

# MediaGuard Insurance

## Delivering Security in a World of Risk - Errors & Omissions Liability Insurance

CHUBB®



Imagine the damaging impact a media liability lawsuit could have on your organization's reputation. Even if no one in your organization did anything wrong, defence and settlement costs can escalate to hundreds of thousands (if not millions) of dollars. Complicating the picture further is an expanding litany of media liability exposures – ranging from defamation, invasion of privacy and emotional distress to copyright or trademark infringement, misappropriation and advertising errors and omissions.

### **Traditional Media Organizations Broadcasters, Publishers & Newsgathering Entities**

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To endure and succeed in today's increasingly global broadcasting, publishing and newsgathering business, media companies must continually keep pace with evolving technology, marketplace demands, competitors, and a changing legal landscape. Consider the financial impact on your organization if:

- An individual sued you for copyright infringement, alleging that your organization included her copyright protected work in your broadcast.
- A public official sued you for false light because of broadcasted hidden camera footage of the official allegedly engaging in the misuse of taxpayer funds.
- A news broadcast inadvertently included personal information about someone, who then sued you for invasion of privacy.
- A person sued you for defamation, contending that a news article improperly linked him to organized crime.
- The estate of a victim of a crime sued you for emotional distress because your magazine published a photograph of the victim's open casket.
- A reporter was served with a subpoena to compel her to reveal the source of confidential information in connection with a major public scandal.

## Ad Agencies and Organizations That Advertise

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To be successful in a global advertising business, ad agencies, as well as in-house advertising departments, must be on the leading edge to meet clients' needs. Consider the financial impact on your organization if:

- An individual sued you for misappropriating an idea because an ad campaign allegedly included his copyright protected work.
- A client, who faced a trademark infringement lawsuit, in turn sued you for indemnification because your organization created a series of marketing campaigns on behalf of that client and someone is now alleging that your campaign has "confusingly similar" names and symbols to their product.
- A photographer sued you for misappropriation because no one obtained a release from him to use his work.
- A client sued you for indemnification as a result of being the target of a competitor's trade libel lawsuit alleging that the client's advertising campaign disparaged the competitor's products and services.

## Non-Traditional Media Organizations

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If your organization isn't in the publishing or broadcasting business, why should it worry about its media liability risk?

Regardless of its core business, if an organization gathers and disseminates information, then it faces the same range of media liability exposures as a publisher, broadcaster or any other media organization. These exposures include defamation, invasion of privacy, copyright infringement as well as advertising errors and omissions—any of which can result in a calamitous lawsuit from any number of sources.

Consider the financial impact on your organization if:

- An employee made an unflattering comment about a person in a radio interview and that person sued you for defamation and emotional distress.
- Your corporate newsletter inadvertently included personal information about someone, who then sued you for invasion of privacy.
- A competitor sued you, alleging copyright infringement because your organization's advertising campaign was "substantially similar" to the competitor's copyright protected work.
- A business sued you for trademark infringement, alleging that your organization's corporate logo could be confused with its own protected mark.
- An individual sued you for misappropriation, alleging that your organization's corporate magazine included her photograph without consent to promote a product.

## The Solution: Chubb's MediaGuard

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Chubb has been insuring organizations with content exposures for approximately 50 years and we've seen them sued time and time again. We understand that in today's constantly evolving legal landscape, the precise nature of media liability lawsuits can be difficult to predict. Unfortunately, one thing that can be predicted is the financial and reputational havoc such lawsuits can cause. In response, we created MediaGuard - a broad, flexible errors and omissions (E&O) liability insurance policy that specifically addresses the nature of these risks.

## MediaGuard Highlights:

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- Our "occurrence form" insures all activities that occur during the policy period, regardless of when the claim is first made.
- "All risk" language goes beyond specified "named perils" to include

risks arising out of the core functions of publishing and broadcasting:

- gathering, creating information and communicating it to the public.
- Built-in coverage for advertising content.
- Negligent publication coverage for any claim alleging harm to a person or entity that acted or failed to act in reliance upon the information published.
- Our policy holder fully controls whether to settle or retract content.
- Our policy holder can choose between reimbursement of defence costs or duty to defend.
- A "claim" includes a written demand or request for monetary damages or non-monetary relief, a filed or served civil proceeding (including resulting appeals), a written request to toll or waive a statute of limitations relating to a potential claim, and a written demand to retract content previously disseminated.
- Our policy insures defence costs, which may include reasonable fees incurred to prosecute a copyright or trademark declaratory relief action.
- Definition of Insured includes coverage for persons/entities that disseminate content if the parent/subsidiary has entered into a written, oral or implied-in-fact indemnification or hold harmless agreement.
- No "insured versus insured" exclusion with respect to internal copyright disputes.
- Built-in severability for key conduct-based exclusions.
- Minimum of 90 days coverage for acquisitions and creations (organizations, covered media) with potential for automatic coverage until the end of the policy period (depending upon actual or projected revenues).
- Stand alone insuring clause for Internet Liability with automatic coverage for newly created websites after the policy inception.
- Broad application severability.
- Optional coverages (available by endorsement) include, among others, third-party cyber, professional services, defence outside limits, and claims-made coverage.

## Why Chubb?

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### Leadership

We have been committed to protecting organizations with content exposures for approximately 50 years. Our expertise allowed us to develop “all risk” coverage—the first insurer to do so. What’s more, Chubb offers a full suite of complementary insurance solutions for a wide range of business risks, including directors and officers liability, employment practices liability, and property and casualty coverages.

### Take Action Today

As long as your organization disseminates information, it is open to a potentially devastating media liability lawsuit that can cripple its bottom line... and ruin its reputation. To learn more about how MediaGuard by Chubb can help, call your insurance broker today, or visit Chubb at [www.chubb.com/ca](http://www.chubb.com/ca).

**Chubb. Insured.<sup>SM</sup>**

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