

Negociando con influencers / Negotiating with influencers



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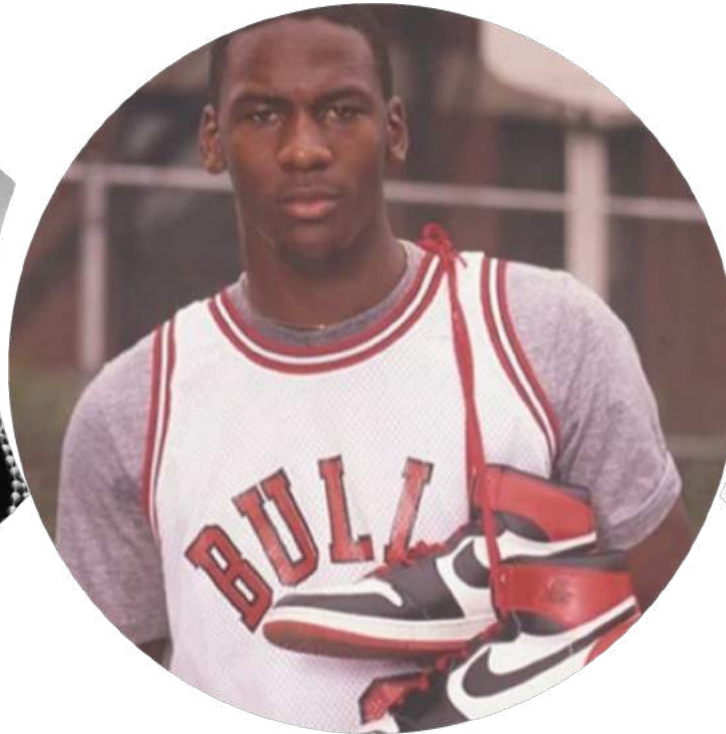
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Influencers?





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Ad Campaigns Incorporating Influencers

Must Follow FTC and State Law/Guidance



- **Influencers** = Individuals who typically have large online/social media followings and use endorsements/brand mentions to promote various products and services—may or may not be celebrities.
- How are brands and agencies interacting with influencers now and what are their legal responsibilities?
- Who is regulating?
 - FTC has challenged influencer advertising from multiple angles and is currently updating guidance, as well as general rules on disclosures and specific rules for various types of content.
 - State Attorneys General
 - Multidistrict Investigations and Actions
 - In Some States, District Attorneys
 - National Advertising Division of the Better Business Bureaus National Programs
 - Class Actions and Private Litigation
 - Consumer Groups (e.g., TINA)

Rules of the Road: FTC Endorsements and Testimonials Rule



Part IV

Federal Trade Commission

16 CFR 255

Guides Concerning the Use of
Endorsements and Testimonials in
Advertising Federal Acquisition
Regulation; Final Rule

§ 255.5 Disclosure of material connections.

When there exists a connection between the endorser and the seller of the advertised product that might materially affect the weight or credibility of the endorsement (*i.e.*, the connection is not reasonably expected by the audience), such connection must be fully disclosed.

Rules of the Road



- Be transparent, not deceptive.
- All claims you make (express and implied) must be truthful, substantiated and typical;
- If you can't say or do it yourself, people should not say or do it for you;
- No hiding: Any connection with the brand by the person posting must be disclosed;
- Social media must play by the same rules as other advertising media.



FTC Influencer Regulation Update



Influencer Regulation Timeline

May 19, 2022:	FTC Releases Proposed Updated Endorsement Guides
May 19-July 19, 2022:	Comment Period for Updated Endorsement Guides
June 3, 2022:	FTC Unexpectedly Announces Request for Comments for .Com Disclosure Guide
June 3-Aug 2, 2022:	Comment Period for .Com Disclosure Guide
Oct 19, 2022:	FTC Virtual Event: Online Advertising and Children
Oct 19-Dec 19, 2022*:	Comment Period for Advertising and Children
Q1 or QII 2023*:	FTC Releases Updated Endorsement Guides

*: Anticipated

Source: *FTC, PRNEWS research*



**Is there any regulation
related to influencers in
Mexico?**

Competent Authorities

- PROFECO (The Mexican Consumer Protection Agency).
- COFEPRIS (Mexican FDA).
- IMPI (Mexican IP Office).
- INDAUTOR (Copyright Office)
- FGR (Mexican Attorneys General Office).
- COFECE (Antitrust Commission)
- Civil Courts
- CONAR (Council for Self-Regulation and Advertising Ethics)





FYRE FESTIVAL

HOW TO
OVERPROMISE &
UNDER DELIVER



FYRE STARTERS

To ignite the Fyre Festival we compiled 400 of the most influential personalities globally to launch a **coordinated influencer marketing campaign**.

