

Internet liability insurance

Proposal

Lumley, a business division of IAG New Zealand Limited, Lumley Centre, 88 Shortland Street, PO Box 2426, Auckland 1140, New Zealand
Tel 09 308 1100 www.lumley.co.nz

Notice

This is a proposal form for a claims made policy.

The policy will only respond to claims and/or circumstances which are first made against you and notified to Lumley during the policy period.

The policy will not provide cover for:

- (a) Events that occurred prior to the retroactive date of the policy (if specified).
- (b) Claims made after the expiry of the policy period (or extended reporting period if available) even though the Wrongful Act giving rise to the claim may have occurred during the policy period.
- (c) Claims notified or arising out of facts or circumstances notified under any previous policy or noted on the current proposal form or any previous proposal form.
- (d) Claims made, threatened or intimated prior to the commencement of the policy period.
- (e) Facts or circumstances in your knowledge prior to the policy period which you knew had the potential to give rise to a claim under the policy.

This proposal forms the basis of any insurance contract entered into. Please complete it fully and carefully, remembering to sign the Declaration. If you do not have enough room, please attach additional sheets.

Duty of Disclosure

You have an ongoing duty to disclose all Material Facts and failure to do so could prejudice future claims. Material Facts are those which may influence a prudent insurer in deciding whether or not to insure you, on what terms, and at what premium.

Applicant details

1	Name(s) in full of all entities to be insured:
<hr/>	
2	<input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other :
	If Other, please give details:
3	Postal address:
4	Contact person:
5	Email address:
6	Website address:

Business details

1	Please provide a clear business description for the entity(ies) listed above:
<hr/>	
2	Date on which the business was established: / /
3	Date on which the website became operational: / /
4	Total e-commerce income: \$
5	Total number of employees with e-mail and/or internet access:

Website details

1	(a) Please provide the precise nature of your website activities:
<hr/>	
	(b) What percentage of 'hits' on your website are from NZ based web users? %
2	(a) Does your website contain a chatroom/bulletin board or newsroom? Yes <input type="checkbox"/> No <input type="checkbox"/>
	(b) If Yes, who manages the chatroom/bulletin board or newsroom?
	(c) If a subcontractor manages the chatroom/bulletin board or newsroom, do you make the subcontractor contractually responsible for liabilities arising out of the chatroom/bulletin board or newsroom? Yes <input type="checkbox"/> No <input type="checkbox"/>
	(d) Do you edit the chatroom/bulletin board or newsroom? Yes <input type="checkbox"/> No <input type="checkbox"/>

3	(a) Do you publish any journal, newsletter etc on your website?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(b) If Yes , are you the author of such material?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(c) If you are not the author, do you obtain indemnities from any other party against claims for libel and slander, infringement of copyright?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4	Who is the Internet Service Provider (ISP) hosting your website?		
5	Please provide full details of the services provided by your ISP:		

Email/internet security

1	(a) Do you have a formal Appropriate Use Protocol (AUP) in place for e-mail and internet usage that has been signed by all employees with email/internet access?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(b) If Yes , please attach a copy of the AUP.		
2	How do you control the risks associated with receiving internet/email borne viruses?		
3	How do you ensure that users workstations and servers will not be infected by viruses?		
4	What protection do you have against the latest virus that may not yet be included in your anti-virus software?		

Risk management controls

1	Do you have appropriate legal and other screening processes of all materials and contents made available on the internet?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2	Do you include disclaimers on your web pages including disclaimers as to the content of other, third party, hyperlink home pages?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3	Do you have a formal policy on procedures in place regarding:		
	(a) Hyperlinking, cross-linking, framing and referral agreements	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(b) Who can make such agreements	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(c) Tracking and logging traffic	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4	Do you examine agreements with all internet/web contractors, consultants and outsources to ensure that they are not authorised to modify or publish corporate materials which have not been screened?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5	Do you have formal policy or procedures in place regarding the prohibition of copyright or use of text, pictures or music unless:		
	(a) You own the copyright?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(b) The owner grants a valid license?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(c) Legal counsel can provide a reasonable assurance that the copying is 'fair use' of the work?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(d) Legal counsel agrees that the work is in the public domain?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6	Do you have a formal policy or procedure in place regarding action steps necessary to address complaints of defamation, infringing or troublesome material on your website(s)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Claims/incidents/loss history

1	Are you aware of any pending or prior incident, circumstance, event or litigation during the past three years concerning the content of your web site relevant to intellectual property infringement?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If Yes , describe date, location, nature of the incident, circumstance, or loss, the amount of actual or estimated loss as well as what steps have been taken to prevent a recurrence of the described incident(s), circumstance(s), or loss(s). Please explain by attachment to this application.		
2	Has any insurance similar to the kinds provided under this policy, been declined or cancelled during the past three years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If Yes , please provide details in an attachment.		

Declaration

On behalf of all proposed Insureds I/We declare and agree that:

- a) all information provided, in this proposal or attachments, is true and complete in every respect and that no Material Facts remain undisclosed;
- b) if this risk is accepted, such information will be incorporated into and form the basis of the contract of insurance;
- c) I/We understand that Lumley requires this information in order to evaluate this proposal and that the Privacy Act 1993 entitles me/us to have access to, and request the correction of, any information retained;
- d) Lumley is authorised to disclose information to its advisers, reinsurers, other insurers and parties with a financial interest in the subject matter of this proposal;
- e) Lumley is authorised to check details against the Insurance Claims Register and to place information on the Insurance Claims Register which other insurers can access;
- f) Lumley is authorised to obtain from other parties any information which may be relevant to the acceptance of this risk;
- g) the signing of this proposal does not bind either party to complete the contract and that no cover will be in force until confirmed by Lumley.

Insured(s) signature: _____

Title: _____

Date: / /