

Episode 31 Understanding and Negotiating Your Influencer Content Ownership Rights

Karan: [00:00:00] Hello Moots. Are you finding it tricky when it comes to responding to a brand who's asking you for full organic usage rights in perpetuity? [00:01:00] Maybe they're asking for ownership rights or a combination of paid and organic usage rights.

Is your head just spinning with this language? It's not uncommon for brands to get a bit heavy handed when requesting ownership rights when they've got you all whipped up about a collaboration. Often, you'll only find out about this in the fine print of your agreement or at a very late stage. In the mix you'll find that there are some good brands who are transparent about this and up front in the discussions.

Either way, there's a few steps in the process of negotiating your influencer content rights. First of all, you need to **understand content ownership**. Then you need to understand the **different ways you can allow for your content [00:02:00] to be used**. And then finally you can **negotiate the terms that will allow a brand to use your content**.

It's a lot, right? Don't worry, I've got you covered. I've co-owned an intellectual property law firm for 14 or more years and I've been working in the influencer space for over 10. So, I totally get this space. Today's episode is to guide you through some of the common scenarios and to give you resources to start working through building your skills to understand your rights and how to negotiate them.

Let's start with the basics.

What does content ownership mean for you as an influencer? Imagine you've just created this awesome post or video. This piece of content.



You own it, right? Well, yes. But when a brand comes into play, things get a little bit more, [00:03:00] let's say, complicated. Content ownership means having legal rights over your creation. It's like saying, uh, I made this, so I get to decide how it's used. Pretty simple, huh? But when a brand approaches you for a collab, they might want to use your content in ways you didn't expect, like plastering it all over their website or using it in ads, sometimes forever, without asking you again.

That's where understanding your rights is really important. Here's the kicker. Just because you helped a brand brainstorm the ideas, say maybe through a campaign brief, it doesn't mean they own the content. That creativity and hard work you put into making it, that's all you. To be clear, what we're talking about in today's episode and [00:04:00] ownership is the content that you make yourself, you create yourself.

And we know sometimes a negotiation with a brand can get a little bit sticky and tricky. Brands often want to do more than just share your post. They might want the right to use it here, there and everywhere, potentially without your control. It feels a little bit unfair, doesn't it? It can be. Which is why knowing the ins and outs of content ownership is your first step in keeping your creative content safe.

So, what do you need to do to keep control over your content and get paid fairly? First up, let's look at a very common request, which is **Perpetual Usage Rights**. This sounds fancy, but what it means is that a brand wants to use your [00:05:00] content forever. Yes, literally until the end of time, most likely without paying you more for it.

Imagine creating this incredible piece of content that a brand uses for years, wherever they like, billboards, ads and more, but you only got paid for creating a piece of content. You only got paid for that once and not for the proper usage rights. It feels a little bit off, right? Okay.

Then let's look at **full ownership**. This is when a brand wants to own your content outright. Once you hand it over, it is no longer yours. They can use it. Edit it, sell it, and even claim it as their own. It's like selling your car. Once it's sold, you can't [00:06:00] decide how and where it's driven. Then there's **licensing**, which could be exactly as it says, licensing.



Or it could be presented as **paid and organic usage rights**. You create content that a brand pays to use for a specific time and purpose. But without clear terms, you might find your work popping up in places you never agreed to, diluting your value and potentially clashing with other partnerships. Giving away your rights without proper payment affects not just your control, but it affects your income.

Imagine that your content boosts a brand's sales massively, but your initial fee didn't reflect that success because you signed away too much too cheaply. It's not just about the now, it's about valuing your future worth too. [00:07:00]

Let's break these concepts down into some easy to digest nuggets without going too deep into the legal jargon.

I want you to know your worth. Your content isn't just pretty pictures or witty captions. It is valuable, like really valuable. Brands want it because it sells. Simple as that. Read the fine print. I get it. Contracts can be a massive snooze fest for some but they're also where the magic happens or doesn't.

I actually love reading the fine print because it often shows a way to [upsell and generate more income](#). And I have a whole podcast episode on that so I'll link that in the show notes. Perpetual rights, full ownership, license terms - make sure you understand what you're signing away or not signing [00:08:00] away.

Then you can **negotiate like a pro**. If a brand loves your work enough to want it forever, that is epic, but it should also mean that they're willing to pay fairly for it. Don't be shy to ask for what you deserve, especially if they want to use your gorgeous content in more places or for longer than what was originally agreed.

Lots of **brands will have a go at asking for rights** they don't really expect to receive, so they're not going to be surprised when you come back and say no or try to negotiate different terms.

