

# FILM & ENTERTAINMENT PRODUCER LIABILITY COVERAGE

## Application for Insurance

Submission of a completed application incurs no obligation to purchase or bind insurance.

**NOTE: All questions must be answered. All requested attachments must accompany application.**

### To complete this application, please submit:

- Experience résumés of the Producer and Executive Producer for each production (if less than three years experience)
- Standard contract with authors, distributors, etc.
- Video/DVD copy of production or copy of script if motion picture for theatrical release; if docu-drama, please provide an annotated script
- Copyright Report & Script Clearance Report if motion picture for theatrical release
- Title Search and Report, if title coverage is desired
- Top sheet of budget for production(s)
- Description of procedure for checking accuracy, infringements, etc.
- Description of procedure for processing unsolicited ideas, scripts, screenplays, etc.
- Completed, signed and dated Film & Entertainment Reality Television Supplement, if production is reality
- Completed, signed and dated Film & Entertainment Media/Cyber Liability Supplement if Internet coverage is desired

## I. GENERAL INFORMATION –

1. First Named Insured (including DBAs):

**NOTE: First Named Insured is responsible for premium payment, cancellation and changes – refer to specimen policy.**

Street Address:

City, State, Zip Code: Telephone Number:

Website Address(es):

2. Are there other Named Insureds and/or subsidiaries, affiliates, branch offices or other related entity(ies) (including DBAs) for which coverage is desired?  Yes  No If yes, please provide a list of entities for which coverage is desired.

**All remaining questions on this application apply to all of the persons and entities described in Questions 1. and 2. above, collectively referred to as "Applicant".**

3. A. Date applicant was established: \_\_\_\_\_

B. Geographic area in which applicant operates:  Local  Regional (multi-state)  National  International

C. Applicant is a:  Corporation  Individual  Partnership  Joint Venture  Other – specify:

4. A. Is applicant wholly or partially owned by, affiliated with or controlled by any other entity(ies) not previously listed in Question 1. or 2.?  Yes  No

B. Does applicant wholly or partially own, operate, manage or control any other businesses or entity(ies) not previously listed in Question 1. or 2.?  Yes  No

If 4.A. or 4.B. are answered yes, provide complete details:

5. Within the past five years has applicant:

A. Changed name?  Yes  No

B. Changed ownership structure?  Yes  No

C. Purchased or acquired another entity?  Yes  No

D. Merged or consolidated with another entity?  Yes  No

If any of 5.A. – 5.D. are answered yes, please attach a summary of relevant transactions.

6. Is the applicant a single purpose entity set up to produce this production?  Yes  No

If yes, who owns this entity? \_\_\_\_\_

7. List professional societies and trade associations of which the applicant is a member or officer:

**II. PROPOSAL REQUIREMENTS –**

- 8. Desired effective date: \_\_\_\_\_
- 9. Desired policy term:  1 year  2 years  3 years
- 10. Desired policy limit: \$\_\_\_\_\_ Each Loss  
\$\_\_\_\_\_ Total Limit of Insurance
- 11. Desired Self-Insured Retention: \$\_\_\_\_\_

**\*PLEASE NOTE: Film & Entertainment Liability coverage on a claims made basis is available for a three (3) year term only.**

**III. PRODUCTION INFORMATION:**

- 12. Applicant’s estimated total gross revenues and production costs/budget for production:  
Gross Production Costs/Budget \_\_\_\_\_ Estimated Gross Revenues \_\_\_\_\_
- 13. Title of production to be insured: \_\_\_\_\_
- 14. Estimated dates for first release or air date: \_\_\_\_\_
- 15. Type of production:
 

<input type="checkbox"/> motion picture for theatrical release	<input type="checkbox"/> motion picture for television release
<input type="checkbox"/> TV series – number of episodes: _____	<input type="checkbox"/> TV special
<input type="checkbox"/> TV pilot – number of episodes: _____	<input type="checkbox"/> direct to video/DVD
<input type="checkbox"/> radio program – number of episodes: _____	<input type="checkbox"/> webisodes
<input type="checkbox"/> theatrical stage presentation	<input type="checkbox"/> DICE
<input type="checkbox"/> Other - describe: _____	
- 16. Running time of production: \_\_\_\_\_
- 17. Summary of plot including time frame and setting:
- 18. Names of producer and executive producer: \_\_\_\_\_
- 19. Names of authors or writers of:
  - A. underlying works \_\_\_\_\_
  - B. screenplays, etc. \_\_\_\_\_
- 20. 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)
- 21. 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"/> Music Video
<input type="checkbox"/> Investigative	<input type="checkbox"/> Animated	<input type="checkbox"/> Educational/Industrial	<input type="checkbox"/> “How To”
<input type="checkbox"/> Commentary or Forum	<input type="checkbox"/> Sports	<input type="checkbox"/> Commercial	<input type="checkbox"/> Previously released film
<input type="checkbox"/> Other (please explain)			
- 22. Applicant’s projected distribution:  International  National  Regional  Local

23. Name of distributor: \_\_\_\_\_  
Date of contract: \_\_\_\_\_  
Length of rights period: \_\_\_\_\_  
Territory: \_\_\_\_\_

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#### **IV. MERCHANDISE INFORMATION –**

24. A. Will any merchandise (such as toys, dolls, clothing, etc.) be created from the production?  Yes  No  
If yes, please describe all such merchandise:  
If yes, what is expected revenue from merchandise sales?
- B. Have all necessary consents and licenses been obtained from performers, authors, artists, etc., to produce and distribute this merchandise?  Yes  No
- C. Will appropriate trademark or other searches be made before merchandising characters or other matter that might be subject to trademark, unfair competition or other similar claims?  Yes  No
- D. Is the merchandise being designed and/or produced by licensees or 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

