

**Cobra Legal & IP
Intellectual Property Insurance
Application Form**



This application form is for **Intellectual Property Insurance**. The information provided is kept in the strictest confidence and only used in securing indications for coverage as requested.

On applying for insurance, the applicant is under a duty to disclose all material facts and matters for the insurer's consideration of the risk and not to misrepresent material facts. This duty applies until the contract of insurance has been agreed and/or prior to the inception of the policy coverage. Failure to comply with this duty entitles the insurer to treat the insurance as null and void. Other duties may apply from the policy itself, which should be carefully read prior to its inception to ensure understanding of coverage and application of any further duties.

1. Please answer all questions as fully as possible. If there is insufficient space, please continue on your headed paper.
2. If cover is required for any subsidiary companies, information relating to these is taken into account in completing the remainder of the form.
3. The form must be signed and dated by a Director of the Company.

A full Policy Wording is available upon request.

Please complete **Section One only** if you require a quotation for IP pursuit/enforcement and/or defence **IP Legal Expenses Cover only**.

Please complete **both Sections One and Two** if you require a quotation to also include **Damages Cover**. Please sign and date both declarations on pages 5 and 12, if you are applying for both IP legal expenses and IP damages cover.

SECTION ONE: GENERAL INFORMATION

1. Name of Proposer (including subsidiaries).

2. Address

Zip/Post code:

3. Telephone Fax

Email

4. When was the proposer's business established?

5. Please describe a brief overview of business operations of parent/subsidiaries

6. Corporate web site addresses

7a. Current Annual Gross Revenue/Turnover

7b. Past calendar year Annual Gross Revenue/Turnover

8. Percentage breakdown of Annual Gross Revenue/Turnover by region

Country of Domicile	Last 12 months	Projected 12 months
Europe		
USA		
Asia		
Oceania		

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Rest of the World		
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9. Please list the products you wish to be covered by this insurance (if numerous products are to be covered, please identify product groups and provide supporting product information)

Product/Product Range	Countries Sold	Patent Protected?	Protected Sales for 12 months

SECTION ONE: COVERAGE REQUIREMENTS

1. Intellectual Property Infringement Insurance cover sought for:

- a. Patent Yes No
- b. Trademark Yes No
- c. Copyright Yes No
- d. Licence Protection Yes No
- e. Passing Off Yes No
- f. Unfair Competition Yes No
- g. Confidential Information Yes No

2. Coverage Limits/Sub-limits

Please indicate preferred Limits/Sub-limits below

A. Intellectual Property Pursuit

£/\$/€

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B. Intellectual Property Defence

3. Preferred Co-insurance Percentages

Please indicate preferred Co-insurance Percentages below

A. Intellectual Property Pursuit

%

B. Intellectual Property Defence

%

4. Excess required

Please indicate Excess required below

A. Intellectual Property Pursuit

B. Intellectual Property Defence

SECTION ONE: LEGAL REPRESENTATION

1. Please provide name and contact details of preferred legal counsel for any intellectual property dispute and litigation matters

Firm

Address

Telephone Fax

Contact Position

Email

SECTION ONE: CLAIMS DECLARATION AND PRIOR INSURANCE

1. Has any intellectual property policy or policy including equivalent cover to that sought with this insurance ever been declined or cancelled? Yes No

If 'Yes', please provide details

2. In respect of the patents noted and declared above, have you:

a. Ever commenced proceedings or issued warning letters to a third party in respect of their actual or alleged infringement of your rights, breach of a confidentiality undertaking or Licence Agreement? Yes No

b. Ever received any warning letters or notices of infringement from anyone concerning the Insured Product, or have you ever refused an offer of a licence of IP rights concerning any of the Insured Products? Yes No

c. Ever needed to defend an action by a third party in respect of your actual or alleged infringement of their intellectual property rights or breach of a confidentiality undertaking or Licence Agreement? Yes No

d. Ever needed to seek affirmation by a court that your actions are non-infringing of a third party's rights, such as through a declaratory judgment? Yes No

SECTION ONE: DECLARATION

I/we accept that completion of this proposal form does not bind the Proposer or Insurers to effect a contract of insurance.

I/we agree that, if an insurance policy or policies are issued, this proposal and any other information supplied prior to inception of the insurance policy shall form the basis of any contract of insurance effective hereon and shall be incorporated therein.

I/we hereby declare that I am authorised to complete this proposal on behalf of the Proposer, that the above statements and particulars are true and that full enquiry has been made to ensure their accuracy. I have not omitted, suppressed or misstated any material facts which may be relevant to underwriters' consideration of this proposal.

