



Specialty Solutions Insurance
Producer and Entertainment Advantage Insurance
New Business Application

PLEASE READ THE ENTIRE APPLICATION CAREFULLY AND ANSWER ALL QUESTIONS. IF THE SPACE PROVIDED IS INSUFFICIENT TO ANSWER ANY QUESTION FULLY, PLEASE APPEND A SEPARATE PAGE WITH DETAILED RESPONSES.

Enclose the following with this application:

- ☐ i. Detailed Treatment
- ☐ ii. Title Report
- ☐ iii. Script or Annotated Script
- ☐ iv. Fair Use or Fair Dealing Clip Log (if applicable)
- ☐ v. Companion Material Questionnaire (if the Applicant has checked "☑" to one or more of the boxes in question 8 of the PRODUCTION SPECIFIC INFORMATION section)

GENERAL INFORMATION

1. Applicant Name: _____
2. Mailing Address: _____ Website: _____
3. Contact Person: _____
4. Phone Number: _____ Email: _____
5. Provincial Incorporation: _____ Year Established: _____
6. Legal Structure: _____
7. Has the Applicant been set up as an individual entity for this project only? ☐ Yes ☐ No
If "Yes", please provide the parent company name and address: _____

If "Yes", is the coverage required for this entity? ☐ Yes ☐ No
8. Do any other entities, subsidiaries, or joint ventures require coverage? ☐ Yes ☐ No
If "Yes", please provide a separate list that includes the entity name, address, and relationship to the Applicant. _____

COVERAGE REQUIREMENT FOR THE PRODUCTION

1. Requested Limit and Deductible:
 - a) Limit: _____
 - b) Aggregate: _____
 - c) Deductible: _____
2. Requested Coverage: ☐ Claims-made ☐ Occurrence
3. Requested Term of Coverage:
☐ 1 Year ☐ 2 Years ☐ 3 Years ☐ 4 Years ☐ 5 Years ☐ Other: _____
4. Requested Effective Date of Coverage: _____

PRODUCTION SPECIFIC INFORMATION

1. Production Details:
 - a) Production Title: _____
 - b) Has a Title Report been obtained? ☐ Yes ☐ No
 - c) What is the Production Budget? _____

d) Please provide a brief synopsis of the production:

- e) Please provide the Producer name: _____
- f) Please provide the Executive Producer's name: _____
- g) Please provide the Writer's name: _____
- h) The Writer is a: ☐ Employee ☐ Contractor ☐ Other (Describe) _____
- i) Please provide the name of the Distributor or Broadcaster: _____
- j) Geographic distribution area of the Production:
- ☐ Canada Only
 - ☐ North America
 - ☐ Canada/International (Excluding USA)
 - ☐ Worldwide

2. What is the basis of the production?

- ☐ Entirely Original
- ☐ Based on Other Work

If based on other work, please provide:

- a) The title of underlying work: _____
- b) The author of the underlying work: _____
- c) Please confirm the transfer of rights including a confirmation of no existing or prior claims/threats against the underlying work:
- i. ☐ Yes, I confirm
 - ii. ☐ No

3. The production is:

- ☐ Entirely fictional
- ☐ Entirely fictional but inspired by real events or circumstances
- ☐ A true portrayal of real events or circumstances
- ☐ A true portrayal of real events or circumstances including some fictionalization

4. The production is:

- ☐ Motion Picture for full theatrical release
- ☐ Motion Picture for limited theatrical release (less than 10 theatres/art houses)
- ☐ Film for festival release only
- ☐ Film for television release only
- ☐ Film for direct DVD release
- ☐ Film for streaming release/online release only
- ☐ Non-airing TV pilot
- ☐ Episodic TV series Number of Episodes: _____ Episode Running Time: _____
- ☐ Series for online/streaming release Number of Episodes: _____ Episode Running Time: _____
- ☐ Theatrical stage production
- ☐ Other (Please Describe): _____

