

Creators, Makers & Innovators

# ISBA influencer contract templates

25 July 2018

---

▶ **Jo Farmer**





# ISBA social influencer templates

---

- 2016: launched first ever suggested terms for appointment of social talent
  - Suitable for big name talent
  - 1 form for contracting direct with talent
  - 1 form for contracting through a service company
- Update:
  - Microinfluencers
  - Moving best practice on in relation to:
    - Transparency and labelling
    - Bots and fake likes
    - Measurement and payment by results
  - Will end up with 3 versions



# New microinfluencer template

---

- Sending out for consultation
- More simple, shortened version of influencer template
- Suitable for:
  - > Small one off jobs,
  - > Influencers without huge numbers of followers
- Scope of Work
  - > Campaign details
  - > Payment (to include payment in kind)
  - > Media schedules, Media/channels
  - > Brand labels to be used



# New microinfluencer template

---

- Labelling of influencer content:
  - > Specifying #ad and other labels
  - > compliance with latest CAP and CMA guidance
  - > Ensuring that all influencer content is truthful, honest, and opinions are not exaggerated
  - > No third party content (eg music) without obtaining permission:
    - Is this realistic? Or would brands always do any clearances themselves?
  - > Influencer to distribute content on channels during term
  - > No obligation to take down after end of term



# New microinfluencer template

---

- Quality of audiences:
  - > Clause prohibits “unethical practices”
  - > fake likes, buying followers
  - > Bots to increase (perceived) engagement
- No work for competing products
- Influencer agrees not to do anything that causes “adverse publicity”
- Warranties and liability
  - > Indemnify from influencer for any breach of the agreement
  - > Is this realistic?
  - > NB limits on liability tend to be lower with influencers who negotiate



## Consultation – key areas of interest

---

- Measurement and effectiveness:
  - > how do members measure success of influencer campaigns?
  - > Are members exploring payment by results for influencer campaigns?
- Liability issues
- Quality of audiences:
  - > Any feedback on new clauses re fake likes, bots etc?
- Labelling and transparency
  - > Any feedback on the approach taken to spell out #advert and other labels



# Questions?

**Jo Farmer**  
Joint Head of Commercial Group  
020 7074 8111  
[Jo.Farmer@lewissilkin.com](mailto:Jo.Farmer@lewissilkin.com)

