



# Masterpro from Chubb

## Producers' Liability – New Business Proposal Form

**Chubb Insurance Company of Europe SE ("the Company")**  
6-10 Suffolk Street  
Dublin 2

**INSTRUCTIONS:**

1. Whenever used in this form, unless otherwise stated, the term "**Applicant**" means the entities or individuals stated in Question 1, Section I. GENERAL INFORMATION, below.
2. Provide a complete response to all questions and attach additional pages as needed.
3. Production means any one production, multiple productions or a series of productions to be insured.
4. If multiple productions or a series of productions are to be insured, please respond to each question by attaching to this Proposal Form a complete response for each production or series of productions.
5. Please attach a copy of the following for every **Applicant** seeking cover:
  - C.V. of its Producer and Executive Producer for Production;
  - Standard contract with authors, distributors, etc.;
  - Video/DVD copy of Production or copy(ies) of script(s) if Production is not complete;
  - Financial statement or budget for Production;
  - Advertising specimens for the named Production; and
  - Title Search and Report.

**I. GENERAL INFORMATION:**

1. Name of **Applicant**: \_\_\_\_\_
2. Address of **Applicant**: \_\_\_\_\_  
 \_\_\_\_\_ Telephone: \_\_\_\_\_
3. Web address: \_\_\_\_\_
4. Name, Address and Title of Primary Contact: \_\_\_\_\_  
 \_\_\_\_\_ Telephone: \_\_\_\_\_
5. The **Applicant** is:     Individual                       Non-profit                       Company  
                                   Partnership                       Limited Liability Partnership  
                                   Privately Held                       Publicly Traded  
                                   Other: \_\_\_\_\_
6. Year established: \_\_\_\_\_
7. Number of years operated under present ownership: \_\_\_\_\_
8. Are there other subsidiaries, affiliates or other related entity(ies) for which cover is desired?                       Yes     No  
 If Yes, list all such locations on a separate sheet and attach it to this Proposal Form.

**NOTE: Cover is not afforded to any entity not scheduled in this section of the Proposal Form and not specifically named as an Insured in the policy.**

9. a. Is **Applicant**: (i) wholly or partially owned by, affiliated with, or controlled by any other entity(ies) not previously listed in Question 1 or 8, or (ii) does **Applicant** wholly or partially own, operate, manage or control any other businesses not previously listed in Question 1 or 8?                       Yes     No



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If Yes to either Question 9.a. (i) or (ii) above, provide complete details:

\_\_\_\_\_

\_\_\_\_\_

- b. During the past five years, has the **Applicant's** name been changed, or has the **Applicant** purchased, merged or consolidated with any other business, or has the **Applicant** been purchased?  Yes  No

If Yes, please attach an explanation.

If Yes, if the **Applicant** purchased another business, was the purchase an "asset purchase" or did the **Applicant** also buy or accept any liabilities? Please explain:

\_\_\_\_\_

### II. SPECIFIC INFORMATION:

#### POLICY INFORMATION:

1. Cover desired:  Production Activities

Limits of Liability desired:

Each Claim: € \_\_\_\_\_

Policy period aggregate for all Claims: € \_\_\_\_\_

2. Contribution desired for each claim:

€10,000  €25,000  €50,000  Other: € \_\_\_\_\_

3. Co-insurance percentage desired for Production Activity:

20%  Other: \_\_\_\_\_%  N/A

4. Policy Period Requested: From \_\_\_\_\_ to \_\_\_\_\_ both days at 12:01 a.m. at the principal address of the **Applicant**.

5. a. **Applicant's** estimated total gross revenues and production costs/budget for the Production:

Production Costs/Budget: \_\_\_\_\_ Estimated Gross Revenues: \_\_\_\_\_

If multiple productions or series of productions are to be insured, please provide the information requested in this Question 5 for each production or series of productions on a separate sheet and attach it to this Proposal Form.

- b. Does **Applicant** offer/publish any information on-line?  Yes  No

If Yes:

(i) Describe content and format: \_\_\_\_\_

(ii) Is it an interactive on-line service?  Yes  No

(iii) What is the web address: \_\_\_\_\_

6. a. Title of Production to be insured: \_\_\_\_\_

b. Estimated start date of principal filming: \_\_\_\_\_

c. Estimated dates for first release or air date: \_\_\_\_\_

If multiple productions or a series of productions are to be insured, please provide the information requested to this Question 6 for each production or series of productions on a separate sheet and attach it to this Proposal Form.

