own or through authorizing any third party other than the Organizers prior to the date (inclusive)

on which the Best Proposals of this Solicitation are announced.

7.3.3 The Applicant acknowledges and agrees that, the Organizers or any third party authorized by the Organizers are entitled to use, at their own discretion, any submitted proposal or any component thereof for the organising and assessment purposes within the scope of this Solicitation according to the organising and assessment arrangements of this Solicitation.

7.3.4 If a proposal submitted by an Applicant is granted a “Nomination Award” (i.e. being shortlisted as one of the top 20 proposals of this Solicitation), within the time period as notified by the Beijing 2022, such Applicant shall enter into the relevant legal documents with the Beijing 2022 at the time and location as notified and shall agree that Beijing 2022 may appropriately modify or develop the proposal and agree the copyright associated with such proposal (including but not limited to the property rights, neighbouring rights and derivative product development rights), trademark rights (including but not limited to rights to apply for trademark registration), patent rights (including but not limited to rights to apply for patent registration), and any other intellectual property rights and related rights, proprietary rights and all the derivative rights which can be obtained or enjoyed worldwide now or in the future, which are not prohibited from being transferred under the applicable laws, will be completely, automatically, and permanently transferred to the Beijing 2022 (including any other third parties as recognized by the Beijing 2022) free of charge. An Applicant who is granted the “Nomination Award” shall have the right of authorship, provided that the Beijing 2022 shall decide on the method, form and timing for exercising the authorship and whether the authorship may be exercised. An Applicant granted a “Nomination Award” shall undertake, to the extent permitted by law, not to exercise at his/her own discretion, but to authorise the Beijing 2022 (including any third party recognized by Beijing 2022), to exercise the personal right (except the right of authorship) of the copyright arising from his/her proposal in a permanent and exclusive manner throughout the world.

7.3.5 If a proposal submitted by an Applicant is granted a “Nomination Award” (i.e. being shortlisted as one of the top 20 proposals of this Solicitation), the

Applicant simultaneously assures that, after receiving the notice from the Beijing 2022 (or any third party as recognized by the Beijing 2022), he/she/it shall, as required thereby, produce a three-dimensional sample corresponding to the submitted proposal and deliver the same at the time and to the location as instructed for display and publicity. After such sample is delivered, the ownership thereof shall be transferred to Beijing Government.

7.3.6 In case an Applicant fails to timely, or expressly refuses to, enter into the foregoing documents or perform the production obligation, he/she/it shall be considered as having automatically given up on his/her candidacy. Under such a circumstance, the proposal submitted by this Applicant will no longer be short-listed and meanwhile, the vacancy shall be filled with another submitted proposal in the corresponding order.

7.3.7 The Beijing 2022 will authorize Beijing Government or Hebei Government to produce more enlarged sculptures under the Best Proposals and ground them at the relevant public venues. The ownership of the enlarged sculptures shall be enjoyed by Beijing Government or Hebei Government (or any third party as recognized by Beijing Government or Hebei Government).

## **Letter of Commitment**

To: the Beijing Organising Committee for the 2022 Olympic and Paralympic Winter Games (hereinafter referred to as the “Beijing 2022”), the People’s Government of Beijing Municipality and the People’s Government of Hebei Province:

Subject to fully knowing and voluntarily accepting the requirements of the solicitation documents relating to the solicitation activity for design of public art works for the Olympic and Paralympic Winter Games Beijing 2022 (hereinafter referred to as this “Solicitation”), this natural person/legal person/other organisation (please tick the applicable status, hereinafter referred to as the “Applicant”) voluntarily undertakes to the Beijing 2022, the People’s Government of Beijing Municipality and the People’s Government of Hebei Province (hereinafter collectively referred to as the “Organizers”) as follows:

**Article I** By acknowledging, agreeing to and submitting this “Letter of Commitment”, the Applicant has signed it and is willing to voluntarily participate in this Solicitation as an applicant, comply with all the requirements of this Solicitation and submit the corresponding proposal.

**Article II** With respect to the matters related to his/her participation in this Solicitation, the Applicant hereby voluntarily makes the following warrants and commitments to the Organizers (including any third-party as recognized by the Organizers), the Chinese Olympic Committee, the Chinese Paralympic Committee, the International Olympic Committee, the International Paralympic Committee and the related affiliates thereof:

1. The Applicant has complete and flawless rights over the submitted proposal (including any component thereof, the same below) to be submitted by him/her, i.e. the copyrights (including but not limited to the property rights, neighbouring rights and derivative product development rights), trademark rights (including but not limited to rights to apply for trademark registration), patent rights (including but

not limited to rights to apply for industrial designs patents), and any other intellectual property rights and related rights, proprietary rights and all the derivative rights arising from the proposal, which can be obtained or enjoyed worldwide now or in the future, which are not prohibited from being transferred under the applicable laws, shall all be owned by the Applicant. In addition, such proposal has never been published or publicized nor has any copyright been registered for it up to the time when the applicant submits the same to the Organizers.

