



Best Practices for Digital Talent Issues

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State of the Union

Currently, when it comes to the digital integration of campaigns, there are no rules or standards in the talent rights space, especially when filming with union performers.

The way forward is being forged daily (by Chloé and other key industry professionals) on a case-by-case basis, which in turn sets precedents, which evolve into corporate deals, and finally industry standards. This is good news: It leaves more room for negotiation and opens the door to new possibilities.

Interestingly, both radio and television followed a similar path in their early years. The difference with digital content is:

1. the speed with which it can be shared
2. the ease with which it crosses borders and markets and
3. the ability for consumers to participate in the conversation and evolution of a brand

What could possibly go wrong?

A successful online campaign can quickly turn from dream to nightmare if your talent agreements are not well-managed from the outset. Once it's gone viral, negotiating additional rights at reasonable rates becomes increasingly difficult, since you may have lost all leverage. These rights for global usage can quickly eat into your profit margin.

If, however, you have secured agreements ahead of time that include all necessary rights, you can enjoy the campaign's success, knowing that your costs are contained.

"B-Roll" Talent Issues

It used to be that B-Roll was truly behind the scenes film of the film, the main focus of which was to P.R. a campaign with no real intention to sell products and it was simply exhibited on entertainment news programs, etc. These days, even if it seems like short format entertainment content, it can be more often than not, under the union's jurisdiction. Therefore, you may think your cast is all non-union, or with regards to print shoots, you may think the models will do the B-Roll non-union, but often this is not always the case.



Be aware that once the first person —who may be your favorite talent/model— “waves the union flag” the entire talent production must be produced under the union’s jurisdiction.

Avoid last minute surprises like this by determining, in advance, all of the potential union implications to your production.

Requirements

When negotiating talent contracts in the digital space, it is in your best interest to rely on people who have:

- a global view
- exceptional negotiating and contracting skills
- a thorough understanding of how all of the various parts diverge
- the skill to effectively bring them all together in one deal
- a stellar reputation amongst their peers as well as the agents, attorneys and unions

No two deals are the same.

Rather than create a rigid in-house formula to be applied to all our clients, we evolve each deal on a case-by-case basis. Far better that you have a deal that is tailored to your particular industry, demographic, company, and media platforms.

This is where Chloé diverges from all of the other companies in this arena: drawing upon our experience, reputation, and cross-industry clients, we are consistently pioneering new terms of contract negotiations and writing new deals in the digital space, and we have been doing it since 2000. Navigating and succeeding in the digital space requires highly experienced, creative professionals who are willing to take risks when required. This is what we, at Chloé, do best.