

Why brands must legally protect their influencers

 By [Shae Leigh](#)

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In the last week, three brands have stolen my content. Yes, it's 2018 and content is something that can be stolen. My photographs were blithely taken from the internet and used to commercially promote products. They didn't ask my permission or credit me - even though my logo was clearly visible. What's worse is that one of the brands has done this to me before.



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Brands have come to rely heavily on influencers in a way that gives them very little margin to piss them off. Celebrities used to be “the right call” when it came to brand ambassadors and representatives, but now it's the people on the ground. And do you know what people on the ground like to do? Talk. If your brand pisses them off, they're likely telling everyone.

Double-check before publishing

It gets complicated when a brand curates content on behalf of their client (owner of the product) and in the scenario, it's the responsibility of both to protect the influencer. I can't stress the importance of the double-check before you publish content. As a content creator and an online influencer, this is even more insulting. And illegal.

If I walked into a shop, picked something up and casually walked out with it, I'd likely be arrested. If I trawl the internet, save a picture and casually claim it as my own, I'd likely get away with it. That's the mindset of a lot of brands anyway and it has to change. The internet is a huge, unmanageable thing and it's only getting bigger. All the more reason to play nicely.

If brands don't protect their influencers, legally and ethically, influencers won't protect the brand. If your influencers don't even trust you, you can't expect anyone else to have faith in your brand.

Brands owe it to influencers for a number of reasons:

1. They are creating native/generic/promotional content for the brand – saving time, money, effort, resources.
2. They genuinely love the brand – betrayal has no place in any relationship.
3. Brands have an obligation to behave within a legal set of parameters as a business – theft doesn't fit in there.
4. Influencers have online power and as much as it can be used to promote your brand, it can just as easily be used to slate you publicly.
5. They spend money and time curating and creating that content, and to abuse that and take advantage of it is a slap in the face.

Now, I specifically haven't named and shamed here because I don't think it's necessary. There are enough people who've experienced this not to make an example. A few quick notes to brands and influencers:

Brands

- Just don't do it.
- If you do it and get caught, make sure you have a plan.
- Do not apologise to influencers with product. Pay them if they request it because you have already used their content.
- Protect yourself with basic contracts for your influencers.
- Don't brush it off or try to hide it – the internet is forever and so are screenshots.

Influencers

- Keep an eye on your content – occasionally do random searches and see if your content comes up.
- Don't immediately slate the brand online; make contact directly first whether through their marketing department or asking for their legal office.
- Make sure your own "terms" are stated on your profiles and websites – this way there is no grey area.
- Don't let yourself be manipulated and don't back down.
- Learn from this.

I guess this is a plea: please stop stealing my content. Stop stealing anyone's content. Ask permission, build stronger relationships and respect the people that support you.

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Digital Copywriter @99cents

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