



Video, film and television producers application form

b. Based on another work (published or unpublished)? Yes No

If the answer to b. is Yes, please advise the name of the author(s) and the title(s) and date(s) of the publication of the work upon which the production is based:

8. The production is:

Film for theatrical release	<input type="checkbox"/>	Film for television release	<input type="checkbox"/>	Television series	<input type="checkbox"/>
Television pilot/special	<input type="checkbox"/>	Direct to DVD/video	<input type="checkbox"/>	Radio series	<input type="checkbox"/>
Theatrical stage production	<input type="checkbox"/>	Documentary	<input type="checkbox"/>	Commercials	<input type="checkbox"/>
Industrial, training or educational films/videos	<input type="checkbox"/>	Infomercials	<input type="checkbox"/>	Music videos	<input type="checkbox"/>

9. The production is:

Educational	<input type="checkbox"/>	Investigative	<input type="checkbox"/>	Biography	<input type="checkbox"/>
Drama	<input type="checkbox"/>	Comedy	<input type="checkbox"/>	Musical	<input type="checkbox"/>
Religious	<input type="checkbox"/>	Docu-drama	<input type="checkbox"/>	Reality	<input type="checkbox"/>
Children's show	<input type="checkbox"/>	Game/quiz show	<input type="checkbox"/>	Sports	<input type="checkbox"/>
Talk show	<input type="checkbox"/>	Animated	<input type="checkbox"/>	Political	<input type="checkbox"/>
'How to'	<input type="checkbox"/>	Other – please specify	<div style="border: 1px solid black; width: 200px; height: 15px;"></div>		

10. If the production is for DVD release:

Will additional bonus material be included on the DVD? Yes No

If YES, will this bonus material go through the same clearance procedures as the rest of the production? Yes No

11. Is the production:

a. Entirely fictional? Yes No

b. Fictional, but inspired by specific events and/or occurrences and/or characters? Yes No

c. A dramatic portrayal of actual facts which includes fictionalization? Yes No

d. Documentary portrayal of actual facts or happenings? Yes No

e. Live? Yes No

If it is live will there be a time delay? Yes No

12. Please provide a brief description of the storyline (including time frame and setting):



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13. If the production is a 'series', please advise the number of episodes:
14. Running time of production (hr/min per episode):
15. Distributor or broadcaster of the production:
16. Estimated date for completion of principal photography:
17. Estimated date for first release or air date:
18. Territory of first broadcast/release:
19. Territories of anticipated future distribution:
20. Will the script of the production be read for defamation, contempt, invasion of privacy, right of publicity, copyright, trademark and other usual related matters by a suitably qualified attorney? Yes No
If No, please explain reasons:
21. Will the final cut of the production be reviewed prior to release by a suitably qualified attorney? Yes No
If No, please explain reasons:
22. a. In the case of interviewees or participants, will full written releases be obtained? Yes No
If NO, please explain reasons:
- b. Will all written releases contain an arbitration clause? Yes No
If No, please explain reasons:
23. Is the name or likeness of any living person used in the production? Yes No
If Yes, will all necessary rights be obtained? Yes No
If NO, please explain:

Clearance procedures - content



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24. Is the name or likeness of any deceased person used in the production? Yes No
 If Yes, will all necessary permissions be obtained from personal representatives, heirs or estates? Yes No
 Does your attorney anticipate any difficulties with any potential countries of distribution (e.g. privacy laws in France)? Yes No

If Yes, please explain:

25. In the case of drama, docu-drama or dramatizations have you obtained a script clearance e.g. A DeForest report (including clearance of characters and business names) from a recognized service and have all recommendations been adhered to? Yes No

If No, please explain:

26. Does the production use any literary, musical or other material whatsoever that was copyrighted before January 1, 1978? Yes No

If Yes, please list separately the title of the material used:

Title of material used	Date of copyright	Date of renewal

Clearance procedures - rights

27. Have you obtained a title and trademark report from a recognized agency? Yes No
 If Yes, please attach a copy of the title and trademark reports.