Stay in control. Remember that just because you are partnering with a brand, it doesn't mean you should lose sight of where and how your content is used. Keeping a handle on this not only protects your brand, but



it ensures [00:09:00] your creative efforts are respected and properly paid. Which leads me to **getting paid fairly is key.**

Getting paid for your content is awesome, but getting paid fairly, is chef's kiss. If your content is going to be working hard for a brand, make sure that your bank account reflects that. In a nutshell, it's about valuing your work, understanding the agreements that you enter into and making sure that those agreements respect your contribution and compensate you, pay you fairly.

Keep these points in mind and you'll navigate content ownership like the savvy influencer you are.

And finally, I want you to **negotiate better terms.** Negotiating is definitely a skill [00:10:00] that's honed with practice. It's a skill I've spoken about a lot in previous podcast episodes - more on that in a minute. Negotiating your content rights is one of the biggest opportunities you have to increase your income on brand campaigns. Full stop. If you are willing to give away extended rights without being fairly paid, you will not cut it as a professional influencer. That's a tough thing for you to hear, and it's a tough thing for me to say. But if you are not going to value your work, no one else will.

Now after that horrible piece of news, here's how you can play the game smart and come out fairly from that negotiation discussion.

Retain ownership like the boss you are. First things first, ownership is your [00:11:00] crown jewel. You created the content, so you should own it. Let the brands borrow your sparkle for a while. We love brands and we love working with them. Understand what rights you're going to give the brand that represents fair value for the amount of money you're being paid.

Have crystal clear contracts. Contracts aren't just paperwork, they are your best power in the business of influence. A well-crafted contract sets out exactly how a brand can use your content, for how long and on what platforms. Want to make sure that your video doesn't end up on a digital billboard without your OK? This is how.



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Specify everything: duration of use, where it will be shown and any no no's like editing your content without permission. [00:12:00] And if you're just starting out as a professional influencer, a solid scope of work with well written inclusions and exclusions is a great start if you can't afford a proper contract.

The good news here is that I've got step by step instructions and freebies for you on scope of works. And I'll link them for you in the show notes.

Okay. The nitty gritty Terms of Use: get down to the specifics. If the brand wants to use your content on social media:

- What platforms are we talking about?
- How long can they keep it up there? Pinning down these details keeps everyone on the same page and avoids future headaches.
- Sometimes it's about what they can't do. The old restriction road. Maybe you're okay with your post being shared on Instagram, but not so much with it being altered or cropped.

Setting boundaries protects the integrity of your work and ensures that it's used in a way that aligns [00:13:00] with your brand. **Duration matters.** The clock is ticking from when you've created that content and published it for the brand. And that's a good thing. Limiting how long a brand can use your content means that they can't run that campaign into the ground.

One year, two years, one week, two months, three months, you decide with the brand. After that term has expired, there could be a need to renegotiate giving you another chance to evaluate the partnership and potentially generate some more income. And on income: money talks. If a brand wants more, more platforms, more time, more uses, then it's only fair that you talk money. Your content's reach and impact have value.

So if the **terms expand, your payment should too.** It's not just about being paid. It's [00:14:00] about getting paid right. I find it so frustrating when I see in these groups creators creating content for a free item that could be worth \$12 or producing some UGC content for \$50. **They're**



creators that are undervaluing their worth and they'll never move into the next realm of professional content creation if that's the approach they have to their value.

Navigating content rights and negotiations can feel overwhelming, but I know you can do it. Take it slow and try different techniques to refine your negotiating skills and build your confidence. Remember, it's not just about making content. It's about making sure that your content keeps working for you on terms that are rewarding for you and for the [00:15:00] brand.

I know this is a really big topic, so know that I've got lots of resources to support your learning on understanding and negotiating your content rights. You can check the expanded show notes at thebusinessofinfluence.com/ep31. Thanks for listening in, and I hope to see you next week.

Until then, stay creative.

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ADDITIONAL LISTENING AND RESOURCES

Episode 3 50 Ways to Upsell Your Influencer Income

<https://thebusinessofinfluence.com/ep3/>



Episode 4 Influencer Campaign Inclusions and Exclusions

<https://thebusinessofinfluence.com/ep4/>

Episode 6 How to Prepare an Influencer Scope of Work

<https://thebusinessofinfluence.com/ep6/>

Episode 25 Influencer Scope of Work – Content Deliverables

<https://thebusinessofinfluence.com/ep25/>

Episode 26 Influencer Scope of Work – Usage Rights

<https://thebusinessofinfluence.com/ep26/>

Influencer Checklist – How to Prepare a Scope of Work

<https://thebusinessofinfluence.com/free-download-influencer-checklist-how-to-prepare-a-scope-of-work/>