On Monday, December 12th at 5pm an ambiguous orange tile was posted to the below accounts reaching over **300mm people in 24 hours**.

THESE AMBASSADORS STAND AS PART OF, AND REPRESENTATIVE OF, THE FYRE TRIBE.

They are **key personalities** to lead the attendance of an influential audience at the Fyre Festival around the world and therefore your potential brand partners.



[Kendall Jenner](#)
72.5m followers
6.3m likes



[Emily Ratajkowski](#)
10.6m followers
48k likes



[Bella Hadid](#)
9.7m followers
94k likes



[Chiara Ferragni](#)
7.8m followers
13 k likes



[Hailey Baldwin](#)
8.6m followers
56.1k likes



[Rocky Barnes](#)
885k followers
14.6 likes



[Alessandra Ambrosio](#)
7.6m followers
21 k likes



[Nick Bateman](#)
6m followers
34k likes



[Yovana Ventura](#)
4.7m followers
6.7k likes



[Bella Thorne](#)
14.8m followers
4.5k likes



[Marcus Butler](#)
3.6m followers
39.2k likes



[Elsa Hosk](#)
3.2m followers
19.2k likes



[Jen Selter](#)
10.5m followers
5k likes



[Paulina Vega](#)
2.7m followers
5.5k likes

- ICONIC ORANGE TILE



bellahadid



88.1k likes

bellahadid CANT wait for #FyreFestival
Coming soon 🙌🔪 fyrefestival.com 🎫🎫
🎫

view all 457 comments

conphection @amandafumba why so sure?
amandafumba Its because I looked at this
site which has all the international festivals
and parties.And also Fyre is going to be the
new Coachella.And the tickets are in
computer ticket @conphection

conphection @amandafumba let's hope

bexs_b @_theycallmesanaa 😏😏

jackbassrose 🍊

azizovo Channel orange

badaraofficial 🍊

otaviano_douglas Bacana 😏

crave.her_ The Weeknd singing covers on
my videos .. more soon



Add a comment...



THE \$275,000 POST






LUXURY ACCOMODATIONS AS MARKETED



THE DUO

A boutique housing option for traveling in pairs that includes a two twin beds and elevated amenities. The Double comes with two tickets per reservation.

-  Round-trip flights between Miami & Fyre Cay
-  2 Tickets to Fyre Festival
-  2 Twin Beds

Upgrades available

VIP tickets include upgraded food and access to VIP areas and events

[Special Request? Email us](#)

ACTUAL ACCOMODATIONS





FOOD

SWIMMING PIGS

1 29. In addition to the substandard accommodations, wild animals were seen
2 in and around the festival grounds:





Influencer Categories

- Nano-influencers: less than 10,000 followers
- Micro-influencers: 10,000 to 100,000 followers
- Macro-influencers: 100,000 to 1,000,000 followers
- Mega-influencers: more than 1,000,000 followers

Kim Kardashian and Ethereum Max



- In June 2021, Kim Kardashian posted an Instagram Story promoting Ethereum Max, a new cryptocurrency token, which contained a link to the Ethereum Max website which featured instructions about how to buy the token
- “Are you guys into crypto? This is not financial advice but sharing with what my friends told me about Ethereum Max token”
- Kardashian told her 225 million followers, her “friends” were reducing supply of the token to give back to the entire E-Max community
- Kardashian’s “friends” had paid her \$250,000 to promote the new token
- Kardashian labeled her Instagram Story as an “ad”
- Labeling her Instagram Story as an “ad” did not satisfy the SEC’s anti-touting laws which require that she disclose the nature, source, and amount of compensation she received – directly or indirectly – in exchange for the promotion
- In October 2022, Kardashian settled with the SEC for \$1,260,000 in penalties, disgorgement, and interest for failing to disclose the \$250,000 payment and agreed not to promote crypto for 3 years
- Web 3 version of the classic “pump and dump” – no returns, no chargebacks
- Bottom line: influencers should engage in due diligence to understand potential legal ramifications of promotions; don’t want to get rich at your followers’ expense

