

# MEDIA LIABILITY INSURANCE

for Tech/IT Companies

## What is Media Liability Insurance?

Media Liability Insurance protects you against claims arising out of the gathering and communication of information. Media Liability Insurance provides very valuable coverage against defamation and invasion of privacy claims as well as copyright and/or Trademark infringement.

Media Liability Insurance can be categorized as Errors and omissions in the written or spoken word resulting in claims alleging financial loss as a consequence. Coverage can include:

- **Defamation**, which arises from false information that is communicated to others and damages a person's reputation or business. Allegations made in lawsuits include libel, meaning defamation in print or by broadcast; slander, defamation by way of oral communication; and trade libel, which means print or broadcast defamation of a business or a product.
- **Personal disparagement**, which involves damage to community or business activities as a result of a publication or broadcast.
- **Product defamation**, the demeaning of performance or value of a product.
- **Invasion or infringement** of or interference with the right of privacy or publicity including intrusion, public disclosure of private facts, unwarranted or wrongful publicity, false light, or the use of name or likeness for profit.

## When do I need Media Liability Insurance?

Any company that distributes information to the public via a web site or other means of communication (desktop publishing, email) now faces the exposures of a traditional publisher.

## Why do I need Media Liability Insurance?

Although new media and other publishers worry about claims like libel and copyright infringement, attorneys and insurers have seen a dramatic rise in recent years in the number and severity of claims for errors and omissions. Unlike traditional claims involving allegations of libel, copyright infringement, invasion of privacy, piracy and plagiarism, errors and omissions claims seek to impose liability on the publisher for physical injuries or economic loss allegedly caused by some flaw or negligent publication in the ideas or expressions contained in the published material. Often, a claim or lawsuit may not involve a clear error or omission. For example, a client is not happy with the result and brings a claim

## Eligibility for Media Liability Insurance

The claim and courtroom experience of those in the broad fields of advertising, broadcasting and publishing emphatically demonstrated the need by growing numbers of businesses and certain individuals for Media Liability Insurance. Notable among these are advertising agencies, advertisers, authors, book publishers, cable television operators, magazine publishers, multimedia organizations, newspaper publishers, printers, radio stations, television stations, and miscellaneous communications related firms.

Hi-tech developments point to the likelihood of a proliferation of newsletters, periodicals and educational services and publications whose developers will encounter both familiar and unique communication exposures.

The Internet revolution has brought a new industry in the form of consultants who do everything from the design of a website to actually being the provider of the Internet service gateway. In view of these added services, new liability exposures exist and were recently heightened by the recent Prodigy litigation. When providing a Website for a client, these new exposures may include libel slander, media liability advertising liability, and security issues. Security liability can arise from misuse of Email to credit card fraud. Further complicating the issue is the fact that both the consultant and the client face exposures from outsiders accessing the Website. This is in addition to the traditional liability facing the consultant for duties owed the client.

## History of Media Liability Insurance

Media Liability Insurance (or Communications Liability Insurance, a synonymous term that accurately suggests the exposure) was originated in the United States in 1930 by the Employers' Reinsurance Corporation. There was a perceived need, especially with respect to newspapers at the time, for protection for alleged libel and slander claims.



## Providing Business Insurance Since 1895

InsureCast is a division of Gaston & Associates, Inc., a NY based insurance agency tracing its roots through 4 generations of family, and incorporated in 1895.

InsureCast's marketing territory is national in scope, and we hold property-casualty and life-health licenses in all U.S. states & DC — except Alaska, Hawaii, Iowa, North Dakota, Oklahoma, and West Virginia.

Our customers range from start-ups to public companies. We serve about four thousand clients nationally and throughout the world. We specialize in providing personal and commercial lines of property and casualty insurance, group health coverage, and individual life insurance.

InsureCast has become a world leader in technology insurance and professional liability insurance products for Information and Network Technology companies by proactively anticipating changing client needs in order to offer the most up-to-date solution.

## Mission Statement

The mission of Gaston & Associates is to provide professional insurance services to the clients we represent.

- ✓ We strive to develop a customer base that will appreciate our service orientation and value added approach.
- ✓ We provide our clients with competitive, high quality insurance oriented products.
- ✓ We endeavor to maintain long-term customer relationships that are based on coverage and service.
- ✓ We embrace automation as a means to enhance service and improve communication.

To accomplish these goals, we establish departments, standards, workflows and procedures that enable us to provide a consistently high level of service to our customers. We staff each department with competent, ethical, individuals who are dedicated to continuing education and professional development.

GASTON & ASSOCIATES INC

100 S. Bedford Road

Mount Kisco, NY 10549

Phone: 914.244.1055

212.697.2444

800.432.7435

Fax: 914.244.1056

212.697.2920

Email: [info@insurecast.com](mailto:info@insurecast.com)

