

# Media Liability



# Tokio Marine HCC and Syndicate 4141 at Lloyd's

Lloyd's Syndicate 4141 is managed by Tokio Marine HCC and its principal activity is the transaction of general insurance and reinsurance business operating solely within the Lloyd's market.

After over 40 years as an independent company, in 2015, HCC Insurance Holdings, Inc. was acquired by Tokio Marine Holdings, Inc. Today, HCC Insurance Holdings, Inc. operates as Tokio Marine HCC.

Being a part of the Tokio Marine family means we have a greater international footprint and the opportunity to partner with other divisions of the group. In this regard, we have joined forces with Tokio Marine Kiln and using their considerable expertise in the Canadian market, we have collectively put together a new suite of Errors and Omissions wordings specifically tailored to the Canadian market.

These products are backed 100% by Lloyd's through Syndicates 4141 (TMHCC) and 510 (TMK).

With a focus on customer service and building strong and lasting relationships, Tokio Marine HCC offers a highly diversified portfolio of niche products which can be tailored to customers' needs. We offer specialist capabilities to individuals and a wide variety of businesses, from small and medium-sized enterprises to multinational global corporations. Our strong industry ratings make us one of the most reliable and strongest insurers in the market today.

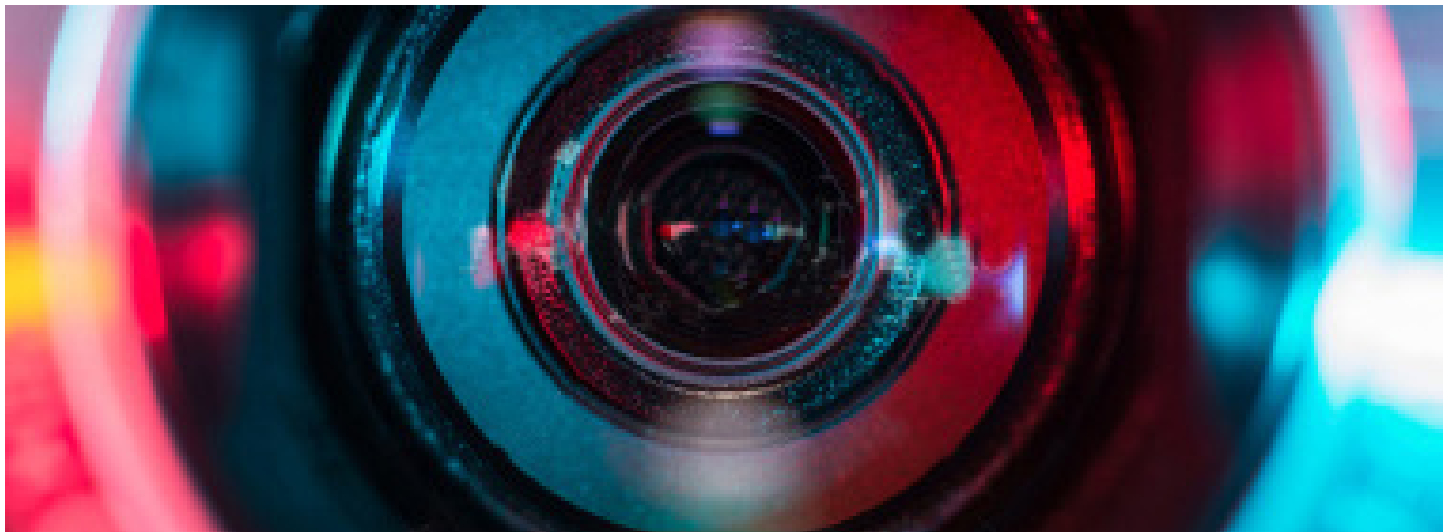
## Our Ratings

Tokio Marine HCC's insurance companies are highly rated:

- AA- (Very Strong) by Standard & Poor's
- A++ (Superior) by A.M. Best Lloyd's Syndicate 4141
- A (Very Strong) by Standard & Poor's
- A (Superior) by A.M. Best

## Why Tokio Marine HCC?

- Direct access to a team of over 20 expert underwriters
- Understanding of clients' needs and cover requirements
- Speed and quality of service
- Policy documentation production within minutes of order



# The Growth and Evolution of the Media Market

---

Over the last few years, the media sector has faced a number of challenges, leading to increased demand for companies and individuals to buy Media Liability Insurance. Largely, these challenges have arisen from the development of technology and the changing ways in which we communicate with each other, as businesses operate on a global scale providing new ways to engage with customers and key audiences.

