

OPERATION HAPPY BIRTHDAY CONTEST

NO PURCHASE NECESSARY. VOID WHERE PROHIBITED OR RESTRICTED BY APPLICABLE FEDERAL, STATE, OR PROVINCIAL LAWS AND REGULATIONS. A PURCHASE WILL NOT INCREASE YOUR CHANCES OF WINNING. VOID IN PUERTO RICO, U.S. TERRITORIES AND POSSESSIONS, PROVINCE OF QUEBEC AND WHERE PROHIBITED. OPEN ONLY TO U.S. AND CANADIAN RESIDENTS (EXCLUDING RESIDENTS OF THE PROVINCE OF QUEBEC) 18 YEARS OF AGE OR OLDER.

1. HOW TO ENTER: Beginning at 12:01 am Eastern Time ("ET") on April 30, 2010 through 11:59 pm ET on August 1, 2010, create and submit a video clip (no longer than one minute) with your most original, creative or funny version of singing happy birthday to the Dairy Queen *Blizzard*[®]. You may sing, dance, act or perform in anyway; however, all video content must be original and may not include any copyrighted or trademarked material as further described in Section 2 below. Maximum length of video is 60 seconds and maximum file size of video is 500MB. The following video formats are acceptable: .3g2, .mpg, .mp4, .avi, .flv, .m4v, .qt, .wmv, .mov, .f4v, or .3gp. Videos must be uploaded to www.YouTube.com by 11:59 pm ET on July 1, 2010, to be eligible for consideration in the contest. Video submissions will be re-uploaded to the Dairy Queen You Tube Channel which can be found at: <http://www.youtube.com/dairyqueen>

To become an Entrant ("Entrant") you also will be required to complete an online registration form at the time of submission of entry. Sponsor respects the privacy of on-line visitors. Any personal information collected will be used by Sponsors and their agent(s) solely to administer this promotion and will not be used or disclosed for any other purpose without the consent of the entrant. Personal information that is voluntarily submitted is not sold, transferred, or otherwise disclosed to unrelated entities, unless required by law. Only visitors who request email would receive email. To view our full online privacy policy please visit www.dairyqueen.com.

Entry Requirements: All entries must meet the following guidelines:

- To enter the Contest you must be a lawful permanent resident of the United States or Canada (except residents of the Province of Quebec). The Contest, and any website pages and advertisements relating thereto, is intended for viewing only within the United States and Canada. You are not authorized to participate in the Contest if you are not located within the United States or Canada.
- Limit one entry per person per household. Incomplete, illegible or corrupted entries will be disqualified. Sponsor is not responsible for lost, late, damaged, incomplete or misdirected entries.
- All entries become the property of Sponsor and will not be acknowledged.
- Employees, officers and directors of Sponsor, Sponsor's franchisees, and their respective affiliated companies, parents and subsidiaries, and the advertising and promotion agencies of each (collectively, "Contest Entities"), and their immediate families (defined as spouse, mother, father, sisters, brothers, sons and daughters, regardless of where they reside) and members of their households (whether related or not) are ineligible to participate in this Contest.

2. Content: Each entry must be suitable for display on the internet and uploaded to YouTube.com as outlined in the rules for participation in the contest. Entries may not contain persons under 18 years of age, contain unsafe behavior or situations or contain material considered illegal. Entries must be in the English language and should be modest and in good taste, must not be obscene or indecent, including but not limited to containing pornography or profanity, nor contain any offensive or defamatory statements including but not limited to words or symbols that might be considered offensive to individuals of any race, ethnicity, religion, sexual orientation or socioeconomic group, nor include threats to any person, place, business, or group, nor invade privacy or other rights of any person, firm or entity, including, without limitation, any third party trademarks or copyrights, nor portray Sponsor or Sponsor's brands or products in any way that might tend to subject any of them to public contempt, scandal, disrepute or ridicule. Sponsor reserves the right to make determinations of suitability in its sole and absolute discretion, and to disqualify any entries it determines to be inappropriate for any of the reasons listed above, or for any other reason. Entries must be an original work that are under no restriction, contractual or otherwise, that will prevent Sponsor's use of the Entry and each Entry must be free of any and all liens, encumbrances and claims of third parties. Entrant acknowledges, agrees and warrants that, nothing in the Entry infringes on any copyrights, confidential information, trade secrets or trademarks belonging to any person or entity other than the Participant absent a suitable license, clearance or permission agreement (proof of which may be required upon submission), or violates any person's rights of privacy or publicity and that all necessary releases and permissions have been secured.

