

Advertising Agency Liability Policy Coverage Checklist

The Advertising Agency Liability Policy was designed by First Amendment and intellectual property attorneys with more than 125 years of combined experience in advertising agency liability. New technology and emerging media exposures arising from progressive professional services and innovative advertising have mandated a departure from the traditional media liability policy. Check to see that your policy:

- Provides coverage for personal and advertising injury perils, including but not limited to, defamation, trade libel, right of publicity, outrageous conduct, infliction of emotional distress, unfair competition and copyright and trademark infringement;
- Provides coverage for negligent supervision of an employee when arising from named perils;
- Provides coverage for punitive or exemplary damages where allowable by law and as determined by the insured;
- Provides coverage on an occurrence basis thereby covering advertisements created and/or displayed during the policy term regardless of when the claim is made;
- Does not require an “utterance or dissemination” of an advertisement for coverage to attach as claims often arise from the creation of advertising;
- Provides broad definition of “advertising;”
- Coverage available for defense costs in addition to the policy limit;
- Does not exclude comparative advertising;
- Limits up to \$10,000,000 available;
- Provides broad definition of “insured,” including temporary or leased personnel;

Advertising Agency Liability Policy Coverage Checklist *page 2*

- Provides coverage for the Insured's Internet advertising content;
- Provides coverage for covered claims that arise anywhere in the world;
- Provides severability as to representations set forth in the application;
- Provides coverage for advertising professional services;
- Does not exclude treble damages relating to covered intellectual property perils, such as trademark infringement and related unfair competition;
- Coverage broadening endorsements include:
 - Broad Form Errors and Omissions providing coverage for bodily injury and property damage arising from advertising content;
 - Commercial Printing providing coverage for the third-party printing operations of the insured.

Please refer to the actual policy for exact coverage descriptions; exclusions and deductibles may apply. Coverages are subject to policy terms and conditions and may not be available in all states.