2. The Applicant has in detail read and understood the “Solicitation Documents for Design of Public Art Works of the Olympic and Paralympic Winter Games Beijing 2022” (hereinafter referred to as these “Solicitation Documents”), and undertakes to comply with, without any objection, the relevant arrangements and requirements (including but not limited to what set forth in the Solicitation Documents) that have been made by and will be made by the Organizers in respect of this Solicitation.

3. The Applicant warrants he/she/it and the relevant personnel of his/hers/it (in case the Applicant is a legal person, its relevant personnel includes all the shareholders, executive officers, working staff and etc.; in case the Applicant is a social organization, its relevant personnel are all the members of this organization; in case the Applicant is a natural person, his/her relevant personnel are his/her relatives; any third party representing the Applicant includes without limitation the parties like counsels and lawyers who have representing or agency relationship therewith) will keep confidential the proposals which is submitted as a result of his/her/its participation in this Solicitation, as well as the materials and information related to such proposals. The Applicant undertakes not to disclose in any way to any third party any of the aforesaid materials and information before the closing ceremony day of the Olympic and Paralympic Winter Games Beijing 2022 (inclusive). The Applicant will keep confidential any information in relation to the Organizers and the Olympic and Paralympic Winter Games Beijing 2022 which is learnt in the course of this Solicitation and which has never been publicized and undertakes not to disclose in any way to any third party any of the aforesaid

materials and information. Such confidentiality obligations shall remain effective for a long term.

4. No Applicant or his/her relevant personnel will, at any time, at any place or in any form, carryout commercial promotion on the Applicant's participation in this Solicitation, nor will they indicate expressly or implicitly in any way its association with the Organizers, the Olympic and Paralympic Winter Games Beijing 2022, the International Olympic Committee, the International Paralympic Committee, the Chinese Olympic Committee and the Chinese Paralympic Committee. Without written consent given by the Beijing 2022, the International Olympic Committee and the International Paralympic Committee, the Applicant will not in any manner use, or authorise anyone to use, any Olympic properties (as defined by the *Olympic Charter* and regularly updated) or any Paralympic properties (as defined by the *IPC Handbook* and regularly updated), including but not limited to the Olympic/Paralympic symbols, emblems (such as the Olympic/Paralympic emblem), trademarks, themes, logos, uniforms and outfits, mascots or any other titles.

5. All the expenses and costs incurred by the Applicant in his/her participation in this Solicitation shall be borne by the Applicant on his/her/its own, unless otherwise agreed with the Organizers.

6. The Applicant has civil right capacity and civil act capacity to participate in this Solicitation. If the Applicant is a person without or with limited civil capacity (a person without civil capacity refers to a juvenile at age below 8 or an adult without capacity to identify his/her own acts, and a person with limited civil capacity refers to a juvenile at age above 8 or an adult without complete capacity to identify his/her own acts), the consent of his/her legal agent shall be obtained, and the Applicant and the legal agent shall simultaneously fill in and verify the relevant information submitted in the system. Any and all the affixation of stamps, signing, signatures, information filled, consent as well as any and all documents submitted by the Applicant in the course of this Solicitation are voluntary, true, legal, valid and binding on the Applicant.



7. The Applicant respects any and all the assessment comments and decisions on the submitted proposal made by the Organizers and each of other parties in charge of this Solicitation.

8. The Applicant undertakes not to derogate Olympic and/or Paralympic symbols and Olympic and/or Paralympic Movement in any form, and to always respect the dignity and honour of the International Olympic Committee, the International Paralympic Committee and the Organizers, and not to exercise any right (including but not limited to the personal right thereof) that may undermine the rights, image, prestige or reputation of the International Olympic Committee, the International Paralympic Committee and the Organizers.

**Article III** In respect of the matters such as the use, transfer, ownership of the intellectual property rights and other rights and interests arising from a submitted proposal, the Applicant voluntarily undertakes and warrants to the Organizers and the related affiliates thereof as follows:

1. The Applicant warrants the originality of the proposal submitted to the Organizers (including any proposal submitted under any circumstance or at any stage such as the initial submission, subsequent further modification and etc., including but not limited to design effect sketch, design description, and any element or component of the design effect sketch/design description). He/She/It warrants that such proposal has been completed independently without assistance from any other person. He/She/It warrants that no infringement, breach of contract, nor any other illegal or improper circumstance will arise from such proposal or the use of such proposal by the Organizers (including any third party as recognized by the Organizers). He/She/It warrants that all the right holders in relation to such proposal have agreed to jointly participate in this Solicitation.