5. What is the genre of the production?

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Animated | <input type="checkbox"/> Children's Show | <input type="checkbox"/> Comedy/Sitcom | <input type="checkbox"/> Documentary |
| <input type="checkbox"/> Docudrama | <input type="checkbox"/> Drama | <input type="checkbox"/> Game or Quiz Show | <input type="checkbox"/> "How To" |
| <input type="checkbox"/> Live Event of Program | <input type="checkbox"/> Music Video | <input type="checkbox"/> Reality Competition Series | <input type="checkbox"/> Sports |
| <input type="checkbox"/> Talk Show | <input type="checkbox"/> Unscripted TV Program | <input type="checkbox"/> Variety Show or Special | <input type="checkbox"/> Other (Describe): _____ |

6. If this is a renewing series, have there been any changes to the format of the series of clearance procedures used by production? ☐ Yes ☐ No

If "Yes", please provide details:

-
7. Has Artificial Intelligence been used by the Applicant to generate any content used in the production? ☐ Yes ☐ No

8. Does the Applicant intend to create any of the following in connection with the production?

- | | | | |
|------------------------------------|---|--|--------------------------------------|
| <input type="checkbox"/> Books | <input type="checkbox"/> "Making of" Documentaries | <input type="checkbox"/> Merchandising | <input type="checkbox"/> Mobisodes |
| <input type="checkbox"/> Webisodes | <input type="checkbox"/> Social Media Campaigns | <input type="checkbox"/> Soundtrack Compilations | <input type="checkbox"/> Video Games |
| <input type="checkbox"/> Websites | <input type="checkbox"/> Ring tones, voice tones, screen savers or wallpapers | | |

If you checked "☑" to any of the above, please complete the **Companion Material Questionnaire**.

CLEARANCE AND LOSS PREVENTION PROCEDURES

1. Please provide the name and address of the attorney(s) used for clearance of the Production:

Name of Attorney: _____

Law Firm: _____

Number of Years Practicing in Entertainment Law: _____

Phone Number: _____

Email: _____

2. Is the listed attorney, or member of the attorney's firm, involved in the creation or distribution of the Production? ☐ Yes ☐ No

If "Yes", please provide details:

-
3. Has the listed attorney reviewed the clearance procedures attached to this application and are they satisfied that the Applicant has adhered to them? ☐ Yes ☐ No

If "No", please provide details:

-
4. Will the listed attorney review script, rough cuts, and final cuts prior to the initial release of the production? ☐ Yes ☐ No

If "No", please provide details:

-
5. Has a script research report been obtained prior to the commencement of filming? ☐ Yes ☐ No

If "Yes", have suggested changes been made and necessary permissions obtained? ☐ Yes ☐ No

6. Have all licenses, releases, and/or consents been obtained from all performers, artists, musicians, etc., who appeared in, or contributed to the production? ☐ Yes ☐ No

If "No", please provide details as to why such agreements have not been obtained:

7. Do releases used include a waiver of moral rights (also known as droit moral)? ☐ Yes ☐ No
If "No", please explain:
-
8. Is the Production an exposé or investigative work? ☐ Yes ☐ No
If "Yes", please provide details about the method for documenting information:
-
9. Is the name or likeness of any living person used in the production? ☐ Yes ☐ No
If "Yes", have all consents been obtained? ☐ Yes ☐ No
10. Is the name or likeness of any deceased person used in the production? ☐ Yes ☐ No
If "Yes", have all consents been obtained? ☐ Yes ☐ No
11. Will any third party owned film, video or news clips, photographs, recording or syndication, written matter, computer graphics, or animation be used in the production? ☐ Yes ☐ No
If "Yes", have all necessary licenses been obtained? ☐ Yes ☐ No
If "No", please describe why such agreements have not been obtained:
-
12. Does the Applicant intend to rely on a defence of Fair Use or Fair Dealing for any third party owned intellectual property used or featured in the production? ☐ Yes ☐ No
If "Yes", please attach a clip log for review.
13. Have all required music rights, including recording and synchronization rights, performing rights, and rights to distribute all forms contemplated (DVD, internet, television, etc.) been obtained by the Applicant? ☐ Yes ☐ No
If "No", will all necessary rights be procured prior to the first airing, distribution or release of the production? ☐ Yes ☐ No
14. Has any original music been commissioned for the production? ☐ Yes ☐ No
If "Yes", is there a warranty of originality and indemnity against third party claims? ☐ Yes ☐ No

