



THE DEFINITIVE GUIDE TO

# Rights Management for UGC

wyng

# UGC Rights & Management

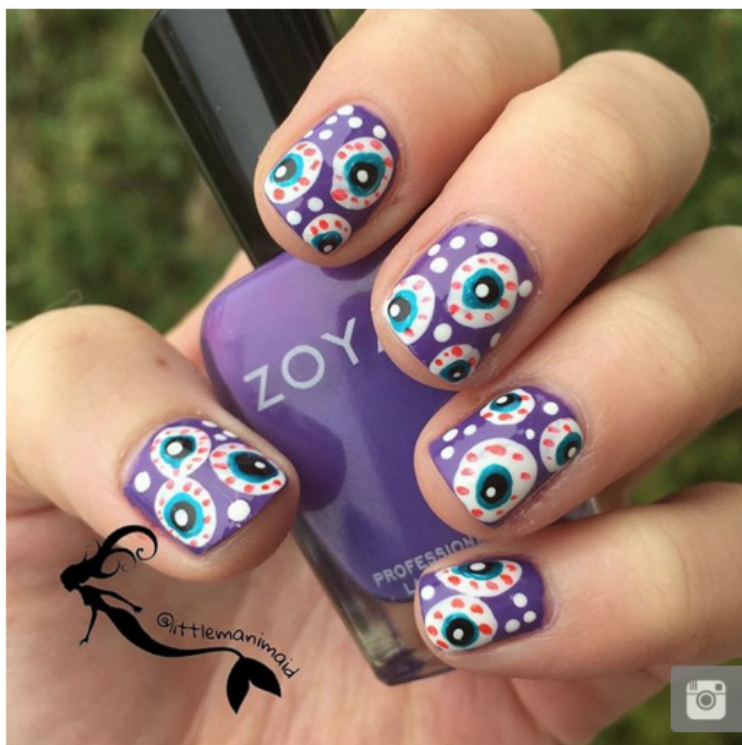
The explosion of User Generated Content, or UGC, has drastically shifted the way people engage online. Instead of consumers looking to brands for product information, they are increasingly turning to each other for trustworthy, unbiased opinions and experiences. The interesting thing is, these opinions aren't usually expressed through text or voice, but are instead demonstrated through photos and visuals.

This change in your consumer behavior is the product of widespread smartphone adoption, is fueled by consumers' passion and interests, and has been embraced by brands as the future of marketing. To stay relevant in today's digital world, marketers have had to acknowledge two inescapable facts: 1) they simply cannot keep up with the speed and volume of content consumers are producing, and 2) they cannot replicate the trustworthiness and virality of user generated content. For this reason, brands are now relying more and more on user generated content in lieu of expensive, time-consuming, brand produced content.





As brands turn to UGC in place of brand produced content, there are new risks. No one wants to get into a copyright fight, so when a marketer looks to leverage a consumer-created photo, it's important to understand the legal rights for both brand and consumer. In this guide, we've outlined our best practices for collecting user rights to help marketers take advantage of this incredibly powerful marketing opportunity.



Is this yours?  
[Click here to claim it!](#)



Jessica B.

1 hr · 👤

Awesome hike today. Stayed warm and dry with my water resistant jacket and backpack #HikeStayActive @HikeClothingCo



28 people like this.



**Hike Clothing Co.** Thanks for entering our Stay Active competition! Head to this link to complete your submission: <http://bit.ly/123XD>

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# What can UGC do that brand content cannot?



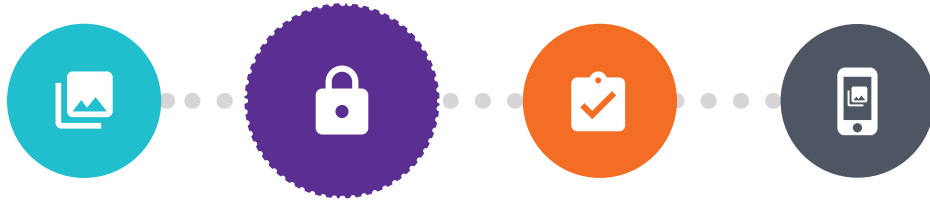
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User Generated Content has been highly publicized and praised as an effective marketing tool over the past couple of years. From its authenticity to impact, UGC has continuously outperformed and outpaced brand content to help drive real business results.

