



TOKIO MARINE
HCC

Professional Risks

Music Proposal Form



General information

1. Please provide the following details (including all trading names and subsidiaries):

Name	Date of establishment
Website address	

2. Address, including postcode for all subsidiaries:

3. Please supply details of all principals, directors, partners:

Name	Qualifications	How long with the company

4. You are:

Artist/Performer	<input type="checkbox"/>	Recording company	<input type="checkbox"/>
Producer of audio recordings	<input type="checkbox"/>	Music publisher	<input type="checkbox"/>
Distributor of audio recordings	<input type="checkbox"/>	Songwriter	<input type="checkbox"/>
Other - please specify:			

5. Please provide your turnover, including fee income and where it comes from:

Performance	£	Recording	£
Music Publishing	£	Producing	£
Songwriting	£	Distribution	£
Other – please specify:			

6. Please provide the number of compositions in your catalogue:

7. On average, how many additional musical compositions do you add each year?

8. What is the estimated percentage of each musical composition in your catalogue by category:

Pop	%	Religious	%
Rock	%	R&B	%
Country	%	Jazz	%
Other – please specify:			

9. What is the percentage of the following in your catalogue?

Public domain music compositions	%
Original music compositions	%
Arrangements of public domain musical composition	%

10. Where will the music be released? i.e. iTunes, Youtube

11. Please list your current top selling recording artists in the last 12 months:

1	
2	
3	
4	
5	

12. Please list your top selling albums in the last 12 months:

1	
2	
3	
4	
5	

13. Please list any languages, other than English, used in your musical compositions:

Risk management

14. Have all licenses and consents been obtained from:

- | | | |
|--|------------------------------|-----------------------------|
| a. Songwriters of original music compositions | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| b. Other music owners, including the rights for: | | |
| Lyrics | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Music | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Recording or mechanical rights | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Synchronisation rights | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Performance rights | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Soundtrack | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| c. Performers: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If **NO** to any questions in 14.a.-c. above, please explain why not:

15. If you answered No to any question in 14 above, do you have the rights, licence, consent to use for others purposes such as film production, television programming, commercials or advertising from the following:

- a. Songwriters Yes No
- b. Other music owners Yes No

16. If you answered No to any in question 15 above, do you have the rights, licence or consent to publish as a score, arrangement or orchestration for resale from the following:

- a. Songwriters Yes No
- b. Other music owners Yes No

17. Do you sample music of others? Yes No

If **YES**, please describe your procedures with respect to clearing sampled music:

18. Do you consult with a musicologist with respect to original music created? Yes No

If **YES**, please describe your policy and practice regarding the use of a musicologist to review music compositions. If **NO**, please explain why not:

19. What procedures are in place regarding legal review of material prior to dissemination:

20. Please provide the name and telephone number of your in-house lawyer

Name / Firm:

Years Experience:

21. Do you retain an external lawyer for advice regarding potential liabilities arising out of the production or dissemination of material? Yes No

If **YES**, please provide the following:

Name / Firm:

Years Experience:

Approximate number of hours billed per month:

Claims

22. In respect of any of the risks to which this application relates:

- a. Has any claim been made (whether successful or not) against you, any predecessor, any past or present principals, directors, partners? Yes No
- b. Has any loss been suffered by you or any predecessor as a result of the dishonesty or malice of any past or present principals, directors, partners, employees or self-employed person? Yes No

If **YES** to any of the above, please provide details:

Date of claim / loss	Brief details of each claim / loss	Total cost of claim / loss paid	Estimated total cost of claim / loss

- c. What steps have been taken to prevent a recurrence?

