



## Video, film and TV producers liability insurance

### Are you satisfied your insured's exposures are sufficiently covered?

From incidentals to Hollywood blockbusters substantial liability claims arise. Even where you have ensured that all necessary clearances have been undertaken you can never foresee what will come out of the woodwork. The Hiscox video, film and TV producers liability insurance policy gives broad protection and peace of mind. Using the checklist below you can easily spot gaps in your current media client's coverage that would be covered under the Hiscox video, film and TV producers liability insurance policy.

#### Comparative checklist – does your insured's media policy:

- ✓ provide 'open perils'/'all risk' protection (not limited named torts) comprising of traditional libel, slander, invasion of privacy, breach of confidentiality, copyright, trademark perils and also defamation, injurious falsehood, trespass and publicity rights violations;
- ✓ offer an occurrence form covering all film and program production activities which occur during the policy period, regardless of when a claim is made;
- ✓ cover claims brought anywhere in the world;
- ✓ cover plagiarism, piracy or breach of an implied contract to use a third party's creative idea;
- ✓ cover breaches of the scope of a license your insured has acquired to use a third party's material;
- ✓ cover misappropriation of content, formats, characters, trade names, character names, titles, plots, musical compositions, voices, slogans, graphic material or artwork;
- ✓ cover negligence arising out of content;
- ✓ cover the title of the insured production (upon our review of a satisfactory 'title search and report');
- ✓ cover your insured's failure to give credit or attribution of authorship;
- ✓ cover the costs of prosecuting your insured's own declaratory relief actions in the face of an infringement claim;
- ✓ cover content in any form whether it is on the internet, a podcast or mobile phone message;
- ✓ have a broad definition of film and program production activities ranging from preparation to exhibition of content;
- ✓ cover your insured's website content, including blogs and also unauthorized access to this content resulting in a claim for defamation, IP infringement, breach of privacy, outrage, or infliction of emotional distress;
- ✓ provide coverage for your insured's advertising of their insured production;
- ✓ provide a carve back for fraudulent or dishonest conduct where it has not yet been established by a final adjudication;
- ✓ provide affirmative cover for punitive and exemplary damages (where insurable by law);
- ✓ provide duty to pay coverage with choice of defense counsel (with approval, not to be unreasonably withheld);
- ✓ prevent the insurer from forcing your insured to accept a settlement;
- ✓ enable your insured to:
  - settle within the retention;

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- extend cover to third parties, including but not limited to freelancers, correspondents, stringers, photographers, volunteers and 'leased employees', commissioned or engaged to provide media content;
- extend cover for liability assumed under agreement where claims arise out of your insured's content;
- extend cover to past present or future directors, officers, trustees, partners in, or employees;
- ✓ have a flexible underwriting style with a fast turnaround from experienced specialized media underwriters;
- ✓ offer an experienced dedicated specialized media claims handling team.

Policies are underwritten by Syndicates 33 and 3624 (managed by Hiscox Syndicates Limited) at Lloyd's of London. Hiscox Syndicates Limited is authorised and regulated by the FSA in the United Kingdom.

This checklist serves solely as a summary of key Hiscox policy provisions. Please refer to the Hiscox Multimedia Liability Insurance policy for exact terms, conditions and exclusions.