



TO SUCCEED AS A SOCIAL MEDIA INFLUENCER, HERE'S WHAT YOU NEED TO KNOW

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The chances that you are reading this article via a social media application, or that this article was shared with you through social media, are very high. This is because social media (SM) has become an integral part of our life to the extent where it is seen as “strange” to not have a SM account or some sort of online presence. SM has particularly changed marketing because, alongside its common forms such as print, radio and pay-per-click ads, businesses are also paying for the influence of social media personalities; popularly called “influencers”.

Influencers can be a great way to promote a business, build a brand and gain followership. It is however important that all this is done in compliance with the law and in an open and transparent manner. This is because influencers play a major role in the marketing of products and the law, in various instances, impliedly places responsibility on influencers. Some of these instances will be discussed below.

1

Know What You're Influencing

You may not be responsible for the making of the product or the structure of business that you are promoting, but you are responsible for your platform and the power that it has. Hence, it is important to have proper knowledge of the product or brand that approaches you before making the decision to promote or represent such brand. It is advisable that you ensure that the company can provide you with an honest and good faith assessment of their product. Ensure you ask questions about the brand, test the brand/product and do your own personal research before deciding to take that influencing job.



2

Know Your Employer (aka “Werey Dey Disguise” (WDD) test)

A popular phrase that has been on the lips of almost every young Nigerian lately is “werey dey disguise” (translation: madness in disguise) and it is used where someone is pretending to be something they are not. This is an apt phrase for influencers in considering the type of company/service that they wish to be associated with. Is the company duly registered with the CAC? In the event the company is a regulated entity, is the company duly licensed and registered with the applicable regulatory authorities? Does that “Wonder Skin Cleansing in 3 Days” lotion have a NAFDAC registration number or a registration certificate? These are the sort of questions that are in your typical legal due diligence exercise and so should be replicated in your WDD test. Another benefit of the WDD test is that it helps you protect your brand and gives you leverage over any unforeseen circumstances that may arise in your engagement with the company and the public.



3

Know Your Platform

Most influencers use multiple social media platforms and each of these platforms has its own terms of use. During the signing-up process, users agree to the terms and conditions of these platforms and these terms usually grant the platform extensive rights and licences to use any content posted on the platform. For example, any post on Instagram grants them the “non-exclusive, royalty-free, transferable, sub-licensable, worldwide license to host, use, distribute, modify, run, copy, publicly perform or display, translate and creative derivative works of your content”. Simply put, Instagram has the right to use any content posted on its page in whatever manner it likes. Hence, before posting that picture or video, it is important to consider whether this will be in breach of any existing licence granted to a third party and the potential damages that may arise as a result of that breach.





In addition, most platforms now require influencers to disclose any material connection with any brand, product or service that is being marketed. This is to protect consumers from unfair or deceptive acts in buying and using these products and this has been widely accepted in other countries in the world. Examples of these disclosures are “#ad” or “Sponsored” or “Paid ad”. As an influencer, it is important that the necessary disclosure is made for every product as it protects you from accusations of deceptive or misleading marketing.

Conclusion

As an influencer, you will definitely be faced with a myriad of clients who want you to act on their behalf and it is most likely that you place emphasis on the profit and publicity in choosing what brand to associate with. Nonetheless, in choosing to identify with a brand, it is important to ensure you are not only identifying with the right brand but that you are also in compliance with the law.



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