



**CHUBB AND SON, INC.**  
**ELECTRONICS AND INFORMATION TECHNOLOGY**  
**ERRORS & OMISSIONS APPLICATION**  
**(Claims Made Coverage)**

Some sections of the application will not apply to your firm. Where this is the case, please mark "not applicable" (N/A).

Before continuing, please attach copies of:

1. Advertising Materials and Product Brochures
2. Copies of your standard and largest sales, service & license contracts
3. Your most recent annual report or audited financial statement 10Q, 10K if not available via the internet
4. If your company is less than three years old your proforma and business plan
5. Loss runs for the last five years
6. A sample of your "Work for Hire" with your subcontractors
7. Please list All of your web site addresses: www. \_\_\_\_\_  
 \_\_\_\_\_

**Part I General Information**

Name of Insured (Include names of all subsidiary or affiliated companies to be insured): \_\_\_\_\_  
 \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_

Requested Effective Date: \_\_\_\_\_ Requested Retroactive Date: \_\_\_\_\_

**Limit of Insurance:**

	<b>Aggregate Claim Limit</b>
Requested:	\$
Optional:	\$
Optional:	\$

**Deductible (each claim):**

€ \$25,000    € \$50,000    € \$100,000  
 € \$250,000    € \$500,000    € Other: \$ \_\_\_\_\_

**Worldwide Revenue including Licensing fees:**

	<b>Domestic</b>	<b>Foreign</b>
Prior year:	\$	\$
Current year:	\$	\$
Estimated next year:	\$	\$

What is the size of your average contract or licensing agreement? \$ \_\_\_\_\_

What is the average time frame of your contracts? \_\_\_\_\_ Weeks    \_\_\_\_\_ Months    \_\_\_\_\_ Years

What is the size of your largest contract or licensing agreement? \$ \_\_\_\_\_

**Composition of your Workforce:**

	<b>Domestic</b>	<b>Foreign</b>
Technical:	\$	\$
Sales and Marketing:	\$	\$
Work for Hire:	\$	\$

**Mergers or Acquisitions or Divestitures:**

Have you sold any companies during the past three (3) years: \_\_\_ Yes \_\_\_ No

Did you retain the liabilities?

Have you purchased any companies during the past three (3) years: \_\_\_ Yes \_\_\_ No

Did you purchase: \_\_\_ Assets \_\_\_ Liabilities

Does your due diligence contain any of the following?

Review of prior litigation?	Yes/No
Evaluation of outstanding contracts?	Yes/No
Consideration of existing maintenance agreements?	Yes/No

**Part II Types of Products/Services**

General Description of Products/Services:

Hardware/ Peripheral Equipment/ Components/ Machinery & Equipment:

Types of Products/ Services	% of Prior yr. Revenue	% of Annual Revenue

Software Development/Consulting/ Value Added Reselling/ Data Processing/ Retail or Wholesale/ Maintenance or Service

Types of Products/ Services	% of Prior yr. Revenue	% of Annual Revenue

Ecommerce/ Web Hosting/ Access Provider/ Co-location/ Web Design/ Streaming/

Types of Products/ Services	% of Prior yr. Revenue	% of Annual Revenue

Please outline other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Part III Application of Products/Services**

Is the application of any of your products you develop, or services you provide, included in the following areas described below: if yes, please provide percentage of annual revenue:

<b>Products/Services Application</b>	<b>% of Annual Receipts</b>
Medical purposes	
Aerospace/ defense applications	
Fire, security, or other emergency applications	
Provide online security advice/ products	

Privacy application	
Manufacturing. Process controls	
Oil and Gas/Power/ Nuclear Energy	
Pollution/ Environmental Equipment	
Banking, financial transaction and inventory	

Typical End User:

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List any customer that represents 10% or more of your total revenue:

Customer	Revenue	Product/Service

Have any of your products or services not been Year 2000 compliant?  Yes  No

Have you discontinued any product or service in the past three years?  Yes  No

If yes, do you continue to provide service/maintenance?  Yes  No

#### Part IV Contract Review/ Licensing Agreements

Does your *Contractual Management Processes and Protocols* include the following:

Acceptance of Consequential Damages	Yes/No
Change orders not integrated into final contracts	Yes/No
Legal review of all product and promotional material	Yes/No
Proposals without complete RFP's	Yes/No
Dispute Arbitration/ Resolution	Yes/No
Acceptance of customized contracts	Yes/No
Dollar value size of contracts	Yes/No
Length or duration of contract term	Yes/No
Use of Non-standard or Customized Contracts	Yes/No

Are any of the following provisions built into your sales contracts and licensing agreements that inure to your benefit?

