Media Liability Insurance

QBE

Media Liability Insurance

A highly responsive solution to a fast moving media world.

By its very nature, the media industry is fast moving, dynamic and constantly evolving. Development of the internet and technology, coupled with the advocation of free speech, has brought about endless boundaries to the different ways that media can be distributed in order to achieve a global audience.

Media plays an important role in everyone's lives whether you read it, watch it or hear it, ever present on a worldwide platform the potential for claims against media companies is a realistic threat.

Branding and promotion are key drivers for generating wealth which in turn has caused reputations of individuals or companies to be fiercely protected along with the creativities of individuals producing unique intellectual property.

With a wealth of experience writing media liability and professional indemnity for media professionals, we understand the environment that media companies operate in but we also understand the need for an expert claims management service to deal with writs and injunctions in a time critical manner. We have the underwriting and claims handling expertise to meet complex insurance arrangements.

We are constantly monitoring risks which are faced by media professionals and as such, our media liability products have several outstanding features to help provide a tailored solution.

Marketing, Advertising and Communication Businesses

Media business, which includes marketing communications, is often treated by insurers as a miscellaneous class. The miscellaneous wordings, however provide inadequate levels of cover.

Marketing communication agencies may not be aware of the potentially crippling liabilities they could incur in their everyday business. The responsibility of ensuring that a client's brand or image is correctly conveyed to stakeholders is an important job. Mistakes in literature can be rectified quickly but damage to reputation is more difficult to restore.

Our Media Liability Policy for Marketing, Advertising and Communication Agencies has been developed to help rectify errors and omissions by giving 'First-Party' cover which allows problems to be put right without a claim being made by the client, and therefore maintain the insured's reputation and commercial relationships.

Target clients include but are not limited to:

- Advertising agencies, direct marketing companies, public relations companies, sales promotional companies, media buyers, new media agencies, market research companies and marketing consultants

  Professional activities include; advertising, advertising services, public relations, direct marketing, sales promotion, other forms of marketing communications, articles for publicity, press release or broadcast to be used for promotional purposes as well as the creation of content for others.

Key aspects of QBE cover:

- Any form of defamation ✓
- Infringement of intellectual property ✓
- Product disparagement ✓
- Negligent acts, negligent misstatement or negligent misrepresentation ✓
- Acting outside your authority ✓
- Irrecoverable fees ✓
- Misuse of information which is confidential or subject to statutory restrictions ✓
- Breach of license to use a third party's trademarked or copyrighted matter ✓
- Unintentional transmission of a computer virus ✓
- Dishonesty of employees ✓
- Court attendance compensation ✓
- Civil liability not included above. ✓

Also included:

- Breach of comparative advertising regulations ✓
- Costs to mitigate a claim ✓
- Failure to protect against unauthorised access to systems ✓
- Hacker protection ✓
- Joint ventures ✓
- Public relations and crisis management services ✓
- Acquisitions and creations ✓
- Expenses associated with withdrawal of content as a result of a complaint made to the Advertising Standards Authority (ASA) or the Office of Communications (OFCOM) ✓
- Breach of duty in the sale or supply of a product ✓
- Punitive and exemplary damages where insurable by law ✓
- Worldwide territory. ✓

Optional coverage:

- Cyber Liability First and Third Party ✓
- Long term agreements ✓
- Supplemental Extended Reporting Period (ERP) ✓
- Technology extension ✓
- USA jurisdiction. ✓

Publishers

With the promotion of free speech, personal reputation and the value associated with copyrighted and trademarked content, exposure for a publisher is not just limited to traditional means of publishing. The ability to publish on-line, syndicate news or generate content in other interactive forms can give rise to a multitude of different risks from traditional media perils to internet liability exposures.

Whether publishing own content or publishing content on behalf of others, a publisher can be held accountable for defending an action brought against them. The UK is one of the most favoured territories to bring a libel action and the introduction of the internet to reach a global audience has sought only to increase those risks.

Our Media Liability Policy for Publishers provides cover for claims brought from third parties as a result of published content or ancilliary related services carried out during the course of their business activities.

Target clients include but are not limited to:

- Book Publishers, Newspaper Publishers, Magazine Publishers, trade journal publishers, on-line publishers

  Publishing activities include the research, preparation, publication, republication, serialisation, exhibition, distribution, licensing or advertising of content.

