

# ENCOURAGING CREATIVITY



Media and creative industries  
Product suite

## Evolving with the changing landscape

Hiscox has been providing commercial insurance for the media and creative sector since 1995 and in that time, the industry has changed immensely. From the technological advancement of mobile devices, through to the creation of platforms such as digital radio or on-demand TV and the launch of social media, the way consumers interact with companies has been completely revolutionised.

### **A trusted partner to the media and creative industries**

We provide cover for more than 15,000 businesses in this sector – from marketing consultants and events companies to global advertising agencies and multimillion Pound turnover broadcasters. Our specialist underwriting and claims teams have considerable experience and understanding of the changing nature of these businesses and in assessing the risks involved. They work hard to keep abreast of the law and any new developments to make sure clients receive cover appropriate to their business.

## Our approach to claims

At Hiscox, we believe that our approach to dealing with claims is what sets us apart. We understand that insurance is a promise to pay, and it is when you're in trouble that its value is really proven. If you have a problem, we don't hide behind narrow interpretations of our policy wordings – our goal is to pay all claims efficiently and fairly, and to get our clients back on their feet as quickly as possible.

### **Access to specialist media lawyers**

Our dedicated media claims team has extensive litigation experience in all aspects of media law, so we have a real insight into the complex and costly nature of the claims you face. We are committed to protecting your business and helping you through what can be a traumatic and time-consuming experience.

### **A common-sense approach**

If you're worried that an error might lead to a compensation claim from your client, you can let us know as soon as you realise you've made it. We will pay to put it right, sometimes without your client even knowing. This helps protect your relationship with the client and can help avoid small mistakes escalating into major issues.

### **Rely on us**

Your claim will be handled by experts in media and creative industries litigation who will fight to get the best outcome for you, which will mean you can focus on what you know best – your business.

## Business-to-business products

For creative companies who deliver content and perform services under contract for clients



To keep pace with the media and creative industries, we have created four bespoke professional indemnity products for the business-to-business sector:

- digital marketing
- marketing, advertising and communications
- commercial film producers
- event organisers.

All of these policies include the following cover as standard:

**Broad, clear breach of contract cover – critical cover in the B2B environment**  
We have removed virtually all restrictions to provide extensive protection for your contractual liabilities.

**Intellectual property**  
We offer broad cover against claims of infringing others' intellectual property rights, including copyright, trademark, music or moral rights and any act of passing off.

**Rectification costs**  
If you've made an error in work for a client, you don't have to wait for them to complain before telling us – we can pay to correct your mistake, even before your client knows anything is wrong.

**Payments towards outstanding fees**  
If a client refuses to pay your invoice because of a dispute, we can protect your cash flow by making payments towards what you're owed.

**Breach of confidentiality or privacy**  
Cover for breach of confidence, infringement of any right to privacy and any violation of legal protections for personal information.

# Digital marketing

The digital world has grown exponentially to become such an integral part of people's everyday lives that the average adult spends more than 20 hours online a week.\* The internet has revolutionised the marketing industry – brands are not only competing with rivals but with the entire internet for people's attention. Agencies are now fusing creative thinking with the latest technology to deliver truly memorable campaigns.

Being at the cutting-edge brings new risks for marketers, from a new website that doesn't work properly, to a dispute with a client over a paid search campaign's effectiveness. Hiscox are the first insurer to have created a specific professional indemnity policy for marketing agencies working in the digital world.

## You may need this insurance if you:

- provide marketing services or advice using digital technologies including SEO, PPC or digital advertising
- design or build websites or mobile apps
- manage social media accounts or websites for a client
- offer analytics or insight into digital marketing performance
- enter into contracts to provide services to third parties, especially large well-known corporations
- have access to personal data or confidential corporate information.

## Why choose Hiscox?

- **Explicit cover for your digital services.** Special cover for a wide range of services, including SEO, PPC, website and app builds and digital advertising as standard.
- **Breach of contract including liquidated damages.** Broad cover for contractual liability, including amounts agreed in the contract between you and your client in the event of a specific breach of such contract, provided it represents a fair and reasonable pre-estimate of loss.

## Did you know?

Hiscox will protect you against claims for network security and personal data events, including hacker attacks, transmission of malicious software, or the misuse of personal information.

## How we help our clients protect their reputations

### Defending a marketing agency in near £1 million dispute

A travel agency sued our client who provided it with SEO and online marketing services, for breach of contract. The company claimed they had actually lost business due to mismanagement of their campaigns and felt they were given bad advice to spend hundreds of thousands of Pounds unnecessarily. In total, the travel agency's legal claim amounted to £650,000 – it also refused to pay for £300,000 of Google advertising charges. We defended our client in the claim and helped it to recover the outstanding money it was owed.

