



Episode 20 - Exclusive vs Non-Exclusive Talent Agreements - What You Need to Know

Karan: [00:00:00] Look at you getting ready to sign a talent agency agreement.

What a milestone to think that your career as a [00:01:00] professional influencer or content creator has progressed to this point. It really is a moment to be celebrated. Now, if this is the first time you've had a manager, you might be wondering what to look for in an agreement. Or maybe you've had a manager before and you're looking at new representation, but you want to make sure you've ticked all the boxes before signing an agreement.

One of the important things that you'll need to consider is whether you'll be signing an **exclusive or non-exclusive agreement**. An exclusive agreement is really different to a non-exclusive agreement. So, in today's episode I'm going to discuss the differences between these types of relationships so you can negotiate the agreement terms that's right for you and that's also right for the [00:02:00] agency.

Let's start with the basics of **what is a talent agency agreement?** If you're new to this game, you might be completely unfamiliar with the foundation of agency documentation. So, it's important to know that if the agreement is properly prepared, talent agency agreements are **legally binding contracts**, and they establish a professional relationship between you and the talent agency.

So really these agreements are the backbone or the foundation of how you work together with an agency. Agency agreements outline **the terms and conditions regarding the representation**, the services that will be provided by the agency, compensation (so payment details) and the duration agreement.



It's [00:03:00] important to understand that these agreements shouldn't just be standard forms. They're often tailored to suit the unique needs of both the influencer and the agency, and **the fine print can include various clauses like the exclusivity terms, which we're focusing on today, commission percentages, fees** and obligations on both sides. On your side as the creator and on the side of the agency. So, these agreements will set the stage for the relationship, defining how you are managed, marketed, and monetised or commercialised.

If you're following the podcast, you'll find that we're building a complete series of past and future episodes on the talent manager, talent agency [00:04:00] relationship. **Hit FOLLOW now on your Podcast platform** to stay informed as we explore this relationship across multiple episodes.

So, we'll cover off contract terms, all the things that you need to know about choosing the right agency for you and essentially what you need to know before signing an agreement with an agency.

Let's start now by talking about **exclusive talent agency agreements**. These are a type of contract where you will agree to work exclusively with one agency for a specified period. And that's called the Term. This means that during the Term of the agreement, you cannot sign with or be represented by any other agency.

Exclusive agreements are commitments that tie both you and the agency in a close [00:05:00] and often more personalised partnership. The exclusive nature of this type of agreement means that usually the agency invests more resources and effort into managing and growing your career. So, from that, they expect a higher level of loyalty and commitment in return.

The **key characteristics of exclusive agreements** are things such as the restrictions on working with other agencies. And this is the most defining feature of an exclusive agreement. This restriction clause, it means you are legally bound to only work with the agency that you have signed with. It's a two-edged sword, so while it limits your ability to explore opportunities independently or through other agencies directly, [00:06:00] It also means that there should be a more focused and dedicated management approach from the agency that you've signed with.



It's also important to note that any inbound inquiries that you receive directly are going to most likely need to be referred to your exclusive agent for negotiation, and therefore these will be subject to their commission and fees.

We look at also the duration and scope of the exclusivity. The duration, the term of agreements can vary, and they'll typically range from a year to several years.

If it's the first time you've signed an exclusive arrangement with an agency and you're just cutting through in the space, it's more likely that initial term will be 12 months (one year). If you're more established or really, really proven in the space, it's more [00:07:00] likely that duration of the contract will be longer.

You will need to pay close attention to the duration clause because this is going to impact your flexibility and career decisions. And the scope of the exclusivity is another important aspect. Some agreements might be all encompassing, which means that they will cover every aspect of your career.

While others might have certain limitations. So, they might only be exclusive in certain areas of work. So, it might be brand collaborations, but excludes public speaking, or it might have exclusivity in geographical regions only. So, you might sign an exclusive agreement that allows the agency to represent you within your country, for instance, but outside of your country or the territory, they don't [00:08:00] have exclusivity around that relationship.

While we're talking about the duration and scope of the exclusivity, it's important to understand that being exclusive doesn't always mean being isolated. Often talent agencies collaborate behind the scenes. So, for instance, if an agency doesn't represent you directly, but has an opportunity that fits your profile, they would generally approach your exclusive agency to negotiate a deal.

