



## **Influencer Brand Deal Contract Checklist**

Brand deals cover a variety of responsibilities: sponsoring a product or service, conveying deliverables, agreeing to in-person appearances, being a brand ambassador and more. Deals can vary in scope, payment, length, and other critical details. We've together this step-by-step brand deal checklist to help. Don't miss the forest for the trees, use this checklist to get the most out of your deal!

**The first steps involves some self-analysis.** You'll have the most success with the right preparation and knowing what you have to offer.

### **How Well Do You Know Yourself?**

**Let's presume you've already identified a successful niche and have an engaged following**

- Do you have a media kit that you're happy with? Are you updating it regularly?
- Can you speak confidently about your analytics? (engagement rates, demographics, etc)
- Do you have a template for brand pitches that fits your style and personality?
- Are you prepared with content package ideas and fees for your best content types?
- Can you provide and tailor a brief content portfolio for each brand you solicit?

After you've exchanged initial messages, but before you jump in blindly, consider this often-missed step.

### **Researching The Brand**

- Have you spent adequate time researching the brand, its history, and its core mission?
- Do the brand's values and imagery align with your own brand, image, and growth?
- Have you considered the opportunity costs of working with this brand?
- Notwithstanding the money, would you be happy with this association? Years from now?
- Is the brand's reputation one that your audience would hold favorably and congruous?
- Have you researched the brand's previous sponsorships and their associated content?
- Are your interactions with the brand reps professional and enjoyable?



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Once you have your contract in hand, take adequate time to evaluate your position and leverage and whether the initial listed terms properly reflect both. Before anything else, do a “first impression” review.

### **Do A “First Impression” Review of the Contract**

- Are the brand’s campaign goals and deliverable expectations clear and well-defined?
- Are the key terms in the contract well-defined and easy to understand?
- Are the project scope, length, and deadlines all upfront and not ambiguous/indefinite?
- Is the contract language ambiguous, confusing, or unnecessarily verbose in places?
- Have you asterisked all the ambiguous, verbose, questionable, or disagreeable sections
- Have you spotted any non-negotiable or dealbreakers that need to be amended?
- Could you explain the key points of the contract clearly to a friend in plain language?

Once you’ve looked over the contract for the first time and perhaps had a chance to step away from it for a bit, you should review each key section more in-depth

### **Confirm Payment Structure and KPIs (Key Performance Indicators)**

- Is the payment structure clear and address how you’ll be paid and at what frequency?
- Does it include a guaranteed amount upon signing of the contract?
- Will the company offer to reimburse any tracked expenses and/or travel?
- Will they be withholding payments for missed deadlines or underperformance?
- Are the KPIs clearly defined and reasonable given the scope of the contract?
- Are there clear progress indicators or assessment reviews? If not, should there be?
- Are you happy with incentives or bonuses tied to specific performance metrics?
- Are there other performance metrics you could negotiate into the contract to your benefit?



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You want to make sure that the content delivery and approval process are clear.

### **Clarify Content Control and Approval Terms**

- Are the deliverables (quantity, types, platforms) all clearly defined?
- Have you confirmed the method, structure, and schedule for delivering content?
- Are the brand's content requirements (language & placement) all clear?
- Is the creative control over deliverables clearly outlined?
- How much input will the brand expect through the process?
- Will you need to deliver concepts or drafts for approval prior to execution?
- Does the brand have editing rights over the content?
- Do edits require an approval process?

In addition to the content approval process, you'll want to have an idea of your intellectual property and platform usage rights.

### **Spell Out Your IP & Usage Rights!**

- Who will own your content and its usage rights upon satisfactory delivery?
- Does this include the brand's right to sub-license your content to other parties?
- Will you get compensated for any licensed uses beyond the contract's expiration?
- Is there a limit to the time your content can be used after the partnership ends?
- Are you able to use or repurpose your content for usage outside the contract?
- Have you discussed reversion rights to your content after a certain period?



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In addition to all the above, you'll also want to look over your standard legal clauses to make sure they're reasonable and not too brand-favorable.

### **Scrutinize Your Legal Clauses**

- Is the exclusivity/non-compete clause reasonable in length, territory, and restrictions?
- Does the exclusivity clause define "competitors", violations, and consequences?
- Does your non-compete clause hurt your ability to pursue desirable opportunities?
- Is there a confidentiality or non-disclosure clause regarding goods or brand info?
- Does the brand outline how and when you can disclose information?
- Is there a publicity clause to prevent the negligent use of your name or likeness?
- Is there a non-disparagement clause that prevents unjust public criticisms?
- Does the contract mention required FTC disclosures or other regulatory compliance?
- Is there an indemnification clause to protect me from other people's mistakes?

If anything ever goes wrong, your contract is the first place you'll look for what to do next.

### **Have An Exit Strategy!**

- Are conditions for breach easy to understand and does it include cure periods?
- Does your contract detail the penalties that apply for material breach by either party?
- Do you know what happens to your IP and exclusivity rights in the event of a breach?
- Do both parties have the right to terminate the contract voluntarily?
- Are there any survivorship rights that continue after termination or breach of the contract?
- Is there a dispute resolution clause for handling irresolvable disagreements?



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Also, here's some bonus information on how to avoid some of the most common traps when working out your brand deal.

### **Bonus Information : Avoiding Traps**

Here are some traps to avoid when working out your brand deal!

- Trap #1:** Not reading for details or seeking clarification of legalese.
- Trap #2:** Exclusivity clauses that are too restrictive or unreasonable.
- Trap #3:** Not resolving ambiguities about approval or receipt of deliverables.
- Trap #4:** Unclear payment terms or renewal terms that lower contract value.
- Trap #5:** No creative control language for before, during, or after the contract.
- Trap #6 :** Not using an attorney when the deal or negotiation is complex.
- Trap #7:** Presuming kindness means you won't be exploited.
- Trap #8:** Forgetting that brands have their own attorneys and legal departments.
- Trap #9:** Not opening negotiations for fear of leaving a bad impression.

You should be excited for your brands deals! Still, make sure to understand your long-term costs and benefits. Protecting the lifetime value of your brand is almost always the top priority. If you're looking for a more in-depth information or brand deal contracts, check out our [Ultimate Guide to Influencer Brand Deal Contracts!](#)

If you need help with your brand deal contract to schedule a consultation through [www.zalalaw.com](http://www.zalalaw.com) or email us [info@zalalaw.com](mailto:info@zalalaw.com). We put artists and creators first!