I/we undertake to inform Insurers of any material change to any fact contained herein that occurs prior to inception of the contract of insurance.

DIRECTOR'S NAME:

TITLE:

SIGNATURE:

DATE:

/ /

SECTION TWO: ADDITIONAL RISK INFORMATION

Please complete this section if you require Intellectual Property Defence with Damages insurance and/or Contractual liability insurance and/or Contractual Intellectual Property Disputes insurance and/or D&O Intellectual Property Liability insurance.

1. Intellectual Property Infringement Insurance cover sought for:

- a. Patent Yes No
- b. Trademark Yes No
- c. Copyright Yes No
- d. Licence Protection Yes No
- e. Passing Off Yes No
- f. Unfair Competition Yes No
- g. Confidential Information Yes No

2. Coverage Limits/Sub-limits

Please indicate preferred Limits/Sub-limits below

Section 1 – Intellectual Property (includes damages)

£/\$/€

Section 2 – Contractual Liability

£/\$/€

Section 3 – Contractual Intellectual Property Disputes

£/\$/€

Section 4 – D&O Intellectual Property Liability

£/\$/€

3. Preferred Co-insurance Percentages

Please indicate preferred Co-insurance Percentages below

Section 1 – Intellectual Property (includes damages)

%

Section 2 – Contractual Intellectual Property Liability

%

Section 3 – Contractual Disputes

%

4. Excess required

Please indicate Excess required below

Section 1, 2 and 3

£/\$/€

Section 4 – D&O Intellectual Property Liability

£/\$/€

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5. Estimate for next calendar year Annual Gross

Revenue/Turnover

£/\$/€

6. Current Annual Gross Revenue/Turnover received from licensing of IP to third parties

£/\$/€

7. Please indicate the percentage Net Profit (before interest and taxes) experienced by your company

For Company

%

For Covered Products

%

8. Number of employees

9. Please indicate how many employees are involved in R&D

10. Please indicate whether your employee and consultant contracts include confidentiality nondisclosure undertakings and confirm the company's absolute ownership of IP rights created by the employee or consultant

11. Please indicate whether any key employees or research teams left your employment in the last 3 years

Yes No

If 'Yes', please list names and title/role

12. Please provide the following information on your 5 main competitors:

Name	Country of Domicile	Turnover	Market Share

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13. Please list the products you wish to be covered by this insurance (if numerous products are to be covered, please identify product groups and provide supporting product information)

Product/Product Range	Countries Sold	Patent Protected?	Protected Sales for 12 months

14. If products declared for coverage are not the entire company’s product range, please indicate why the insurance is being sought for a limited product range

15. Please indicate the average market life of the Insured Products

Years

16. Estimate the total size of the largest market (by country) in which your Insured Products compete

17a. Are there presently any competing alternatives to the Insured Product in the market place?

Yes No

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17b. If 'Yes', are there patent or trademark numbers or pending notices on such products?

Yes No

If 'Yes', please provide details

18. Are the products to be insured being either manufactured, stored, sold, marketed, imported or exported in the USA?

Yes No

If 'Yes', please provide details

19. Please indicate the number of years the Insured Product has been used or sold by you or your competitors

Years

20. Are there any plans to introduce the Products into new business sectors or territories within the next 12 months?

Yes No

If 'Yes', please provide details

21. Please identify all patents owned, licensed or applied for by your company that are relevant to the product range to be insured (attach separate document where necessary)

Identifying Title	Applicable Territory	Application/Grant Number	Application Grant Date	Status (Pending/Granted)

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22. In designing your Insured Products, did you copy or design around any third party patents? Yes No

If 'Yes', please provide details

23. Please indicate who in the company is responsible for ensuring legal compliance within the company with regards to intellectual property matters

24. Please indicate the procedures you have in place to identify and record intellectual property development and intellectual property rights

25. Please indicate the procedures you or your agents have in place to mitigate the likelihood of your infringement of third party IP rights (indicate types of searches, assessment of results etc)

26. Did an external Patent Agent, Attorney or equivalent conduct a "Freedom to Operate" search, or similar, in respect of the products to be insured ? Yes No
(If 'Yes', please attach details)

27. Please indicate your average IP defence costs for the last 3 years

Year

Costs

	£/\$/€
	£/\$/€
	£/\$/€

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28. Please list all Agreements to be insured where Section 2 or 3 are sought (attach sheet where further agreements required):

