



UK video, film and television producers Proposal form

Your business

1. Name of applicant:
- Address:
- Post code:
- Telephone: Email:
- Website:
- When was your business established?

You and/or your partners and directors

2. Please list below your details and those of any partners or directors of the company/applicant listed above:

Name	Years in the industry
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Your coverage request

3. Desired effective date:

Your production details

4. Title of the production:
5. Please give your estimated gross production budget if intended for theatrical release:
Production budget £
6. Names of the script writers:
- Name of the director:
- Name of the producer/executive producer:
7. Is this production:
- a. Entirely original to you? Yes No
- b. Based on another work (published or unpublished)?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:
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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"/> |
| Webisodes | <input type="checkbox"/> | Infomercials | <input type="checkbox"/> | Music videos | <input type="checkbox"/> |
| Training or educational films/videos | <input type="checkbox"/> | Other – please specify | <input type="text"/> | | |

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 | <input type="text"/> | | |

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 fictionalisation? 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):

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:



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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. Do the intended territories of anticipated future distribution give rise to any increased or additional exposure given the content of the production? If so, please provide details including any additional legal review undertaken.

Clearance procedures - content

21. Will the script and final cut 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 lawyer? Yes No

If No, please explain reasons:

If Yes, please give name of clearance lawyer:

Firm / In house

Years libel experience:

<input type="text"/>	<input type="text"/>
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22. In the case of interviewees or participants, will full written releases be obtained? 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:

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 lawyer anticipate any difficulties with any potential countries of distribution (e.g. privacy laws in France)? Yes No

If Yes, please explain:

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

If No, please explain:

26. a. 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

Has your lawyer confirmed that all such material is cleared for use? Yes No

26. b. Will any copyright material be included without clearance pursuant to the 'fair dealing' provisions of the Copyright Act 1988? Yes No

If Yes, please specify:

Has such use been approved by the production's legal advisor? Yes No

Clearance procedures - rights

27. If the production is anticipated to be distributed in the USA, have you obtained a title and trademark report from a recognised agency? Yes No

If Yes, please attach a copy of the title and trademark reports and advise whether the report(s) has/have been confirmed as satisfactory by your lawyers.

If No, please explain:

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 lawyer confirmed that they are satisfied you can safely proceed with your exploitation of the work? Yes No

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If No, please explain:

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 licences and consents been obtained from the copyright owner without restriction and are you authorised to assign or sublicense the licensed materials as incorporated in your production? Yes No
- b. do you have the authorisation of any person or entity depicted in the film clip, TV clip or photograph to use their image in your production and to assign or sublicense that depiction to 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 synchronisation? 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:
- 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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Lawyers used for clearances

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

In-house External

Firm name and address:

Telephone:

Email:

36. Have you and your lawyers read and agreed to exercise due diligence to ensure 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 ever been made against you, whether successful or not, which would be covered by this type of 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 which 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., if such knowledge or information exists, any claim or action arising therefrom is excluded from this proposed coverage.

Supplemental information

Please attach the following additional information.

- Title and trademark reports
- CV of producer and executive producer (if less than three years experience)



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Declaration

In deciding whether to accept the insurance and in setting the terms and premium, we have relied on the information you have given us.

You must:

- give a fair presentation of the risk to be insured by clearly disclosing all material facts and circumstances (whether or not subject to a specific question) which you, your senior management and those responsible for arranging this insurance, know or ought to know following a reasonable search;
- take care by ensuring that all information provided is correct, accurate and complete.

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 incorrect or inaccurate, or if any new fact or matter arises which is material to the consideration of this application for insurance.

I /we confirm that the information given in this proposal form is correct, accurate and complete and I have made a fair presentation of the risk

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

Date (dd/mm/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 lawyers.

Accordingly, you and your lawyers 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' or 'fair use'). 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 lawyer, as has any "fair use" or "fair dealing" and all recommended changes have been made.
4. In the case of fictional characters, a full cast negative 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. Synchronisation and performance licenses must be obtained from the composer or copyright owner of all music used in the insured production. Licences are unnecessary if the music (and its arrangement) is in the public domain. Licences 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 or releases 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 authorised 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 authorise 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 lawyers 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.



Video, film and television producers application form Additional insurance questionnaire

1. Are you producing the soundtrack album? (i.e. – it is not being produced by a third party) Yes No

If Yes:

a. Have you acquired all the necessary rights and licences? Yes No

b. Do you require coverage for this soundtrack album? Yes No

If No to a. please give details:

2. a. Will any merchandise (i.e. toys, dolls, clothing, etc.) be created from this production? Yes No

If Yes, please describe:

b. If merchandise is to be created and distributed based upon the production, have all necessary consents and licences been obtained from performers, authors, artists, etc. to produce and distribute this merchandise? Yes No

If No, please give details:

c. Has additional or separate insurance coverage for this merchandise been obtained? Yes No

If No, please give details:

d. Estimated revenue from merchandising: £