

EMAIL TO : events@kelins.com

FAX TO : (412) 325-1657

CALL (412) 325-1650 or text (412) 212-8577 with questions.

Video, Film, and Television Producers Application

NEW BUSINESS APPLICATION

NOTICE: THE LIMIT OF LIABILITY AVAILABLE TO PAY DAMAGES WILL BE REDUCED AND MAY BE EXHAUSTED BY CLAIM EXPENSES. FURTHERMORE, CLAIM EXPENSES WILL BE APPLIED AGAINST THE RETENTION.

READ THE POLICY AND THIS APPLICATION CAREFULLY AND CONSULT YOUR INSURANCE ADVISOR WITH ANY QUESTIONS.

On the questions with the drop-down, you can choose "yes" or "no" or you can type in a different response.

General Information:

Name of Applicant:

Address of Applicant:

City:

State:

Zip code:

Website address:

Date of formation: / /

Please note: For purposes of this application, "you/your" includes the Applicant and any other persons or entities seeking coverage under this insurance on whose behalf the Applicant is authorized to submit the following information.

Your Coverage Requests:

1. Desired term of policy:	One year <input type="checkbox"/>	Two years <input type="checkbox"/>	Three years <input type="checkbox"/>
Desired policy limit(s):	Each loss: \$	Aggregate: \$	
Desired retention:	Option 1: \$10,000 <input type="checkbox"/>	Option 2: \$25,000 <input type="checkbox"/>	Option 3: \$

Your Production Details:

2. What is the title of the production?

3. For the production, please provide gross estimates for the following:

Production budget: \$	Revenue: \$
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4. What are the names of the script writers?

5. What are the names of the producer/executive producers?
(if less than three years' experience, please attach resumes)

6. The production is (check all that apply):

Film for full theatrical release <input type="checkbox"/>	Film for limited theatrical release (10 or fewer commercial theaters) <input type="checkbox"/>	Direct to DVD/VOD <input type="checkbox"/>
Film for TV/Streaming release <input type="checkbox"/>	TV/Streaming series <input type="checkbox"/>	Pilot/special <input type="checkbox"/>
Commercials, industrial or educational <input type="checkbox"/>	Music videos <input type="checkbox"/>	Radio/Podcast series <input type="checkbox"/>
Webisodes <input type="checkbox"/>	Theatrical stage production <input type="checkbox"/>	Other, specify: <input type="checkbox"/>

7. Will bonus material go through the same clearance procedures as the rest of the production? Yes No

8. Is the production:

a. entirely fictional?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b. fictional, but inspired by specific events and/or occurrences and/or characters?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
c. a dramatic portrayal of actual facts which includes fictionalization (docu-drama)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

9. Type of production (check all that apply):

Documentary <input type="checkbox"/>	Animation <input type="checkbox"/>	Investigative <input type="checkbox"/>
Live Programming <input type="checkbox"/>	Reality (please provide complete reality supplement) <input type="checkbox"/>	Sci-fi <input type="checkbox"/>
Ride Along <input type="checkbox"/>	Parody <input type="checkbox"/>	Other: <input type="checkbox"/>

10. Please provide a description of the storyline (including genre, time frame and setting):

11. If the production is a 'series', please advise the number of episodes:

12. Running time of production (minute/ hour per episode):

13. Distributor of the production:

14. Territory of distribution:

15. What is the estimated date for first release or dissemination: / /

Clearance Procedures:

16. Name of individual attorney(s):

Firm name:

Firm address:

Years of Media/Intellectual Property Law experience:

Telephone:

Email:

17. Have you and your attorney read the attached 'clearance procedures' and agreed to exercise due diligence to ensure that the production will be appropriately cleared? Yes No

If No, please provide details:

18. Is the name or likeness of any living person used in the production? Yes No

If Yes, will you obtain all necessary rights prior to the first dissemination of the production? Yes No

19. Is the name or likeness of any deceased person used in the production? Yes No

If Yes, will you obtain all necessary permissions prior to the first dissemination of the production? Yes No

20. Have you obtained a title report from a recognized agency? Yes No

If Yes, please attach a copy of the title report with legal opinion.