	Agreement 1	Agreement 2
Name of other party		
In/out-licensing or other		
Domicility of other party		
Effective date		
Contract law jurisdiction		
Estimated contract value		

29. Do any Insured Agreements impose an obligation upon you to indemnify or hold-harmless another party from costs and/or damages incurred in defending infringement proceedings related to the Insured Products?
(if 'Yes', please attach relevant agreements) Yes No

30. Do any of the Insured Agreements impose an obligation on the other party to indemnify you in respect of costs and/or damages incurred in defending infringement proceedings related to the Insured Products?
(if 'Yes', please attach relevant agreements) Yes No

31. Do you retain full and unconditional claims control in respect of all Insured Agreements in the event of your contractual obligation to indemnify or hold harmless? Yes No

32. Do you have any insurance in place that covers any element of risk also covered in the Liberty Intellectual Property Infringement Insurance coverage? Such cover (typically trademark and copyright) might be found in an E&O/Professional Indemnity policy for example? Yes No

33. Ever needed to defend an action threatening your ownership, rights in, or validity of, any of your granted or registered rights (including patent oppositions, reissues, re-examinations etc) or ever needed to defend an application of non-infringement of your rights? Yes No

34. Ever needed to defend an action brought by the International Trade Commission with regards to the sale, manufacture or distribution of such products? Yes No

If 'Yes', please provide details of the dispute including at least the parties, IP, and products involved, along with dates, jurisdiction of dispute, the outcome and any costs, damages or settlements incurred by each party)

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35. Are you aware of any litigation associated with intellectual property in the market sector within which you operate during the last 5 years? Yes No

If 'Yes', please provide details

36. Does the Proposer, or any director or officer, have knowledge or information of any fact, circumstance, situation, event or transaction (including known, suspected or anticipated infringement of a third party's IP) which may give rise to a claim under the proposed Liberty Intellectual Property Infringement Insurance? Yes No

If 'Yes', please provide details.

37. Please provide any other information that is material to the subject matter risk for which you are seeking insurance. Please attach copies of any parent opinions or 'freedom to operate' opinions if possible

DECLARATION

I/we accept that completion of this proposal form does not bind the Proposer or Insurers to effect a contract of insurance.

I/we agree that, if an insurance policy or policies are issued, this proposal and any other information supplied prior to inception of the insurance policy shall form the basis of any contract of insurance effective hereon and shall be incorporated therein.

I/we hereby declare that I am authorised to complete this proposal on behalf of the Proposer, that the above statements and particulars are true and that full enquiry has been made to ensure their accuracy. I have not omitted, suppressed or misstated any material facts which may be relevant to underwriters' consideration of this proposal.

I/we undertake to inform Insurers of any material change to any fact contained herein that occurs prior to inception of the contract of insurance.

DIRECTOR'S NAME:

TITLE:

SIGNATURE:

DATE:

/ /

IMPORTANT INFORMATION

Data Protection Act 1998

We may store your information on a computer and use it for administration, risk assessment, research and statistical purposes, marketing purposes and for crime prevention (see further details below). We will only disclose your personal details to third parties, if it is necessary for the performance of your contract with us.

In order to assess the terms of the insurance contract or administer claims which arise, we will need to collect data which the Data Protection Act defines as sensitive such as medical history or criminal convictions. By proceeding with this contract you will signify your consent to such information being processed by the Insurers or the agents.

We will keep your information secure at all times. In certain circumstances, for example for systems administration purposes, we may have to transfer your information to another country, which may be a country outside the European Economic Area (EEA). By proceeding with your insurance application, we will assume you are agreeable for us to transfer your information to a country outside the EEA.

Should you wish to receive a copy of the information we hold on you please contact:

The Managing Director
COBRA Legal & IP
110 Fenchurch Street
London EC3M 5JT

COBRA Legal & IP

COBRA Legal & IP is a trading identity of COBRA Special Risks Ltd, which is an Appointed Representative of COBRA London Markets Ltd.

COBRA London Markets Ltd is an accredited Lloyd's Broker, and is authorised and regulated by the Financial Conduct Authority Ref No 310954 www.fsa.gov.uk/register/home.do

COBRA Special Risks Ltd is registered as a company in England and Wales No 08151038
Registered office: 110 Fenchurch Street, London, EC3M 5JT

Whilst COBRA Legal & IP is an independent intermediary, but will at certain times be acting as an agent of insurers for the purposes of IP insurance cover. We will advise you clearly when we are acting in this capacity.