

8.3. Commitment to Comply with Recommendations

Each CA SHALL publicly give effect to these Guidelines and represent that they will adhere to the latest published version by incorporating them into their respective EV Policies, using a clause such as the following (which must include a link to the official version of these Guidelines):

[Name of CA] conforms to the current version of the CA/Browser Forum Guidelines for Issuance and Management of Extended Validation Certificates published at <http://www.cabforum.org>. In the event of any inconsistency between this document and those Guidelines, those Guidelines take precedence over this document.

In addition, the CA MUST include (directly or by reference) the applicable requirements of these Guidelines in all contracts with Subordinate CAs, RAs, Enterprise RAs, and subcontractors that involve or relate to the issuance or maintenance of EV Certificates. The CA MUST enforce compliance with such terms.

8.4. Insurance

~~Effective [12 months after ballot adoption]. Each CA SHALL maintain the following insurance-related to their respective performance and obligations under these Guidelines:~~

- ~~(A) Commercial General Liability-casualty insurance (occurrence form) with policy limits of at least two million US dollars in coverage sufficient to cover damage or loss to CA systems due to fire, water, electrical failure, or natural disaster; and~~
- ~~(B) Professional Liability/Errors and Omissions insurance, non-contractual liability coverage with policy limits of at least five million US dollars in coverage, and including two million Euros (€2,000,000 per claim and in the aggregate) for financial loss to third parties coverage for (i) claims for damages arising out of a negligent act, error, or omission, unintentional breach of contract, or neglect by the CA in issuing or maintaining EV Certificates, and (ii) claims for damages arising out of infringement of the proprietary rights of any third party (excluding copyright, and trademark infringement), and invasion of privacy and advertising injury.~~

Such insurance ~~must not exclude coverage when providing public key infrastructure services and~~ MUST be:

- ~~(i) maintained for all periods during which an EV Certificate issued by the CA is still valid (and if coverage is canceled or not renewed, the CA shall purchase an extended reporting period for such periods);~~
- ~~(ii) global in territorial coverage, except for countries sanctioned by the laws of the CA's jurisdiction; and~~
- ~~(iii) with an insurer company having a financial strength rating rated no less than A as to Policy Holder's Rating of "good" or better by Standard & Poor's, in the current edition of A.M. Best's Insurance Guide, Fitch, Moody's, DBRS, Japan Credit Rating Agency, Creditreform, Scope Ratings, (or another similarly recognized insurance rating agency with an association of companies each of the members of which are so rated).~~

~~If available at reasonable cost, a CA SHOULD maintain coverage for damage or loss to data, software, systems, and for business interruption due to IT security failure, malware, network attack, criminal hacker, or theft.~~

A CA MAY self-insure for liabilities that arise from such party's performance and obligations under these Guidelines provided that it has at least five hundred million US dollars in liquid assets based on audited financial statements in the past twelve months, and a quick ratio (ratio of liquid assets to current liabilities) of not less than 1.0.

8.5. Obtaining EV Certificates

8.5.1. General

The CA MAY only issue EV Certificates to Applicants that meet the Private Organization, Government Entity, Business Entity and Non-Commercial Entity requirements specified below.