PRIOR KNOWLEDGE AND ACTIVITIES

1. In the past five (5) years:
- a) has any claim that may fall within the scope of the proposed Insurance coverage been made against the Applicant or against any entity or individual proposed for coverage under this insurance? ☐ Yes ☐ No
- b) has any person or entity proposed for coverage under this insurance given notice of any fact, circumstance, situation, transaction, event, act, error, or omission under any policy of which the requested coverages would be a direct or indirect replacement? ☐ Yes ☐ No
- If "Yes" to any of the above, please submit all details, including date of loss, claimant name, all defence and indemnity payments and reserves (if the claim remains open), and the claim(s) status.
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2. Is any person or entity proposed for coverage under this insurance aware of any fact, circumstance, situation, transaction, event, act, error or omission which could reasonably be expected to give rise to a claim that may fall within the scope of the proposed insurance? ☐ Yes ☐ No
- If "Yes", please provide details:

It is understood and agreed that if any person or entity proposed for coverage under this insurance has any knowledge of any such claims, facts, circumstances, situations, transactions, events, acts, errors, or omissions, license revocations or suspensions, reprimands or disciplinary actions, whether or not disclosed in questions 1 or 2 above, any claim or action subsequently arising or developing therefrom shall be excluded from coverage under the proposed insurance.

DISCLOSURE, AUTHORIZATION AND SIGNATURE

The undersigned representative of the Applicant:

- a) declares that they have been duly authorized by the Applicant to complete this Application and that all attachments, statements, representations and information submitted with this Application (together referred to as the "Application") are true and complete;
- b) declares that reasonable efforts have been made to obtain sufficient information from each person proposed for this insurance in order to complete this Application properly and accurately;
- c) acknowledges that this Application is relied on by Intact Insurance and shall be deemed material to the acceptance of the risk assumed by Intact Insurance under the insurance applied for, should the insurance be issued;
- d) agrees that if, prior to the effective date of the Policy, the information contained in this Application changes in any way, they will immediately advise Intact Insurance in writing and, without prejudice to any other legal remedy available to it, Intact Insurance may modify or withdraw any outstanding quotation or any authorization or agreement to bind;
- e) acknowledges this application shall form part of the Policy and shall be the basis of the contract, should one be issued.

Terms and conditions, including limits of coverage, offered by Intact Insurance, may differ from those applied for by the Applicant.

SIGNING THIS APPLICATION DOES NOT BIND THE APPLICANT NOR THE INSURER TO COMPLETE THE INSURANCE APPLIED FOR HEREIN.

Applicant Name (Print)

Applicant Title

Applicant Signature

Date

Account Executive

Brokerage Name

Address

Phone

Email

CLEARANCE PROCEDURES

This list is meant to be a guideline to be used by the Applicant and their attorney throughout the clearance process, through to the completion of the final cut. It is not meant to be exhaustive in nature and will not cover all circumstances. Any potential issues or concerns which the production has become aware of, or which has been advised by their attorney, **must** be reported to Intact as soon as they are known.