The normal go-to's for marketers—brand created content and stock photography—no longer drive the same results as they have in the past. It's no secret that many consumers simply glaze over stock content as if it doesn't even exist. This does nothing for a marketer except continue to create a divide between brands and consumers.

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Rights management is when a brand requests and is given consent to use a piece of content from a consumer who created it. Brands typically need to acquire rights due to the nature of how the content will be reused; it usually falls outside the realm of [Fair Use](#)—particularly when used for commercial purposes.

If a brand collects a piece of UGC, it doesn't imply ownership. This is where rights management comes in. It's important to get a consumer to grant your brand rights to a specific photo. This ensures your team and your consumer both understand and agree to how your brand intends to utilize it.

**parkerthreads** Hi Scott, we absolutely love this photo and would like to share it on our social media channels to promote our line of summer-themed bowties. Let us know this is okay by replying “#ParkerApproved”

**scott\_nyc** @parkerthreads Absolutely!  
#ParkerApproved

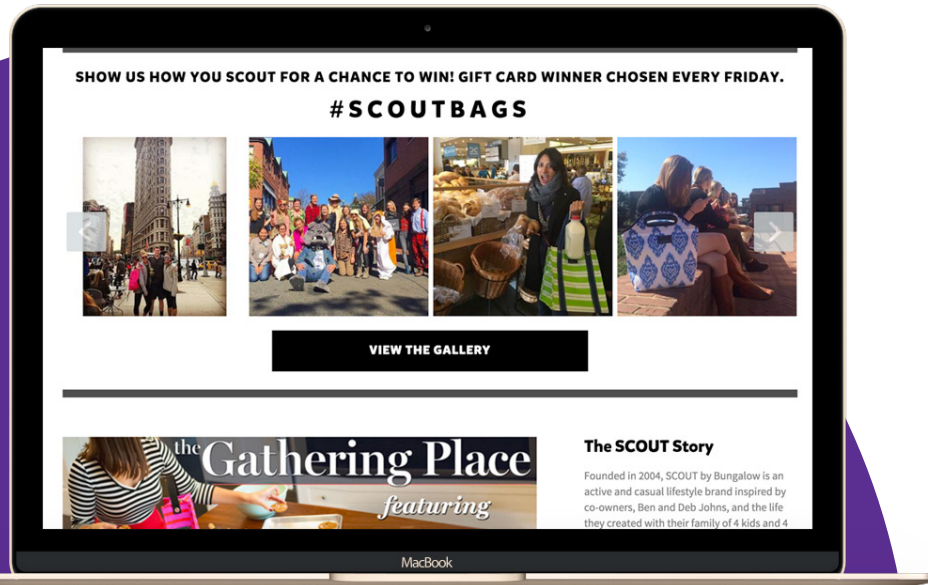
Hashtag Reply Consent

# What is Rights Management and why do we need it?

## TIP

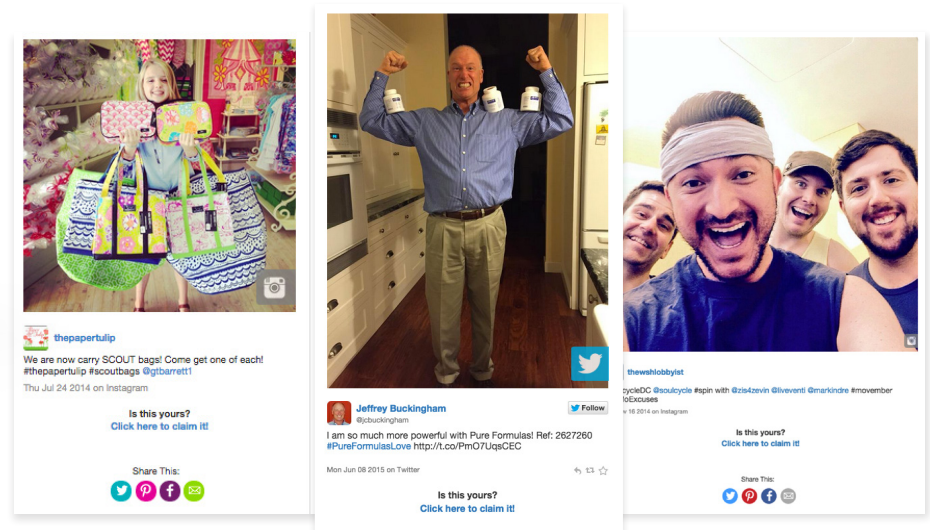
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Be up-front with your consumers about what piece of content you are going to use, and how. This helps ease concern when acquiring rights.



