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**QUESTIONNAIRE**

For Applicants for Errors and Omissions Insurance

CLIENT NAME: \_\_\_\_\_

COMPANY NAME, IF ANY: \_\_\_\_\_

State of incorporation or formation: \_\_\_\_\_

NAME OF PRODUCTION: \_\_\_\_\_

Please answer the following questions:

1. Who owns the copyright to the script? \_\_\_\_\_

a. Was it written as a work for hire?  Yes  No

b. If so, who is the creator, and who is the owner: \_\_\_\_\_  
\_\_\_\_\_

2. What is the title of your production: \_\_\_\_\_  
\_\_\_\_\_

a. Is this title subject to change, or is it final? \_\_\_\_\_

b. Have you conducted a title search?  Yes  No

c. Have you conducted a copyright search?  Yes  No

d. Has the script been registered for copyright?  Yes  No

If so, please supply registration number: \_\_\_\_\_

If either of the above searches has been made, please send us a copy of the reports.

e. Have any research reports been ordered (e.g. Marshall Plumb)?  Yes  No

If yes, please send us a copy.

3. What are the names of the Producers? \_\_\_\_\_  
\_\_\_\_\_

4. What kind of a production is it?

Motion Picture for Initial Theatrical Release

Run Time: \_\_\_\_\_

Motion Picture for Initial Television Release

Program Time: \_\_\_\_\_

TV Special

Program Time: \_\_\_\_\_

Documentary

Theatrical Stage Presentation

Other (Please explain.) \_\_\_\_\_

5. Production is:

Entirely Fictional

Entirely Fictional but inspired by real events or occurrences

True Portrayal of real events or occurrences

True Portrayal of real events or occurrences but includes some fictionalization

Based on another work

Name of other work and its author: \_\_\_\_\_

Type of underlying work (e.g. play, book, prior movie): \_\_\_\_\_

Have the necessary agreements and release forms from the owners of the other work been obtained?  Yes  No

If any of the characters in the script are real individuals, or based on real persons, are any of them currently alive?

If so, list their real names, and the character name given them in the script. \_\_\_\_\_  
\_\_\_\_\_

Have releases been obtained from any living persons who appear in the script?  Yes  No

If so, do the releases, (a) give you the right to edit and modify material, (b) give you the right to fictionalize them, and (c) give you the right to market the production in all media and markets? \_\_\_\_\_

Do you intend to show any trademarks in the production?       Yes       No

Will any artwork, photos or other copyrightable material be incorporated in the production?  
 Yes       No

Are any places or identifiable locations mentioned in the script (e.g. Madison Square Garden, Culver City)?       Yes       No

For each locale please indicate if it is real, based on a real place, or entirely fictional. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What year(s) does the story take place? \_\_\_\_\_

6. Nature of Content:

- |  |   |
|--|---|
| <input type="checkbox"/> For Children                  | <input type="checkbox"/> Interview          |
| <input type="checkbox"/> Investigative Report          | <input type="checkbox"/> Variety            |
| <input type="checkbox"/> News                          | <input type="checkbox"/> Musical            |
| <input type="checkbox"/> Dramatic                      | <input type="checkbox"/> Animated           |
| <input type="checkbox"/> Previously Released Film      | <input type="checkbox"/> Religious          |
| <input type="checkbox"/> Educational                   | <input type="checkbox"/> "How to"           |
| <input type="checkbox"/> Sports                        | <input type="checkbox"/> Made for Public TV |
| <input type="checkbox"/> Reality                       |   |
| <input type="checkbox"/> Other (Please explain.) _____ |   |

7. Have all licenses and consents been obtained from:

- |   |                              |                             |
|---|------------------------------|-----------------------------|
| A. Authors and writers of screenplay          | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| B. Authors and writers of underlying works    | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C. Music Owners, including the rights for the |                              |                             |
| 1. Lyrics                                     | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Music                                      | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Recording and synchronization              | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Performance rights                         | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Soundtrack, CD tape                        | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Videotape, videocassette or videodisc      | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| D. Film Clip Owners, including from           | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 1. Licensing entities                         | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Copyright owners                           | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Music owners, including the rights for the |                              |                             |

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| a. lyrics  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| b. music   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| c. recording and synchronization   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| d. performance rights  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| e. soundtrack, CD, tape  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| f. video, videocassettes, or videodisc   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Writers or authors  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| E. Performers or persons appearing in the production   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| F. Persons (alive or deceased) whose name, likeness,<br>or persona is used in the production         | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| G. All entities for distribution on videotape, videocassette<br>or videodisc or other new technology | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
8. Has insurance for this production been previously applied for?  Yes  No
9. Do you desire coverage for merchandising?  Yes  No
10. Are any trademarks to be shown in the production?  Yes  No  
If so, indicate which and the context in which they will be shown: \_\_\_\_\_
- 
11. Will any phone numbers or actual addresses be mentioned in the production?  Yes  No
12. Do you have an annotated copy of your script?  Yes  No  
If so, please send us a copy (if you intend to prepare an annotations, our guidelines are attached).

## **Annotation Guidelines**

Screenwriters should annotate their scripts to document the source of their work. A careful annotation will help a screenwriter defend against defamation and invasion of privacy lawsuits by demonstrating that the writer acted carefully. When a public figure or public official sues for defamation they must prove that the defendant acted with “actual malice.”

Annotations shall specify the source of all script elements except those elements that are completely fictional and arise wholly from the writer’s imagination. Script elements include characters, events, settings and dialogue. Annotations are typically written in the margin of the script, or they are in the form of footnotes or endnotes to the text. Annotations should include the following information:

1.     **CHARACTERS:** For each character note the following information:
  - (a)     Whether the character is a real person, a fictional or a composite character.
  - (b)     For real characters, whether the actual person is living or dead.
  - (c)     For composite characters, the name(s) of actual person(s) on whom the composite character is based, and what traits can be attributed to the real person(s).
  
2.     **SCENES:** Note whether each script element portrays fact or fiction.
  - (a)     If fact, or an inference from fact, describe the source material for script elements, including the following:
    - (i)     For books: title, author, publisher and page(s).
    - (ii)    For newspaper or magazine articles: title, author, publisher, date and page.
    - (iii)   For materials obtained from the Internet: author, title of article, web site address. If material has been repurposed from another medium, note the title, author, publication etc. of the underlying work.
    - (iv)    For materials based on radio or television interviews or programs: date, time of broadcast, broadcast station or source, interviewer, program name.
    - (v)     For interviews: Name of subject, whether notes or tapes exist, reference to tape or transcript page number.
    - (vi)    For trial or deposition transcripts: the court or other forum, date, person testifying, and transcript page number.

(vii) To the extent possible, multiple sources should be identified for each script element.

(b) If a partly fact and partly fiction, indicate which portions are fact and which are fiction. For factual parts, describe source material as specified in Paragraph 2(a) above.

(c) If entirely fictional, notation is not required.

3. MISCELLANEOUS:

(a) Copies of reference materials referred to in annotations should be retained for at least five years after the film or program has been released. Materials should be cross-indexed by script page and scene numbers.

(b) If margin annotations are coded to avoid repeated lengthy references, a key to such coding should be provided.