Key aspects of QBE cover:

- Any form of defamation ✓
- Infringement of intellectual property ✓
- Invasion of privacy ✓
- Breach of confidence ✓
- Trade libel ✓
- Product disparagement ✓
- Negligent acts, negligent misstatement or negligent misrepresentation ✓
- Misuse of information which is confidential or subject to statutory restrictions ✓
- Infliction of emotional distress ✓
- Unintentional transmission of a computer virus ✓
- Dishonesty of employees ✓
- Loss of or damage to documents or data ✓
- Failure to protect against unauthorised access to systems ✓
- Hacker protection ✓
- Joint ventures ✓
- Public relations and crisis management services ✓
- Acquisitions and creations ✓
- Civil liability not included above ✓
- Expenses associated with withdrawal of content as a result of a Court Order or to mitigate a claim. ✓

Also included:

- Contingent Bodily Injury or Property damage ✓
- Punitive and exemplary damages where insurable by law ✓
- Worldwide territory and jurisdiction. ✓

Optional coverage:

- Cyber Liability First and Third Party Coverage ✓
- Long term agreements ✓
- Technology extension. ✓

Broadcasters

The UK is one of the most favoured territories to bring a defamation action. Historically, damages have been capped at an attractive level acting as a financial incentive to any claimant deemed a libel tourist. In addition, some actions are pursued on a no-win, no-fee basis (Conditional Fee Arrangement) which present the defendant with exorbitant costs should they lose, possibly threatening their mere existence to continue running a commercial business.

Whether you are a radio or television broadcaster airing live chat shows, televised factual documentaries or reality programmes, the threat of defamation can be difficult to manage with the inclusion of unscripted dialogue.

Our Media Liability Policy for Broadcasters provides cover for claims arising from third parties as a result of transmitting or disseminating programmes, howsoever broadcast including any incidental publishing or related advertising.

Target clients include but are not limited to:

- Radio Broadcasters, Television Broadcasters, Website owners

  Broadcasting activities include the dissemination or transmission of a radio or television station howsoever broadcast including any incidental publishing or related advertising of content.

Key aspects of QBE cover:

- Any form of defamation ✓
- Infringement of intellectual property ✓
- Invasion of privacy ✓
- Breach of confidence ✓
- Trade libel ✓
- Product disparagement ✓
- Negligent acts, negligent misstatement or negligent misrepresentation ✓
- Misuse of any information which is either confidential or subject to statutory restrictions ✓
- Infliction of emotional distress ✓
- Unintentional transmission of a computer virus ✓
- Dishonesty of employees ✓
- Loss of or damage to documents or data ✓
- Civil liability not included above ✓
- Failure to protect against unauthorised access to systems ✓
- Hacker protection ✓
- Joint ventures ✓
- Public relations and crisis management services ✓
- Acquisitions and creations ✓
- Expenses associated with withdrawal of content as a result of a complaint made to the Advertising Standards Authority (ASA) or the Office of Communications (OFCOM). ✓

Also included:

- Contingent Bodily Injury or Property damage ✓
- Punitive and exemplary damages where insurable by law ✓
- Worldwide territory and jurisdiction. ✓

Optional coverage:

- Cyber Liability First and Third Party Coverage ✓
- Technology extension ✓
- Long term agreements. ✓

Multimedia

Whether a business includes broadcasting, publishing, film production or a combination of all three, a multimedia company can be faced with a variety of different exposures relating to each of its specialist services.

Traditional and on-line publishing, broadcasting via different means, or creating content in the form of programming can present increasing challenges to ensure that licenses have been acquired to use copyrighted or trademarked content, but more importantly those licenses are not breached.

Our Media Liability Policy for Multimedia Companies provides cover for claims arising from third parties as a result of multimedia activities conducted during the course of business.

Target clients include but are not limited to:

- Book Publishers, Newspaper Publishers, Magazine Publishers, Radio Broadcasters, Television Broadcasters, On-line Publishers and Multimedia Content Providers

  Multimedia activities include the research, investigation, gathering, acquisition, obtaining, preparing, compiling or production of content, or licensing, syndication, serialisation, distribution, sale or lease of content including but not limited to publications, broadcasts or any form of communication.