1. Scripts and script clearance reports should be reviewed by the production's attorney prior to filming in order to identify any concerns with content. Legal review of all statements, character names or references to any business, products, or people is required.
2. If the production is a documentary, a detailed synopsis of the production (or individual episodes, if applicable) should be provided to the Applicant's attorney for review. Care should be taken if the Applicant intends to make any negative or inflammatory statements about real persons or businesses featured. These allegations should be reviewed with the production's attorney to assess their merit and make any required changes before filming commences. Throughout filming, the Applicant should discuss potential clearance issues, such as: identifiable copyright items or performances, trademarks, persons who have not consented to be filmed, or minors. Relevant laws will vary depending on the filming location and should be reviewed with the Applicant's attorney.
3. A copyright report on the underlying script, book or other work must be obtained. A copyright report is not required where the work is an unpublished original, not based on any other work, and it is certain that it was not optioned or licensed to others prior to the Applicant's acquisition of rights. Both domestic and foreign copyrights and renewal rights should be checked. If a completed film is being acquired, a similar review should be made of copyright and renewals on any copyrighted underlying property.
4. The Applicant should have process in place for dealing with unsolicited submissions received from third parties. The origins of the work should be ascertained — basic idea, sequence of events and characters. Have submissions of any similar properties been received by the Applicant or someone closely involved with the Production? If so, the circumstances as to why the submitting party may not claim theft or infringement should be described in detail.
5. A Title Report must be obtained and reviewed by the Applicant's attorney, prior to finalizing the title. We will not accept Title Reports that are older than six (6) months.
6. Releases are required for any for any identifiable person appearing in the production, regardless of whether the production is fictional or factual. Exceptions to this can be made for persons appearing in crowd scenes or fleeting backgrounds, but beyond this use, will need to be reported to Intact with specific reasoning why a release is not needed. Identifiable persons include the use of names, faces or likenesses of living persons, or thinly-veiled representations of real people who may be identified through other means.
7. Any release used must give the Applicant authority to make changes in the film that the Applicant deems necessary. This includes, editing, modifying, adding or deleting material; juxtaposing any part of the film with other film; changing the sequence of events; changing questions posed or answers, as well as fictionalizing persons or events. If a minor, consent must be legally binding.
8. Whether music used is pre-existing or original, the Applicant must obtain all necessary licenses for the intended use, including but not limited to: synchronization, and performance rights. Licenses must also be obtained on prerecorded music.
9. Written agreements must exist between the Applicant and all creators, authors, writers, performers and any other persons providing material (including quotations from copyrighted works) or on-screen services.
10. If distinctive locations, buildings, businesses, personal property or products are filmed, written releases must be secured. This is not necessary if such real property is seen only as non-distinctive background.
11. If the Production involves actual events, it should be ascertained that the author's major sources are independent and primary (contemporaneous newspaper reports, court transcripts, interviews with witnesses, etc.) and not secondary (another author's copyrighted work, autobiographies, etc.).
12. Shooting script and rough cuts should be checked to assure compliance with all of the above. During photography, persons might be photographed on location, dialogue added, or other matter included that was not originally contemplated. Such additions must be cleared with reviewing attorney.
13. If the intent is to distribute the Production or its elements via videodisc, websites, streaming services, or through any other multimedia or technology-related means, rights to manufacture, distribute and release the Production must be obtained, including from all writers, directors, actors, musicians, composers and others deemed necessary, including proprietors of underlying materials.
14. Care should be taken when using film/video clips to ensure that licenses and authorizations for the proposed further use are obtained from the owner of the clip, as well as licenses from all persons rendering services in or supplying material contained in the clip; e.g., owners of underlying literary rights, writers, directors, actors, music owners or musicians. Special attention should be paid to music rights as music owners often take the position that new synchronization and performance licenses are required.
15. Living persons and even the deceased (through their personal representatives or heirs) may have a "right of publicity," and clearances must be obtained, where necessary. Where the work is fictional in whole or in part, the names of all characters must be fictional. If for some special reason particular names need not be fictional, full details must be provided to the Insurer in an attachment to the Application.
16. Consideration should be given to the likelihood of any claim or litigation. Is there a potential claimant involved with or portrayed in the production who has sued before or is likely to sue again? Is there a close copyright or legal issues? Is the subject matter of the production such that it would require extensive discovery to defend? Are sources reliable?