

BlogInsure Program Frequently Asked Questions

Who is insured under this program?

The insured can be either an individual person, or an entity such as a non-profit organization or a corporation, depending on the corporate structure of the operator of the blog site. If you are blogging in your own name as an individual person, then you are the appropriate insured. If you have formed a non-profit organization, a limited liability corporation (LLC) or other legal entity to operate the blog site, then that entity is the appropriate insured. However, in all instances the insured must be and remain a member of the MBA for the policy coverages to be applicable. For important information on the benefits of incorporation, please visit the MBA website.

If an entity is named as the insured, then both the entity itself, as well as its employees, officers, and directors, are insured under the policy. If the insured is an individual, then only that individual is insured under the policy. Other persons who post matter on the blog will not be insured. If there are multiple, independent contributors to the blog site, each individual should apply for coverage under the BlogInsure program.

What is insured under this program?

The program provides insurance for claims brought against the insured alleging a “wrongful act” arising out of the content on the insured’s blog site as a member of the MBA. The specific blog site must be identified in the application – e.g., www.johnsblog.blogspot.com. The BlogInsure program will respond to claims brought against the insured alleging a “wrongful act” arising out of all content on that blog site, regardless of whether the content was posted on the blog site by the insured or by a third party.

The following “wrongful acts” are covered under the BlogInsure program:

- all forms of defamation, such as libel, slander or disparagement
- all forms of invasion of privacy
- copyright infringement or similar allegations

In addition, some bloggers regularly post comments on or upload content onto other websites in addition to their own blogs. To address this situation, the BlogInsure program can include coverage for postings made by the insured on other blogs or websites. If you wish to purchase this coverage, you should answer “YES” to the appropriate question in the Application.

Does the program cover legal expenses if I need to hire an attorney?

Yes. With respect to a covered claim, the BlogInsure program provides coverage, in excess of the deductible, for both legal expenses incurred in defending the claim, as well as any monetary damages or settlements that the insured is required to pay. AXIS Insurance Company has extensive experience with these types of claims and has a wide network of law firm relationships around the country. Note that legal expenses are included within the limit of liability, meaning that legal expenses may exhaust the available limit.

What if I have multiple blog sites?

You should apply separately for coverage for each individual blog site.

Who developed the BlogInsure program and who is underwriting this coverage?

The BlogInsure program was developed jointly by the Media Bloggers Association and Media/Professional Insurance (“M/PI”). M/PI is a business unit within AXIS Insurance, a segment within AXIS Capital Holdings Limited, publicly traded specialty property and casualty insurance holding company. The professionals within M/PI have been leading underwriters of specialty professional liability insurance for media organizations for the past thirty years. In addition to the Media Bloggers Association, M/PI and AXIS Insurance Company underwrites or provides coverage for other leading media associations such as the National Association of Broadcasters and the American Association of Advertising Agencies. More information about M/PI can be found at www.mediaprof.com. More information about AXIS Insurance Company can be found at www.axiscapital.com.

Why do I have to be a member of the Media Bloggers Association in order to apply for this coverage, and why do I have to apply through the online application process?

One of the challenges in creating this program was to develop a streamlined process so that this insurance would be affordable to bloggers. The internet portal was developed to evaluate applications and deliver policy documents in a less time-consuming and costly way than the more traditional process. At the same time, there are more and more blogs with widely varying risk characteristics, and the underwriting process needed to include a way to identify the types of blogs that are eligible for the program. The partnership with the Media Bloggers Association allows us to offer this program to those bloggers who have shown the seriousness of purpose to join a professional trade association and have met its membership criteria.

Please review the Media Bloggers Association website found at <http://www.mediabloggers.org>. Pay particular attention to the Media Bloggers Association Mission Statement, Statement of Principles, and Standards. It is your adherence to these items as an association member that makes you eligible to apply for this coverage.

What is the purpose of the “Notice of Insurance” that insureds receive after they have successfully applied for coverage?

The “Notice of Insurance” is your proof that you have obtained coverage under the BlogInsure program. The program is structured as an association policy, which means the Media Bloggers Association has been issued a policy as the Named Insured. This policy provides coverage for the MBA’s own website as well as its members who successfully apply for coverage under the BlogInsure program. Those applicants will be added as additional insureds to the policy. The Notice of Insurance is evidence that you have been added to the policy, and it contains the key terms and conditions that are set forth in the policy.

What is the expiration date of the BlogInsure coverage, and how do I renew the coverage?

Because this policy is issued to the Media Bloggers Association, each Notice of Insurance issued in the BlogInsure program has a common expiration date. The expiration date is currently 9/01/2009. This means that your BlogInsure coverage will respond to claims first made against the insured prior to 9/01/2009. In advance of that date, you will receive a communication from M/PI advising you of the process for renewing your coverage.

If you choose not to renew, you will have the option to purchase an Extended Reporting Period (“ERP”). The ERP gives you an additional period of time in which to report claims under the policy, subject to certain important terms and conditions that are set out in the Notice of Insurance.

What are the deductibles and limits of liability that are available under the BlogInsure program? Are higher limits available?

Each insured under the BlogInsure program will receive a limit of liability of \$100,000 per claim and \$300,000 in the aggregate. In other words, the policy will provide \$100,000 of coverage (in excess of the deductible) for any one claim, and \$300,000 in the aggregate in the event of multiple claims against the insured in any one policy year. These limits are inclusive of defense expenses, meaning that legal expenses will erode the total limits that are available. Higher limits may be available under the BlogInsure program but will require the assistance of an M/PI representative.

The deductible under the program is \$2,500, meaning that the first \$2,500 incurred in either defense expenses or loss on each claim is the insured’s responsibility.

My online application was referred to an M/PI representative. Does this mean that I am unable to obtain coverage? What is the next step?

There are a number of reasons why your online application might require the assistance of an M/PI representative. The BlogInsure program was designed to apply to bloggers with certain specific risk characteristics. For example, the online application process was designed for bloggers who derive less than \$100,000 in annual revenues from their blogging activities. If your application does not fit within these parameters, or your membership in MBA is canceled or lapses, you should speak to an M/PI representative to determine whether or not you will qualify for coverage under the program.

What constitutes a “claim” under the program, and what should I do in the event of a claim?

A claim is any written notice that you receive seeking damages or any other relief as a result of content on your blog site. You should immediately report this claim to:

AXIS Insurance Company
C/O Media/Professional Insurance
Attn: BlogInsure Program
2300 Main St., Suite 800
Kansas City, MO 64109

Or e-mail usclaimnoticekc@axiscapital.com.

Does the insurance cover video, podcasts or other forms of audio?

Yes, if they are contained on the insured blog site. The policy covers any content posted on the insured blog site, including audio, visual, and digital material.

Does the insurance cover uploads to video sharing sites like YouTube?

As previously mentioned, the BlogInsure program can include coverage for original postings or uploads made by the insured on other blogs, websites, or video-sharing sites. However, unlicensed uploads of copyrighted material on others’ sites will not be covered.

What if I am located outside the United States of America, am I eligible for this program?

Currently, only individuals or entities located in the United States are eligible for the BlogInsure program. We are working on developing a similar program for non-U.S. residents and entities. In the meantime, M/PI has insurance operations around the world and would be glad to assist you in obtaining appropriate insurance coverage. Please contact us if you would like additional information.