



WEBINAR

**UNDERSTANDING IP INSURANCE**

August 2018

# WHAT IS INTELLECTUAL PROPERTY (IP) INSURANCE?

Cover for claims alleging infringement of IP rights, including patents, trademarks, copyright and trade secrets.



# MOST COMMON FORMS OF IP

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## Patent

provides the right to prevent others from making, using or selling an invention



## Trademark

is for example a recognisable word, name or symbol which identifies and distinguishes products or services



## Copyright

grants the creator of an original work exclusive rights for its use and distribution



# WHY WOULD A COMPANY NEED IP INSURANCE?

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- They already have IP rights (i.e. a patent)
- They don't have IP rights, but they make, use, or sell a product or process
- They have a contractual obligation
- They're innovative and operate in a very competitive space



# WHAT TYPES OF COMPANIES USUALLY NEED IP INSURANCE?

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Most sectors and companies have some kind of exposure. Here are a few examples:

- **Manufacturers / Supply Chain**  
Automotive, Home Technology, Internet of Things, Packaging
- **Design**  
Architects, Engineers, Design Studios, etc
- **Energy, Mining, Materials**  
Oil and Gas, Renewable, Mining, Materials
- **Software and Tech companies**  
Office Support, Platforms, Consumer apps, Gaming



# WHAT ARE THE COSTS ASSOCIATED WITH IP RISK?

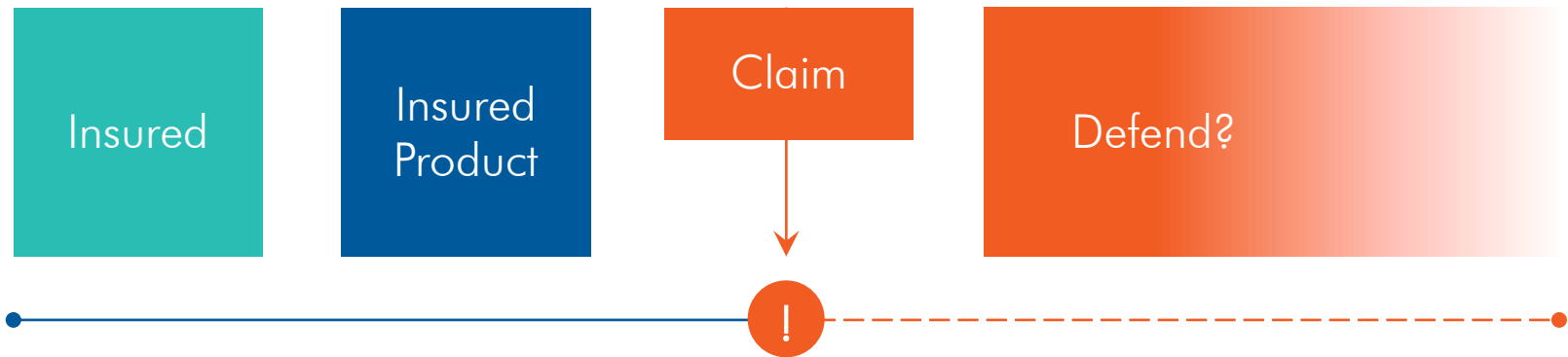
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- Cost of legal defense of an allegation (even if they're not infringing)
- Damages/settlement awards for past infringement
- Losses from being prevented from an activity, including selling of a product
- License fees if the IP holder is willing to allow future use



# CLAIM AGAINST THE INSURED

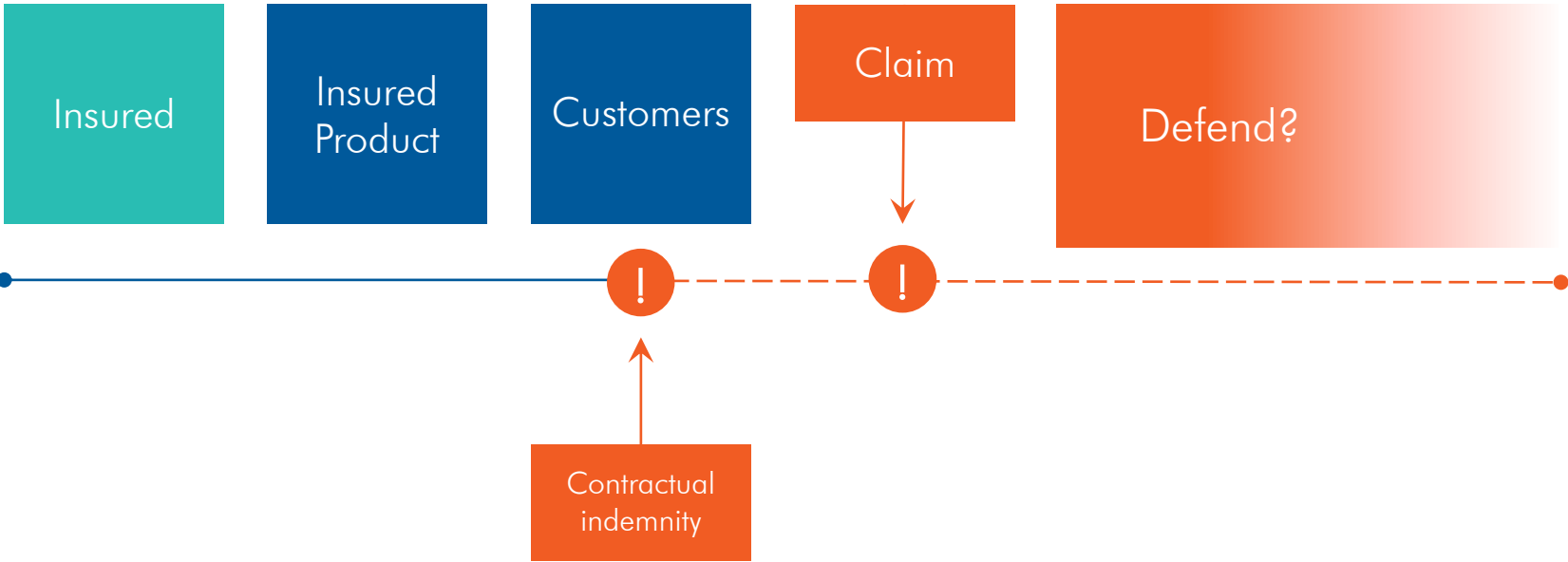
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- What are the strategic options?
- Is there infringement?
- Validity of the asserted rights?
- What is an acceptable outcome and at what cost?

# CLAIM AGAINST INSURED'S CUSTOMER

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# HOW TO START THE CONVERSATION / QUESTIONS TO ASK

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- What IP do they have? What makes them unique? Is IP at the heart of their business?
- Do they have contractual obligations?
- If they purchase a media or tech policy, does it include IP cover and what are the restrictions or exclusions?
- If a claim is brought, can they afford to defend it or settle?
- Do they have IP rights that may need to be enforced?
- Where do they operate? Are they aware of the local IP landscape and risks in each territory?



# HOW DO I GET TERMS?

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- Short proposal form or basic info for indicative terms
- Proposal form
- Conference call
- What is the process and how long does it take?
- No underwriting fees

# WHY IP RISK IMPACTS (NEARLY) EVERY BUSINESS

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## Remember

1

Even if you have IP rights, you can infringe someone else's

2

Even if you've done nothing wrong, you're at risk

3

There is SO much IP out there – no one can really know whether they are or they aren't infringing...

# CONTACT US

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Contact us if you have any questions:

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We will also be inviting you to future IP webinars - we have several planned for the next few months.

Please let us know if there is a topic or terminology that you would like us to include in these webinars.

