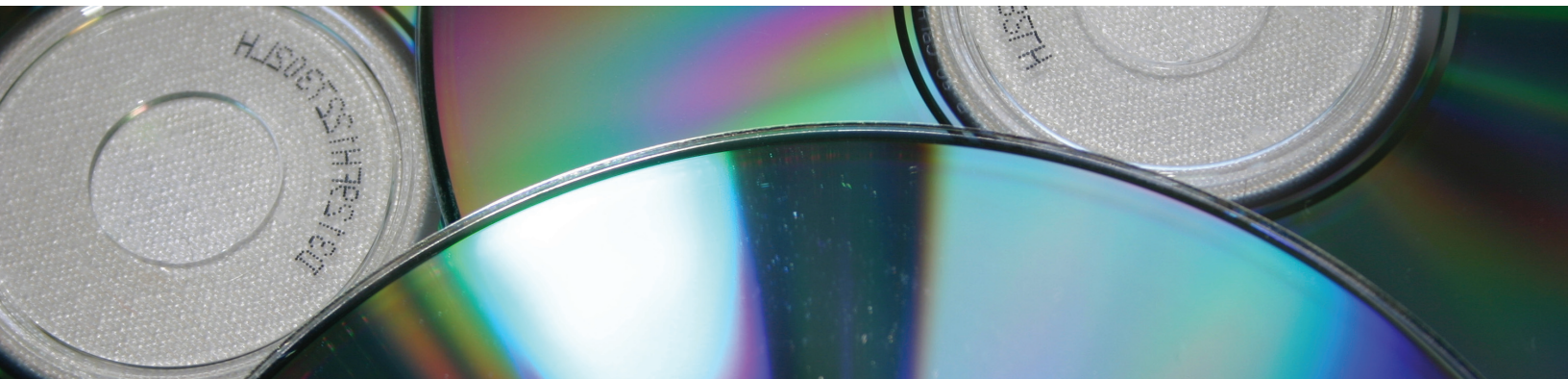


Intellectual Property Infringement/Trademark



the facts

A software company had been using a trademarked name which was registered when the company became incorporated. The trademarked name was researched through a law firm contracted by the software company.

A third party later alleged that it was using the trademarked name prior to the use by the software company and therefore claimed intellectual property rights to the mark. This third party further alleged that the software company's use of the trademark diluted its value as a sales tool and that they suffered damages in the form of lost business.

Risk Factor #1

It is important that trademarked names are handled properly by the legal team and that documentation on the process is retained.

the result

Legal fees to successfully defend this insured exceeded \$100,000.

Risk Factor #2

The Technology Errors and Omissions Liability Policy included coverage via endorsement for Wrongful Acts arising from the infringement of an intellectual property right. These include infringement of copyright, trademark, trade name, service name, trade dress and domain name.



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