2. The Applicant understands and agrees that the Organizers (including any third party as recognized by the Organizers) are entitled to use, at their own discretion, any submitted proposal or any component thereof for the organising and assessment purposes within the scope of this Solicitation according to the organising and assessment arrangements of this Solicitation.

3. The Applicant undertakes that, if a proposal submitted by an Applicant is granted a “Nomination Award” (i.e. being shortlisted as one of the top 20 proposals of this Solicitation), within the time period as notified by the Beijing 2022, he/she/it shall enter into the relevant legal documents with the Beijing 2022 at the time and location as notified and shall agree that Beijing 2022 may appropriately modify or develop the proposal under any necessary circumstance, and further agree the copyright associated with such proposal (including but not limited to the property rights, neighbouring rights and derivative product development rights), trademark rights (including but not limited to rights to apply for trademark registration), patent rights (including but not limited to rights to apply for patent registration), and any other intellectual property rights and related rights, proprietary rights and all the derivative rights which can be obtained or enjoyed worldwide now or in the future, which are not prohibited from being transferred under the applicable laws, will be completely, automatically, and permanently transferred to the Beijing 2022 (and any other third parties as recognized by the Beijing 2022) free of charge. An Applicant who is granted a “Nomination Award” shall have the right of authorship, provided that the Beijing 2022 shall decide on the method, form and timing for exercising the authorship and whether the authorship may be exercised. An Applicant who is granted a “Nomination Award” shall undertake, to the extent permitted by law, not to exercise at his/her own discretion, but to authorise the Beijing 2022 (including any third party as recognized by Beijing 2022), to exercise the personal right (except the right of authorship) of the copyright arising from his/her proposal in a permanent and exclusive manner throughout the world. In case the Applicant fails to timely, or expressly refuses to, enter into the foregoing documents, he/she/it shall be considered as having automatically given up on his/her candidacy. Under such circumstance, the vacancy shall be filled with another submitted proposal in the corresponding order.

4. If a proposal submitted by an Applicant is granted a “Nomination Award” (i.e. being shortlisted as one of the top 20 proposals of this Solicitation), the Applicant undertakes that, after receiving the notice from the Beijing 2022 (or any third party recognized by the Beijing 2022), he/she/it shall, as required thereby, produce a

three-dimensional sample corresponding to the submitted proposal and deliver the same at the time and to the location as instructed for display and publicity. After such sample is delivered, the ownership thereof shall be transferred to Beijing Government. In case an Applicant fails to timely, or expressly refuses to, perform the aforesaid obligation, he/she/it shall be considered as having automatically given up on his/her candidacy. Under such circumstance, the vacancy shall be filled with another submitted proposal in the corresponding order. The Beijing 2022 will authorize Beijing Government or Hebei Government to produce more enlarged sculptures under the Best Proposals and ground them in the relevant public venues. The Applicant undertakes that the ownership of the enlarged sculptures shall be enjoyed by Beijing Government or Hebei Government (or any third party as recognized by Beijing Government or Hebei Government)

5. The Applicant has not published, used or developed the submitted proposal in any form on its own or authorized any third party other than the Organizers to do so and he/she/it will not do so.

6. The Applicant agrees that, in view of the nature of this Solicitation and the Olympic/Paralympic Winter Games, the Organizers shall not be obliged to pay any consideration for title transfer or any royalties or any other fees associated with the commercial use of the works in any form to the Applicant (including the Applicant himself/herself, any other third party representing the Applicant, and any other third party claiming against the Applicant for infringement or illegality) for any or all the rights associated with the submitted proposal, which are obtained in accordance with this Solicitation and this “Letter of Commitment”. The Applicant undertakes not to require to share the profits, income or any other proceeds gained from any commercial use of the submitted proposal in any form, with any identity or in any name.

7. The Applicant warrants that the Beijing 2022 shall be entitled to, at its own discretion, carry out any activity such as the use, development, authorisation, licensing or protection with respect to a submitted proposal which is granted a “Nomination Award” in any form and without any interference or restriction by the Applicant or any third party. The above-mentioned activities can be carried out

through any carrier (including any carrier unknown in the existing cognitive domain), or in any form including but not limited to being in writing or electronic form. The Applicant shall have no right to claim any special rights or to share any rights and interests gained by the Organizers as a result of the aforesaid activities.

