

# Enterprise Media Solutions (EMS)

## Industry Need and Product Overview

The media world has been undergoing an amazing transformation resulting in many new ways to gather and disseminate content and new ways to incur liability. CNA's Enterprise Media Solutions policy (EMS) is a new generation of coverage designed to meet all the media liability exposures across the corporate enterprise, without a specific schedule of media operations. EMS offers broad, flexible coverage to meet the fluid and rapidly changing needs of the media industry.

## Policy Highlights

- Covers all content publicly disseminated from any part of the insured's enterprise including traditional and new media, public appearances, blogging and tweeting
- All risk (open peril) coverage
- Occurrence trigger, with option to convert to Claims Made
- "Occurrence" defined to include a comprehensive set of media activities, traditional and new, including public appearances, blogging and tweeting
- Most favorable venue coverage of punitive and exemplary damages
- Insured has option to defend a claim and select counsel, or assign that duty to the insurer
- No hammer clause and insured has authority to settle all matters within the retention
- Includes coverage for liability of others resulting from Insured's content that is assumed through hold harmless or indemnity agreements
- Subpoena Assistance legal expense coverage automatically included
- Coverage for claims expenses incurred in responding to demands for retraction or injunction
- "Insured" includes leased and temporary employees and independent contractors
- Negligence in content, including bodily injury and property damage, is covered
- Coverage provided for breach of confidentially agreements with sources
- Insured's claim notification obligations do not take effect until an Executive Officer becomes aware of the claim or circumstance
- Territory of policy applies coverage to claims made or occurrences committed anywhere
- Policy condition states that the insured's refusal to reveal the identity of confidential sources shall not impact its rights under the policy and provides the insured full discretion over retraction and clarification of content

## Endorsement Enhancements

- Privacy and Network Security
- Professional Liability E&O for media related services
- First Amendment Event Expense
- Cost of Mitigation
- Vicarious liability coverage for additional insureds

## Appetite and Target Risks

- All sizes of risks up to \$1 billion in annual revenues; larger accounts considered on an exception basis
- Traditional media of all classes, including publishers, broadcasters, distributors, producers, authors, etc.
- New media
- Companies that now have media exposure via advertising and corporate messaging

## Limits

- Up to \$15,000,000 primary or excess

## For more information

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