



CLAIM SCENARIOS

MEDIA LIABILITY

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.

An author and book publisher were threatened by a prominent political family for invasion of privacy and for violating state two-party consent rules with respect to the surreptitious taping of conversations that were published in a “tell all” book. The claim arose from “galley copies” of the book’s manuscript that were circulated to prominent media outlets prior to the formal release of the book. Because of the problematic newsgathering methods utilized by the author and the concerns of the publisher’s legal department, the book was not published. The author incurred Defense Costs.

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.

Newspaper Publisher

A daily newspaper was sued for invasion of privacy and misrepresentation after a reporter was “friended” by an elementary school teacher on a social networking site by pretending to be a college acquaintance for the sole purpose of gaining access to her account. Photographs from the social networking site showing the teacher with alcohol were published in an unflattering article. The teacher was dismissed from her teaching position pending an investigation by the school district. The newspaper settled with the teacher for an undisclosed amount because the reporter violated newsroom policy regarding the use of social media to gather information.

A local newspaper was sued for libel by a school principal over an article implying that the principal had given special preference to his son in a disciplinary matter. A jury awarded the claimant \$3M.

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MEDIA LIABILITY - *continued*

Personal Appearance

A celebrity, who was a spokesperson for an herbal supplement company, was sued for misrepresentation after posting glowing statements about an herbal diet remedy on various social networking sites. Consumers, unfortunately, did not have the same experience with the product.

A candidate for public office used a song from an alternative rock band to promote his public appearances and website. The candidate ignored the "cease and desist" letter from the band's attorney. The candidate was later sued for copyright infringement and promptly settled incurring Defense Cost, a five figure settlement that included the payment of the plaintiffs' legal fees - and an agreement to refrain from further use of the song.

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 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.

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.

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