**Article IV** The Applicant voluntarily undertakes to take the following responsibilities for any and all violations of this “Letter of Commitment” by the Applicant and his/her relevant Personnel:

1. If the Applicant fails to fulfil the relevant commitments under this “Letter of Commitment” or violates any of the commitments under this “Letter of Commitment” before the completion of this Solicitation, and fails to take effective remedial measures within 10 days after the Organizers give notice in writing or in any other form requesting him/her to correct such failure or violation within certain time limit, the Organizers shall be entitled to disqualify the proposal submitted by the Applicant. The Applicant further undertakes to indemnify in full for all the losses sustained by the Organizers due to his/her failure to fulfil its commitments or breach of commitments (all the losses referred to in this document include but are not limited to all the damages and expenses suffered by the Organizers such as direct decrease in economic interests and expected earnings, attorney’s fees payable, costs incurred on litigation, surety and enforcement, traveling expenses as well as all the reputational or economic losses sustained, directly and indirectly, by the International Olympic Committee, the International Paralympic Committee and the Organizers, which are attributable to the Applicant).

2. In the event the Organizers receives or sustains any third party’s request such as any claim, complaint/litigation/arbitration and etc. arising from any proposal submitted by any Applicant or any use of any submitted proposal by the Organizers in any form, or suffer, directly or indirectly, any reputational or economic loss, regardless of the existence of any fault committed by the Applicant, the Applicant shall take sufficient and appropriate measures as required by the Organizers at its own expenses, so as to ensure that the use of the submitted proposal by the Organizers will not be affected in any way by any of the aforesaid requests. Additionally, the Applicant shall indemnify the Organizers for all the

losses sustained by them thereby.

**Article V** This “Letter of Commitment” shall be interpreted in accordance with the laws and regulations of the People’s Republic of China (the “PRC”).

The Applicant undertakes that, in the event any dispute arises from this Solicitation between the two parties thereto, such dispute shall be submitted to Beijing Arbitration Committee to be arbitrated in Beijing pursuant to its rules and the applicable laws of the PRC with Chinese being the language to be used. The award of the arbitration shall be final and binding on both parties.

**Article VI** The Applicant shall not change or delete any contents of this “Letter of Commitment” on its own; otherwise, the Organizers are entitled to determine that the “Letter of Commitment” submitted by the Applicant is invalid, and the Applicant shall be responsible for the consequence resulted therefrom.

**Article VII** Without written consent given by the Organizers, this “Letter of Commitment” shall not be withdrawn or revoked for any reason.

**Article VIII** This “Letter of Commitment” shall immediately take effect upon clicking and ticking the icon of “I have read and agreed” by the Applicant in the submission system and successful submission (and upon simultaneous confirmation and consent by his/her legal agent if applicable; in case the Applicant is a legal person or other organization, a Letter of Authorization shall be filled out simultaneously).

To be filled out by a natural person:

Applicant (name of the natural person): \_\_\_\_\_

Legal agent (if applicable): \_\_\_\_\_

To be filled out by legal person or other organization:

The Applicant (name of the legal person or other organisation): \_\_\_\_\_

Legal representative or person in charge: \_\_\_\_\_

Authorised representative: \_\_\_\_\_

## **Letter of Authorisation**

**(Not applicable to natural persons)**

To: Beijing Organising Committee for the 2022 Olympic and Paralympic Winter Games, People's Government of Beijing Municipality and People's Government of Hebei Province:

[       ] (printed name and title), legal representative/principal person in charge of [               ] (name of the Applicant), hereby authorises [       ] (printed name) from [       ] (name of the legal person or of the internal department of other organisation) to be the representative on behalf of this applicant and in its name to participate in the activity soliciting for design of public art works for the Olympic and Paralympic Winter Games Beijing 2022. All the relevant documents executed by such authorised representative in the course of the solicitation activity and all the matters carried out in relation thereto shall be deemed as acts on behalf of this applicant and have the same legal effect as the acts of this applicant. This applicant will be directly liable for all the obligations, responsibilities and consequences arising from all the acts conducted by the authorised representative. The authorised representative has no right of sub-authorization. In case this authorisation is revoked or changed by this applicant, the Organizers shall be served in writing and such revocation or change will not take effect until it is signed and confirmed by the Organizers.

We hereby authorise as above.

Name of authorised representative of the applicant: \_\_\_\_\_

Number                      of                      Valid                      Identification

Document: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Address of notice and delivery: \_\_\_\_\_