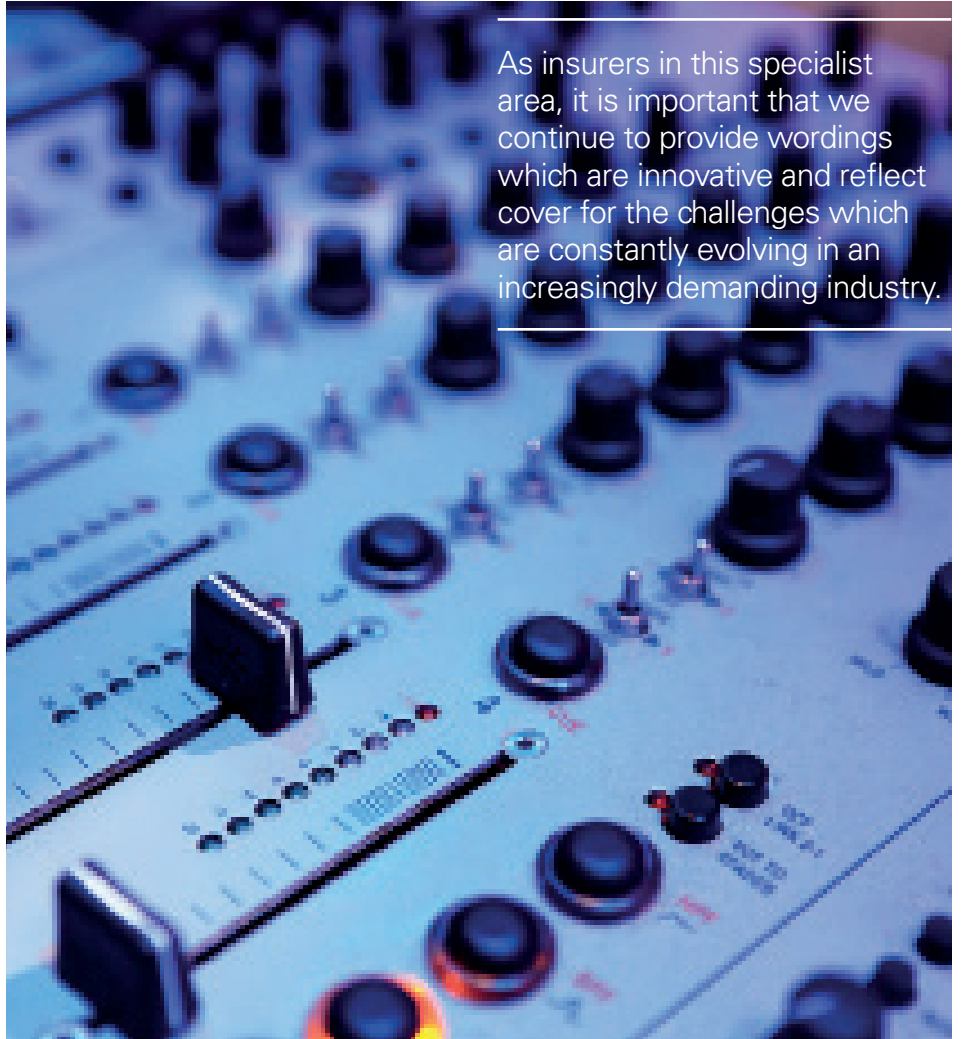
Modern communications no longer depend solely on traditional ways of delivering news, but additionally involve the use of social media and User Generated Content. There is now less control over the dissemination of content, which has increased the risk of actions for libel and privacy, as well as initiating an opportunity for private information to be hacked or stolen.

Every country has its own framework of media laws, so when information is disseminated on the web it is already travelling across borders into territories where content can be perceived very differently.

As insurers in this specialist area, it is important that we continue to provide wordings which are innovative and reflect cover for the challenges which are constantly evolving in an increasingly demanding industry.

Whether the subject business is creative, a communicator, publisher, broadcaster or film producer, our policies provide comprehensive cover and are underwritten by experts in this sector who understand media risks as well as the influence of technology.

Managing risk and helping our insureds with risk management is a key part of our business in providing an excellent product and a great service.



As insurers in this specialist area, it is important that we continue to provide wordings which are innovative and reflect cover for the challenges which are constantly evolving in an increasingly demanding industry.

# Media Errors and Omissions Insurance

Reputation is vital in this relationship driven business, so ensuring effective communication of brand or image and producing the best communication is key to maintaining a high profile in this specialist area. Mistakes can happen, but our wording provides one of the broadest coverages to meet most situations where a business may be threatened.

## Key Aspects of the Cover

- Limits available up to C\$10,000,000
- Defence costs in addition
- Defamation
- Infringement of Intellectual Property Rights
- Negligent acts, errors, omissions, misstatements or misrepresentation
- Breach of a professional duty
- Breach of contract
- Rectification cover
- Irrecoverable fees
- Breach of confidentiality and misuse of information
- Loss or damage to documents
- Duty to defend basis
- Extended reporting periods
- Dishonesty of employees
- Failure to protect against unauthorised access or use
- Denial of service attack

- Compensation for court attendance
- Inadvertent transmission of a computer virus.

We provide cover on a worldwide geographical basis as standard, and our underwriting appetite extends to companies who have a US exposure. We can also offer US jurisdiction.

## Target Clients Include

- Advertising agencies
- Direct marketing companies
- Public relations companies
- Sales promotional companies
- Media buyers
- New media agencies
- Market research companies
- Marketing consultants.

