MARSH

Protecting intellectual property through a bespoke insurance program

For many organizations, intellectual property (IP) is one of their most valuable assets, generating revenue, strengthening competitive advantage, enabling licensing opportunities, and helping drive long-term growth.

Yet many companies still do not have the right insurance in place to help protect themselves against potential IP theft, misuse, infringement allegations, or challenges to the value of their IP. This is often because IP risk does not fit neatly into a standard insurance program. Traditional policies may respond to some IP-related exposures, but most were not built to address the full range of risks companies face today.

At the same time, IP-related litigation in the US has more than tripled since the mid-2000s, making it more important than ever for organizations to understand their exposures and put the right coverage in place.

Marsh's intellectual property specialists can help organizations like yours identify where your specific IP exposures lie, determine whether your current coverage provides sufficient protection, and design a program that aligns with your business priorities.

What is IP risk?

Intellectual property is a broad term that generally includes patents, trademarks, copyrights, trade secrets, and related rights. These assets can take many forms, from proprietary technology and product designs to software, content, branding, formulas, processes, and confidential know-how.

While virtually any organization may have IP exposure, the need for specialized protection is often greatest for organizations in technology, life sciences, media and communications, manufacturing, financial institutions, renewable energy, transportation, and construction. However, any company with valuable IP or meaningful reliance on third-party IP can face material risk.

Why should organizations consider specialized insurance to protect IP?

Many organizations assume their existing insurance program will respond to an IP-related issue, only to find that coverage may be narrow, limited to specific circumstances, or unavailable for the types of claims they are facing. Traditional policies, such as commercial general liability, media liability, or errors and omissions, may address certain copyright or trademark exposures in limited contexts, but they often do not adequately address patents, trade secrets, contractual indemnity obligations, or disputes involving ownership or invalidation.

Specialized IP insurance can help fill those gaps. Depending on the policy structure and the organization's needs, available coverages may help address:

- Defense costs and damages arising from allegations that the company infringed a third party's IP rights
- Costs associated with attempts to invalidate or challenge the company's scheduled IP rights
- Certain contractual indemnity obligations tied to products, technology, or licensed IP
- In some cases, pursuit or enforcement-related costs and other first-party protections

In most cases, there is no one-size-fits-all answer. Organizations often need a program that reflects the nature of their IP portfolio, their litigation profile, their contracts, their geographic footprint, their industry, and their tolerance for retained risk. For example, a company focused on protecting a defined patent portfolio may need a different structure from one that is more concerned about infringement allegations tied to products, software, or supply chain partners. That is why careful assessment and tailored design matter.

A wide range of solutions

Our team helps companies like yours access a range of intellectual property insurance solutions. These include proprietary offerings:

- **IP Protect** is a Marsh-developed solution designed to address core defensive IP exposures, including allegations of infringement and certain challenges to insured IP rights.
- **Edison IP** is a Marsh facility developed with key Lloyd's markets that can support more bespoke placements and significant primary or excess capacity, subject to underwriting.

The wide range of solutions provides you with an option to build a program that best aligns with your company's needs. The most appropriate program may involve one product, multiple insurers, excess layers, manuscript wording, or a combination of solutions tailored to the client's specific needs.

Why work with Marsh?

Our specialists combine market knowledge, underwriting relationships, and experience across industries to help you evaluate available options and make more informed decisions. We help you:

- Identify the IP assets and exposures that matter most to your business
- Assess where existing insurance may leave gaps
- Understand the practical differences among available IP coverages
- Evaluate how litigation, licensing, product development, and contractual obligations may affect your insurance needs
- Structure limits, retentions, and coverage terms around your organization's risk profile
- Negotiate tailored wording and program design with relevant underwriters and markets

Whether your organization is exploring IP insurance for the first time or reassessing an existing program, our team can help you identify the protection your company needs and design a more effective path forward.

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Contact us

We help organizations like yours move beyond generic assumptions and build insurance programs around your actual needs. Contact your Marsh representative for more information.

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About Marsh

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