### Site Usage

 7,649 Visits

 25,423 Pageviews

 3.32 Pages/Visit

### Traffic Sources Overview



- Direct Traffic  
3,097.00 (40.49%)
- Search Engines  
2,910.00 (38.04%)
- Referring Sites  
1,642.00 (21.47%)

### Map Overlay



### Visitors Overview



### Content Overview

Page	Views	Visits
Home	1000	500
Products	800	400
Services	600	300
Contact Us	400	200
Privacy Policy	200	100
Terms of Service	150	75



# Marketing, advertising and communications

The marketing and advertising industry is one of the UK and Ireland's most innovative and fast-paced sectors. Hiscox's market-leading cover protects you against today's new threats and ensures we continue to help companies protect their reputations.

## You may need this insurance if you:

- provide marketing or advertising expertise, skills or advice to clients
- create advertising in any form:
  - TV
  - cinema
  - print/press
  - online or social media
- enter into contracts with others to provide marketing and advertising services
- have access to personal data or confidential corporate information through your business
- create communications or manage a client's public profile.

## Why choose Hiscox?

- **Rectification costs.** If you've made an error in work for a client, you don't have to wait for them to complain before telling us – we can pay to correct your mistake, even before your client knows anything is wrong.
- **Breach of confidentiality or privacy.** Cover for breach of confidence, infringement of any right to privacy and any violation of legal protections for personal information.
- **Breach of advertising regulations.** We cover you in the event that you break one of the advertising industry's governing codes, prompting a claim against you from your client.

## Consolidation in your industry

Hiscox are aware there is frequent takeover and merger activity in the media and creative industries and want to make sure you're well positioned in the event of these changes. That's why when you insure with Hiscox we include:

- **automatic cover for an acquired entity** – if you buy a firm during the course of the policy then don't worry – that firm is covered automatically, if it is less than 20% of your total turnover and its activities are consistent with your current business
- **takeovers and mergers extended reporting period** – if you are open to acquisition, you have the option to extend your Hiscox policy to cover any past liabilities – potentially making your business more attractive to any buyer.

## How we help our clients protect their reputations

### Dealing with the fallout from a hacker attack

Our client, a marketing agency, was the victim of a cyber attack in which hackers accessed their systems and stole marketing databases they held on behalf of clients that contained thousands of people's names, dates of birth and contact information. The data breach was serious enough for the agency's clients to report it to the Information Commissioner's Office. Although the UK data watchdog took no action against them, the agency's clients sought to recover their large legal bills from it, claiming it had breached its contractual data protection and confidentiality obligations. Hiscox defended these claims on our client's behalf and settled with its customers.



# Commercial film producers

We hate things to look fuzzy and unclear – just like you. That's why we offer a clear, bespoke professional indemnity policy for commercial film producers to ensure you are covered for the specific liability risks facing your business today. So whether you are working on a corporate video, a future chart-topper's new music video or a global brand's next Christmas TV ad, our policy can provide you with the protection you need.

## You may need this insurance if you:

- create advertising content for TV, print or press, online or for social media
- deliver music videos or corporate videos for clients
- enter into contracts to provide services to third parties, particularly the APA's contract for the production of commercials
- work on projects that are time- and budget-sensitive
- license music, clips, stills, props, or artwork for use in productions
- hire sub-contractors or self-employed freelancers to assist in the delivery of projects.

## Why choose Hiscox?

- **Broad and clear breach of contract cover.** We give extensive protection for your contractual liabilities, including the APA's contract for producing commercials, so you can be confident you're covered.
- **Cover for breaching a licence.** Our policy covers you for inadvertently exceeding the terms of your licence to use someone's trademark or copyrighted material.