## Also included

- Reputation management
- Mergers and acquisitions
- Breach of duty in the sale or supply of a product
- Product disparagement
- Acting outside your authority
- Misuse of information which is confidential
- Breach of comparative advertising regulations
- Withdrawal of content

## Cyber Extension

We can offer a cyber extension with this wording. Much of the cyber exposure is catered for within our main policy cover, but our extension will give additional first party cover for:

- Data Protection defence costs
- Notification costs following a loss of data
- Public relations and crisis management services
- Cyber business interruption
- System rectification costs
- Data extortion
- Regulatory defence and penalties.





# Film & TV Programme Producers Errors and Omissions Insurance

Designed for TV film producers or independent producers for cinematics, including pre-recorded content, stage shows, or music videos, we offer policies on a stand-alone basis, or as annual blanket cover if you produce a large number of programmes for TV distribution. We can also provide clients with Evidence of Coverage Certificates to confirm E&O cover when they sell or licence their programme to broadcasters or distributors.

## Key Aspects of the Cover

- Defamation or other tort related to disparagement of character, reputation or feelings of any person or organisation including libel, slander, product disparagement and malicious falsehood
- Unintentional breach of confidentiality or other invasion, infringement or interference with rights of privacy or publicity including false light and the public disclosure of private facts
- Unintentional infringement of copyright, title, slogan, trademark, trade dress, service mark, misappropriation of ideas, formats, characters, trade names, character names, titles, plots, musical compositions, voices, slogans, graphic material or artwork, passing off and plagiarism, or commercial appropriation of name or likeness
- Misuse of any information which is either confidential or subject to statutory restrictions
- A negligent act, negligent error, negligent omission or negligent misstatement
- Merchandising licensing
- Third parties that have a financial interest in the production
- Dishonesty of employees
- Claims against parties having a financial interest
- Defence costs are inclusive to the indemnity limit.



## Target Clients Include

- 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

## Additional coverage on annual policy

- Extended period for purchasers, distributors and co-producers
- Claims from earlier productions
- 12 month policy period, including an extended reporting period of 4, 48 or 60 months.

## Optional cover

- Worldwide territory/jurisdiction
- Punitive and exemplary damages where the law permits the insurer to pay them
- 36, 48 or 60 months policy period options.

## Indemnity limit

- The indemnity limit is on an aggregate basis subject to a maximum limit. However, policy limits on an any one claim basis are available on request.

# Claims

---

Your insurance policy is only as good as its Claims department. Tokio Marine HCC Claims offers a first class, streamlined process providing an efficient claims handling service administered by professionals who are expert in the media field and are authorised to make decisions and settle valid claims swiftly.

## When You Have to Claim

Claims are made for many different reasons, from a complaint from a client who is dissatisfied with your work or the service you provided, to someone who has threatened to withhold payment for your work. In all instances you will need to notify either your broker, or Tokio Marine HCC, as soon as possible, paying attention to the terms and conditions of your policy.

Our claims handlers, lawyers and other service providers will assist with the claims and any potential litigation process and where possible, we will endeavour to reach an early settlement of any claim made against you. On occasions where it is not desirable or possible to settle a claim, you will be defended as robustly as possible until the outcome is determined by a court, or other competent authority.

Our claims experts are in constant communication with our underwriters and operate as a team making it easy to respond quickly and comprehensively to claims. This approach is central to us building long-term relationships with our clients.

## Potential Claims Scenarios

Responding to issues and having the ability to avert a potential crisis is vital for our clients. Insureds often require a fast response as they are confronted with deadlines and issues that require immediate attention.

### Media buying

If booked advertising is inserted at the incorrect time, for instance a Christmas advertisement being shown in January, this could be a potential loss of revenue for a client.

### Design of printed literature

All printed literature should be proof read and approved by the client. If it isn't and is printed incorrectly, the print-house will be liable if the print run is incorrect.

### Market research

It's possible that instructions can be misinterpreted from a client which can be costly, so it's very important to ensure written communication between the expert and the client is understood by all to save time, money and inconvenience.

### Public relations

Breach of copyright and content marketing are areas for public relations experts to ensure careful management as they are often high profile, can be costly and also damage reputations.

### Publishers

It is a duty of care to ensure that any images used by a publisher are purchased and are available for use.



# Tokio Marine HCC and Syndicate 4141 at Lloyd's

---



## Contact

### London

Fitzwilliam House  
10 St. Mary Axe  
London EC3A 8BF  
Tel: +44 (0)20 7702 4700  
mail@tmhcc.com

Tokio Marine HCC is a trading name of HCC Underwriting Agency Ltd, which is a member of the Tokio Marine HCC Group of Companies. HCC Underwriting Agency Ltd is authorised by the Prudential Regulation Authority (PRA) and regulated by the Financial Conduct Authority (FCA) and the Prudential Regulation Authority. Registered in England and Wales No. 04632146 with registered office at 1 Aldgate, London, EC3N 1RE.

HCC is rated AA- (Very Strong) by Standard & Poor's and A++ (Superior) by A.M. Best Company.

Information detailed within this marketing material is for promotional use only and does not constitute advice or fact. Any reliance upon such information shall be at your sole risk.

A member of the Tokio Marine HCC group of companies.

To Be a **Good Company**

08|2017