



3660 N Lake Shore Dr, Suite 2602, Chicago 60613

## Producer's Liability/ Errors & Omissions Insurance Application

### General Information

Named Insured:	
Select Entity Type:	
Country of Residence:	
Country of Registration:	
Primary Address, City, State, Zip:	
Mailing Address, City, State, Zip:	
Contact Person:	
Phone / Fax:	
Email:	
Website:	
Year Business Established:	
Federal ID / Social Security Number:	
Description of Operations:	

### Qualifying Questions

	Yes / No
Does the production involve any of the following: animation, pornographic materials, ride-alongs, hidden cameras, pranks or consumer voting?	
Will you be using a clearance attorney with at least 5 years of relevant media law experience?	

## Insurance History

	Yes / No
Any insurance declined or cancelled in the past 3 years?	
If yes provide details:	
Any losses in the past 5 years under similar coverage? If yes, provide details below.	

Policy / Line	Date of Loss	Description of Loss	Amount of Loss
			\$
			\$
			\$

	Yes / No
Any prior E&O insurance coverage? If yes, provide details below.	

Policy Type	Carrier	Policy #	Expiration Date	Premium
				\$
				\$

## Production Information

Title of Production	
Type of Production	
Nature of Production	
Type of Work (select below):	
Entirely fictional and original	
Entirely fictional but based on another's work*	
Entirely fictional but inspired by actual events	
Portrayal of actual events with original fictionalization	
True portrayal of actual events	
Other portrayal**	
Gross Production Cost (Total Budget)	
Running time minutes	
Initial Release or Air Date	
Number of Episodes (if applicable)	
Length per Episodes (if applicable)	
Number of Weeks (if applicable)	
Synopsis:	

\*Provide the following for Underlying Works

Name of Author(s):	
Title(s) of underlying work:	
Date(s) of Publication:	

\*\*Describe Other Portrayals

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### Clearance Questions

Have you obtained a title report from a recognized agency?	
Is the name or likeness of any actual living person used, portrayed or identifiable in the Named Production?	
If yes, will necessary permissions be obtained prior to first airing, distribution or public display of the production?	
Is the name or likeness of any actual deceased person used, portrayed or identifiable in the Named Production?	
If yes, will necessary permissions be obtained from personal representatives, heirs or estates prior to first airing, distribution, or public display of the production?	
Is the production based on an underlying work?	
If no, are you aware of any similar format or concept?	
If yes, has your attorney confirmed that they are satisfied you can safely proceed with your exploitation of the work?	
Has any similar format or similar material been submitted to you at any time?	
If yes, have copyright reports been obtained?	
Are there any ambiguities, gaps or problems in the chain of title?	
Has the chain of title of all works on which the production is based been thoroughly investigated and cleared back to the original copyright owners to determine that all grants or transfers in the chain of title permit you to assign or sublicense the material as incorporated in your production?	

### Key Personnel

Role	Last Name	First Name
Executive Producer		
Producer		
Script Writer		

## Licenses, Releases, Consents

	Yes / No
Have you obtained from all writers and other content providers to the production, written warranties that the content with which they provide you does not infringe the rights of any third party and have you obtained an indemnity for any breach of this warranty?*	
Have you obtained a written agreement from all performers or persons appearing in your production consenting to their appearance?	
Will any film clips, TV clips or photographs be used in this production?	
If yes, have all licenses and consents been obtained from the copyright owner without restriction and are you authorized to assign or sublicense the licensed materials as incorporated in your production?*	
Do you have the authorization of any person or entity depicted in the film clip, TV clip or photograph to use their depiction in your production and to assign or sublicense that depiction in your production?*	
Have the following musical rights been obtained from the composer and/or performers of specially commissioned music and/or cleared with the owners of pre-existing music and/or recordings:	
Recording and synchronization*	
Performing rights*	
Right to distribute for all forms of distribution contemplated (DVD, etc.)*	

\*separately provide details on No answers.

Have you or any of your agents been unable to obtain or been refused an agreement or release after having:	
Negotiated for any rights in literary, musical or other materials?*	
Negotiated for release from any persons in respect of any material incorporated in the production?*	

\*separately provide details on Yes answers.

## Legal Procedures

	Yes / No
Have you suffered any loss or has any claim, whether successful or not, ever been made against you that would be covered by this insurance?*	
Are you aware of any problem which is likely to lead to you suffering a loss or a claim being made against you that would be covered by this insurance?*	
It is understood and agreed that with respect to the above questions if such knowledge of information exists, any claim or action arising there from is excluded from this proposed coverage.	

\*If yes, please attach details of each incident.

## Distribution

Distributor Name	
Address	
Distribution Territory	
How will the production be released?	Select all that apply
Cable/Satellite/Wireless	
Television	
DVD*	
Theatrical Release	
Internet	
Theatrical Stage	
Radio	
Other (explain)	
*Will there be bonus material?	
If yes, will bonus materials use same clearance procedures as the rest of the production?	