Key aspects of QBE cover:

- Any form of defamation ✓
- Infringement of intellectual property ✓
- Invasion of privacy ✓
- Breach of confidence ✓
- Breach of licence to use a third party's trademarked or copyrighted matter ✓
- Negligent acts, negligent misstatement or negligent misrepresentation ✓
- Misuse of information which is confidential or subject to statutory restrictions ✓
- Infliction of emotional distress ✓
- Unintentional transmission of a computer virus ✓
- Dishonesty of employees ✓
- Loss of or damage to documents or data ✓
- Failure to protect against unauthorised access to systems ✓
- Hacker protection ✓
- Joint ventures ✓
- Public relations and crisis management services ✓
- Acquisitions and creations ✓
- Civil liability not included above ✓
- Expenses associated with withdrawal of content as a result of a Court Order or to mitigate a claim. ✓

Also included:

- Coverage for purchasers, distributors or co-producers or other party that has a financial interest ✓
- Loss of or damage to documents or data ✓
- Punitive and exemplary damages where insurable by law ✓
- Worldwide territory and jurisdiction. ✓

Optional coverage:

- Cyber Liability First and Third Party Coverage ✓
- Technology extension ✓
- Long term agreements. ✓

Film and Television Programme Production

Whether a producer of content for cinematic films, television programmes, pre-recorded content, stage shows, VoD or DVD, a major exposure for film and television producers is the obtaining and clearing of licenses and consents from third party contributors.

We can provide cover on a standalone basis or as an annual policy with a built in extended reporting period to mirror a specific rights period granted in a distribution contract agreed with a broadcaster or distributor as well as providing cover for all media perils.

Our Media Liability Policy for Film and Television Programme Producers provides cover for claims brought by third parties arising from the research and development phase to end distribution as well as from any licence agreement for merchandising.

We will automatically include purchasers, distributors, co-producers or any party that has a financial interest in the production as an additional insured to satisfy any contractual liability.

Target clients include but are not limited to:

- Production companies producing commercials, cinematic films, programmes for television or other medium, film distributors, content libraries, pre-recorded live events for broadcast or dvd, children's, sports, religious or factual documentary programmes

  Film and Television programme production activities include the research and development, preparation, production, advertising of matter, release, broadcast, sole licensing, merchandising licensing and distribution of a production.

Key aspects of QBE cover:

- Any form of defamation ✓
- Infringement of intellectual property ✓
- Invasion of privacy ✓
- Breach of confidence ✓
- Product disparagement ✓
- Infliction of emotional distress ✓
- Misuse of any information which is either confidential or subject to statutory restrictions. ✓

Also included:

- Coverage for purchasers, distributors or co-producers or other party that has a financial interest ✓
- Negligent acts arising from content in an insured production ✓
- Contingent Bodily Injury/Property damage arising from content in an insured production ✓
- Licensing of a popular element for merchandising ✓
- Dishonesty of employees ✓
- Punitive and exemplary damages where insurable by law ✓
- Worldwide territory and jurisdiction ✓
- Policy period of up to 60 months. ✓

Optional coverage:

- Cyber Liability First and Third Party Coverage ✓
- Extended period for purchasers, distributors and co-producers ✓
- Claims from earlier production. ✓

Film Distributors

Our Media Liability policy for Film Distributors provides the insured with cover for claims brought against them from third parties arising from the content of a film or programme acquired to be distributed during the period of insurance.

Target clients include but are not limited to:

- Film distributors and content libraries

  Film distribution activities including the release, broadcast, sale, marketing, advertising, sole licensing and distribution of a production which forms part of the Insured's library of titles.

Key aspects of QBE cover:

- Any form of defamation ✓
- Infringement of intellectual property ✓
- Invasion of privacy ✓
- Breach of confidence ✓
- Product disparagement ✓
- Infliction of emotional distress ✓
- Misuse of any information which is either confidential or subject to statutory restrictions. ✓

