



SPECIALIST  
PROFESSIONAL  
INDEMNITY  
INSURANCE

1969 - 2019

The logo features a large blue "50" with a stylized "€" symbol integrated into the zero. Below it, the word "FONASBA" is written in a blue, sans-serif font.

FONASBA

USA

2019

50<sup>th</sup>

ANNUAL MEETING

[www.fonasba.com](http://www.fonasba.com)

Hosted by the Association of Ship Brokers and Agents (USA) Inc.

# FONASBA 2019

Andrew Jamieson

ITIC  
IS MANAGED  
BY **THOMAS  
MILLER**



We have had clear up  
a few little accidents!



# Sorry your cargo has arrived!







Sorry wrong loadport



## An impossible instruction

The charterer was given 10 minutes to accept Owner's last.



## An impossible instruction

“If you have to confirm it,  
but try to talk some sense  
and get coal at least”



## An impossible instruction

But any counter will reject the offer  
and owners can walk away.



## An impossible instruction

But any counter will reject the offer  
and owners can walk away.

**Which is what they did!**



The Port Authority says you  
have to have a tug



**The Port Authority sends the agent an invoice for the tug.**

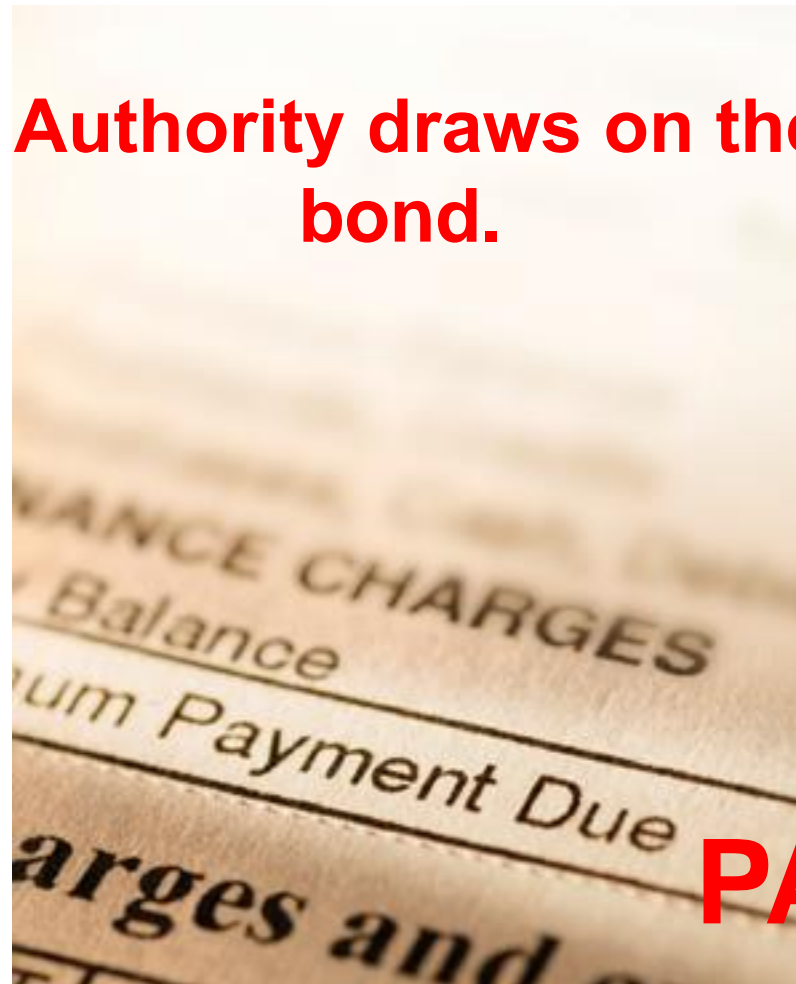


**Which the Owner says wasn't ordered.**





**The Port Authority draws on the agent's bond.**









**The problem continues  
and the fraudsters are getting better**



**“If Broker notifies Charterer of any change in Owner’s bank account details,  
Broker shall ensure that said change has been checked directly with the Owners.  
Broker shall indemnify Charterers for any loss caused by the change in account details”.**

[To view this email online follow this link](#)

## Focus on cyber security

Issue 40, June 2019



### Introduction

Cybercrime unfortunately continues to be a hot topic, with businesses and individuals at risk of becoming potential targets of digital fraud. Any business or individual using electronic communication can be the subject of an attack by hackers. ITIC has issued a number of circulars to warn members and to ensure that they implement robust systems and controls to ensure that they minimise any exposure.

