

# Edison IP

An innovative facility with significant benefits for companies seeking to protect their intellectual property (IP) rights.



Marsh's Edison IP provides efficient access to up to USD85 million of primary and excess insurance capacity with leading Lloyd's market terms and conditions, with an optional reinstatement in the event of a loss.

## Protecting your intellectual property

Intellectual property provides companies with a competitive advantage. Defined as "*creations of the mind*", it includes patents, copyright, trade marks, design rights, and trade secrets. IP is a differentiator and companies that own IP can monetise it by licensing it, selling it, or using it to create new products and services. Before building and growing these revenue streams, the company must firstly protect its IP via patents, trade mark etc. Secondly, it must consider the risk of infringement and transfer that risk in order to protect its balance sheet.

The scale of companies' IP is growing. Recent data suggests that the shift from tangible to intangible assets continues, with up to 90% of the market value of S&P 500 companies comprising intangible assets<sup>1</sup>. In today's economy, the protection of these assets is a concern for those looking to protect their growth, revenue, and business resilience.

IP infringement can profoundly affect businesses, industries, and economies. Disputes over the ownership or scope of IP are frequent, with economic turbulence causing companies to act more swiftly to protect their IP. In addition, claims activity from non-practising entities is increasing, often bolstered by litigation funders willing to assume the risk and expense of litigating these disputes.

And so now, more than ever, companies should recognise the importance of valuing, managing, and protecting their IP.

## IP solutions

While companies' IP assets are growing, there are limited insurance solutions available. Traditional insurance policies designed to protect physical assets against perils are unlikely to protect intangible assets. Such policies may only respond to liability risk and provide limited, or no, protection for the significant first-party losses that can arise when a company is required to defend an allegation of infringement or litigate against an infringer, or has lost revenue or some other value associated with a challenged IP right.

Currently there are a limited number of insurers willing to underwrite intellectual property; at the same time, they recognise clients' need to transfer this risk off their balance sheets.

Working with key Lloyd's markets, Marsh's specialist IP team has created an innovative insurance solution that bridges the gap where traditional policies might not provide sufficient protection for defending infringement claims or meet client needs in protecting the value of their IP.

## Introducing our Edison IP facility

Edison IP is an innovative coverage solution, offering a single layer of up to USD85 million of primary or excess capacity (subject to underwriting), led by the leading IP insurers in the London market.

## Edison IP includes a primary reinstatement option which can be purchased at inception or mid-term.

Developed exclusively for Marsh clients, Edison IP is available globally and provides the following benefits:

- Bespoke Marsh primary IP wording for defence cover up to USD85 million or GBP/EUR65 million.
- Worldwide coverage, available to companies domiciled and operating anywhere Lloyd's is licenced.\*
- Flexible scope of cover that can protect discrete or entire portfolios of owned and/or licensed IP.
- Additional first party covers such as invalidation cover, reputation and brand protection, emergency costs, registration and maintenance fees loss, and withdrawal costs as standard, with optional loss of future profit cover.
- A primary reinstatement option that can either be purchased at inception or at any point during the policy period for an additional premium.

### Who is Edison IP for?

- Exclusively for Marsh clients globally.
- Medium to large public and private organisations across most major industries.\*\*

### Lineslip benefits

- A panel of two lead insurers and automatic follow capacity insurers.
- Streamlined post-placement process to ensure quick policy issuance and invoicing.
- Spreading risk across a large panel of insurers to reduce volatility to individual markets and protect clients from extreme market cycles.
- Efficient claims management with no more than two claims agreement parties.
- Swift quote turnaround periods from lead insurers to ensure high level of service and timely response times.

\* Limited appetite for risks domiciled in India, China, and New York State.

\*\* Excluded industries include non-practising entities, patent assertion entities, patent trolls, patent pooling structures; creative works; cryptocurrency; non-fungible tokens (NFTs); thermal coal mining, thermal coal power production, oil sands, or Arctic energy exploration, or any related infrastructure to the latter. Insurers have a limited appetite for pharmaceutical risks with revenues over USD1 billion; automotive risks (connected/self-drive vehicles) with revenues over USD500 million; semiconductor/chip manufacturers with revenues over USD500 million.





## EDISON IP WORDING BENEFITS

- Cover for all of a company's IP including patents, copyright, trade marks, trade secrets, and design rights.
- Defence cover for the insured or an indemnified party, as standard.
- Up to USD50,000 in emergency costs.
- Up to USD100,000 for media costs and expenses.
- Additional first party covers including invalidation cover, reputation and brand protection, registration and maintenance fee loss, and withdrawal costs as standard, with optional loss of future profit cover.
- Cover for claims relating to standard-essential patents.
- Insured's own choice of defence counsel.
- Cover for claims made by non-practising entities.

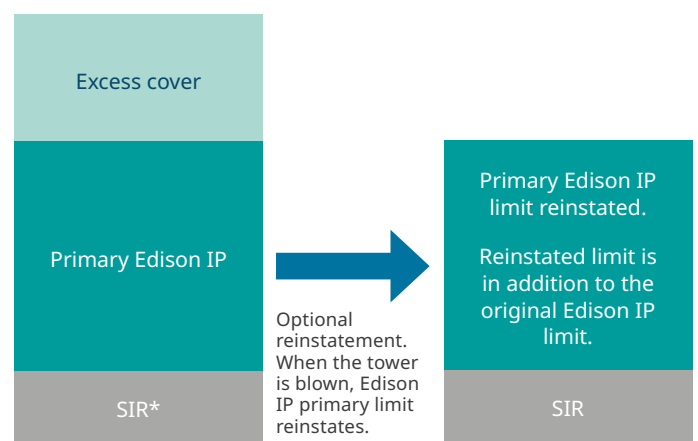
### Capacity

Limits up to USD85 million or GBP/EUR65 million for primary or excess cover.

## HOW EDISON IP REINSTATEMENT WORKS

The reinstatement provides additional insurance capacity for organisations seeking to transfer more risk. It can be purchased either at inception of cover or at any point during the policy period. The insured can choose to pay at inception for a lower premium or purchase the reinstatement during the policy period at a higher premium. Both options are priced at the time of quoting.

### Primary coverage



\*SIR - Self-insured retention

## Financial stability of insurers

Edison IP is underwritten by a panel of insurers at Lloyd's of London. Lloyd's is regulated by the United Kingdom's Financial Conduct Authority and Prudential Regulatory Authority. As of May 2024, Lloyd's financial strength is rated as follows:

- A (excellent) from AM Best.
- AA- (very strong) from Standard & Poor's.

## Contract certainty/policy documentation

Edison IP is bound on a London Market Reform Contract (MRC) in accordance with the contract certainty initiative. The contract conforms with market requirements to have wordings agreed and underwriters' participation understood prior to the inception of cover.

This is a marketing communication. The information contained herein is based on sources we believe reliable and should be understood to be general risk management and insurance information only.

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