Kanye West & ADIDAS



- In 2016, West partnered with ADIDAS on a lifestyle brand including clothing, accessories, and shoes, including the Yeezy Boost 750, Boost 350, and Boost
- In October 2022, West published anti-semitic tweets on Twitter
- ADIDAS eventually terminated the partnership, released a public statement, and stopped production of the Yeezy shoe line



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Impact of Influencer Reviews / Opinions



- An influencer uploaded posts complaining about Sephora products and asked her followers to make posts on social media, tagging the brand and complaining about their products.
 - *"Sephora sells expired products and do not refund the money."*
 - *"They are the worst, they sell expired products, they yell at their customers and they still have the luxury of playing dumb with the refunds they owe."*
- Years later she confessed that the competing company paid her to do so.

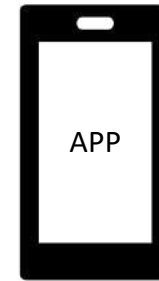


- Marco Antonio Regil is a successful entertainer with 45 years of experience in the Mexican entertainment industry.
- He joins Tuhabi as a shareholder with the intention of achieving the growth of the LATAM platform; receiving royalties from the sale of each property.



PROFECO

PROCURADURÍA FEDERAL
DEL CONSUMIDOR





KIDFLUENCEI



- The number of child influencers (Kidfluencers) has boomed in 2021, mainly because of TikTok and Instagram.
- The debate focuses on the protection of her image rights, the advertising regulation around her and with the negotiation and earnings through her parents.
- Sensitive topics?
 - Alcohol
 - Violence
 - Bullying/Humiliation
 - Diseases



Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales



Comisión
Federal de
Competencia
Económica



Law for Promoting Transparency and Preventing and Combating Malpractice in the Contracting of Advertising

Influencers – media hub?



juanpazurita • Se
Mexico to the World, LLC

juanpazurita From Mexico To the World. Proud to announce Day Of The Dead Collection with @Nike. 🇲🇽

Este es un sueño que he estado construyendo con #TeamNike los últimos años. Destacar la belleza tan única que tiene mi país y lo mucho que le puede ofrecer al mundo.

Personalmente, México ha sido un motor y un orgullo en mi vida. Siempre he creído que nuestro país ha sido y es subestimado. En mis años de carrera entre MX y USA, la gente ve ser Mexa como una limitante... y yo lo veo como una bendición. No hay nadie con nuestra resiliencia, humor y huevos. Esto es un testamento de lo

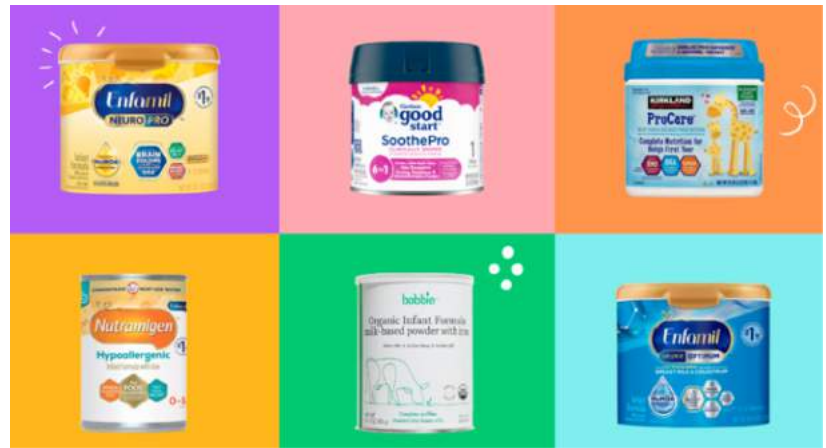
Les gusta a yuyacst y 710,728 personas más

15 DE OCTUBRE DE 2020

Agrega un comentario... **Publicar**



A reminder to all moms who are feeling bad about feeding their babies...



