



**AXIS INSURANCE**

10000 Avalon Blvd. Ste. 200  
Alpharetta, GA 30009

Telephone: **(678) 746-9000** | Toll-Free: **(866) 259-5435** | Fax: **(678) 746-9315**

<https://www.axiscapital.com/insurance/professional-liability/media-entertainment-liability>

**AXIS HAS THE ABILITY TO OFFER COVERAGE ON AN OCCURRENCE FORM POLICY BASIS, ON A CLAIMS-MADE POLICY BASIS, AND WITH CLAIMS-MADE COVERAGES ATTACHED TO AN OCCURRENCE FORM POLICY.**

**SOLELY AS RESPECTS CLAIMS-MADE LIABILITY COVERAGES UNDER THE POLICY FOR WHICH THIS APPLICATION IS BEING SUBMITTED: THIS INSURANCE POLICY MAY CONTAIN COVERAGES THAT ARE PROVIDED ON A CLAIMS-MADE AND REPORTED BASIS AND APPLIES ONLY TO CLAIMS FIRST MADE AGAINST THE INSURED DURING THE POLICY PERIOD OR ANY APPLICABLE EXTENDED REPORTING PERIOD AND REPORTED TO THE INSURER AS SET FORTH IN THE REPORTING OF CLAIMS AND EVENTS SECTION. DEFENSE COSTS ARE INCLUDED IN THE LIMITS OF INSURANCE, AND PAYMENT THEREOF WILL ERODE, AND MAY EXHAUST, THE LIMITS OF INSURANCE.**

**NEW BUSINESS APPLICATION**

- "Applicant," herein refers individually and collectively to all proposed insureds. All responses shall be deemed made on behalf of all proposed insureds.
- This Application and all materials submitted herewith shall be held in confidence.
- The submission of this Application does not obligate the Applicant to buy insurance nor is the Insurer obligated to sell insurance or to offer insurance upon any specific terms requested.
- If the policy applied for is issued, this Application, which shall include all Supplemental Applications and material and information submitted in connection with this Application, will be deemed attached to and will form a part of the policy.

**INSTRUCTIONS**

- Respond to all questions completely, leaving no blanks. Check responses when requested.
- If space is insufficient, continue responses on your letterhead.
- This Application must be completed, dated, and signed by an authorized officer of the entity identified in the section entitled "Applicant Information" below.

**PLEASE RETURN COMPLETED APPLICATION TO**

**Walterry Insurance Brokers**

7411 Old Branch Avenue, Clinton, Maryland 20735

301-868-7200 800-638-8791 Fax 301-868-2611

Web site [www.walterry.com](http://www.walterry.com) Email [media@walterry.com](mailto:media@walterry.com)





**APPLICANT INFORMATION**

1. Legal Name(s) of Applicant (if corporation, corporate name; if partnership, name of partners and trade name of partnership; if individual, name of owner): \_\_\_\_\_
2. Address of Applicant: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ NNA Membership Number: \_\_\_\_\_
3. The Applicant is:  Individual  Corporation  Partnership  Other \_\_\_\_\_
4. Name and Address of Primary Contact: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_
5. Year Established: \_\_\_\_\_

**PROPOSAL REQUIREMENTS**

1. Limits of Liability desired:  
 Occurrence for Each Claim : \$ \_\_\_\_\_  
 Subpoena Defense: \$ \_\_\_\_\_  
 Aggregate for all Claims \$ \_\_\_\_\_
2. Retention Amount desired for each Claim or Related Claim:  
 \$5,000  \$10,000  \$25,000  \$50,000  Other: \$ \_\_\_\_\_
3. Policy Period Requested: From \_\_\_\_\_ to \_\_\_\_\_ both days at 12:01 a.m. at the principal address of the Applicant.
4. Please attach two consecutive current editions to all publications to be insured, or provide access to e-editions.
5. Publications/Publishing Activities:

Publication Name	Primary Distribution Area (local, state, regional, national)	Date Acquired	Circulation Frequency	Average Circulation	% of Duplication

6. Gross Annual Revenues: \_\_\_\_\_ Percentage of income from Internet: \_\_\_\_\_



- 7. Does the Applicant have commercial printing operations?  Yes  No  
If Yes, trade name: \_\_\_\_\_
- 8. Does the Applicant have a Web Page?  Yes  No
  - a. If Yes, provide web address: \_\_\_\_\_
  - b. Do articles appear which predate electronic publishing rights contracts?  Yes  No

