

# Film Production E&O Insurance

Delivering security in a world of risk

CHUBB®



With any TV or film production, the producer is the central coordinator and decision-maker. They bring together the disparate creative, technical and financial elements of a production and ensure that each operates effectively within its own sphere and together with the others. A successful producer will be able to navigate through all of these facets to bring an idea to life on the big screen.

In addition, they also face a myriad of liability exposures in curating this content, which can prove exhaustive and extremely costly if it goes wrong.

For example, the title of a production could violate a third-party trademark, or an accidental failure to obtain consent or a proper license could spark a lawsuit. Defense costs associated with such lawsuits can be staggering. Chubb offers a bespoke Film Production Errors and Omissions policy which addresses these risks and more.

Chubb's offering provides more than just a contractual solution to producers. It can save producers from the peril of bankruptcy or financial ruin while ensuring they can monetise their valuable asset as it makes its way onto the big screen.

## Coverage Highlights

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- Coverage goes beyond specified "named perils" to risks arising out of the core functions of production companies: gathering and disseminating information or entertainment to the public.
- Internet liability for the production is automatically covered.
- No clause requiring the insured to settle at the insurer's request.
- No exclusion for "internal" copyright disputes brought by employees or freelance writers over "ownership rights."
- Multi-year coverage up to 7 years can be purchased to comply with distribution "rights period" requirements.
- Annual E&O coverage available for select clients.
- Worldwide coverage.
- Multi-currency options available.
- Interested parties can be named under the policy as additional insureds to meet contractual requirements.

## Loss Scenarios

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- A writer alleged a production copied his storyline and sued for copyright infringement and misappropriation.
- A well-known celebrity alleged they were defamed in a feature film that portrayed them in a negative light.
- A foreign company alleged a local production company misappropriated their name for use in a local TV series. The company sued for title infringement.
- A well known artist and photographer alleged that content from one of their photographs was used by a movie studio without their consent. They ultimately sued the movie studio for copyright infringement and misappropriation.
- A producer's film was based on a bestselling book. The man whose life was the subject of the book, sued the film producer, alleging that the movie would repeat the defamatory information published in the book, would place him in the same false light, and would disclose private facts about him.

## Why Chubb?

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**Leadership** — Chubb has been committed to protecting organisations with content exposures for over 40 years. Our expertise allowed us to develop “all risk” coverage. What’s more, Chubb offers a suite of complementary insurance solutions for production companies, including Media Production Insurance, annual Film General Liability, as well as Voluntary Workers coverage.

**Protection** — The true measure of an insurer is how well it actually protects its customers — that is, how it responds to and manages claims. We strive to treat each customer the way we would like to be treated if we experienced the same loss — with integrity, empathy, promptness, and fairness — and to reach mutually agreeable outcomes.

**Endurance** — Chubb’s financial stability and ability to pay claims rate among the best in the insurance industry, as attested by the leading insurance rating services.

## About Chubb in Australia

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Chubb is the world’s largest publicly traded property and casualty insurer. Chubb, via acquisitions by its predecessor companies, has been present in Australia for over 50 years. Its operation in Australia (Chubb Insurance Australia Limited) provides specialised and customised coverages include Marine, Property, Liability, Energy, Professional Indemnity, Directors & Officers, Financial Lines, Utilities as well as Accident & Health, for a broad client base, including many of the country’s largest companies.

More information can be found at [www.chubb.com/au](http://www.chubb.com/au)

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