Why would someone give permission to reuse a photo?

Most consumers want to be recognized by a brand they enjoy and will jump at the opportunity to be part of that brand's story, whether in advertisements, email, on promotional material, a brand website, social presence or something else.



Not only can brands inspire and collect UGC from consumers, but they also can gather content from industry influencers. These consumers' motivations may be slightly different from your everyday consumer, but the end result is the same— influencers are usually quick to provide permissions to brands— especially if an incentive is included to help sweeten the deal.

Ultimately, consumers love being part of a brand's story, but they need to understand what they are getting themselves into before their face is plastered on a billboard unknowingly. Again, providing transparency up-front is key to maintaining a meaningful relationship with your consumers.

## WHAT MOTIVATES PEOPLE TO GRANT UGC PERMISSIONS



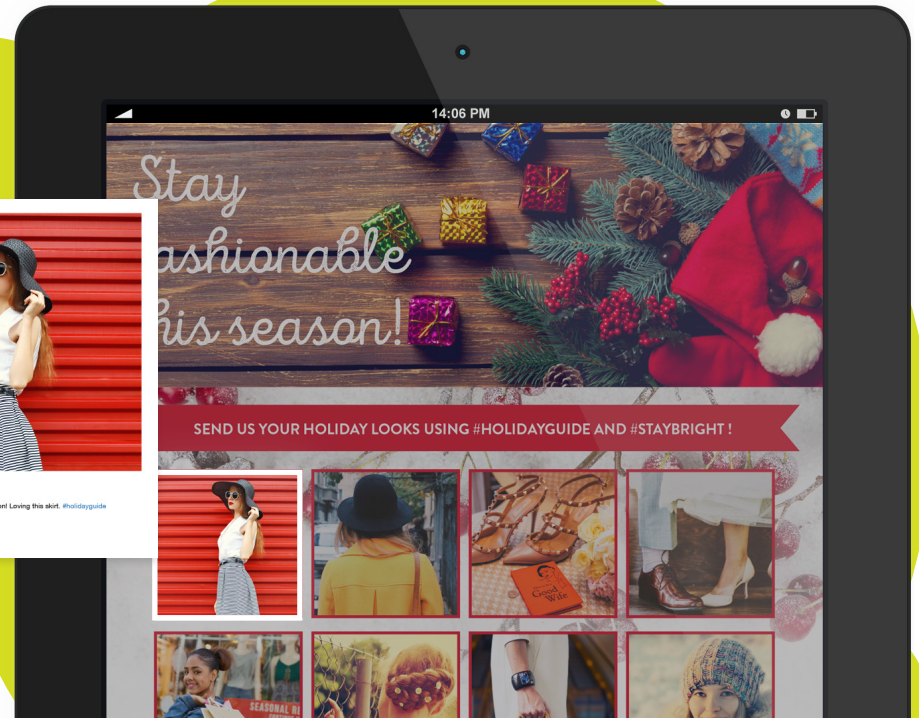
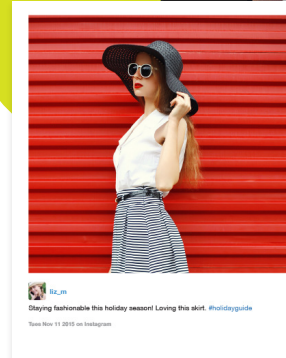
### CONSUMER

- Loves your brand
- Enjoys showing off their personal style
- Seeks validation from a brand
- Enjoys interacting with your brand and other like minded people



### INFLUENCER

- Helps build following
- Wants to build personalized brand
- Enjoys recognition for being influential
- Interaction with brands helps provide validation



### TIP

Consider tailoring your outreach efforts for influencers and consumers. While a simple automated response might work for a consumer, an influencer will likely expect a more personalized message.