28. a. If your production is not entirely original, have copyright reports been obtained? Yes No
 b. Are there any ambiguities, gaps or problems in the chain of title? Yes No
 c. 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? Yes No

29. a. If the production is based upon an original format, are you aware of any similar format or concept? Yes No
 b. Has any similar format or similar material been submitted to you at any time? Yes No

If Yes, to a. or b., has your attorney confirmed that they are satisfied you can safely proceed with your exploitation of the work? Yes No

If No, please explain:



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30. a. 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? Yes No

b. Have you obtained a written agreement from all performers or persons appearing in your production consenting to their appearance? Yes No

31. Will any film clips, TV clips or photographs be used in this production? Yes No

If Yes:

a. 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? Yes No

b. 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? Yes No

If the response to any answer for a. or b. above is No, please give details:

32. 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:

a. Recording and synchronization? Yes No

b. Performing rights? Yes No

c. Right to distribute for all forms of distribution contemplated (home video, etc.)? Yes No

If the response to any answer for a. – c. above is No, please give details:

33. Will a music cue sheet be prepared? Yes No

34. Have you or any of your agents been unable to obtain or been refused an agreement or release after having: Yes No

a. negotiated for any rights in literary, musical or other materials? Yes No

b. negotiated for release from any persons in respect of any material incorporated in the production? Yes No

If Yes, please explain:



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Attorneys used for clearances

35. Name of your attorney (individual's name):

In-house External

Firm name and address:

Telephone:

Email:

36. Have you and your attorneys read and agreed to exercise due diligence to insure that the 'clearance procedures' attached are followed?

Yes No

If No, please explain

Claims declaration

37. a. 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?

Yes No

If Yes, please attach details including the date of each claim or loss, the amount of the claim and any remedial action taken.

b. 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?

Yes No

If Yes, please attach details of each problem.

It is understood and agreed that with respect to questions 37 a. and b., that if such knowledge of information exists any claim or action arising there from is excluded from this proposed coverage.

Supplemental information

Please attach the following additional information:

- Video/DVD copy of the production or copy of script if production is not complete
- Title and Trademark Reports
- Experience resume of Producer and Executive Producer (if less than three years experience)



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Declaration

I declare that this application form has been completed after proper inquiry and, based on this inquiry, I declare the application contents are true, accurate, and not misleading.

I declare that I will immediately notify Hiscox, before any contract of insurance is concluded, of any additional information that might render the contents of this application untrue, inaccurate, or misleading, or if any new fact or matter arises which is material to the consideration of this application for insurance.

I declare that I understand and agree that if any of the contents of this application are untrue, inaccurate, or misleading, in any material respect, or if I fail to notify Hiscox of additional information that might render the contents of this application untrue, inaccurate, or misleading, in any material respect, then Hiscox is entitled to rescind any policy issued pursuant to this application.

I declare that I understand and agree that this application and all materials submitted in connection with this application are incorporated into and form the basis of any policy issued by Hiscox pursuant to this application.

I declare that by signing this application I am representing and warranting that I am duly authorized to execute insurance contracts on behalf of the entity applying for this coverage and that all representations (whether verbal or written) made in connection with this application are made on behalf of and shall be fully binding upon such entity.

Signature of principal/partner/director/officer/
senior manager/authorized representative

Date (mm/dd/yyyy)

Title:

A copy of this application should be retained for your records.

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Clearance procedures

Please read the following section carefully

Clearance has the simple purpose of ensuring that the insured production is not vulnerable to litigation. You should ensure that:

- a. if the insured production carries any risk of libel, or a related legal problem, it is cleared; and
- b. all rights necessary to production, exhibition, and distribution in all media are secured before you fill in this form, or will be as soon as practicable. We must be informed of any rights problems related to material included in the insured production, as soon as you become aware of them, and you must seek advice on such problems from your own attorneys.

Accordingly, you and your attorneys should be sure before first exhibition of the insured production that:

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 us. 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, authorising 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, video cassette, 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 copyright 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 authorisation to use the film clip from the owner of the clip who has the right to grant such authorisation 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, programme 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 us 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.

The above clearance procedures are not exhaustive, nor do they cover all situations which may arise, given the great variety of productions. You and your attorneys must continually monitor the insured production at all stages, and in light of any special circumstances, make certain that the insured production contains no material which could give rise to a claim.