7. a. Type of production:

<input type="checkbox"/> Motion Picture for Theatrical Release	<input type="checkbox"/> Motion Picture for Television Release
<input type="checkbox"/> T.V. Series	<input type="checkbox"/> T.V. Special



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Number of episodes: _____	Program Running Time: _____
<input type="checkbox"/> T.V Pilot Number of episodes: _____	<input type="checkbox"/> T.V. Docudrama Programme Running Time: _____
<input type="checkbox"/> T.V. Mini-series Number of episodes: _____	<input type="checkbox"/> T.V. Daily Program Programme Running Time: _____
<input type="checkbox"/> Music Video Programme Running Time: _____	<input type="checkbox"/> T.V. Infomercial Programme Running Time: _____
<input type="checkbox"/> Training Film	<input type="checkbox"/> Industrial Film
<input type="checkbox"/> Documentary	<input type="checkbox"/> T.V. Commercial
<input type="checkbox"/> Radio Programme Number of episodes: _____	<input type="checkbox"/> Direct to Video/DVD Programme Running Time: _____
<input type="checkbox"/> Other (e.g. theatrical stage presentation) Describe: _____	

b. Please list the distributor, network or cable outlet for each Production to be insured:

\_\_\_\_\_

\_\_\_\_\_

8. Summary of plot, including time frame and setting: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Name of Producer for each Production to be insured: \_\_\_\_\_

10. Name of Executive Producer for each Production to be insured: \_\_\_\_\_

11. Names of authors and writers of:

a. underlying works: \_\_\_\_\_

b. screenplays, etc.: \_\_\_\_\_

12. Production is:

- Entirely fictional
- Entirely fictional but inspired by real events or occurrences
- True portrayal of real events or occurrences
- True portrayal of real events or occurrences but includes some fictionalization
- Based on another work

Name of other work: \_\_\_\_\_

Have the necessary agreements from the owners of the other work been obtained?  Yes  No

Other (Please explain): \_\_\_\_\_

13. Production is:

<input type="checkbox"/> Drama	<input type="checkbox"/> Comedy	<input type="checkbox"/> Children's Show	<input type="checkbox"/> Documentary
<input type="checkbox"/> Reality	<input type="checkbox"/> Variety	<input type="checkbox"/> Game or Quiz	<input type="checkbox"/> Musical
<input type="checkbox"/> Investigative	<input type="checkbox"/> Animated	<input type="checkbox"/> Educational	<input type="checkbox"/> "How To"
<input type="checkbox"/> Commentary or Forum	<input type="checkbox"/> Sports	<input type="checkbox"/> Previously Released Film	



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Other (Please explain) \_\_\_\_\_

14. **Applicant's** projected distribution:

<input type="checkbox"/> International	<input type="checkbox"/> National	<input type="checkbox"/> Regional	<input type="checkbox"/> Local
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15. Will any merchandise (such as toys, dolls, clothing, etc.) be created from the Production?  Yes  No

a. If Yes, please describe all such merchandise: \_\_\_\_\_

b. Have all necessary consents and licences been obtained from performers, authors, artists, etc., to produce and distribute this merchandise?  Yes  No

c. Will appropriate trade mark or other searches be made before merchandising characters or other matter that might be subject to trade mark, unfair competition or other similar claims?  Yes  No

d. Is the merchandise being designed and/or produced by licensees of the **Applicant**?  Yes  No

If Yes, are the licensees providing warranties and indemnities that their contributions to the design, marketing and production of the merchandise and packaging will not infringe upon the rights of others?  Yes  No

### III. RISK MANAGEMENT PROCEDURES:

1. **Applicant's** legal advisor (individual's name): \_\_\_\_\_  
Firm name and address: \_\_\_\_\_  
Years of experience: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

2. Has the **Applicant's** legal advisor read the Clearance Procedures attached to this Proposal Form?  Yes  No

3. a. Does **Applicant** maintain written clearance guidelines for obtaining all necessary releases, licenses, and consents?  Yes  No

If Yes, please provide a copy of clearance guidelines with this Proposal Form.

b. Has the **Applicant's** legal advisor approved as adequate the clearance procedures used by the **Applicant** in connection with the Production?  Yes  No

If No, have the producer and legal advisor arranged that the producer will give the legal advisor adequate information and materials to approve clearance procedures prior to the completion of the Production?  Yes  No

If No to any part of this question, please describe all clearance procedures that the legal advisor has not yet approved (such as chain of title, script clearance, or review of contracts):  
\_\_\_\_\_  
\_\_\_\_\_

4. Does the **Applicant** have a process for processing unsolicited submissions?  Yes  No  
If Yes, please provide a copy of this process.