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#### **V. PROCEDURES –**

25. A. Name, address and phone number of applicant's attorney who clears acquisitions, rights and contracts:  
Firm: \_\_\_\_\_  
Individual: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_
- B. Does the applicant use in-house attorneys?  Yes  No If yes, how many are on staff? \_\_\_\_\_
26. Has the applicant's attorney read the Clearance Procedures attached to this application?  Yes  No
27. Has the applicant attorney approved as adequate the clearance procedures used by the applicant in connection with the production?  Yes  No  
If no, have the producer and attorney arranged that the producer will give the attorney 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 attorney has not yet approved (such as chain of title, script clearance or review of contracts):
28. Does the applicant have a process for processing unsolicited submissions?  Yes  No  
If yes, please provide a copy of this process.
29. 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(s)?  Yes  No  
If yes, have clearances been obtained in all cases?  Yes  No  
If no, will clearances be obtained in all cases prior to the first airing, distribution or public display of the production?  Yes  No  
If clearances have not been obtained, please explain:
30. Is the name or likeness of any deceased person used or is any deceased person portrayed (with or without use of name or likeness) in the production(s)?  Yes  No  
If yes, have clearances been obtained in all cases from personal representatives, heirs or other owners of such rights?  Yes  No  
If no, will clearances be obtained in all cases prior to the first airing, distribution or public display of the production?  Yes  No  
If clearances have not been obtained, please explain:

31. 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 no, will a release be obtained from such person prior to the first airing, distribution or public display of the production?  
 Yes  No  
 If a release has not been obtained from such person, please explain:
32. 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?  Yes  No  
 B. releases from any persons in connection with the production?  Yes  No  
 If no, will rights and releases be obtained in all cases prior to the first airing, distribution or public display of the production?  
 Yes  No
33. Is the applicant the entity that has secured all clearances, releases and rights for this production?  Yes  No
34. Has the title report been obtained from any title clearance service?  Yes  No  
 If yes, please attach a copy of the title report.
35. 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")?  Yes  No  
 If no, please explain why not:  
 Please attach a copy of the copyright report.
36. 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:
37. Are any clips (film or video excerpts from other sources) or photographs used in this production?  Yes  No  
 If yes, have all licenses and consents for the clips been obtained?  Yes  No  
 If no, will licenses and consents be obtained in all cases prior to the first airing, distribution or public display of the production?  
 Yes  No  
 If no, please explain:
38. Has a script clearance 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:
39. Have musical rights been cleared:  
 A. Recording and synchronization rights?  Yes  No  
 B. Performing rights?  Yes  No  
 C. Right to distribute for all forms contemplated (home video, DVD, etc.)?  Yes  No  
 D. If any part is answered no, will these rights be obtained prior to the first airing, distribution or public display of the production?  
 Yes  No
40. If original music was commissioned, have a warranty of originality and an indemnity against third party claims been obtained from the composer?  Yes  No

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## **VI. CLAIMS EXPERIENCE –**

41. A. Have any claims, suits or proceedings been made during the past five years against the applicant or any of the applicant's predecessors in business, subsidiaries or affiliates or against any of their past or present partners, owners, officers or employees?  Yes  No  
 If yes, provide complete details. Include type of claims, gist of offending matter, name of claimant, amount of defense costs, judgment or settlement, status or final disposition of the claim.

The policy for which the applicant is applying, if issued, will not insure any claims, suits or proceedings made against the applicant before the Inception Date of the policy or any subsequent claims, suits or proceedings arising therefrom.

- B. Is the applicant aware of any actual or alleged fact, circumstance, situation or error or omission arising out of the activities described in this application that may reasonably be expected to result in a claim being made against the applicant or any of the person or entities described in 41.A. above?  Yes  No

If yes, please explain and provide details:

The policy for which the applicant is applying, if issued, will not insure any claims that can reasonably be expected to arise from any actual or alleged fact, circumstance, situation, error or omission known to the applicant before the Inception Date of this policy.

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## VII. OTHER INSURANCE –

42. A. During the past three years, has any similar insurance been issued to applicant?  Yes  No

If yes, complete the following:

<u>Company</u>	<u>Policy Number</u>	<u>Limits</u>	<u>Deductible</u>	<u>Coverage Dates</u>	<u>Premium</u>
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- B. Has any insurer declined, canceled or refused to renew any similar insurance issued to applicant? (Not applicable in Missouri.)  Yes  No If yes, give details:

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## VII. REPRESENTATIONS –

By signing this application, the applicant agrees that:

1. The statements and answers furnished to the Company in this application and any attachments to it are accurate and complete;
2. The statements and answers furnished to the Company are representations the applicant makes to the Company on behalf of all persons and entities proposed for coverage;
3. Those representations are a material inducement to the Company to provide a proposal for insurance;
4. Any policy the Company issues will be issued in reliance upon those representations;
5. The applicant will report to the Company immediately, in writing, any material change to the applicant's operations, conditions or answers provided in this application that occur or are discovered between the date of this application and the effective date of any policy, if issued; and
6. The Company reserves the right, upon receipt of any such notice, to modify or withdraw any proposal for insurance the Company has offered.

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### WARNING

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND MAY BE PUNISHABLE BY FINES AND CONFINEMENT IN PRISON.

Name \_\_\_\_\_  
(please type or print)

Name \_\_\_\_\_  
(signature of Authorized Representative)

Title \_\_\_\_\_

Date \_\_\_\_\_