Arbitration Clause	Yes/No
Choice of Law or Jurisdiction	Yes/No
Force Majeure	Yes/No
Guarantees	Yes/No
Limitation Of Liabilities	Yes/No
Limitation Of Consequential Damages	Yes/No
Hold Harmless Agreements	Yes/No
Performance Milestones including testing	Yes/No
Warranty Disclaimers	Yes/No

Contact Name, Address, and e-mail address of your legal counsel:

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**Part V Subcontractors, Vendors and Independent Contractors**

Do you require certificates of insurance from all subcontractors, vendors and independent contractors?  Yes  No  
 If yes, at what limit of insurance? \$ \_\_\_\_\_

For general liability insurance (incl. Products)  Yes  No  
 For errors and omissions insurance  Yes  No

Do you specifically subcontract any of the following:?

Software Development  Yes  No  
 Service, Support, Customer Consulting  Yes  No  
 Maintenance of your product  Yes  No

If yes, do you have specific written contracts with these sub-contractors?  Yes  No

How much work is generated using subcontractors? \_\_\_\_\_

Will you accept any of the following in the contracts with your vendors?

Arbitration Clause	Yes/No
Choice of Law or Jurisdiction	Yes/No
Force Majeure	Yes/No
Guarantees	Yes/No
Limitation Of Liabilities	Yes/No
Limitation Of Consequential Damages	Yes/No
Hold Harmless Agreements	Yes/No
Performance Milestones including testing	Yes/No
Warranty Disclaimers	Yes/No

**Part VI Quality Control/System Development Procedures**

Does your quality control procedures include any of the following?

Alpha testing	Yes/No
Beta Testing	Yes/No
Formal customer acceptance procedures	Yes/No
Prototype Development	Yes/No
Statistical Process Control	Yes/No
Vendor Certification Process	Yes/No
Total Quality Management	Yes/No
Written and Formalized Quality Control Program?	Yes/No

Do you have a formal product recall plan?  Yes  No

How long are development documents, contracts and other critical documents retained?  
 Weeks  Months  Years  Unlimited

Are any of your products or services produced according to any widely accepted industry standards?  
 UL/ CSA, ISO 9000 series, CE Mark, ANSI, other: Please describe: \_\_\_\_\_  
 \_\_\_\_\_

## Part VII Customer Support

Does your customer or product support include any of the following? If yes, please check the box.

E-mail	
Website	
Customer site visitation	
Fax	
In house repairs	
Toll Free numbers	

Describe your customer training and support: \_\_\_\_\_  
\_\_\_\_\_

Do you maintain written logs for customer complaints of problems or downtime? \_\_\_ Yes \_\_\_ No  
If yes, how long are they retained? \_\_\_ Weeks \_\_\_ Months \_\_\_ Years \_\_\_ Unlimited

Describe your dispute resolution process: \_\_\_\_\_  
\_\_\_\_\_

Who has the ultimate responsibility for seeing that problems or disputes are resolved?  
\_\_\_\_\_  
\_\_\_\_\_

How do you inform customers of problems you discover after your product is delivered?  
\_\_\_\_\_  
\_\_\_\_\_

How are changes to contract specifications and customer sign-off handled?  
\_\_\_\_\_  
\_\_\_\_\_

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## Part VIII Facility and Network Protection & Security (Please complete this section if you are involved in Internet activities/ E-commerce as a service to others)

Do you have a written and formalized network and physical security policy statement? \_\_\_ Yes \_\_\_ No