3. WINNER SELECTION: All eligible entries will be judged by a panel of judges designated by Sponsor on or about August 1, 2010. Entries will be judged on the following criteria: Originality of video content (**25%**), Creativity of video content (**25%**), Adherence to theme and time limit (**25%**) and amount of page views video generates (**25%**). Sponsor's decisions are final in all matters relating to the Contest. In the event of a tie, ties shall be broken on the creativity of the Entry.

Winners will be notified in advance on the [Dairy Queen blog](#) by Aug 20, 2010 and will be notified via email at the email address provided upon registration. Before being declared a winner of any prize, Canadian residents must also correctly answer, without assistance of any kind, whether mechanical or otherwise, a time-limited mathematical skill-testing question to be administered by the Sponsor or its designated agent by phone within the time specified by the Sponsor. In the event that the potential winner cannot successfully complete the skill-testing question within the time specified by the Sponsor, then this will result in the disqualification of the potential winner and an alternate winner will be selected.

4. PRIZES: One hundred winning videos will be selected. The top one hundred videos will be awarded a \$25 gift card (in local currency) redeemable only at participating Dairy Queen locations. Gift cards can not be used in exchange for cash. Contest void where prohibited. Prize may not be substituted for a prize of equal or lesser value. All taxes are solely the responsibility of the winner.

5. RIGHTS IN SUBMISSIONS: In consideration of entrant's submission being reviewed and evaluated for this Contest, each entrant hereby grants to the Sponsor a non-exclusive, irrevocable, fully paid, universal license to use, copy, sublicense, transmit, distribute, publicly perform, publish, delete or display such submission, or any portion thereof, in any media now known or hereafter devised including, but not limited to, all forms of television and all forms of internet and wireless protocol without any further right of approval. Each Entrant authorizes the Sponsor and any entities affiliated or in privity with the Sponsor, to utilize in perpetuity, and in any manner they see fit, the submission submitted to Sponsor, and to make derivative works from such material. Each entrant agrees that the results and proceeds of such use shall become the property of Sponsor and/or Sponsor's licensees, and shall be freely assignable by Sponsor and that the Contest Entities and their assignees and licensees shall have no obligations whatsoever to entrant. Each Entrant releases the Contest Entities, and their assignees and licensees, from any and all claims or liability (now known or hereafter arising), including but not limited to any claims for defense and/or indemnity, in connection therewith. Each entrant also grants permission for the Contest Entities to use entrant's name and likeness, for the purpose of advertising, trade, or promotion without further notice, permission, compensation or consideration in any and all media, unless prohibited by law.

6. DMCA: Sponsor complies with the provisions of the Digital Millennium Copyright Act (DMCA). In compliance with the DMCA, a Designated Agent has been established with proper documentation sent to the US Copyright Office.

If you have a concern regarding the use of copyrighted material on any web site, please contact the agent designated to respond to reports alleging copyright infringement.

The designated agent for Sponsor to receive notification of claimed infringement under Title II of the DMCA is: Jamie Guse C/O American Dairy Queen Corporation 7505 Metro Blvd, Minneapolis, MN 55439-0286

DMCA Claims

The DMCA specifies that all infringement claims must be in writing (either electronic mail or paper letter) and must include the following:

- A physical or electronic signature of the copyright holder or a person authorized to act on his or her behalf;
- A description of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site;
- A description of the material that is claimed to be infringing or to be the subject of infringing activity, and information reasonably sufficient to permit the service provider to locate the material;
- Information reasonably sufficient to permit the service provider to contact you, such as an address, telephone number, and, if available, an electronic mail address;
- A statement that you have a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and

- A statement that the information in the notification is accurate, and under penalty of perjury, that you are authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

7. OFFICIAL RULES and WINNERS' LIST: For a copy of the Official Rules or list of prize winners, which shall be available after August 1, 2010 please send a separate, self-addressed stamped envelope to Operation Happy Birthday C/O Pierson Grant Public Relations, 6301 Northwest 5th Way, Suite 2600 Fort Lauderdale FL 33309 Residents of Vermont and Canada may omit return postage.

8. SPONSORED BY:

American Dairy Queen Corporation (ADQ) 7505 Metro Boulevard, Minneapolis, MN 55439 U.S.A., and Dairy Queen Canada Inc., 905 Century Drive, Burlington, ON L7R 3Y3, CANADA