5. Is the name or likeness of any living person used or is any living person portrayed (with or without use of name or likeness) in the Production?  Yes  No

If Yes, have clearances been obtained in all cases?  Yes  No

If clearances have not been obtained, please explain: \_\_\_\_\_

6. Is the name or likeness of any deceased person used or is any deceased person portrayed (with or without name or likeness) in the Production?  Yes  No



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- If Yes, have clearances been obtained in all cases from personal representatives, heirs or other owners of such rights?  Yes  No  
If clearances have not been obtained, please explain: \_\_\_\_\_
7. Is there any reasonable expectation that a living person could claim to be identifiable in the Production, whether or not the person's name or likeness is used or the Production purports to be fictional?  Yes  No  
If Yes, has a release been obtained from such person?  Yes  No  
If a release has not been obtained from such person, please explain: \_\_\_\_\_  
\_\_\_\_\_
8. Has the **Applicant** or any of its agents or predecessors failed to obtain an agreement or release after bargaining for:  
a. any rights in literary, musical or other material; or  Yes  No  
b. releases from any persons in connection with the Production?  Yes  No
9. Has a title report been obtained from any title clearance service?  Yes  No  
If Yes, please attach copy of the title report.
10. Has a copyright report been obtained?  Yes  No  
If Yes, are there any ambiguities or gaps in the line of copyright ownership ("chain of title")? \_\_\_\_\_  
\_\_\_\_\_  
If No, please explain why not: \_\_\_\_\_  
\_\_\_\_\_
11. Is there any literary or other material in the production that was copyrighted in the United States before January 1, 1978?  Yes  No  
If Yes, please explain: \_\_\_\_\_  
\_\_\_\_\_
12. Are any clips (film or video excerpts from other sources) or photographs used in this Production?  Yes  No  
If Yes, have all licences and consents for the clips been obtained?  Yes  No  
If No, please explain: \_\_\_\_\_  
\_\_\_\_\_
13. Has a script research report been obtained (to clear character and business names, etc.)?  Yes  No  
If Yes, have suggested changes been made and suggested permissions obtained?  Yes  No  
If No to either question, please explain: \_\_\_\_\_  
\_\_\_\_\_
14. Have musical rights been cleared?  Yes  No  
a. Recording and synchronization rights?  Yes  No  
b. Performing rights?  Yes  No  
c. Right to distribute for all forms contemplated (home video/DVD/CD/Soundtrack/cassette or any other technology that may be developed in the future, etc.)?  Yes  No  
d. If any part is answered **No**, will these rights be obtained prior to release?  Yes  No
15. Does **Applicant** require a hold harmless agreement with respect to music, programming, advertising or other information obtained from third parties?  Yes  No
16. a. Are products used in any Production listed in Question 6.a. of Section II of this Proposal Form?  Yes  No  
If Yes, does **Applicant** obtain releases from owners of these products?  Yes  No



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- b. If **Applicant** uses product placement in its Productions, but does not obtain revenue from the owners of those products or trade marks, does **Applicant** obtain signed releases from the owners of those products or trade marks in the course of making the Productions?  Yes  No
17. If original music was commissioned, have a warranty of originality and an indemnity against third party claims been obtained from the composer?  Yes  No

### IV. PRIOR INSURANCE, OTHER INSURANCE, LOSS HISTORY AND PRIOR KNOWLEDGE:

1. Does the **Applicant** have producer liability insurance currently in force?  Yes  No
- a. If Yes to Question 1, is Advertising liability cover included?  Yes  No
- b. If Yes to Question 1, complete the chart below for the past five (5) years:

<u>LIABILITY INSURER</u>	<u>POLICY PERIOD</u>	<u>LIMITS</u>	<u>EXCESS</u>	<u>PREMIUM</u>	<u># CLAIMS</u>
_____	_____	€ _____	€ _____	€ _____	_____
_____	_____	€ _____	€ _____	€ _____	_____
_____	_____	€ _____	€ _____	€ _____	_____
_____	_____	€ _____	€ _____	€ _____	_____
_____	_____	€ _____	€ _____	€ _____	_____