[Read full article](#)

### Internet security...the basics

**Antivirus software...** Use it and keep it up to date!  
**Use a firewall** – Windows has a firewall built in and most antivirus packages also include one.  
**Keep your system up to date** - Not just anti-virus and firewall software, but the system in general. Developers regularly issue updates/patches/fixes.

[Read full article](#)



### Social engineering/ bank mandate fraud

Bank mandate fraud is when a third party tricks you into sending a payment to a bogus account by impersonating the genuine organisation or individual. This is also known as "social engineering" and "payment diversion fraud"...

[Read full article](#)

### Simple housekeeping

Regularly check your spam/junk folder AND deleted files folder on your e-mail system. This is a good habit to get into, not only to check to see if your e-mail system has mistakenly marked a message from a client as spam, but also to make sure that a hacker has not set up an auto spam/delete function.



[Read full article](#)



ITIC invites you to a seminar on cyber fraud focusing on the millions of \$ paid away to fraudsters due to simple operational errors.

Date: **Wednesday 2<sup>nd</sup> October 2019**

Time: **17.00**

Location: **90 Fenchurch Street, London, EC3M 4ST**

RSVP: **Please e-mail [ITIC.invitations@thomasmiller.com](mailto:ITIC.invitations@thomasmiller.com)**

A laptop is shown from a low angle, with its screen open. From the screen, several glowing blue lines of data points and dots extend outwards, creating a sense of digital connectivity and cyber activity. The lines are composed of small, bright blue dots connected by thin, curved lines, resembling a network or data flow visualization. The laptop itself is dark, and the background is black, making the glowing blue lines stand out prominently.

Speakers: **Erin LeMaster**, Digital Forensic Examiner, Hawkins & Associates; **Michael Carroll**, Chief Investigator, Signum Services Ltd and **Robert Hodge**, Director, ITIC.

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# GENERAL AGENCY AGREEMENT

## PART I

	1. Date of Agreement
2. Agent (full style and address)  FONASBA Quality Standard Certification <input type="checkbox"/> Yes <input type="checkbox"/> No	3. Principal (full style and address)
4. Commencement date/Period	5. Notice of termination
6. Territory	7. Trade
8. Activities (tick the boxes to apply) (Clause 7 and Annex C)  <input type="checkbox"/> Marketing and sales <input type="checkbox"/> Port agency <input type="checkbox"/> Husbandry agency <input type="checkbox"/>	9. Remuneration (See Annex A)
	10. Funding (See Annex B)
	11. Liability cap (Clause 10(i)(b))



The ITIC post fixture clause was endorsed by FONASBA at its annual general meeting in Gothenburg (2014):

*“Important: Operations*

*It is essential that all messages in respect of operations be sent to the relevant email addresses (ops@broker.com). We can accept no responsibility for delay or other consequences if messages are sent to any other email address within the company.*

*Please ensure that all important operational messages are followed up with a telephone call especially after office hours.”*

## Claims Review

### Copy Cat

A naval architect was approached by a customer to design a catamaran workboat. The customer provided the naval architect with a plan of their existing workboat and requested the final design and specification was to be based on that boat. The customer's stamp was on the plan and the naval architect assumed that the customer was entitled to use the plans.

The workboat was designed and a press release was issued to the trade press. Another naval architect saw the press release and claimed the catamaran was built to their design. They issued a "Cease and Desist" letter against the naval architect. It then became apparent that the customer had placed their stamp over the third party naval architect's details.

ITIC's member did however make significant design and specification changes to the original plans. ITIC instructed a barrister who specialised in copyright matters to consider whether these changes created a new design. The barrister advised that the onus of proof

on the naval architect was high as there was clear evidence that a third party's design was passed to them and clearly influenced their design. He was of the opinion that the changes to the original design were only refinements and did not evolve the design sufficiently far enough from the original.

The expert therefore advised that the only risk-free solution was to not continue with any of the existing designs otherwise if the build was to proceed the third party naval architect would seek an injunction to stop the work.

ITIC's member redesigned the workboat from scratch. The copyright expert reviewed the work and confirmed that the second design appeared to be original. The project proceeded with the customer and the workboat is now in the water.

Ultimately a claim for breach of copyright was prevented. ITIC covered the legal costs.

We will be sending our Claims Review to you later in the month.

Please share the claims stories with your members.

We just ask that you acknowledge ITIC as the source.



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# Thank you

Any questions?

**itic@thomasmiller.com**



@ITICLondon



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