21. Is this production:

a. entirely original to you? Yes No

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

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

22. Have you obtained a copyright report? Yes No

If No, please explain:

23. Are there any ambiguities, gaps, or problems in the chain of title? Yes No

24. 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

25. a. If the production is based upon an original format, are you aware of any similar format or concept? Yes No

b. At any time, have any similar format(s) or similar material(s) been submitted to you? Yes No

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

If No, please explain:

26. a. Have you obtained, from all writers and other content providers to the production, written warranties that the content they provided to you does not infringe upon the rights of any third party; and have you obtained an indemnity for any breach of these warranties? Yes No

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

If No to a., will you obtain warranties and agreements prior to the first dissemination of the production? Yes No

27. Are any film clips, TV clips, or photographs 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 No to a. or b. above, will all licenses and consents be obtained prior to the first dissemination of the

production?		
If No, please explain:		
28. Have you obtained a script clearance report and have you adhered to all recommendations made in such report?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If No, will you obtain a script clearance report and adhere to all recommendations made in such report prior to the first dissemination of the production?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
29. Are you relying on the Fair Use Doctrine (including Parody)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please attach a copy of an opinion letter and film clip log from your clearance attorney that states they have reviewed the final production and the use of the clips.		
30. 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 <input type="checkbox"/>	No <input type="checkbox"/>
b. Performing rights?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
c. Right to distribute for all forms of distribution contemplated (home video, etc.)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If No to a., b., or c. above, will all musical rights and/or all clearances be obtained prior to the first dissemination of the production?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
31. Has original music been commissioned for the production(s)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, has a warranty of originality and an indemnity against third party claims been obtained from the composer?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If No, will a warranty of originality and an indemnity against third party claims be obtained from the composer prior to the first dissemination of the production?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
32. 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 <input type="checkbox"/>	No <input type="checkbox"/>
b. negotiated for release from any persons in respect of any material incorporated in the production?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes to a. or b., please provide details:		

Merchandise:

33. Will you be creating any merchandise from the production (e.g., toys, dolls, clothing, etc.)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please describe all such merchandise:		
If Yes to question 33., what is the expected revenue from the merchandise sales?		
a. Have all necessary consents and licenses been obtained from performers, authors, artists, etc. to produce and distribute this merchandise?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b. Will appropriate trademark or other searches be made before merchandising characters or other matter that might be subject to trademark, unfair competition, or other similar claims?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
c. Are you designing the merchandise?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
d. If a third party is designing the merchandise, are they providing warranties and indemnities that their contributions will not infringe upon the rights of others?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Current Insurance:

34. In the past three years, has any similar insurance been issued to you?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please provide currently valued loss runs for the past ten policy years and give the following information:		
Company policy number:		Coverage dates: to
Limit of liability: \$		Retention: \$
Premium: \$		
35. Has any insurer declined, cancelled, or refused to renew any similar insurance issued to you? (If you are a Missouri applicant/agent, do not answer this question)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please provide details:		

Claims Representation:

36. 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 <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please provide full details including the date of each claim or loss, the amount of the claim, defense costs paid, and any remedial action taken:		

37. Are you aware of any problem likely to lead to you suffering a loss or a claim being made against you that would be covered by this insurance?	Yes	No
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If Yes, please specify details of each problem:

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

Supplemental Information:

38. Please attach the following additional information:
a. Video/DVD copy of the production or copy of script if production is not complete
b. Title and Trademark Reports
c. Experience resume of Producer and Executive Producer (if less than three years' experience)

APPLICATION DISCLOSURES:

If there is any material change in the answers to the questions in this Application before the proposed policy inception date, you must notify us in writing. In such case, we have the right to cancel, withdraw, or modify any outstanding quote for insurance coverage or any policy that may have been issued.

Your submission of this Application does not obligate us to issue, or require you to purchase, a policy. You authorize us to make any inquiry in connection with this Application.

All written statements and materials provided to us in conjunction with this Application are incorporated into this Application and made a part of it.