Do You Have A Network/ Physical Security Manager? \_\_\_ Yes \_\_\_ No

Are All Of Your Network/ Physical Security Procedures Documented and Followed? \_\_\_ Yes \_\_\_ No

Have you tested and audited Your Network/ Physical Security Features, Processes and Procedures? \_\_\_ Yes \_\_\_ No

Are All Security Threats and Incidents Logged and Investigated? \_\_\_ Yes \_\_\_ No

Is Your Disaster Recovery Program Formalized and Tested? \_\_\_ Yes \_\_\_ No

Do you have any procedures to deal with a crisis? \_\_\_ Yes \_\_\_ No

Does Your Network Security Program Include User Account Management that focuses On the Identification, Authentication and Access Authorization? \_\_\_ Yes \_\_\_ No

Are All Employees and Subcontractors Screened Using Reference, Background, And Credit Checks? \_\_\_ Yes \_\_\_ No

Do All Employees and Subcontractors Receive Network and Physical Security Training? \_\_\_ Yes \_\_\_ No

Do Employee Termination Procedures Include Immediate Revocation Of All Access To Systems, Facilities And Networks?

\_\_\_ Yes \_\_\_ No

Please highlight the encryption, firewalls, virus protection, security protocols and intrusion detection used to protect the data stored on your networks and servers: generic question format

\_\_\_\_\_

Have you experienced a security breach? \_\_\_ Yes \_\_\_ No if yes, what have you done to prevent it from occurring again?

\_\_\_\_\_

**Part IX Historical Information**

Have you had any product recalls? \_\_\_ Yes \_\_\_ No

Have you or your sub-contractors been responsible for any delays or past due contracts? \_\_\_ Yes \_\_\_ No

If yes; for either of the above questions, please describe each situation (use additional pages as needed)

Are any contracts currently past due acceptance? \_\_\_ Yes \_\_\_ No

If yes please explain:

\_\_\_\_\_

Within the past three years have any customers withheld payment due to contract disputes? \_\_\_ Yes \_\_\_ No

If yes, please explain:

\_\_\_\_\_

List all suits, potential suits, complaint letters, disputes or any other circumstances alleging non-performance of your product or services:

\_\_\_\_\_

Has any company ever declined to write errors & omissions coverage for you? \_\_\_ Yes \_\_\_ No

Reason for declination:

\_\_\_\_\_

Do you currently purchase Errors & Omission? \_\_\_ Yes \_\_\_ No

If yes, please list:

Current Carrier:	
Term:	
Limit:	\$
Deductible:	\$
Premium:	\$
Retroactive date:	

The undersigned is an authorized employee of the prospective named insured and certifies that reasonable inquiry has been made to obtain the answers herein which are true, correct and complete to his/her best knowledge and behalf.

\_\_\_\_\_

\_\_\_\_\_

Signing this application shall not constitute a binder or obligate the company to complete this insurance, but it is agreed this application shall be the basis, which a policy may be issued.

\_\_\_\_\_

\_\_\_\_\_

Signature of Authorized Representative & Title

Date

E-mail Address: \_\_\_\_\_

**NOTICE TO APPLICANT - PLEASE READ CAREFULLY.**

**FOR THE PURPOSES OF THIS APPLICATION, THE UNDERSIGNED AUTHORIZED AGENT OF ALL PERSON(S) AND ENTITY(IES) PROPOSED FOR THIS INSURANCE DECLARES THAT, TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF, AFTER REASONABLE INQUIRY, THE STATEMENTS IN THIS APPLICATION, AND IN ANY ATTACHMENTS, ARE TRUE AND COMPLETE. THE COMPANY IS AUTHORIZED TO MAKE ANY INQUIRY IN CONNECTION WITH THIS APPLICATION. ACCEPTING THIS APPLICATION DOES NOT BIND THE COMPANY TO COMPLETE, OR THE APPLICANT TO PURCHASE, THE INSURANCE.**

**IF THE INFORMATION IN THIS APPLICATION OR IN ANY ATTACHMENT MATERIALLY CHANGES BETWEEN THE DATE OF THIS APPLICATION AND THE POLICY EFFECTIVE DATE, THE APPLICANT MUST NOTIFY THE COMPANY, WHO MAY MODIFY OR WITHDRAW ANY QUOTATION OR AGREEMENT TO BIND INSURANCE.**

