

IT TAKES YEARS
TO BUILD A
REPUTATION

BUT ONLY MOMENTS TO
PROTECT IT.

Influencer and Public Figure Protection



INTRODUCTION

The rise of social media has revolutionised our communication habits and buying decisions. People in the UK spend one hour and 59 minutes on their phones each day (eMarketer, Smartphone Use Headed for a New Milestone in the UK), so it's no wonder that individuals and brands alike are turning to social media to engage with their fan base or promote their products and services – and we're seeing the rise of the 'influencer'.

Though not all influencers are aware of the pitfalls that come with living their lives in front of thousands (if not millions) of followers. Gaining permission from the copyright owner prior to posting a photo on Instagram might not be top of mind, nor checking the newest regulations on disclosure of sponsored posts on social media. Yet both of these scenarios are very real examples of the emerging risks faced by high-profile individuals.

Even public figures who may not have a social media presence are still impacted. No longer does an off-the-cuff remark at an after dinner speaking engagement stay behind closed doors – it's only a matter of time before a video of the event goes viral, bringing the wave of publicity and the potential claims along with it.

Hiscox has combined our pedigree of insuring high net worth individuals through our art and private client division, with our experience of providing protection to creative companies and content creators through our media products, to develop an insurance policy tailored to cover the ever-changing exposures of influencers and public figures.

TARGET AUDIENCE

You may need this insurance if you:



are paid by advertising agencies or brands to promote their brands, products or services to your social media following;



are an athlete or celebrity who has signed an endorsement deal with a major brand;



monetise your YouTube channel;



frequently have speaking engagements, whether it is a panel, after-dinner speech, or as a guest lecturer;



have been hired as a TV or radio presenter or you host a podcast;



give press interviews (including pre- and post-match), red carpet interviews or make promotional appearances (such as book launch tours).

COVER CHECKLIST

- ✓ **Defence costs and damages** – we will pay your legal defence costs (which could be substantial) as well as any damages.
 - ✓ **Breach of a promotional contract** – we will cover you if a client brings a breach of contract claim against you in relation to the quality of a promotion, endorsement or sponsorship they've hired you for.
 - ✓ **Breach of advertising legislation** – advertising disclosure regulations are constantly developing around the world. You have protection if a client brings a claim against you for unintentional breach of any advertising laws, regulations, or codes of practice.
 - ✓ **Unauthorised access to your social media** – we know a life in the limelight can make you a target for hackers. That's why we'll cover you for certain claims arising from unauthorised access to, or posting of, any online content to your social media.
 - ✓ **Intellectual property infringement** – you will be covered for intellectual property infringement claims, including copyright infringement, if you have not got appropriate permissions or breached the scope of your license.
 - ✓ **Defamation** – you will be covered for actual or alleged libel, slander and malicious falsehood whether arising from something you posted online or something you said in an interview.
 - ✓ **Breach of privacy** – we will cover you for breach of confidence and infringement of any right to privacy that arise from your media activities.
 - ✓ **Worldwide coverage** – you are covered for claims brought anywhere in the world so you can curate your global audience without worrying if your policy covers you.
 - ✓ **Choice of counsel** – if you have a pre-existing relationship with a lawyer who specialises in the types of claims covered by this insurance, you can choose to work with them with our approval.
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CLAIMS SCENARIOS

In many of the following claims scenarios, the defence costs and indemnity payments incurred by the individuals could be enough to have a significant impact on their financial well-being – causing them to drain their savings, sell their family home, or at worst – file for bankruptcy. Influencer and public figure protection helps provide our clients with the security that their financial stability is not compromised should the worst happen.

Breach of contract

A social influencer forgets to include #ad on sponsored posts. This causes the Advertising Standards Authority to investigate and issue an adverse ruling against the brand. The brand sues the influencer for breach of contract after suffering reputational damage. The influencer opts to settle this claim with the support of our in-house counsel, and the policy pays the settlement amount.

Intellectual property infringement

An actor posts a childhood photograph to her Instagram account where it is seen by her 750,000 followers. The photographer who took the photo alleges he did not give permission to have his photograph shared and brings a copyright infringement claim against the actor. This policy covers the costs to defend the copyright infringement allegation, as well as the payments to settle or the court awarded damages (which can be \$150,000 or more in US courts).

Breach of contract

A cricketer makes a remark during a post-match interview that their poor performance during the season is due to the quality of their bat. The bat company terminates their endorsement deal, and also brings a breach of contract claim relating to the quality of promotion. Our in-house claims team works closely with the cricketer's own counsel to defend the breach of contract allegation, while the policy funds the defence counsel's fees.

CLAIMS SCENARIOS

Breach of contract

A brand pays a popular reality TV star to promote their new line of products. Within the contract is an exclusivity clause. A few months into the contract, paparazzi photographs the TV star using a competitor's product. The brand drops the star and sues for breach of contract. The influencer opts to settle this claim with the support of our in-house counsel, and the policy pays the settlement amount.

Defamation

A high profile CEO engages in a heated Twitter exchange, where he makes an accidentally inaccurate statement about his rival. Though he retracts the statement, it has been seen by his 12 million followers, and the rival sues for libel and emotional distress. Our policy provides coverage for the costly defence of a defamation allegation, as well as the indemnity award.

Intellectual property infringement

A footballer scores the winning goal of a key match, and posts a highlight clip of the goal to his Facebook page. This is in direct violation of the organising body's policies on sharing of match footage, and they initiate a copyright infringement action against the footballer. This policy covers the costs to defend the copyright infringement allegation with the goal to have the body drop the action before a monetary demand is made.

Breach of privacy

A commentator tweets a photo of the medical records of a famous Olympian to his nearly four million followers. The Olympian brings a claim against him citing a breach of their privacy. The commentator fully believes they were within their rights to publish as a matter of public interest, and we pay the costs to defend this claim until struck out in their favour.

WHY CHOOSE HISCOX?

Hiscox has been protecting media businesses and individual content creators since 1995, so we understand the risks you face and can provide a bespoke policy to protect your reputation. Our dedicated team has extensive experience and understanding of the changing nature of the industry, and assessing the risks involved. We work hard to keep abreast of the law, and any new developments, to make sure you are protected.

Hiscox's philosophy is quite simple: to be as good as our word. We are one of the few insurers in the UK to have achieved Chartered Insurer status from the Chartered Insurance Institute (CII) – the gold standard of excellence, professionalism and integrity in insurance.

In the unfortunate event you need to make a claim, it will be handled by a dedicated specialist in our award-winning claims team. They have the experience and expertise to deal with claims quickly and knowledgeably and handle areas of conflict that could cause your reputation considerable harm.

For further information, please contact your broker.

Did you know?

A legal dispute can stretch your resources to the limit, so we will compensate you if you have to attend court in connection with a claim against you.

