

Safeguard iP

IP Insurance:
Protecting investment in IP

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About Me

- IP solicitor with over 15 years' experience.
- Advised clients on registration, exploitation and protection of IP.
- Set up Safeguard iP in 2015.
- UK's only dedicated IP insurance broker.



Areas To Cover

- Before the Event (BTE) IP insurance: Why now?
- How do BTE IP Insurance policies operate?
- How much does it cost?
- What are its benefits?



BTE IP Insurance: Why Now?

- Increase in IP claims.
- IP litigation is often expensive.
- ATE Insurance and 3rd Party Funding can be hard to secure and comparatively costly.



What Exposures Are Covered?

- Own side and adverse costs, expenses and damages relating to:
- Enforcement, defence and revocation actions in all forums, including UPC.
- Pre-grant trade mark and patent oppositions (in the UK, EU and US), title disputes and contractual breaches of IP agreements.
- Exposures under contractual indemnities.



How Do The Policies Work?

- Client provides its name, website address and revenue and quote is obtained within 48 hours.
- Client pays an annual premium for an amount of cover.
- If a qualifying claim arises the policy will cover the costs of the claim subject to the terms of the policy.



How Do The Policies Work?

- If a client knows or ought to know of a claim prior to the policy incepting that claim will not be covered.
- If a claim arises the client must obtain an opinion on likelihood of success. Advice must be that claim has 'reasonable prospects of success.'
- Clients can instruct any IP advisor.
- Policies underwritten by Lloyd's of London.



Premiums For Clients Less Than Circa €10m Revenue

- All IP (registered and unregistered) covered.
- Worldwide cover as standard.
- €1m cover (max €500k for pursuit) = €4k – €5k pa.
- €500k cover (max €250k for pursuit) = €2.5k – €3k pa.
- €250k cover (max €125k for pursuit) = €1.5k – €2k pa.
- Excesses and co-insurance apply.



Premiums For Clients Circa 10m+ Euros Revenue

Rough guide: 0.5%-2% of sum insured. Key factors include:

- The amount of cover
- The nature of cover
- Geographical scope of cover.
- The right being insured.
- The industry in which the insured operates.
- The insured's projected turnover.



When Should Clients Purchase Cover?

- New Product Launches.
- Expanding sale territories.
- Fast growing sales.
- Contractual obligations.
- Litigation amongst competitors.



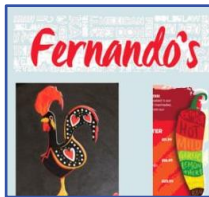
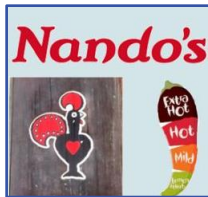
What Are The Benefits For Clients?

- Allows decisive legal action to be taken.
- Increases value of rights by facilitating funding/borrowing and licensing arrangements.
- Acts a deterrent/encourages settlement.



What Are The Benefits For IP Advisors

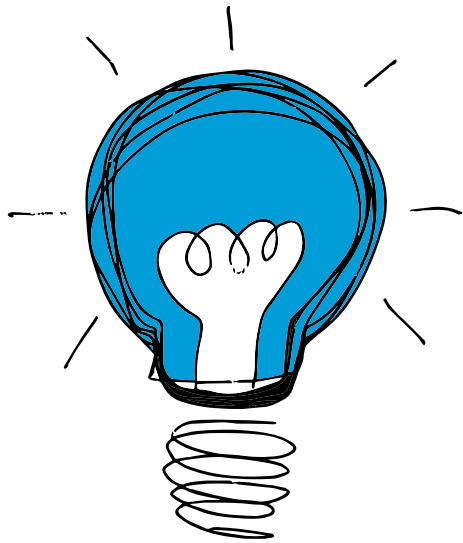
- ‘What’s the point of having IP if we can’t afford to enforce it?’
- Adding value by advising clients on an IP risk mitigation tool they are unlikely to be aware of.
- Advise on litigation that may not otherwise occur.



What Other IP Insurance is Available?

- Contingent Liability IP Insurance
- M&A Warranty and Indemnity IP Insurance





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