This happens all the time. I can assure you it does. And in this case, when agencies work together, they'll make a deal privately to split commission and fees relating to the work. So, this kind of collaboration continues to



expand your reach and opportunities while maintaining the integrity of the exclusive agreement.

And it's a strategic [00:09:00] way for agencies to pull resources and opportunities, which means everyone benefits from that sort of relationship. You as the creator benefit, the agencies and the brands involved all benefit when that inter-agency collaboration takes place. Some other potential benefits that exclusive agreements offer, or should offer, is really **focused representation**.

It means that you should be receiving more personalised attention, strategic career planning, and access to higher quality opportunities. This is because the agency has more incentive to invest in branding, marketing, putting you forward for premium deals and collaborations that they wouldn't necessarily put forward for [00:10:00] talent on a non-exclusive agreement.

This can be beneficial if you are looking to elevate your profile and engage with more prestigious brands. So, when we look at exclusive agreements, they offer a trade-off between exclusivity and what should be a more intensive and focused management approach to your career. They might limit your ability to work directly with other agencies or brands, but they can open doors to opportunities and provide a level of attention strategic management that is very different to non-exclusive agreements.

Of course, it's a decision that requires careful consideration of your current status, career goals, and the level of trust and rapport you have with the [00:11:00] agency. This is a good time to listen to [Episode 19, which is the Influencers Guide to Talent Management Agencies](#) and that sets out some legwork that you can do to establish whether the agency is potentially going to be a good fit for you before you get into the exclusive versus non-exclusive agreement discussion.

What about the non-exclusive agreements then? These are a very different kind of talent management arrangements. Unlike exclusive agreements, these contracts allow you to work with multiple agencies as well as yourself. They're designed for flexibility and autonomy, and they enable you to broaden your own network and opportunities without being tied into a [00:12:00] single agency.

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These arrangements might suit influencers who prefer to have a diversified portfolio of representation and often appeal to those who enjoy having more direct control over your career paths and partnerships. Let's look at the **characteristics of these non-exclusive agreements**. As I've just mentioned, they typically give you, or they will give you freedom to work with multiple agencies.

This is a hallmark of non-exclusive agreement. And it means that it opens up a bunch of opportunities through different agencies that might have varied strengths, connections and specialisations, as well as being able to work for yourself. It might give you greater flexibility in choosing the projects that you work on without [00:13:00] a binding commitment to an exclusive agency's portfolio.

You might be presented a wider variety of offers which will enable you to choose what best fits your needs at the time. Of course, there's some drawbacks because non-exclusive agreements, while they offer freedom and flexibility, they have the disadvantage of potentially you receiving less personalised attention from any one agency.

Agencies will prioritise their exclusive talent, which means non-exclusive talent might find themselves navigating some aspects of your career more independently. And this also means without a dedicated agency really investing in your career, you might miss out on strategic guidance [00:14:00] and longer term planning that exclusive agreements may provide.

It's a real balance of autonomy versus that comprehensive support that exclusive agencies can offer. Non-exclusive agreements can provide a pathway for you if you value independence and freedom to collaborate with multiple agencies and run your own campaigns.

And the trade-off is that you're going to get that less personalised and prioritised attention. Before we move on, I would like to add **an important comment on the legal aspects of talent agency agreements**. When signing an agreement, there's so much more to consider than whether it's exclusive or non-exclusive, including things like contract terms, termination clauses, commission rates, other fees, payment terms.



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[00:15:00] There's lots of things you need to consider. So listen in to the other episodes of [Talent Management Agencies and Agreements and always seek qualified and experienced legal advice before signing a contract](#). This will protect your interests and ensure a transparent and productive relationship with your agency.

They're part of your team. So whatever terms that you negotiate, you should be approaching this as a team and as a really positive collaboration. So, you want it all to work for everyone. Before we wrap up today's episode, I'd like to give you some **industry perspective**. Industry veterans will really emphasise the importance of you aligning with an agency that really understands and respects your brand and your vision.