**RISK MANAGEMENT PROCEDURES**

- 1. Does the Applicant participate in either of the following hotlines?
  - a. State Press Association Hotline Membership  Yes  No
  - b. NNA Hotline Membership  Yes  No
- 2. Does the Applicant utilize an experienced law firm to review sensitive articles or advise the Applicant on retraction demands or other issues?  Yes  No
- 3. What percentage (%) of the content of the Covered Media is derived from news or feature syndications, or wire services? \_\_\_\_\_%
- 4. What percentage (%) of the content of the Covered Media is supplied by stringers, freelancers, or other non-employees? \_\_\_\_\_%
  - a. Do all independent contractors enter into a contract with the Applicant?  Yes  No
  - b. Does the Applicant's contract with freelancers contain an indemnity agreement in your favor with respect to claims arising from the matter content provided to you by independent contractors?  Yes  No
  - c. Does the Applicant's contract with freelancers contain electronic publishing rights?  Yes  No
  - d. Do you require indemnities in your favor to be backed up by insurance?  Yes  No
- 5. Describe your procedures to ensure the accuracy and originality of matter / content created for you by independent contractors: \_\_\_\_\_
- 6. Do you accept unsolicited matter/content?  Yes  No  
If yes, describe your process for evaluating and documenting the receipt of unsolicited matter/content: \_\_\_\_\_
- 7. Do you engage in investigative reporting or exposures?  Yes  No  
If yes, describe: \_\_\_\_\_
  - a. Do you rely on confidential sources?  Yes  No  
If yes, describe your editorial process: \_\_\_\_\_
  - b. Describe your practices for documenting sources of information: \_\_\_\_\_
  - c. Do you use hidden camera or microphones, go undercover or use other methods of surreptitious information gathering?  Yes  No  
If yes, describe and how often: \_\_\_\_\_
  - d. Do you participate in "ride-along" with law enforcement, medical services or private investigators?  Yes  No  
If yes, describe and how often: \_\_\_\_\_



8. Do you have formalized, written guidelines for handling requests for retractions and corrections?  Yes  No

**PRIOR INSURANCE, LOSS HISTORY AND PRIOR KNOWLEDGE**

1. Does the Applicant have media liability insurance currently in force?  Yes  No

If Yes to Question 1., complete the chart below for the past five (5) years:

<u>LIABILITY INSURER</u>	<u>POLICY PERIOD</u>	<u>LIMITS</u>	<u>DEDUCTIBLE</u>	<u>PREMIUM</u>	<u># CLAIMS</u>
_____	_____	\$ _____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	\$ _____	_____

2. Has the Applicant ever had an application for media liability insurance declined, or had a media liability policy canceled or non-renewed by an insurer? (Not applicable in Missouri.)  Yes  No

If Yes, please attach an explanation.

3. In the past five (5) years, has the Applicant or any of its subsidiaries been sued, threatened with a suit for which the Applicant reasonably expects to result in a claim, or received a claim for any act, error, or omission relating to the gathering, production, dissemination or communication of information, including but not limited to libel, slander, any form of invasion of privacy or misappropriation of name or likeness, infringement of copyright or trademark, infliction of emotional distress, false arrest, wrongful entry, or trespass?  Yes  No

If Yes, please describe in detail the circumstances of each suit, threat of suit or claim, including the identity of the claimant, the factual and legal basis for the claim, and the disposition:

\_\_\_\_\_  
\_\_\_\_\_

4. Please attach a list (including the status) of all media liability claims made during the past five (5) years against the Applicant or any of its subsidiaries, or any director, officer, employee, partner, agent or independent contractor of the Applicant, or any director, officer, employee, partner, agent or independent contractor of any of its subsidiaries.

If none, please check here:  None

5. a. In the past five (5) years, how many subpoenas have been served on the Applicant, seeking documents or information obtained in the course of newsgathering activities? \_\_\_\_\_

b. Of these, how many times has the Applicant challenged the subpoena by filing a motion in court? \_\_\_\_\_

c. Please provide a list detailing all Claims Expenses incurred in connection with each separate challenge to a subpoena listed in Question 5.b. above: \_\_\_\_\_

\_\_\_\_\_



6. After inquiry, do any of the principals, partners, officers, directors, or employees of the Applicant or any other proposed insured have knowledge or information about any fact, circumstances or situation which might reasonably be expected to give rise to a future claim which would fall within the scope of the proposed insurance?  Yes  No

If Yes, please provide full details: \_\_\_\_\_

**Without prejudice to any other rights and remedies of the Insurer, the Applicant understands and agrees that any claim arising from any facts, circumstances, situations or claims required to be disclosed in response to questions 3., 4., 5. and 6. in this section is excluded from the proposed insurance.**

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### REPRESENTATIONS AND SIGNATURE

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By signing this document, the undersigned authorized representative of the Applicant represents on behalf of all persons and entities proposed for coverage, after inquiry, that to the best of their knowledge:

1. The statements and answers given in and all materials submitted with this Application are true, accurate and complete.
2. No facts or information material to the risk proposed for insurance have been misstated or concealed.
3. These representations are a material inducement to the Insurer to provide a proposal for insurance.
4. Any policy the Insurer issues will be issued in reliance upon these representations.
5. The Applicant will report to the Insurer immediately in writing any material change in the Applicant's activities, products and services.
6. The Applicant will report to the Insurer immediately in writing any material changes to the answers provided in this Application which occur or are discovered between the date of this Application and the effective date of the policy for which coverage is sought by submission this Application.
7. The Insurer reserves the right, upon receipt of any such notice, to modify or withdraw any proposal for insurance the Insurer has offered.

