



EUROPEAN COMMISSION MAKES INTELLECTUAL PROPERTY INFORMATION AVAILABLE TO INFLUENCERS

Influencers are content creators who often advertise or sell products on a regular basis, which means that, in the eyes of European legislation, they are classified as traders. They must therefore comply with a set of rules.

Therefore, the European Union (EU) has compiled the applicable rules and created the so-called “**Influencer Legal Hub**”.

WHAT IS THE INFLUENCER LEGAL HUB?

It consists of a project that is aimed at informing/training influencers, advertising agencies and economic operators to comply with the legal provisions that apply to them, whether they work in advertising or as direct sellers.

WHAT IS INCLUDED IN THE INFLUENCER LEGAL HUB?

The Influencer Legal Hub consists of video trainings, legal summaries, summaries of laws and case law from the Court of Justice of the EU, as well as information and links to other competent national authorities, particularly in consumer matters.

This information reflects the position of the *Consumer Protection Cooperation Network*, which has adopted the 5 fundamental principles regarding the dissemination of information on social media marketing.

The **5 fundamental principles regarding the dissemination of information on social media marketing** are:

1. The wording used should make it obvious to the average consumer that the content is commercial. It is therefore recommended to use the word “advertising”, avoiding abbreviations and ambiguous words such as partnership, sponsorship, collaboration, ambassador and offer;
2. The text must stand out and be clearly distinguishable from other content and elements;
3. To ensure that disclosure is visible, placement must be carefully considered, avoiding the consumer having to take extra steps to get information (such as: following a particular link or long posts that involve accessing essential information by clicking on “read more”);
4. Consideration should be given to available studies and reports that may be useful in designing social media marketing promotions, such as behavioral studies on how consumers perceive specific promotions;
5. The specific vulnerabilities of children should be taken into account when disseminating commercial content likely to be viewed by children.

The **video training sessions** consist of seven videos designed to familiarize influencers, agencies, PR companies,

brands and even consumers with the most relevant consumer and intellectual property rules applicable to influencers in the EU.

The videos are structured around four different themes:

- (i) Introduction to consumer protection laws in the EU;
- (ii) Influencers as advertisers;
- (iii) Influencers as salespeople;
- (iv) Influencers and Intellectual Property.

INFLUENCERS AND INTELLECTUAL PROPERTY RIGHTS

The Influencer Legal Hub of the European Commission now has information on how to register and protect Intellectual Property Rights.

Influencers' creativity and innovation on social media can be protected by intellectual property rights.

In this context, the **most relevant intellectual property rights for influencers are trademarks, designs and copyright.**

Influencers must also **respect the Intellectual Property of third parties** and not infringe it, as this would be a violation of the law, nor may they mislead their audience, namely by promoting counterfeit or pirated goods and/or services.

FINAL NOTES

In recent years, the authorities responsible for consumer protection have been carrying out more exhaustive checks on the market, seeking to verify that influencers are complying with the law.

Some of the most frequently detected infringements are related to misleading information, particularly about food supplements, illegal marketing, hidden advertising and advertising content that is not labeled as such.

Consumer protection authorities want to gain a better understanding of the

influencer sector and the problems consumers can encounter when they get involved in social media advertising, goods and services promoted by influencers.

Influencers should also be informed about the rules that apply to their conduct on social networks, so that they can protect themselves as well as possible and so that they can also boost and expand their “business”, in particular by registering Intellectual Property rights.

Vanessa Gaspar
v.gaspar@caldeirapires.pt