When creating a campaign that seeks to inspire UGC, it's important to determine the intended purpose of the content, and then align terms and conditions accordingly. It's important to align your terms and conditions to your intended use of UGC before sharing with consumers.

If you are collecting content to live in a stand-alone gallery, then implied consent through use of a hashtag will likely suffice. However, if you plan to repurpose content for a digital advertisement, on a website, or in other owned media, then checkbox consent is preferred. That said, the level of consent is not a one-size-fits-all approach; ultimately, this needs to be determined by your brand. Work with your legal team to establish a company-wide rights management policy.

## THE THREE MOST COMMON WAYS OF ACQUIRING PERMISSION TO REUSE CONSUMER CONTENT:

- 1 Implied Consent
- 2 Hashtag Reply Consent
- 3 Checkbox Consent



Canvas Footwear's #JourneyToTheTop UGC Contest

# What type of consent do marketers need?

# Implied Consent

Brands can secure UGC rights through **implied consent**. Implied consent is when a consumer includes a branded hashtag along with a photo. The inclusion of the branded hashtag implies the user has read and agreed to the terms and conditions (hence "implied consent"). The problem with this form of consent is there is no formal acknowledgment from the consumer that they have actually read or agreed to the terms.

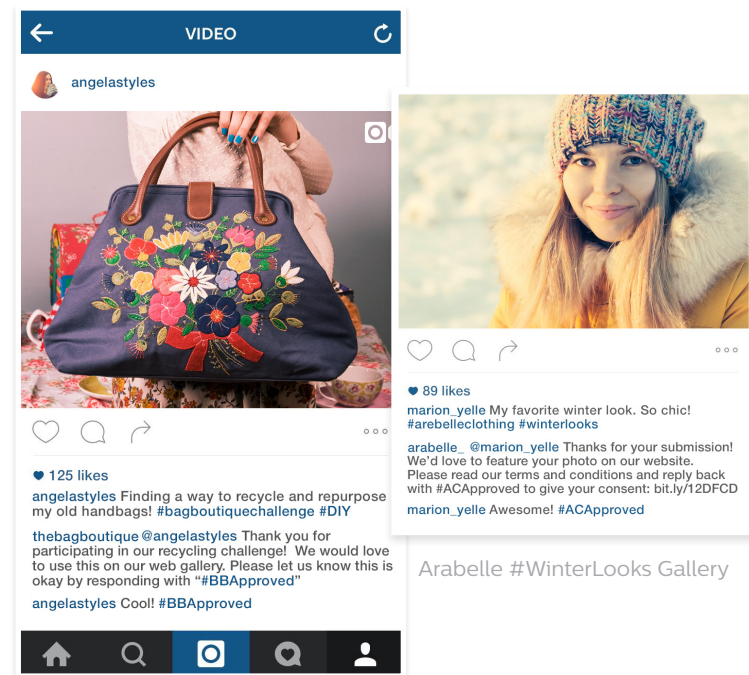


Hike's #HikeToTheTop UGC Contest

# Hashtag Consent

The second form of consent is **hashtag consent**. This form of permission requires an additional action by the consumer in order to be approved for reuse. Usually, this is accomplished by asking consumers to include an additional hashtag with their submission, e.g.. #WyingApproved, along with the specific campaign hashtag and brand username.

Alternatively, brands can send a direct message to the consumer after they have submitted an image, prompting them to follow up with an additional hashtag to give their consent. This direct message usually contains language that outlines how the brand plans to reuse the content, along with the instructions to provide consent. For example, “Thanks for your submission! We’d love to feature your photo in our other material. Please read our terms and conditions and reply back with #WyingApproved to give your consent.”



