

华泰财险附加证券交易法、谢尔曼法除外责任条款

保险合同第一部分第一条“人身损害及财产损失责任”和第二条“个人权利侵害和广告侵害责任”各自的第二项“除外责任”中分别增加下述规定：

二、除外责任

本保险不适用于：

任何基于有关下述事项的法律、法规或条例项下产生或声称产生的责任而在索赔、诉讼、调查或程序中主张的“人身损害”、“财产损失”或“个人权利侵害和广告侵害”，包括但不限于任何（法律、衡平法或其他性质的）私人诉讼案件或程序、被保险人的股东提起的衍生诉讼或集体诉讼或者政府部门、机关或其他机构提起的诉讼、调查或程序，无论所涉法律、法规或条例是由任何国家、联邦、州、当地或其他政府或政治团体或其下属部门的立法、行政、司法、执法或其他权力机构所制定的：

(1) 证券的买卖或分销或就此提出的要约，或者投资咨询或管理，包括但不限于《1933年证券法》、《1933年证券交易法》、《1939年信托契约法》、《1935年公用事业控股公司法》、《1940年投资公司法》、《1940年投资顾问法》以及美国各州或其他司法管辖区属于“蓝天”法的法律项下的责任。

(2) 反垄断或者禁止限制贸易的垄断行为、商贸活动中不公平竞争或欺骗性行为，包括但不限于《谢尔曼法》、《克莱顿法》、《罗宾逊-帕特曼法》、《联邦贸易委员会法》和《哈特-斯科特-罗迪诺反托拉斯改进法》；

(3) 欺诈或违反信托责任；

(4) 刑事处罚；

(5) 未能支付到期应付的政府税收（包括但不限于所得税、消费税、财产税、增值税和销售税）、关税、许可经营费或者经营活动或与之相关的核定、罚款 或罚金所附带的

其他政府收费；

(6) 著作权、专利权、商标权侵权（不包括保险合同第二条所承保的“个人权利侵害和广告侵害”）；

(7) 不动产（包括固定装置）权利上存在缺陷或受损，无论被保险人是否是所有权人；

(8) 不动产出售或出售要约的披露或其他规定；或

(9) 因雇员、高级管理人员或董事不诚信所引起的责任或声称的责任，或者被保险人的雇员、高级管理人员或董事对该被保险人所承担的责任。

本条款下未明确列出某项责任并不代表本保险合同承保该等责任或类似责任。

X115 SECURITIES EXCHANGE ACT, SHERMAN ACT EXCLUSION

The following exclusion is added to Paragraph 2., Exclusions of Section I – Coverage A – Bodily Injury and Property Damage Liability and Section I – Coverage B – Personal And Advertising Injury Liability:

2. Exclusions

This insurance does not apply to:

any “bodily injury”, “property damage” or “personal and advertising injury” asserted in any claim, action, investigation or proceeding, including, without limitation, any private lawsuit (legal, equitable or otherwise) or proceeding, any derivative or class action commenced by shareholders of an “insured” or any action, investigation or proceeding brought by any governmental department, agency, or other body, on account of any liability arising or alleged to arise under the law, rule, or regulation, whether established pursuant to legislative, administrative, Judicial, executive or other authority, of any nation or federal, state, local or other governmental or political body or subdivision

thereof relating to:

(1) the purchase, sale, or distribution of securities or offers to purchase or sell securities, or investment counseling or management, including without limitation, liability under the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Public Utility Holding Company Act of 1935, the Investment Company Act of 1940, the Investment Advisors Act of 1940, and the so called "blue sky" laws of the various state of the United States of America or other Jurisdictions.

(2) antitrust or the prohibition of monopolistic activities in restraint of trade, unfair methods of competition or deceptive acts or practices in trade and commerce, including without limitation, the Sherman Act, the Clayton Act, the Robinson Patman Act, the Federal Trade Commission Act and the Hart Scott Rodino Antitrust Improvement Act;

(3) fraud or breach of fiduciary duty;

(4) criminal penalties;

(5) the failure to pay when due any governmental tax (including, without limitation, income, excise property, value added and sales tax), or tariff, license fee or other governmental fee which is incidental to the conduct of business or any assessment, fine, or penalty related thereto;

(6) copyright, patent or trademark infringement (other than “personal and advertising injury” covered under Coverage B);

(7) any defect in or impairment to title to real property, including fixtures, whether or not owned by an “insured”;

(8) disclosure or other regulation of sales of, and offers to sell, real property; or

(9) any liability or alleged liability arising out of employee, officer or director dishonesty or any liability of an employee, officer or director of an “insured” to such “insured”.

No inference shall be made from the express omission of liabilities in this Exclusion that this Policy would otherwise cover such liabilities or covers similar liabilities.