

AXIS CLAIMS EXAMPLES

## ADVERTISING AGENCIES

The following claims examples illustrate the types of exposures advertising agencies can face

### — MISAPPROPRIATION OF NAME/LIKENESS

An advertising agency and its client were sued for an advertisement of the client's television which featured a photo of a well-known celebrity in one of his famous movie roles. The actor sued for misappropriation of likeness and infringing on his right of publicity.

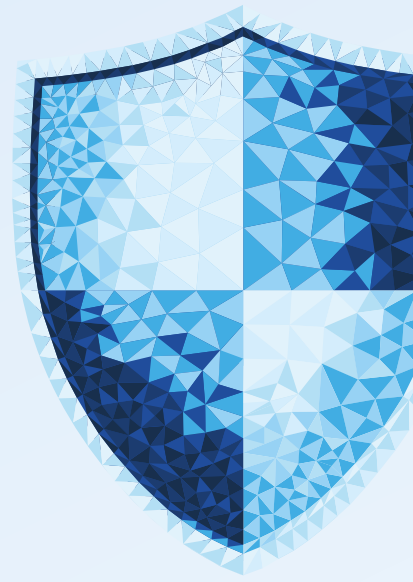
An advertising agency produces a video spot. The production company secures releases from the talent but fails to maintain those releases on file. One of the actors alleges that the advertisement exceeded the agreed-upon run set forth in the release and brings a claim for infringing upon her right of publicity and for misappropriation of likeness.

### — COPYRIGHT INFRINGEMENT

Insured advertising agency produced a spot with original music written to evoke the style of a famous rock band. The band sues alleging copyright infringement of one of their original compositions.

Advertising agency sued for copyright infringement arising out of the unlicensed use of a font owned by the claimant. The font was used in major advertising campaigns. Fonts are subject to copyright protection.

Advertising agency produces a spot where a car is filmed next to a wall adorned with graffiti. It turns out that the graffiti was painted by a well-know artist who has copyrighted the work. The location agreement is silent with respect to art that may appear in the piece. The artist sues the advertiser for copyright infringement and invokes the warranties and indemnities clauses of the agreement with the agency.



## — TRADEMARK INFRINGEMENT

Agency alleged to have infringed the plaintiff's trademark in the use of a well-known slogan connected to a major US-based company. The plaintiff sues in a foreign jurisdiction, which lacks the protections of the U.S. legal system. The insured has assets in that jurisdiction, and so must defend under adverse circumstances.

The insured agency conducts a comparative advertising campaign using the trademark of their client's competitor. While a claim is brought, it lacks merit as this presents as classic fair use.

## — ERRORS AND OMISSIONS

The insured ad agency received a cease and desist letter from the city for the placement of erroneous advertisements on the sides of city buses and subway walls. The city alleged the advertisements did not contain the requisite disclosures regarding the limitations governing the use of the insured's promotional discount codes.

An ad agency's employee absconds with fees from advertising clients. A suit is threatened against the agency for the failure to provide the requested advertisements as a result of the employee's actions.

An advertising agency is retained to create an ad for a local dentist. The agency errs in formatting the print advertisement by switching the before and after photographs of the dentist's work. A claim ensues.

Claims examples may be based on actual cases, composites of actual cases or hypothetical claim scenarios and are provided for illustrative purposes only. Facts have been changed to protect the confidentiality of the parties. Whether or to what extent a particular loss is covered depends on the facts and circumstances of the loss, the terms and conditions of the policy as issued and applicable law.