**NOTICE TO ARKANSAS, MINNESOTA, AND OHIO APPLICANTS: ANY PERSON WHO, WITH INTENT TO DEFRAUD OR KNOWING THAT HE/SHE IS FACILITATING A FRAUD AGAINST AN INSURER, SUBMITS AN APPLICATION OR FILES A CLAIM CONTAINING A FALSE OR DECEPTIVE STATEMENT IS GUILTY OF INSURANCE FRAUD, WHICH IS A CRIME.**

**NOTICE TO COLORADO APPLICANTS: IT IS UNLAWFUL TO KNOWINGLY PROVIDE FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES, DENIAL OF INSURANCE, AND CIVIL DAMAGES. ANY INSURANCE COMPANY OR AGENT OF AN INSURANCE COMPANY WHO KNOWINGLY PROVIDES FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO A POLICY HOLDER OR CLAIMANT FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE POLICY HOLDER OR CLAIMANT WITH REGARD TO A SETTLEMENT OR AWARD PAYABLE FROM INSURANCE PROCEEDS SHALL BE REPORTED TO THE COLORADO DIVISION OF INSURANCE WITHIN THE DEPARTMENT OF REGULATORY AGENCIES.**

**NOTICE TO FLORIDA APPLICANTS: ANY PERSON WHO, KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD, OR DECEIVE ANY EMPLOYER OR EMPLOYEE, INSURANCE COMPANY, OR SELF-INSURED PROGRAM, FILES A STATEMENT OF CLAIM OR AN APPLICATION CONTAINING ANY FALSE OR MISLEADING INFORMATION IS GUILTY OF A FELONY OF THE THIRD DEGREE.**

**NOTICE TO KENTUCKY APPLICANTS: ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE CONTAINING ANY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME.**

**NOTICE TO MAINE AND VIRGINIA APPLICANTS: IT IS A CRIME TO KNOWINGLY PROVIDE FALSE, INCOMPLETE OR MISLEADING INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING THE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES, OR A DENIAL OF INSURANCE BENEFITS.**

**NOTICE TO MARYLAND APPLICANTS: ANY PERSON WHO, WITH INTENT TO DEFRAUD OR KNOWING THAT HE/SHE IS FACILITATING A FRAUD AGAINST AN INSURER, SUBMITS AN APPLICATION OR FILES A CLAIM CONTAINING A FALSE OR DECEPTIVE STATEMENT MAY BE GUILTY OF INSURANCE FRAUD.**

**NOTICE TO NEW JERSEY APPLICANTS: ANY PERSON WHO INCLUDES ANY FALSE OR MISLEADING INFORMATION ON AN APPLICATION FOR AN INSURANCE POLICY IS SUBJECT TO CRIMINAL AND CIVIL PENALTIES.**

**NOTICE TO NEW MEXICO APPLICANTS: ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO CIVIL FINES AND CRIMINAL PENALTIES.**

**NOTICE TO NEW YORK APPLICANTS: ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS AND THE STATED VALUE OF THE CLAIM FOR EACH SUCH VIOLATION.**

**NOTICE TO OKLAHOMA APPLICANTS: ANY PERSON WHO KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD OR DECEIVE ANY INSURER, MAKES ANY CLAIM FOR THE PROCEEDS OF AN INSURANCE POLICY CONTAINING ANY FALSE, INCOMPLETE OR MISLEADING INFORMATION IS GUILTY OF A FELONY.**

**NOTICE TO OREGON AND TEXAS APPLICANTS: ANY PERSON WHO MAKES AN INTENTIONAL MISSTATEMENT THAT IS MATERIAL TO THE RISK MAY BE FOUND GUILTY OF INSURANCE FRAUD BY A COURT OF LAW.**

**NOTICE TO PENNSYLVANIA APPLICANTS: ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND SUBJECTS SUCH PERSON TO CRIMINAL AND CIVIL PENALTIES.**