

Claim Scenarios

- **Author Liability**

An author wrote a “tell all” biography about a recently deceased celebrity. The celebrity’s brother sued both the author and the publisher for defamation relating to statements about him and for invasion of privacy relating to photographs of the plaintiff and his sister. Ultimately, the author and publisher successfully moved for summary judgment, but the author’s Defense Cost were \$200,000.
- **Book Publisher Liability**

A book publisher was sued for trademark infringement by another publisher arising from the cover of a soon to be released book, which appeared in its fall catalog of new titles. The plaintiff alleged that the cover was similar to its series of popular horror books, which would create confusion in the marketplace. The policy provided coverage for trademark infringement.
- **Cable Broadcaster Liability**

A celebrity sued a cable television channel for invasion of his rights of publicity and trademark infringement because the channel’s name was the same as the celebrity’s nickname. Since the cable channel had invested in its name, it didn’t want to settle, so a long litigation ensued.
- **Film and Program Producer (DICE)**

A documentary film producer was sued for copyright infringement by a photographer arising from the use of photographs without permission. The producer successfully claimed a “fair use” defense, but Defense Costs were in excess of \$75,000.
- **Film and Program Distributor**

A film and program distributor was sued by a music publisher for copyright infringement, along with the producer of the film, arising from the use of music that was not properly cleared. The producer, who did not have Media Liability insurance, was unable to defend the distributor despite a hold-harmless agreement. Even though the distributor did not have knowledge that the music had not been properly licensed, the distributor was deemed to be an innocent infringer and subject to liability.
- **Magazine Publisher**

A travel magazine was sued by a cartographer for copyright infringement after publishing a map of South America without paying licensing fees. After the defense counsel discovered evidence that the cartographer had licensed the map in the past for a relatively nominal amount, the parties were able to reach a settlement.
- **Radio Broadcaster Liability**

A radio broadcaster was sued after a consumer radio show about the risks of plastic surgery generated negative statements by callers about a prominent plastic surgeon, who claimed that the comments were false and defamatory. The broadcast ultimately prevailed on summary judgment, but incurred a significant amount of Defense Costs. A notable attorney sued a local radio talk show host for libel after the host accused the lawyer of improprieties in his handling of a pro athlete’s criminal case. After long and expensive litigation, the case settled with a substantial payment to the claimant.
- **Television Broadcaster**
 - a. A television news broadcaster was sued for false light invasion of privacy after using old file footage of a woman to illustrate a new and unrelated story relating to eating disorders. The case settled at mediation for \$50,000.
 - b. A local television station ran a news story about a local doctor, suggesting that his form of therapy amounted to a sexual assault. He sued the station for libel and recovered a jury verdict of \$2.5M.

These scenarios are not intended to be interpreted as coverage positions. Coverage for any given claim is based upon its facts and the specific terms and conditions of the policy.