2. Has the **Applicant** ever had an application for producer liability insurance declined, or had a producer liability policy cancelled or non-renewed by the insurer?  Yes  No  
If Yes, please attach an explanation.
3. Does the **Applicant** maintain a comprehensive general liability policy?  Yes  No  
If Yes, please provide the following information:  
Name of Insurer: \_\_\_\_\_  
Policy Period: \_\_\_\_\_ Limit: \_\_\_\_\_  
Is liability cover for all of the following included: false arrest, false imprisonment, malicious prosecution, defamation, infringement of privacy?  Yes  No  
Is Product Liability cover included?  Yes  No

### LOSS HISTORY:

4. In the past 10 years, has the **Applicant** or any of its subsidiaries been sued, threatened with suit or received a claim for any act, error, or omission relating to the gathering, production, dissemination or communication of information, including but not limited to libel, slander, any form of invasion of privacy or misappropriation of name or likeness, infringement of copyright or trade mark, infliction of emotional distress, false arrest, wrongful entry, or trespass?  Yes  No  
If Yes, please attach a description detailing the circumstances of each suit, threat of suit or claim, including the identity of the claimant, the factual and legal basis for the claim, and the outcome.
5. Please attach a list (including the status) of all producer liability claims made during the past 5 years against the **Applicant** or any of its subsidiaries, or any director, officer, employee, partner, agent or independent contractor of the **Applicant**, or any director, officer, employee, partner, agent or independent contractor of any of its subsidiaries.  
If none, please check here:  None
6. After inquiry, do any of the principals, partners, officers, directors, or employees of the **Applicant** or any other proposed insured have knowledge or information about any act, error or omission



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which might reasonably be expected to give rise to a future claim which would fall within the scope of the proposed insurance?

Yes  No

If Yes, please attach a description which provides full details.

### V. SIGNATURE:

The undersigned declares, on behalf of the **Applicant** and all proposed insureds, that to the best of their knowledge and belief, the statements in this Proposal Form are true. It is hereby agreed that the Company is authorised to make any investigation and inquiry in connection with this proposal that it deems necessary. The signing of this Proposal Form does not bind the **Applicant** or the Company to enter into any insurance.

Signed:

Name:

Position with Applicant:

Date:

### VI. DATA PROTECTION NOTICE:

The Company collects and processes personal information (such as name, address and any other personal details which are provided to the Company) and personal sensitive information (for example, relating to involvement in criminal proceedings) about individuals who will receive cover under the insurance, in order to provide the insurance and claims services to them. The Company will treat this information in accordance with applicable data protection law.

For policy administration purposes, the Company will use and store such personal information on an electronic database, which may also be available to selected authorised representatives of member insurers of the Chubb Group of Insurance Companies operating outside Europe. The Company has taken reasonable measures to protect such personal information once it is transferred outside Europe in accordance with its normal data security policies. The Company may also disclose such personal information to outside parties, such as premium collection agencies, reinsurers, outside counsel and claims administrators, to provide the insurance and claims services or as allowed by law.

Please notify the individuals who will receive cover under the insurance of this data protection notice.



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### *Clearance Procedures*

The Clearance Procedures below should not be construed as exhaustive and they do not cover all situations that may arise in any particular circumstance or any particular Production.

1. **Applicant** and its counsel should monitor the Production at all stages, from inception through final cut, with a view to eliminating material that could give rise to a claim.

Consideration should be given to the likelihood of any claim or litigation. Is there a potential claimant portrayed in the Production who has sued before or is likely to sue again? Is there a close copyright or other legal issue? Is the subject matter of the Production such as to require difficult and extensive discovery in the event of necessity to defend? Are sources reliable? The above factors should be considered during all clearance procedures.