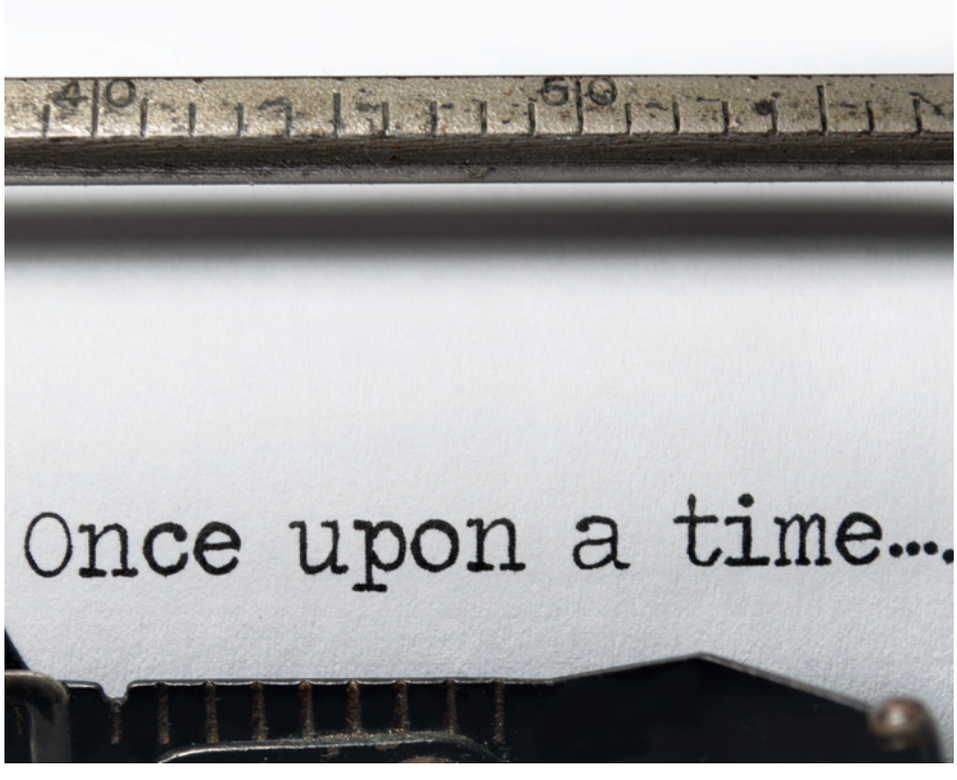
Also included:

- Coverage for purchasers or other party that has a financial interest ✓
- Negligent acts arising from content in an insured production ✓
- Contingent Bodily Injury/Property damage arising from content in an insured production ✓
- Dishonesty of employees ✓
- Punitive and exemplary damages where insurable by law ✓
- Worldwide territory and jurisdiction. ✓

Optional coverage:

- Cyber Liability First and Third Party Coverage ✓
- Extended period for purchasers, distributors and co-producers. ✓

Authors and Freelance Writers



Our Media Liability policy for Authors and Freelance Writers provides the insured with cover for claims brought against them from third parties during the period of insurance, as a result of services undertaken after the policy's retroactive date relating to their publishing activities.

Target clients include but are not limited to:

- Authors and freelance writers

  "Works" mean published of a named author or freelance writers created matter relating to a book or other work.

Key aspects of QBE cover:

- Any form of defamation ✓
- Infringement of intellectual property ✓
- Invasion of privacy ✓
- Breach of confidence ✓
- Trade libel ✓
- Product disparagement ✓
- Misuse of information which is confidential or subject to statutory restrictions ✓
- Infliction of emotional distress ✓
- Unintentional transmission of a computer virus ✓
- Dishonesty of employees ✓
- Loss of or damage to documents or data ✓
- Failure to protect against unauthorised access to systems ✓
- Hacker protection ✓
- Public relations and crisis management services. ✓

Also included:

- Expenses associated with withdrawal of content as a result of a Court Order or to mitigate a claim ✓
- Punitive and exemplary damages where insurable by law ✓
- Worldwide territory and jurisdiction. ✓

Optional coverage:

- Cyber Liability First and Third Party Coverage. ✓

Claims Management Service

QBE have a dedicated claims handling service with experience of media related claims, including defamation, breach of intellectual property rights and violation of privacy laws. Our claims handlers come from both a legal and insurance background and will provide a proactive and collaborative approach to both claims handling and commercial legal enquiries. We pride ourselves on building relationships with our clients, understanding their needs to help protect commercial relationships and reputation.

Our in-house qualified solicitors have worked both in private practice and for insurance companies. This experience encompasses the management of court proceedings up to the House of Lords, defending claims to trial and negotiating settlement of litigation and claims. With training in legal principles our claims handlers also understand the need to apply commerciality and common sense to the defence of a claim - dictated by the individual facts of each case.

QBE have the expertise and experiences to ensure your media clients not only get an insurance product that will respond to their media liabilities but that the claims will be handled efficiently and effectively.

For more information about QBE and our Media products, please visit **www.QBEeurope.com/pi**

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