

**KATHMANDU PTY LTD AND KATHMANDU LIMITED (KATHMANDU)**

**AMER SPORTS AUSTRALIA PTY LTD (TRADING AS SALOMON)**

**TRAIL BLAZERS**

**TERMS OF PARTICIPATION AND WAIVER**

**AND RULES**

*This document governs your participation in activities of the Trail Blazers Run Club conducted by Kathmandu and sponsored by Salomon (**Trail Blazers**). Please read it and sign it before participating in each Trail Blazers activity.*

**Risk Warning**

Running involves risk, including the risk of death, serious injury or illness and damage to property due to factors such as:

- adverse weather;
- equipment malfunction or failure;
- accidents; and
- over-exertion and fatigue.

Please consider these risks when deciding whether to run or participate in any other activities conducted by the Trail Blazers.

**Terms of Participation and Waiver**

I acknowledge and agree with Kathmandu and Salomon that my participation in any run or other activity conducted by the Trail Blazers is governed by the following terms and conditions:

1. I accept the risks outlined in the above risk warning and agree to participate at my own risk.
2. I will comply with the Trail Blazers Rules as those rules may be amended or modified and notified to me from time to time. See Trail Blazer Rules below.
3. To the fullest extent permitted by law, I release Kathmandu, Salomon, their representatives and any others involved in the provision of any services by Kathmandu from all liability, claims or damages of any kind whether in contract, tort (including negligence) or otherwise, arising from my participation in Trail Blazers activities.
4. I indemnify Kathmandu and Salomon and will keep each of them indemnified from any loss or damage arising from any claims by any other person from or in connection with my participation in any Trail Blazers activity, whether in contract, tort (including negligence) or otherwise.
5. I acknowledge and agree that Kathmandu and Salomon exclude any and all liability that either of them may have to me under the consumer guarantees relating to the provision of recreational services (in Subdivision B of Division 1 of Part 3-2 of the Australian Consumer Law) for:
  - (a) death; or
  - (b) a physical or mental injury to me (including the aggravation, acceleration or recurrence of such an injury); or
  - (c) the contraction, aggravation or acceleration of a disease by me; or

(d) the coming into existence, the aggravation, acceleration or recurrence of any other condition, circumstance, occurrence, activity, form of behaviour, course of conduct or state of affairs in relation to me:

(i) that is or may be harmful or disadvantageous to me or the community;  
or

(ii) that may result in harm or disadvantage to me or the community,

other than liability for significant personal injury caused by any reckless conduct (within the meaning of section 139A(5) of the *Competition and Consumer Act 2010*) of Kathmandu or Salomon.

6. I agree to being photographed, filmed and recorded as a participant in any run event or other related activity. Unless otherwise agreed with Kathmandu or Salomon, I consent to Kathmandu, Salomon or a third party using images and recordings of me for broadcast, publication and licensing, in any medium, for marketing or any other lawful purpose, without compensation or acknowledgement. I understand that I do not own copyright of any photographs, images or other media.
7. I waive any right to inspect and approve the finished product and further release Kathmandu and Salomon, and their representatives, from any claims for remuneration or liability associated with any form of damage, foreseen or unforeseen, associated with the proper commercial or artistic use of these images.
8. I represent that I am in good health and fit to run and participate in Trail Blazers activities, and over the age of 18 years. I am solely responsible for determining whether I am fit to commence running and whether to continue running during any Trail Blazers event and I remain solely responsible notwithstanding any advice, direction or guidance provided by the Trail Blazers leaders.
9. I understand when joining Trail Blazers my information is collected so that Kathmandu and Salomon can communicate with me as a Trail Blazers member and provide me with training tips and information, and offers and information from Kathmandu and Salomon. By providing my information I agree to be contacted for this purpose. I acknowledge I can opt out of receiving information at any time if I chose to do so. I acknowledge that my personal information will be handled in accordance with Kathmandu's [Privacy Policy](#).

### **Trail Blazers Rules**

1. Follow the instructions of the Trail Blazers leaders at all times and comply with all reasonable directions given to you by Kathmandu or any of its representatives regarding health and safety while participating in a Trail Blazers event
2. Respect the wellbeing and safety of all Trail Blazers participants and the public
3. Immediately notify Trail Blazers leaders in an emergency or when the safety of any participant is in danger
4. Abide by all road rules, watch for traffic and give way to traffic at all times
5. Support, encourage and involve all participants regardless of their talent level
6. Maintain respectful and appropriate behaviour with all participants and the public including by not using offensive language or behaviour
7. Anticipate your own needs; bring appropriate equipment such as water and / or food and sunblock as required
8. No headphones to be worn by any participant during a Trail Blazers session
9. Wear appropriate running footwear and apparel, including bright and/or reflective clothing to ensure visibility to traffic, and which is appropriate for the applicable weather conditions
10. A run may be cancelled at the discretion of the Trail Blazers leaders due to weather conditions or other adverse events

11. Participants are responsible for their own fitness, experience and actions during a Trail Blazers event
12. Trail Blazers events are free of charge and are open to all Summit Club members. You must register for each Trail Blazers event at <https://kathmandu.typeform.com/to/hPIMLV>

**Any participant who fails to abide by the Trail Blazers rules may be excluded from participating in any Trail Blazers event at any time.**