

# Intellectual Property Questionnaire

You may provide any further additional information by means of a separate attachment if necessary.

## 1 General Information

a.

## 2 Products

- a. What percentage of your annual revenue is derived from products and services, which are created and manufactured for your own branding and design?  %
- b. Approximately what number of product lines do you have at any one time?
- c. What is the average number of merchandise produced in respect of each product?
- d. What is the average life of an individual product or design?
- e. What is the average revenue generated from each product or design?

## 3 IP Vetting Procedures

a. Provide details of your intellectual property vetting procedures and steps taken to prevent your designs from infringing the intellectual property rights of a third party

1. Is this process followed in respect of each and every design? Yes  No

2. If you have answered 'No' to the above, please detail under what circumstances this process would not be followed.

b. Provide details of systems and processes you use to identify and record your designs and copyrights.

**4 Freelance designs**

a. Do you use the works and creations of external or freelance designers? Yes  No

If 'Yes',

1. Do you have legally reviewed contracts in force outlining the rights and responsibilities of each party? Yes  No

2. Is this content subject to your own intellectual property vetting procedure as declared under section 3? Yes  No

3. Are these parties required to indemnify you in respect of any IP infringement liability issues? Yes  No

i. If so, what is the standard limit of the indemnification?

ii. Do you validate the financial viability of the proposed indemnification? Yes  No

b. Are you required to indemnify any party(s) against allegations of infringement of third party intellectual property rights? If 'Yes', please provide further details Yes  No

**5 Media Content**

a. Is all information published by your organization, whether in an electronic or physical format, legally reviewed by an attorney prior to release to ensure that all statements are accurate and that none of the content infringes the intellectual property rights of any third party? Yes  No

b. Do you ensure when third party graphics, designs or endorsements are used that:

1. A written contract exists expressing how and where such content may be used? Yes  No

2. The use of this content is in line with contractual terms? Yes  No

Please provide details below if you have answered 'No' to either of the above

c. Do you ever make any representation or endorsement to the accuracy or performance of any of your products? Yes  No

If 'Yes',

1. Do you ensure that this representation has been endorsed and verified by an independent expert? Yes  No

2. Do you ensure that a relevant study has been undertaken to verify such statements and that the results are documented? Yes  No

3. Do you clearly state within any marketing materials, the basis for any verifications, representations or endorsements? Yes  No

**6** **Claims / Circumstances**

a. Please list any IP disputes (warning letters, allegations of infringement, intellectual property litigation, etc.) in which you have been involved within the last 3 years, to include the following information.

- 1. Parties involved
- 2. Nature of dispute and summary
- 3. Date(s) of dispute
- 4. Settlement information including any damages and legal fees incurred

b. Within the last 3 years have you pursued or contacted any third party in relation to the infringement of intellectual property rights relating to any of your products or designs or in relation to any libel, slander, or other advertising injury which could cause harm to your organization? Yes  No

c. Are you aware of any cause, event or circumstance which may give rise to a claim being made against your organization in relation to the infringement of intellectual property rights of a third party or in relation to any libel, slander or other advertising injury? Yes  No

Please provide details below if you have answered 'Yes' to either of the above

### Declaration

This questionnaire is supplementary documentation and forms part of the application submission for insurance.

The undersigned is an authorized principal, director, risk manager or employee of the applicant and certifies that reasonable inquiry has been made to obtain the answers herein which are true, correct and complete to the best of his/her knowledge and belief. Such reasonable inquiry includes all necessary inquiries to fellow principals, directors, risk managers, or employees to enable you to answer questions accurately.