2. The Producer and the lawyer need to read the script prior to commencement of Production to eliminate matter that is defamatory, invades privacy or is otherwise potentially actionable.
3. A script research report should also be prepared *before* filming to alert the Producer to potential problems. Such problems may include: names of fictional characters that are coincidentally similar to real people; script references to real products, businesses or people if not cleared; or uses of copyrighted or other protected materials, etc. Fictional character names should be checked in relevant telephone directories, professional directories or other sources to minimize the risk of accidental identification of real people. Similar checks should be done for the names of businesses, organisations and products used in the Production. Special care should be taken to check names of person, businesses, etc., that are negatively portrayed. The Producer also must be alert to elements that do not appear in the script (such as art works used on the set) but that may need clearances.
4. If the Production is a documentary and there is no script, the Producer should provide its counsel with a detailed synopsis of the project in advance of production. (If it is a documentary series, the lawyer should receive a detailed synopsis of each episode.) If the Production will involve negative statements about people or businesses, the Producer should provide counsel with full details about the allegations and their merit. Problem statements can then be identified and thus avoided while filming. During filming, the Producer should be careful to avoid (or consult with counsel about) possible problem areas. (Examples include: filming identifiable copyrighted items or performances, trade marks, persons who have not specifically consented to be filmed, or minors.) Relevant laws differ from place to place: some jurisdictions have very restrictive rules about filming persons, signs, buildings, public art, etc. Also, be careful to avoid narration or editing that accidentally implies negative things about pictured people, products and businesses.
5. A copyright report on the underlying script, book or other work must be obtained, unless the work is an unpublished original, not based on any other work, and it is certain that it was not optioned or licensed to others prior to the **Applicant's** acquisition of rights. Both domestic and foreign copyrights and renewal rights should be checked. If a completed film is being acquired, a similar review should be made of copyright and renewals on any copyrighted underlying property.
6. The origins of the work should be ascertained — basic idea, sequence of events and characters. Have submissions of any similar properties been received by the **Applicant** or someone closely involved with the Production? If so, the circumstances as to why the submitting party may not claim theft or infringement should be described in detail.
7. Prior to final title selection, a title report must be obtained. **TITLE COVERAGE WILL NOT BE OFFERED UNLESS A RECENT TITLE REPORT HAS BEEN SUBMITTED TO AND APPROVED BY THE COMPANY.**





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8. Whether the Production is fictional or factual, the names, faces and likenesses of any recognizable living persons should not be used unless written releases have been obtained. A release is unnecessary if a person is part of a crowd scene or shown in a fleeting background. Releases can only be dispensed with if the **Applicant** provides the Company with specific reasons, in writing, as to why such releases are unnecessary and such reasons are accepted by the Company. The term "living persons" includes thinly disguised versions of living persons or living persons who are readily identifiable because of identity of other characters or because of the factual, historical or geographic setting.
9. All releases must give the **Applicant** the rights to edit, modify, add to and/or delete material, juxtapose any part of the film with any other film, change the sequence of events or of any questions posed and/or answers given, fictionalize persons or events, and make any other changes in the film that the **Applicant** deems appropriate. If a minor, consent has to be legally binding.
10. If music (pre-existing or original) is used, the **Applicant** must obtain all necessary synchronization and performance licenses from copyright proprietors. All necessary licenses must also be obtained for recordings of such music.
11. Written agreements must exist between the **Applicant** and all creators, authors, writers, performers and any other persons providing material (including quotations from copyrighted works) or on-screen services.
12. If distinctive locations, buildings, businesses, personal property or products are filmed, written releases must be secured. This is not necessary if such real property is seen only as non-distinctive background.
13. If the Production involves actual events, it should be ascertained that the author's major sources are independent and primary (contemporaneous newspaper reports, court transcripts, interviews with witnesses, etc.) and not secondary (another author's copyrighted work, autobiographies, etc.).
14. Shooting script and rough-cuts should be checked to assure compliance with all of the above. During photography, persons might be photographed on location, dialogue added or other matter included that was not originally contemplated.
15. If the intent is to use the Production or its elements on videocassettes, web sites, multimedia formats or other technology, rights to manufacture, distribute and release the Production must include the above rights and must be obtained from all writers, directors, actors, musicians, composers and others necessary therefore, including proprietors of underlying materials.
16. Film/video clips are dangerous unless licences and authorizations for the second use are obtained from the owner of the clip, as well as licenses from all persons rendering services in or supplying material contained in the clip; e.g., owners of underlying literary rights, writers, directors, actors, music owners or musicians. Special attention should be paid to music rights as music owners often take the position that new synchronization and performance licences are required.
17. Living persons and even the deceased (through their personal representatives or heirs) may have a "right of publicity." Clearances must be obtained where necessary. Where the work is fictional in whole or in part, the names of all characters must be fictional. If for some special reason particular names need not be fictional, full details must be provided to the Company in an attachment to the Proposal Form.