## Legal

Attorney's Name	
Firm Name	
Firm Address	
Firm Website	
Phone Number	
Email	

	Yes / No
Have you and your attorney read and agreed to exercise due diligence to insure that the 'Clearance Procedures' attached are followed?	

## Policy Details

Effective Date	
Coverage Term	
Occurrence Limit	\$
Aggregate Limit	\$
Retention	\$

Coverage Basis (select one)

Claims Made	
Occurrence	

Policy Details (continued)

Coverage Options

	Include or Exclude
Rights Period Endorsement (Available for occurrence based policies only)	
Title Coverage (requires title report and carrier approval)	
Additional Insured Endorsement	
Merchandising*	

*If coverage is desired for Merchandising, answer the following:	Yes / No
Have all necessary consents and licenses been obtained in respect of any associated merchandising?	
Will appropriate trademarks or other searches be made before merchandising characters or other matter that might be subject to trademark, unfair competition or similar claim?	

Note: Availability of coverage will depend on individual risk characteristics and the state in which the insured is located.

THIS APPLICATION DOES NOT BIND THE APPLICANT OR THE INSURER, BUT IT IS AGREED THAT THIS FORM SHALL BE THE BASIS FOR THE CONTRACT SHOULD A POLICY BE ISSUED, AND IT MAY BE ATTACHED TO AND MADE PART OF THE POLICY. THE APPLICANT REPRESENTS THAT IF THE INFORMATION SUPPLIED ON THIS APPLICATION CHANGES BETWEEN THE DATE OF THIS APPLICATION AND THE TIME THE POLICY IS ISSUED, THE APPLICANT WILL PROVIDE WRITTEN NOTIFICATION OF SUCH CHANGES.

Any person who knowingly and with intent to defraud any insurance company or another person files an application for insurance 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 subjects the person to criminal and (NY: substantial) civil penalties. (Not applicable in CO, HI, NE, OH, OK, OR, VT). In DC, LA, ME, TN and VA, insurance benefits may also be denied.

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Clearance Procedures

1 All necessary rights have been obtained, covering domestic and foreign territories, including any extensions and renewals, for all literary material (other than original and unpublished material) contained in the insured production. If full copyright is not obtained, any limitations and/ or reservations must be notified to Insurer. If you are acquiring the insured production as a completed work (such as a pick-up of a motion picture) rights must also be secured covering the completed work. The origin of all works on which the insured production is based must be traced and cleared in order to ascertain that you have all the required rights in the work.

2 Written agreements must exist between you and the creators, authors, writers and owners of all material, including quotations from copyrighted literary works, film, television, and audio clips, clips of pre-existing music, featured copyrighted props such as maps, etc., used in the insured production, authorizing you to use the material in the insured production (except in the case of approved 'fair dealing'). All agreements should include a waiver of so-called 'moral rights'.

3 If the subject matter of the insured production is potentially defamatory, or for any other reason legally contentious, it has been cleared by a suitably qualified libel attorney, as has any 'fair use' and all recommended changes have been made.

4 In the case of fictional characters, a full cast script clearance check has been carried out, also of business names, etc. and again, all recommended changes have been made.

5 All contracts and releases must give you the right to market the insured production for use in all media and markets (e.g. DVD, digital format, Internet etc.). In particular, any gaps in respect of underlying rights must be notified.

6 Synchronization and performance licenses must be obtained from the composer or copyrighted owner of all music used in the insured production. Licenses are unnecessary if the music (and its arrangement) is in the public domain. Licenses must also be obtained from the owners of recordings for the use of previously recorded music.

7 If the insured production contains any film clips, you have obtained authorization to use the film clip from the owner of the clip who has the right to grant such authorization and have obtained authority from the owners of and contributors to the film clip e.g. underlying literary and musical rights, owners, actors, and musicians etc. All releases must give you the right to edit, add to and/or delete any or all of the material supplied by the releasor.

8 You must be sure that you or any of your partners or directors have not received any unsolicited submissions of any literary or dramatic material, program ideas, formats or storylines from any third parties which are similar in content or style to the insured production. If you have, you must have a process for dealing with them and quit claims must be obtained where appropriate.

9 Any problems relating to the insured production which are not known at the time of completing this application form must be notified to insurer as soon as they arise.

10 Any bonus material, interviews or outtakes included on a DVD or any other media version of the production must go through the same clearance procedures as the insured production.

11 Any uses of copyrighted material in its renewal term must be authorized by persons or entities entitled by statute to renew.

12 All contracts, releases, grants of rights of every kind (including all prior grants in your chain of title) must authorize you to use the acquired material in your production and to assign or sublicense it in any form.