23. Are you, after full enquiry:

- a. Aware of any circumstance which is likely give rise to a claim or loss against you, any predecessor or any past or present principals, directors, partners? Yes No
- b. Aware of any shortcoming in your work for a client which is likely to give rise to a claim against you? This includes:
 - i. A shortcoming known to you, but not your client, which you cannot reasonably put right? Yes No
 - ii. A complaint from your client about your work or anything you have supplied which cannot be immediately resolved? Yes No
 - iii. An escalating level of complaint from your client on a particular project? Yes No
 - iv. A client withholding payment due to you after any complaint? Yes No

If **YES** to any of the above, please provide details:

24. Do you have any grounds, after reasonable enquiry, for suspecting that any past or present principal, director, partner, employee or self-employed person has acted dishonestly or maliciously? Yes No

If YES, please provide details:

Please read this paragraph carefully before signing the declaration

It is essential that every proposal, when seeking a quotation to take out or renew any insurance, discloses to the prospective Insurers all material facts and information (including all material circumstances) which might influence the judgement of an Insurer in deciding whether to accept the risk and on what terms. The obligation to provide this information continues up until the time that there is a completed contract of insurance. Failure to do so entitles the Insurers, if they so wish, to avoid the contract of insurance from inception and so enables them to repudiate liability thereunder. If you have any doubt as to what constitutes a material fact or circumstance please do not hesitate to ask for advice.

Declaration

On behalf of the proposer/s, I/we declare that, after full enquiry, the contents of this proposal are true and that I/we have not misstated, omitted or suppressed any material fact or information. If there is any material alteration to the facts and information which I/we have provided or any new material matter arises before the completion of the contract of insurance, I/we undertake to inform the Insurer.

Signature of principal / director / partner:

Date:

Data Protection Notice

Tokio Marine HCC respects your right to privacy. In our Privacy Notice (available at <https://www.tmhcc.com/en/legal/privacy-policy>) we explain who we are, how we collect, share and use personal information about you, and how you can exercise your privacy rights. If you have any questions or concerns about our use of your personal information, then please contact DPO@tmhcc.com.

We may collect your personal information such as name, email address, postal address, telephone number, gender and date of birth. We need the personal information to enter into and perform a contract with you. We retain personal information we collect from you where we have an ongoing legitimate business need to do so.

We may disclose your personal information to:

- our group companies;
- third party services providers and partners who provide data processing services to us or who otherwise process personal information for purposes that are described in our Privacy Notice or notified to you when we collect your personal information;
- any competent law enforcement body, regulatory, government agency, court or other third party where we believe disclosure is necessary (i) as a matter of applicable law or regulation, (ii) to exercise, establish or defend our legal rights, or (iii) to protect your interests or those of any other person;
- a potential buyer (and its agents and advisers) in connection with any proposed purchase, merger or acquisition of any part of our business, provided that we inform the buyer it must use your personal information only for the purposes disclosed in our Privacy Notice; or
- any other person with your consent to the disclosure.

Your personal information may be transferred to, and processed in, countries other than the country in which you are resident. These countries may have data protection laws that are different to the laws of your country. We transfer data within the Tokio Marine group of companies by virtue of our Intra Group Data Transfer Agreement, which includes the EU Standard Contractual Clauses.

We use appropriate technical and organisational measures to protect the personal information that we collect and process about you. The measures we use are designed to provide a level of security appropriate to the risk of processing your personal information.

You are entitled to know what data is held on you and to make what is referred to as a **Data Subject Access Request ('DSAR')**. You are also entitled to request that your data be **corrected** in order that we hold accurate records. In certain circumstances, you have other data protection rights such as that of **requesting deletion, objecting to processing, restricting processing** and in some cases **requesting portability**. Further information on your rights is included in our Privacy Notice.

You can **opt-out of marketing communications** we send you at any time. You can exercise this right by clicking on the "unsubscribe" or "opt-out" link in the marketing e-mails we send you. Similarly, if we have collected and processed your personal information with your consent, then you can **withdraw your consent** at any time. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of your personal information conducted in reliance on lawful processing grounds other than consent. You have the **right to complain to a data protection authority** about our collection and use of your personal information.

Contact Us

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