

# **Legal aspects of cooperation of influencers with advertisers**

## **Abstract**

The diploma thesis deals with the legal aspects of cooperation of influencers with advertisers. These entrepreneurs connect with influencers who are people with influence over social network users, in order to help promote their brand or product. The thesis is divided into a total of six parts. In the first part, the central concept of an influencer is foremost defined and its inclusion in the groups established by practice is determined. At the same time, the legal status of the influencer is thoroughly analysed in this part, while special attention is paid to the qualification of the influencer as an entrepreneur, competitor, processor and distributor of advertising. The second part deals with the broader context of influencer's work, the conceptual definition of advertising and influencer marketing, and describes the functioning of social networks. The third part maps the current legislation relating to advertising in general and examines the possibilities of its application for advertising created by influencers. The fourth part deals with self-regulatory organizations and initiatives operating in the field of advertising. In addition to European self-regulation, space is given mainly to Czech self-regulators, who are then subjected to comparison with the main French self-regulatory organization. The end of this part focuses on the self-regulatory function of the contractual terms of social networks. The focus of this thesis lies in the fifth part containing a study of the course of cooperation between the advertiser and influencer, focusing on the analysis of the content of typical provisions of contracts concluded with influencers. This part also examines the contractual mechanisms of the advertiser's control over the final form of advertising, of which the influencer is mainly in charge. Hereinafter, non-legal control mechanisms are not left out. Furthermore, in this part, attention is focused on the analysis of specific forms of business cooperation in influencer marketing, such as affiliate marketing, sponsorship, product placement, giveaways, and the sale of goods. In the last part, the thesis responds to selected current issues and challenges associated with influencer marketing (hidden advertising, misleading advertising, buying fake followers and virtual influencers) using the application of legal norms and self-regulatory rules.

## **Key words:**

influencer, influencer marketing, social networks, advertisement