Arabelle #WinterLooks Gallery

Bag Boutique's Recycling and DIY Contest



# Checkbox Consent

The third form of consent is **Checkbox Consent**, and is widely considered to be the most secure form of content. It's typically used by brands who are looking for ironclad permissions to reuse a photo in digital ads, product pages, print, TV, etc. By including a checkbox asking consumers to agree to terms and conditions of the contest, the user has to take deliberate action when submitting a photo in order to grant the brand legal rights to reuse the content. This form of consent provides the brand with a well documented paper trail including the email address, social ID, timestamp, terms and conditions agreement, IP address, etc., making it the most robust form of consent available.

Checkbox Consent conversion rates are typically around 30%. However, the language your brand chooses to use has a big impact—in fact, following such practices can boost conversion rates to 50-60%.

**CREATE YOUR OWN SUPERSTAR COVER!**

\*Required

1. Upload your image, then resize it within the cover\*

UPLOAD FROM FACEBOOK    UPLOAD FROM INSTAGRAM

UPLOAD IMAGE

2. Enter your name\*

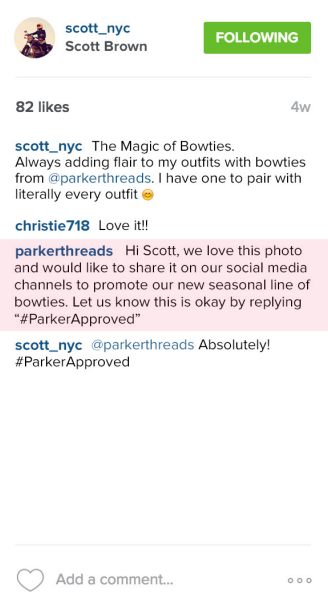
3. Enter your email\*

I want to get the latest details on all happenings in snowboarding universe from GLOBE Magazine.

I give GLOBE Magazine permission to use the cover generation through this tool in any GLOBE Magazine's promotional materials.

I agree with the terms and conditions\* and GLOBE Magazine's Privacy Policy\*

GLOBE Magazine Meme Generator Form



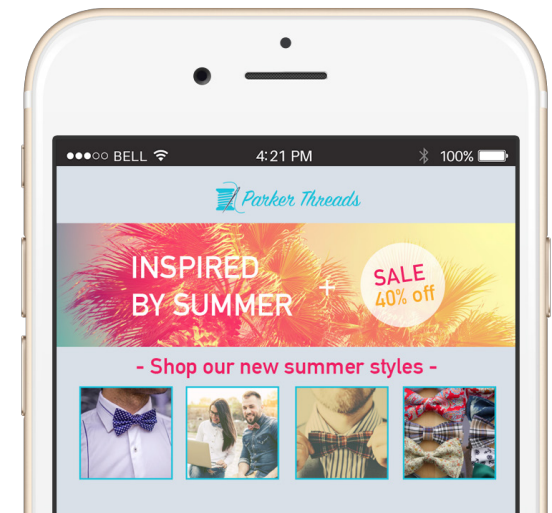
# Next Steps

When deciding what UGC is okay to use, it is important to develop a company-wide policy your brand will abide by. The easiest way to do this is to identify how you will be using the photos—will you be featuring them on your site, in advertisements, in emails, in-store, etc.—and then, identify what type of permissions make sense for each use case.

Want to learn more about rights management? Our team is standing by to answer your questions. We can help you determine what works, and what doesn't based on our experience launching hundreds of thousands of UGC campaigns. [Send us an email!](#)

## ADDITIONAL MATERIALS:

- 1 [Dos & Don'ts of Digital Marketing Campaigns](#)
- 2 [Top Digital Marketing Campaigns](#)
- 3 [How Consumer Ads Perform Against Brand Ads](#)





Wyng is a marketing platform for brands and agencies to build and run campaigns that drive participation and elevate consumer influence. We powered the first Super Bowl hashtag commercial in 2011. Since then, we've continued to evolve our platform to align with shifts in consumer behavior through a robust library of campaign templates. We help brands create communities, what we call tribes, bound by affinity and connection. Wyng is headquartered in New York City.

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