

Influencer Contract Template

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In many ways, the relationship between a brand and an advertiser is similar to a freelance writing relationship. It involves a business making a legal relationship with an independent contractor. Therefore, it is important that you write up some form of influencer contract or agreement.

It is only fair for everybody involved if they know where they stand. If you have a clear-cut influencer contract, then everybody has clarity. They know their rights. They know their obligations.

Of course, if you utilize the services of a platform or agency, you will probably work with their customized contract template. And of course, it will be more complex - there are three parties involved in these contracts, not just two. In particular, they will have their own rules regarding payment. In most of these cases, the money flows from Brand to Platform / Agency to Influencer.

Common Sections in Influencer Contracts

Although we can provide you with our sample influencer contract template, it is important that you adapt it to suit your particular needs. Not all influencer/advertiser relationships are identical. So you need to adapt our template contract to fit your own circumstances.

These are some of the typical sections you may choose to include in your own influencer contract:

1. Standard agreement terms that you're entering into a contract between the advertiser and the influencer. You will want to include the basics, such as the names of the parties involved, and the date you draw up the contract. You will want a simple description of what the contract is about.
2. Timelines of the campaign. How long are you intending for this influencer relationship to remain in force? Is this a contract for a one-off campaign, or do you intend there to be a long-term relationship between the influencer and the advertising brand?
3. Deliverables. What precisely is the influencer expected to do as part of this contract? Are there any penalties for late posting? If the expectations are in any way complex, or if this is likely to be a longer term contract, you might want to add a separate Schedule of Services.
4. Cancellation clauses based on non-performance, poor performance, breaking brand rule guidelines (like "no swearing" etc). The influencer contract needs to be very specific on what are the specific requirements for terminating the contract by either party.
5. Collateral details. What will be provided as approved content and briefing materials for the influencer to use?
6. A list of things the advertising company wants to avoid the influencer referring to in his/her posts/statuses. These could include things like mentioning specific phrases or competitors by name.
7. Any approval process that the advertising firm expects the influencer to follow. This may be a contentious issue, so it is important that any approval expectations are discussed before they are presented in an influencer contract.
8. Confidentiality and Exclusivity. It is likely that any business working with an influencer will share private and relatively sensitive information. If that is the case, they will want the influencer to guarantee that they only share information that is relevant to the influencer marketing campaign. The advertiser will probably also want to ensure that the influencer doesn't work directly for their competition. For example, if an influencer works for BMW, then it would be typical to include a phrase saying they couldn't work for Ford for three months.
9. Compensation. There are many ways that a brand can pay an influencer, from giving them free product, to paying an agreed flat rate, to making performance-based cash payouts. You should also include any possible bonus incentives. For instance, "if you reach X people, or get Y users referred you get \$Z.
10. FTC responsibility. The FTC has taken a greater look at influencer marketing in recent times. It's up to the influencer to ensure he or she complies with the rules.
11. Payment Terms. How exactly is payment going to be made? When are invoices going to be sent? How much time does the advertiser have to pay their bill? What payment methods are acceptable? If you're using a platform or agency you won't need to worry about this, as payment arrangements will be sorted out by the platform or agency.

12. Anything else. There may be extra conditions you want to add to your contract. For example, you may wish to include a relatively standard Force Majeure clause, recognizing that there may be some Act of God situations out of the parties' control which would impact on the agreed activities. The influencer would be unlikely to be focused on tweeting about the advertiser's product in the middle of a hurricane, for instance. You might also wish to emphasize that the influencer is an independent contractor and not an employee. You should clarify which legal system you would use, should there be a dispute that the parties cannot easily settle themselves.

If a brand and an influencer make an arrangement to work together, you really do need to formalize the arrangement. Hopefully, nothing will go wrong. But an influencer contract helps to clarify any uncertainty and gives both parties something to fall back on if there are any problems.

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