**WARNING**

**PLEASE REVIEW THE STATE FRAUD STATEMENT CONTAINED AT THE END OF THIS APPLICATION APPLICABLE TO THE STATE IN WHICH THE APPLICANT RESIDES.**

***Any person who, with intent to defraud or knowingly facilitates a fraud against the insurer, submits an application or files a claim containing a false or deceptive statement may be guilty of insurance fraud.***

*This Application must be signed by the Applicant's Chief Executive Officer, Chief Financial Officer, Chief Operations Officer or General Counsel, or their functional equivalent, unless the Insurer instructs the Applicant otherwise.*

Name	Name (signature)
Title	Date



**Waltery Insurance Brokers**

7411 Old Branch Avenue, Clinton, Maryland 20735  
301-868-7200 · 800-638-8791 · Fax 301-868-2611  
Web site [www.waltery.com](http://www.waltery.com) · Email [media@waltery.com](mailto:media@waltery.com)

Produced By:

Agent: \_\_\_\_\_ Agency: \_\_\_\_\_  
Agency Taxpayer ID or SS No.: \_\_\_\_\_ Agent License No.: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_



## **STATE FRAUD STATEMENT**

### **ALABAMA**

Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or who knowingly presents false information in an application for insurance is guilty of a crime and may be subject to restitution fines or confinement in prison or any combination thereof.

### **ARKANSAS**

Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

### **CALIFORNIA**

For your protection, California law requires the following warning to appear on this form: Any person who knowingly presents false or fraudulent information to obtain or amend insurance coverage or to make a claim for the payment of a loss is guilty of a crime and may be subject to fines and confinement in state prison.

### **COLORADO**

It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

### **DISTRICT OF COLUMBIA**

Warning: It is a crime to provide false or misleading information to an insurer for the purpose of defrauding the insurer or any other person. Penalties include imprisonment and/or fines. In addition, an insurer may deny insurance benefits if false information materially related to a claim was provided by the Applicant.

### **FLORIDA**

Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete or misleading information is guilty of a felony of the third degree.

### **KANSAS**

A "fraudulent insurance act" means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written electronic, electronic impulse, facsimile, magnetic, oral, or telephonic communication or statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.

### **KENTUCKY**

Any person who knowingly and with intent to defraud any insurance company or other 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.

### **LOUISIANA**

Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.



### **MAINE**

It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties may include imprisonment, fines or a denial of insurance benefits.

### **MARYLAND**

Any person who knowingly or willfully presents a false or fraudulent claim for payment of a loss or benefit or who knowingly or willfully presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

### **NEW JERSEY**

Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.

### **NEW MEXICO**

Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to civil fines and criminal penalties.

### **NEW YORK**

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim 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 shall also be subject to a civil penalty not to exceed five thousand dollars and the stated value of the claim for each such violation.

### **OHIO**

Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

### **OKLAHOMA**

**WARNING:** Any person who knowingly, and with intent to injure, defraud or deceive any insurer, makes any claim for proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony.

### **OREGON**

Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents materially false information in an application for insurance may be guilty of a crime and may be subject to fines and confinement in prison.

In order for us to deny a claim on the basis of misstatements, misrepresentations, omissions or concealments on your part, we must show that:

- A. The misinformation is material to the content of the policy;
- B. We relied upon the misinformation; and
- C. The information was either:
  - 1. Material to the risk assumed by us; or





2. Provided fraudulently.

For remedies other than the denial of a claim, misstatements, misrepresentations, omissions or concealments on your part must either be fraudulent or material to our interests.

With regard to fire insurance, in order to trigger the right to remedy, material misrepresentations must be willful or intentional.

Misstatements, misrepresentations, omissions or concealments on your part are not fraudulent unless they are made with the intent to knowingly defraud.

**PENNSYLVANIA**

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim 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 such person to criminal and civil penalties.

**PUERTO RICO**

Any person who knowingly and with the intention of defrauding presents false information in an insurance application, or presents, helps, or causes the presentation of a fraudulent claim for the payment of a loss or any other benefit, or presents more than one claim for the same damage or loss, shall incur a felony and, upon conviction, shall be sanctioned for each violation with the penalty of a fine of not less than five thousand dollars (\$5,000) and not more than ten thousand dollars (\$10,000), or a fixed term of imprisonment for three (3) years, or both penalties. Should aggravating circumstances be present, the penalty thus established may be increased to a maximum of five (5) years, if extenuating circumstances are present, it may be reduced to a minimum of two (2) years.

**RHODE ISLAND**

Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

**TENNESSEE**

It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits.

**VERMONT**

Any person who knowingly presents a false statement in an application for insurance may be guilty of a criminal offense and subject to penalties under state law.

**VIRGINIA**

It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits.

**WASHINGTON**

It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits.

**WEST VIRGINIA**

Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.