Whether it is an [00:16:00] exclusive or non-exclusive agreement, **the synergy between yourself and the agency is crucial**. If that piece is missing, it can be difficult to build a successful long-term relationship. So please do think about that first. From an influencer's point of view, influencers will often share stories about how their type of agency management agreement has shaped their career paths.

Those with exclusive agreements will often speak about the benefits of having a dedicated person or team that's deeply and genuinely invested in their success. They're also likely to discuss how exclusive agreements have helped them build a more coherent and [00:17:00] strategic brand image over time. On the other hand, influencers who have gone with non-exclusive agreements might often highlight the freedom and diversity of the opportunities that they've encountered.

They're likely to discuss how working with multiple agencies has allowed them to explore a wide range of projects and collaborations, potentially contributing to a more varied and expansive portfolio.

My point of view as a talent manager with 10 plus years' experience in the space, it was definitely my preference to work with talent on an exclusive basis. The reason for this is that it enabled me to really develop a deep understanding around what was important to the talent and how as a manager I could shape [00:18:00] deliverables and pricing of campaigns, how we can streamline communication processes and understand how reliable and professional one another are.



I would better understand the long-term strategic positioning and be clear on how I was going to contribute to that success. And also, importantly for both myself and the talent I worked with, how much return on investment there would be. So how much money are we going to likely to be able to generate by working together as a team?

In closing, I want to offer **some tips to help you make the right choice.** Choosing between the exclusive or non-exclusive talent agency agreement is a big decision for you. It does require careful consideration of a bunch of different [00:19:00] factors to make sure your decision aligns well with your career aspirations and your personal preferences.

So, consider the stage of your career. If you're just starting out, a non-exclusive agreement might offer flexibility to explore different opportunities and find your niche. It will allow you to work with multiple agencies and gain a broader understanding of the industry.

For more established Influencers, an exclusive agreement could provide the focus, support and strategic guidance needed to elevate your brand to the next level. The dedicated attention from one agency can be instrumental in pursuing those lucrative deals.

Have a think about your goals. What is it that you want to achieve in the short and long term? Are you looking [00:20:00] to experiment with a variety of brands and collaborations, or do you want to build a more consistent brand identity with strategic collaborations?

Consider how each of the different types of agreements aligns with your career goals. An exclusive agreement might be more suitable for targeted longer-term objectives while a non-exclusive agreement could be more beneficial for a broader, more exploratory approach to cutting your teeth in this space.

Think about your personal preferences. Are you comfortable handing over some degree of control of your career to an agency or a greater portion of it? Do you thrive on managing your own opportunities or negotiations? Or would you prefer to have a dedicated person or team to handle these aspects?

The logo consists of four black circles arranged in a 2x2 grid, with the top-left circle slightly overlapping the others. To the right of the circles, the text "The Business Of Influence" is written in a bold, black, sans-serif font, with "The Business" on the top line and "Of Influence" on the bottom line.

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Think about how much control you want because exclusive agreements will mean [00:21:00] relinquishing more control in exchange for strategic guidance, whereas non-exclusive agreements offer more autonomy.

And don't hesitate to get some advice from other influencers or industry professionals who have experienced both types of agreements. Their insights can be really valuable in helping you to make an informed decision.

Choosing the right type of talent agency agreement is a decision that should be based on clear understanding of your current career stage, your future goals and your personal working style. Reflect on these things and get some advice where needed to ensure that the agreement you choose supports your career path and your personal brand in the most effective way.

You can check the show notes for links and find all the episode [00:22:00] resources as well as other recommended listening at thebusinessofinfluence.com/ep20

Until next week, stay creative. I'll see you then.

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ADDITIONAL LISTENING AND RESOURCES

[Episode 19 – Influencer’s Guide to Talent Management Agencies](#)

[Episode 9 – Are You Ready for a Talent Manager with Kylie Green, The Lime Agency](#)



Episode 21 – What Fees to Expect from Your Influencer Management Agency – Release Date 5 December, 2023 [Subscribe to be notified of upcoming episodes.](#)

Episode 23 – Influencers Guide to Talent Agency Agreements – Release Date 2 January, 2024. [Subscribe to be notified of upcoming episodes.](#)

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