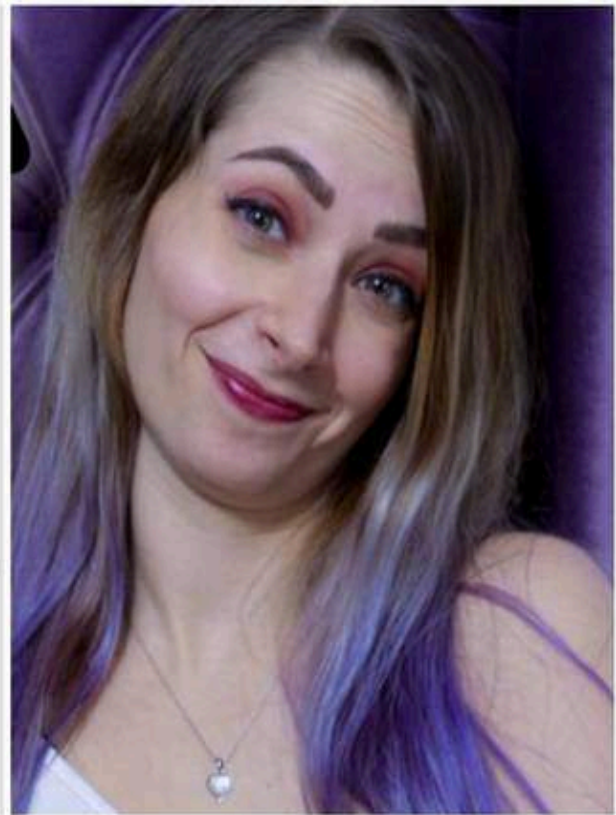
C. TITULAR DE LA FISCALÍA
ESPECIALIZADA EN DELITOS SEXUALES
DE LA FISCALÍA GENERAL DE JUSTICIA
DE LA CIUDAD DE MÉXICO.
PRESENTE



AIDARA SUÁREZ OLIVERA, por el propio derecho, con fundamento en lo dispuesto por los artículos 1, 8, 17 y 21 de la Constitución Política de los Estados Unidos Mexicanos, así como los artículos 1, 2, 3, 10, 16, 17, 108, 109, 110, 127, 128, 129 y 131 del Código Nacional de Procedimientos Penales y los artículos 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 18, 19, 20 de la Ley Nacional de Víctimas: señalo como domicilio para oír y recibir notificaciones la

calle [REDACTED]
[REDACTED] designo como Asesoras Jurídicas y les autorizo para que en mi nombre suscriban toda clase de producciones, comparezcan ante esta autoridad, segen como a la Investigadora y reciban toda clase de notificaciones a los [REDACTED]

[REDACTED] y [REDACTED], de manera individual con fundamento en el artículo 51 del Código Nacional de Procedimientos Penales establezco como medios para cualquier comunicación remota el teléfono [REDACTED] y el correo electrónico [REDACTED] y, finalmente, ante usted de manera respetuosa, comparezco para exponer lo siguiente:



FGR
FISCALÍA GENERAL
DE LA REPÚBLICA

VIRTUAL INFLUENCERS



- Created with artificial intelligence
- Engaging content due to machine learning
- To whom will royalty payments be made?
- Presence at events and commercial partnerships with brands
- Advertising identification is necessary (#publi)
- Higher engagement rate than traditional influencers
- Main target: Generation Z
- Cheaper than hiring traditional influencers

Hot topics

- Virtual Influencers
- Animal influencers
- Cultural heritage and collective intellectual property of indigenous peoples and communities
- Influencers in the Metaverse?
- Products that are harmful to health? (THC / CBD)
- Fake campaigns



ASIFI

< tom



309 144 mil 1,662
Publicaciones Seguidores Seguidos

Tommy the tiny blue staffy
★ yes I am smol ★
🐕 English Staffordshire Bull Terrier
✉ tommybluestaffy@gmail.com
Ver traducción
linktr.ee/tommybluestaff

Road trip Baby Tom 1st Birthday Teen Tom Q&A



Influencers Clearance 101.

What should they be conscious about?



Contracts

Copyright
s

Guidelines
for the use
of a TM

Image
Rights

Advertisin
g / #ad





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CONTACT US:

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¡GRACIAS!

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