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Article

More content, more risk: Addressing the personal injury coverage gap

Angela Weaver • March 28, 2024

In our increasingly online world, the ease with which anyone, regardless of expertise, can publish articles, podcasts and videos, creates new risks for content creators and publishers, particularly the risk of being held liable for another's reliance on their content, potentially regardless of whether they intended for their audience to rely on it. Indeed, even information merely perceived as advice that results in injury; bodily, financial or otherwise, can expose a content creator or publisher to legal peril.

Consider a wellness publication that endorses a particular health practice—perhaps there is a strong scientific consensus as to the practice's efficacy, perhaps there is not—and a consumer is injured while partaking in the practice. If the consumer decides to sue the publication and is successful, any injuries for which the publication is found liable might not be covered under standard general liability policies, or even many media liability policies.

Unfortunately, most content creators and publishers don't have easy access to advisors who can steer them clear of such risks. This is why specialised media liability insurance is so important.

Looking beyond general liability

Traditionally, physical injury risk is associated with general liability coverage (known as "public liability" in the UK). However, many general liability carriers will not cover claims stemming from an insured's professional advice or published work.

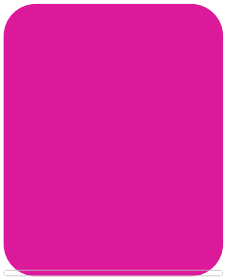
This gap in coverage is due to the unique challenges posed by media liabilities and is a potentially major source of financial and legal risk for businesses and individuals. Finding out that a general liability policy, or even an existing media liability policy, does not provide cover for harm

stemming from published content, online or elsewhere, can come as an unwelcome surprise for clients.

Addressing the coverage gap

As content creators and publishers forge ahead in the digital era, the importance of specialised media liability coverage is becoming increasingly apparent. There are several advantages to such coverage. First, specialised media liability policies can often be tailored to suit the needs of each client. They often include covers that go beyond traditional media policies (e.g., defamation, privacy and intellectual property infringement), and include negligence and breach of contract. For example, a negligent breach of contract in the performance of client services, or breach of copyright brought via a contractual indemnity in the supply of content. Most importantly, specialised media liability coverage can provide cover for injuries stemming from reliance on published content, helping to address the coverage gap discussed above. By anticipating evolving media and publishing risks, clients can rest easy, knowing that a specialised media liability insurance policy helps address their unique risks.

For more information on how our Media Liability offering bridges the widening gap between evolving risks and traditional general liability coverage, visit our website: **Media & Entertainment.**



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