

# ALL BUSINESS GENERAL PROPOSAL FORM FOR PEN INTELLECTUAL PROPERTY SOLUTIONS



Please provide a full answer to every question. This form must be signed by a Principal/Member/Director of the practice.

## 1 Business Details

1.1 Name of business seeking insurance

1.2 Website

1.3 Address:

Post Code:  Telephone No:

Contact Email:

Contact Person:

1.4 Please select the sector description that best describes your core business.

If "Other" is selected, please provide a short description of the sector that best describes your core business.

1.4.1 Please provide the Standard Industrial Classification (SIC) code applicable to your business

1.4.2 Briefly describe your activities, and whether there is a specific reason or business area for which you seek insurance.

1.5 Who owns the business seeking insurance? (If the applicant has a group structure please also attach full details of all entities that would be insured under an Intellectual Property (IP) insurance policy.)

1.6 State the number of employees

1.6.1 Do all employee and consultancy contracts contain confidentiality clauses and enable you to retain ownership of IP?

**2 Financial And Customer Details**

2.1 Have you received any investments or raised funding in the past 24 months? Yes    No  
 If yes, how much was the investment?

2.2 Provide your TOTAL annual turnover by territory. Please state the currency used.

TERRITORY	SUM	TERRITORY	SUM
UK	<input style="width: 100%;" type="text"/>	Germany	<input style="width: 100%;" type="text"/>
Rest of EEA	<input style="width: 100%;" type="text"/>	USA	<input style="width: 100%;" type="text"/>
Australia, New Zealand	<input style="width: 100%;" type="text"/>	Canada	<input style="width: 100%;" type="text"/>
Asia	<input style="width: 100%;" type="text"/>	Middle-east, Africa	<input style="width: 100%;" type="text"/>
<b>TOTAL</b>	<input style="width: 100%;" type="text"/>		

2.3 If you are not seeking to insure all business activities, then please provide details of your requirements, including for example the specific contract, product, division, etc, and applicable turnover.

2.4 If you provide services as well as the sale or licensing of products and solutions, then please provide the percentage of your turnover that consists of sale or licensing.

2.5 Are you involved in any joint venture? Please provide details of other entity and the purpose of the joint venture.

2.6 Who are your typical customers?   
 Please provide detail if you do not believe that the options accurately describe your customers

2.7 Please provide details of your largest customer relationships by annual income. You do not have to answer this question if your customers are consumers.

Customer Name	Turnover

### 3 IP Legal And Risk Management

3.1 Do you use the services of outside IP professionals such as attorneys? If not, do you have expertise internally? Please provide details.

3.2 Does your IP management practice include aspects such as clearance searches, freedom to operate or competitor monitoring? Who is responsible for signing off IP related matters, including contract negotiations? Please provide a brief summary.

### 4 Coverage Requirements

4.1 Territorial scope for cover

4.2 What is the nature of the insurance cover that you are seeking?

4.2.a IP infringement claims made against you Yes No

4.2.b Trade secret misappropriation claims made against you Yes No

4.2.c Challenges to validity or ownership of your rights Yes No

4.2.d Your contractual obligations to hold harmless, indemnify or provide warranties in respect of IP infringement under contracts Yes No

4.2.e Defence of contract breach allegations regarding intellectual property Yes No

4.2.f Enforcement of your intellectual property against alleged infringers Yes No

4.2.g Limit (Maximum GBP 10,000,000)

4.3 If you can't see what you need in the above options, then please summarise your requirements here:

### 5 Your Products

5.1 Provide details of your three top selling products

Product Name	Turnover

5.2 In the next 12 months, are you planning to launch a new and materially different product; or launch products or activities in a new territory? If so, please provide details including nature of product or target territory and likely applicable turnover.

5.3 What makes your products or business activities unique?

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## 6 Competitors

6.1 Competitors - please provide name, domicile and turnover of your top three competitors

Name	Domicile	Turnover

## 7 Your Intellectual Property

7.1 Please provide the following details in respect of your PATENTS, REGISTERED TRADEMARKS and REGISTERED DESIGNS. You can either provide it in this form or as a separate attachment

### PATENTS

Title	Application/Grant Number	Application/Grant Date

### REGISTERED TRADEMARKS

Title	Application/Grant Number	Application/Grant Date

### REGISTERED DESIGNS

Title	Application/Grant Number	Application/Grant Date

7.2 Outline in summary the nature and importance of unregistered rights held by the business, e.g. copyright, unregistered trademarks, designs and trade secrets.

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7.3 Do you have ownership/exclusive license to all intellectual property listed or attached with this form? Yes No  
If not, please provide details.

7.4 Have you acquired intellectual property from another party?  
If yes, please provide a brief summary of when rights were acquired, from whom and the nature of those rights.