The undersigned, as your authorized representative or agent, declares to the best of their knowledge and belief and after reasonable inquiry, that the statements made in this Application are true, accurate, and complete. The undersigned agrees that we will rely on this Application in issuing any insurance policy providing the requested coverage, and that this Application will form the basis of any such insurance policy.

THE FOLLOWING APPLIES TO APPLICANTS LOCATED IN THE STATES OF AR, MO, NY, NM and RI:

Please read the following statement carefully and sign where indicated in the Applicant Information section below:

The undersigned Applicant (or their representative authorized to sign on their behalf) hereby acknowledges that he/she is aware that the limit of liability contained in this policy shall be reduced, and may be completely exhausted, by the costs of legal defense and, in such event, the insurer shall not be liable for the costs of legal defense or for the amount of any judgment or settlement to the extent that such exceeds the limit of liability of this policy. The undersigned Applicant (or their representative authorized to sign on their behalf) hereby acknowledges that he/she is aware that legal defense costs that are incurred shall be applied against the retention amount.

NOTICE TO APPLICANTS: 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 ACT, WHICH IS A CRIME AND MAY SUBJECT SUCH PERSON TO CRIMINAL AND CIVIL PENALTIES.

NOTICE TO ARKANSAS, NEW MEXICO AND WEST VIRGINIA APPLICANTS: 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.

NOTICE TO COLORADO APPLICANTS: 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 INSURANCE 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 AUTHORITIES.

NOTICE TO DISTRICT OF COLUMBIA APPLICANTS: 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.

NOTICE TO FLORIDA APPLICANTS: 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.

NOTICE TO KENTUCKY APPLICANTS: 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.

NOTICE TO LOUISIANA APPLICANTS: 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.

NOTICE TO MAINE APPLICANTS: IT IS A CRIME TO KNOWINGLY PROVIDE FALSE, INCOMPLETE OR MISLEADING INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING THE INSURANCE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES OR A DENIAL OF INSURANCE BENEFITS.

NOTICE TO MARYLAND APPLICANTS: 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.

NOTICE TO NEW JERSEY APPLICANTS: ANY PERSON WHO INCLUDES ANY FALSE OR MISLEADING INFORMATION ON AN APPLICATION FOR AN INSURANCE POLICY IS SUBJECT TO CRIMINAL AND CIVIL PENALTIES.

NOTICE TO OHIO APPLICANTS: 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.

NOTICE TO OKLAHOMA APPLICANTS: WARNING: ANY PERSON WHO KNOWINGLY, AND WITH INTENT TO INJURE, DEFRAUD OR DECEIVE ANY INSURER, MAKES ANY CLAIM FOR THE PROCEEDS OF AN INSURANCE POLICY CONTAINING ANY FALSE, INCOMPLETE OR MISLEADING INFORMATION IS GUILTY OF A FELONY (365:15-1-10, 36 §3613.1).

NOTICE TO OREGON APPLICANTS: 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.

NOTICE TO PENNSYLVANIA APPLICANTS: 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.

NOTICE TO TENNESSEE, VIRGINIA AND WASHINGTON APPLICANTS: IT IS A CRIME TO KNOWINGLY PROVIDE FALSE, INCOMPLETE OR MISLEADING INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING THE INSURANCE COMPANY. PENALTIES INCLUDE IMPRISONMENT, FINES AND DENIAL OF INSURANCE BENEFITS.

NOTICE TO VERMONT APPLICANTS: 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, MAY BE GUILTY OF A CRIMINAL OFFENSE AND SUBJECT TO CIVIL PENALTIES UNDER STATE LAW.

NOTICE TO NEW YORK APPLICANTS: 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.

KELLY
INSURANCE

Applicant Information:

Applicant Name:

By (Authorized Signature):

Title:

Date:

Producer Information:

Producer Name:

* Producer Signature:

Date:

Address of Producer:

** Producer License Number:

* required only in the following State(s): Iowa
** required only in the following State(s): Florida

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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, authorizing 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 authorization to use the film clip from the owner of the clip who has the right to grant such authorization 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.