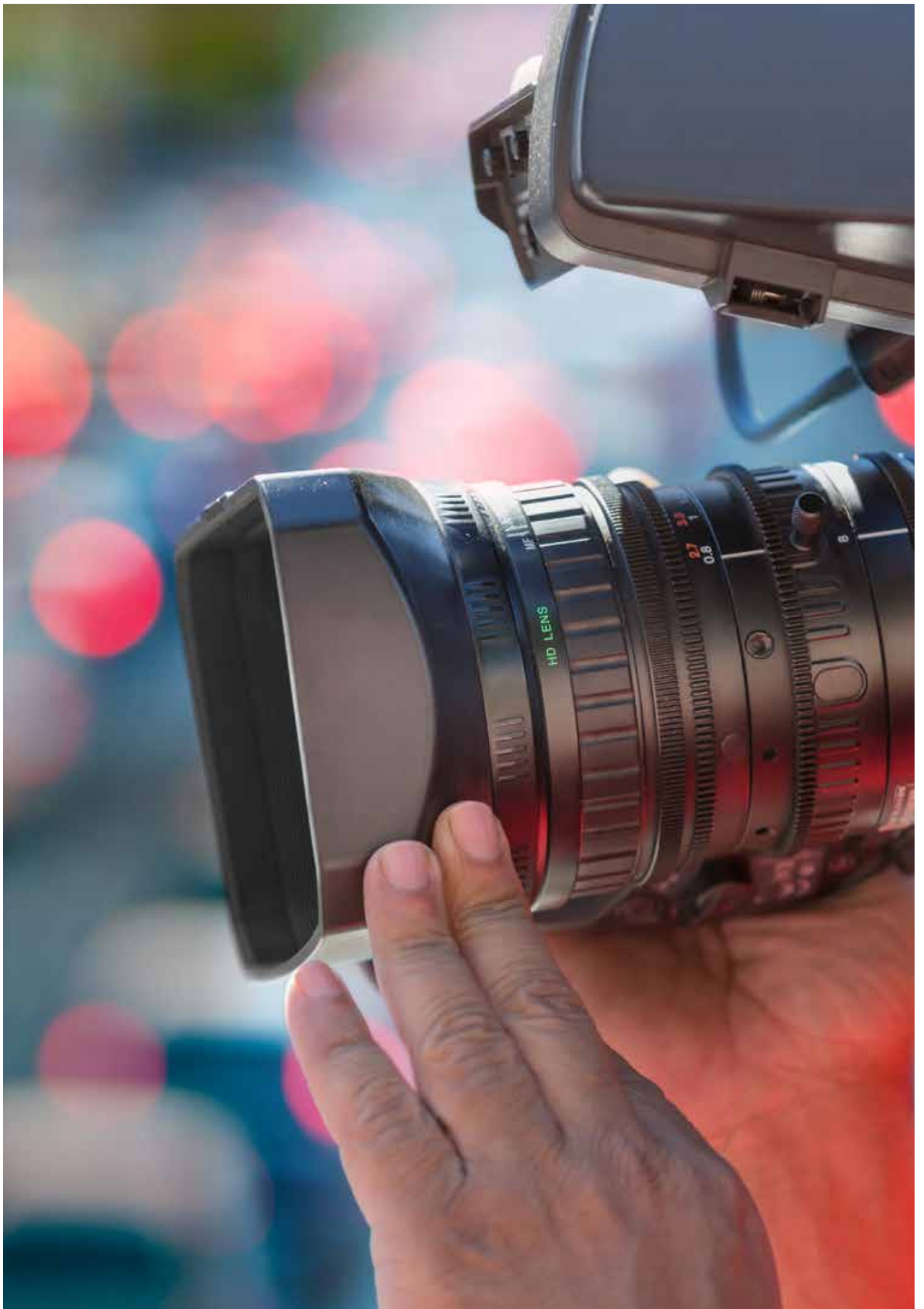
## Did you know?

We will cover mistakes made by sub-contractors or freelancers while working on your behalf, so you can rest-assured that your insurance policy will still respond – even if it isn't your fault.

## How we help our clients protect their reputations

**When a hit turned into a writ**  
Our client was engaged to film a music video for a famous pop star in an art gallery. The pop star's management company later received a letter from an artist saying her work had appeared in the video without her permission. It was true – the production company had failed to take her picture down from the gallery walls before shooting began. Although the claim was made against the pop star and his record label, the production company had contractually agreed to any intellectual property liabilities arising out of the video. We settled the claim on the film company's behalf.





# Event organisers

We know that when it comes to organising a big event, good just isn't good enough for your clients. They expect perfection. There are a host of other risks beyond something being damaged or someone getting hurt at one of your events. Although you may think these are occupational hazards, if you're not careful they could threaten your business. If the specialists you've hired to help out with a big occasion, like caterers or cameramen, let you down then you will be forced to deal with the consequences. A simple mix-up or error could quickly turn a couple's wedding into the worst day of their lives – and yours.

We understand that events do go awry from time to time, despite your best-laid plans, and as the organiser, you're likely to be blamed – even if it may not have been your fault. Our professional indemnity policy offers you the peace of mind of knowing that you're covered against a wide range of liabilities when you take on a contract.

## You may need this insurance if you:

- enter into contracts to provide services to third parties, especially large, well-known corporate entities, or on behalf of your clients
- develop the content for an event, including music, video production or speeches that could infringe someone else's intellectual property rights
- perform health and safety assessments
- have keynote speakers or event ambassadors who could make defamatory remarks
- work on time and budget sensitive projects
- have access to personal data or confidential corporate information
- provide expertise, skills or advice to clients.