**8 Your Contracts**

- 8.1 Do you have contracts that govern intellectual property, other than employment-like contracts? (This may include, but is not limited to, suppliers, licensees or customers.) Yes No
- 8.2 Do you provide warranties, indemnities or have hold harmless obligations under such contracts in respect of IP infringement? Yes No
- 8.3 Do you retain the right to control any potential claim where you are obligated to defend, indemnify or hold harmless another party under contract? Yes No
- 8.4 Do you receive any contractual warranties, indemnities or hold harmless provisions in respect of IP infringement from third parties? Yes No

**9 Claims Information**

Tick yes and provide details if you have ever:

- 9.1 Had an allegation of IP infringement or trade secret misappropriation or theft or similar made against you by a third party, including an invite to license or other communication from which such allegation could be inferred? Yes No
- 9.2 Defended against or made an allegation of contract breach relating to intellectual property or confidentiality undertakings, including any communication from which such allegation could reasonably be inferred? Yes No
- 9.3 Made an allegation of infringement or trade secret misappropriation or theft against a third party, or sent any written communication including an invite to license, from which such allegation could be inferred? Yes No
- 9.4 Had a revocation action or the validity or ownership of a registered IP right challenged? Yes No
- 9.5 Sought to revoke, invalidate or challenged the ownership of an IP right of a third party? Yes No
- 9.6 Been asked by a contract party to defend or hold them harmless as a result of a claim against them for infringement, misappropriation or other matters pertaining to intellectual property? Yes No
- 9.7 Received any claim of non-infringement by a third party in respect of intellectual property owned or exclusively licensed to you? Yes No

If you have answered "yes" to any of the above questions, please provide details including the names of the involved parties, when the claim(s) happened, current status and outcome, including costs incurred. If you require more space then please provide information under Section 11. Additional Information, or by separate attachment.

**10 Statement of Fact and Insurance History**

10.1 Are you aware of any circumstance or information that may result in a claim being made under this insurance policy? Yes      No

If yes, please provide details.

10.2 Have you currently, or have you in the past had, a stand-alone IP insurance policy? Yes      No

If yes, please provide details.

10.3 Have you had any insurance cancelled or non-renewed by an insurer? Yes      No

If yes, please provide details.

**11 Additional Information**

Please provide any additional details that you believe may be relevant for the assessment of your request for intellectual property insurance, or which you believe would be relevant for us to consider your requirements.

## Confirmation

Pen Underwriting Ltd is the controller of any personal data you provide to us. We collect and process personal data in order to offer and provide insurance services and policies and to process claims. Personal data is also used for business purposes such as fraud prevention and detection, financial management, to generate risk modelling, conduct analytics including to advise, improve and develop our products and services and to comply with our legal and regulatory obligations. This may involve sharing information with, and obtaining information from, our group companies and third parties such as (re)insurers, other brokers, loss adjusters, credit reference agencies, service providers, professional advisors, our regulators or fraud prevention agencies.

We may record telephone calls to help us to monitor and improve the service we provide as well as for regulatory purposes.

Please see our Privacy Notice for further information on how your personal data is used, shared, disclosed and retained, your rights in relation to your personal data and how to contact our Data Protection Officer. Our Privacy Notice can be found at [www.penunderwriting.co.uk/privacy-policy](http://www.penunderwriting.co.uk/privacy-policy). From time to time we may make important updates to our Privacy Notice and these may in turn affect the way we use and handle your data. Please ensure you review our Privacy Notice periodically to ensure you are aware of any changes.

If you are entering into this agreement in the course of your business, or as a charity, for charitable purposes and providing information on other individuals to us, for example your employees and/or any other party that would be covered under the insurance policy we may be placing or services we may provide to you, you shall ensure that individuals whose personal data you are providing to us have been provided with fair processing notices that are sufficient in scope and purpose, and that you have obtained all appropriate consents, where required, or are otherwise authorised, to transfer the personal data to us and enable us to use the personal data and process the personal data for the purposes of this agreement and as set forth in our Privacy Notice. You must not share personal data with us that is not necessary for us to offer, provide or administer services to you.

When you answer questions or agree with assumptions during the quotation process, you must disclose material facts or circumstances about the risk(s) you want to insure. A material fact or circumstance is something that would influence the judgement of an insurer in deciding whether or not to insure the risk.

This is known as a 'duty of fair presentation' and includes disclosing the following:

Information that you, your firm's senior management, or anyone responsible for arranging your insurance knows, or should know in relation to your business; and

Information that would be revealed by a reasonable search of information available to you or by making enquiries, and could include information held within your business or by someone else (such as your insurance broker).

Remember that if you fail to meet this duty, it could mean that the policy is void, or that the insurer is not liable to pay all or part of your claim(s).

Please be aware that if any of your details, material facts or circumstances change during the policy period, you must always notify us immediately.

Signature:

Date:

Print Name:

### PLEASE RETURN THIS FORM TO YOUR INSURANCE REPRESENTATIVE.

For more information, please contact  
Pen Underwriting,  
Fourth Floor,  
67 Lombard Street,  
London EC3V 9LJ

Tel: 020 7264 1260

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