



Westchester®

Miscellaneous Professional Liability Insurance for Marketing Professionals

Your clients count on your company to assist with the promotion of their organization and its products and services. Whether launching a new product, recreating an existing brand or addressing a public relations crisis, your company becomes a trusted advisor. If the services your company delivers or the content your company creates fails to meet client expectations, allegations may be brought against your company for perceived errors or misrepresentations made in the course of performing professional services. And, if the services your company provides have a broad audience, claims can be brought by a variety of third parties that allege damages as a result of your company's acts, including your client's competitors and parties alleging ownership of content.

Even if no one in your company is at fault, defense and settlement costs can quickly add up. Fortunately, Westchester offers Miscellaneous Professional Liability (MPL) insurance to a variety of service providers, including marketing professionals. Westchester's MPL coverage can be tailored to the specific marketing services your company provides, including:

- Marketing and brand consulting
- Public relations
- Market research
- Social media consulting
- Product launch and event marketing

Claims Scenarios

A company hired a marketing firm to assist in the launch of a new marketing strategy, including performing market research and creating a marketing database of customer data. Errors made by the marketing firm during data entry inaccurately identified the nature of the customer-client company relationship, which was discovered after

promotional discounts were offered to the wrong group of customers. The error forced the client to honor reduced rates on a larger percentage of orders than anticipated and the client demanded reimbursement from the marketing firm for the lost revenues.

Your company misses an important deadline, delaying the product launch of your client, who then sues for damages and lost income.

Your company's proposed communication plan doesn't work as well as expected and your client sues for misrepresentation.

Your company helps a client develop content for a new advertising campaign and that client is sued for defamation by a competitor based on that content.

Coverage Features

The following MPL insurance features are available for marketing professionals:

- Broad definition of Wrongful Act, including Personal Injury and a customized definition of Professional Services
- Coverage for vicarious liability acts of subcontractors your company engages
 - Coverage for natural person independent contractors is also available
- Optional coverage extensions for infringement of intellectual property are available, subject to underwriting

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The Westchester Advantage

Westchester has earned its leadership position in professional liability insurance as a result of our:

- **Financial stability:** Westchester receives consistently high ratings for financial strength from A.M. Best, Moody's and Standard & Poor's, the leading independent analysts for the insurance industry.
- **Reputation for paying claims and superior service:** Our reputation for expert, fair claims handling is renowned in the industry.
- **Broad coverage:** Our MPL insurance products offer some of the broadest coverage available in the marketplace. We provide this coverage on a monoline policy form or as part of a suite of specialty liability coverages.

In the News: Allegations against Marketing Professionals

- A celebrity brought suit against a marketing firm for using her image in a banner ad without permission.
- A medical center sued a marketing firm for more than \$800,000 for failing to create a new website in time for its grand opening.
- A company was sued by a competitor over the company's ad campaign, alleging trade libel. In turn, the company sued the advertising agency that created the multi-million dollar campaign.

Contact Us

For more information please visit us at:

<https://www.westchester.com/en/contact-us/product-line/financial-lines.html>

The claim scenarios described here are hypothetical and are offered solely to illustrate the types of situations that may result in claims. These scenarios are not based on actual claims and should not be compared to an actual claim. The precise coverage afforded by any insurer is subject to the terms and conditions of the policies as issued. 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.

Insurance provided by Westchester Fire Insurance Company and its U.S. based Chubb underwriting company affiliates. Chubb is the marketing name used to refer to subsidiaries of Chubb Limited providing insurance and related services. For a list of these subsidiaries, please visit our website www.chubb.com. Product highlights are summaries only. Please see the actual policy for terms and conditions. Products may not be available in all locations, and remain subject to Chubb's underwriting criteria. Surplus lines insurance is sold only through licensed surplus lines producers.

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