## Why choose Hiscox?

- **Automatic coverage for venue owners and operators.** Often venue operators will require you to protect them if they're named in a lawsuit arising from one of your events, so we include it as standard in our policy.
- **Bodily injury and property damage cover.** We provide you with contingent cover if bodily injury or property damage occurs at an event you've organised.
- **Work performed by subcontractors.** We can also provide additional cover for mistakes made by sub-contractors while under your supervision, so you can rest assured that your insurance policy will still respond – even if it isn't your fault.

## Additional cover

- **Personal appearance coverage.** Hiscox can provide extra indemnification for keynote speakers and event ambassadors whilst performing their duties, to help make your offer more compelling to them.

## How we help our clients protect their reputations

### A 40th that turned into a to-do

A party planner arranged a client's 40th birthday party at a prestigious London venue. The day before the event, the venue operator called to say it had been forced to shut because of a collapsed roof. The organiser managed to find an alternative venue at the last minute and the party went ahead to delighted reviews from the client. Surprisingly, the client brought a suit against the organiser shortly after the event because it could not be held at his first choice of venue. He alleged breach of contract and demanded the return of the venue hire fee and damages for distress. We defended the claim on behalf of the party planner and helped to ensure that both the organiser and client worked together again.



# Multimedia

The media business is constantly evolving. In little more than a century, the printed word has been joined by radio, then television and the internet. Multimedia companies now choose between these channels for disseminating their content. The traditional media – print, analogue radio and terrestrial TV – remain just as exposed to claims as they ever were, while the digital revolution has opened up a world of opportunity. The web gives media businesses a global audience, but the repercussions from any mistakes they may make are magnified.

Whether you're a global news organisation or a local paper, a football podcaster or a fashion vlogger, a publishing house, on-demand TV broadcaster or an image or sound library, Hiscox's updated multimedia professional indemnity policy offers you the peace of mind of knowing that you are protected no matter how or where your content is shown, read or heard.

## You may need this insurance if you:

- distribute content created by you or a third party
- publish books in print, electronic or audio formats
- broadcast by TV, radio, online or produce podcasts
- use others to provide media content on your behalf
- allow and/or moderate user-generated content on your websites
- acquire and licence third-party content, including music and images
- use confidential sources and information in your reporting activities
- create and monetise a blog or vlog.

## Standard policy features include:

- intellectual property, including plagiarism and correct attribution
- defamation
- breach of confidentiality or privacy
- automatic cover for additional insureds.

## Extra benefits of choosing Hiscox

- **Protection against allegations of discrimination in your content.** We will defend and indemnify you if what you write or say is deemed to be discriminatory, harassment, or unfair treatment.
- **Emotional distress.** We cover you in the event that your content causes emotional distress to third parties, including but not limited to, through themes, images and statements.
- **Coverage for your freelancers.** We will work with you to cover claims made against any media content providers you employ to produce content for you.
- **Legal costs to challenge an unfair PIN.** Police Information Notices (PINs) are increasingly being issued against journalists and photographers for alleged harassment, often to block a story's publication. Hiscox will pay towards legal costs to defend against an unfairly served PIN.
- **Full limit for appeal costs.** We understand the importance of standing your ground in a legal battle, which is why we provide up to your policy limit for appeal costs, whereas some insurers may force you to settle and apologise.

## How we help our clients protect their reputations

### Credit where credit's due

A publishing house faced legal action from a writer who claimed one of their books contained work taken, without acknowledgment, from his own earlier biography on the subject. The author admitted the oversight, and we acted to resolve the issue quickly and discretely to avoid any damage being done to the well-known author's reputation. We settled the matter for a modest payment and a credit in future editions of the book, along with strong provisions to ensure the matter remained quiet.

### Settling a user generated content claim

A company was threatened with litigation by a person whose content they had removed from one of their websites, claiming their decision was defamatory and a breach of his free speech rights. We investigated the claim, concluded the insured had done nothing wrong and then worked with the insured to robustly defend the claim, which ultimately was not pursued further.



## Business-to-consumer products

For companies who deliver content they create or acquire to the general public



## Next steps

For further information, contact your broker.

We also provide cover for:

- cyber and data
- public and employers' liability
- property including specialist equipment
- business interruption
- crime
- management liability
- event cancellation
- advertising contingency
- travel
- crisis containment
- kidnap and ransom.

For more information about Hiscox, visit [www.hiscoxgroup.com](http://www.hiscoxgroup.com).



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