



THE REGULATION OF SOCIAL MEDIA INFLUENCERS

MAASTRICHT, 11 JANUARY 2019



BOOK WORKSHOP

11 January 2019

Maastricht University, Faculty of Law (Bouillonstraat 1-3, Maastricht)

As people turn away from classical advertising channels such as television, print or radio, social media platforms such as Instagram, Youtube, and more recently Musical.ly, are establishing themselves as marketing outlets in the search of consumer engagement. Powered by the generation of online content by their users, consumers who produce content – or in other words prosumers, these platforms now feature hundreds if not thousands of popular individuals who amass impressive amounts of followers. Active in any possible industries that appeal to their followers, ranging from gaming to pets, lifestyle, beauty or health and fitness, social media influencers continuously create content for their fans to keep them updated on different products and services, in the form of reviews. On the one hand, empowering users to start their own channels or accounts and be able to gather revenue as an alternative to a classical job sounds promising: there are no market entry requirements, it provides the much-coveted millennial work flexibility, and can be a great alternative if job prospects are dire. On the other hand, influencer marketing raises fundamental legal and moral questions. As a lot of the content posted by influencers on social media is sponsored by the companies behind the products or services they review, without any notification: how should the audience draw the line between honest opinions and paid endorsement? What is more, the business models used by influencers are obscure at best. Most influencers start small, very likely as an individual and not as a freelancer or a business, so it is very difficult to tell who owns a specific account and what their obligations are to their audiences: is it a company that must comply with advertising laws and consumer protection, or is it peers, not bound by the same high standard? What happens with content which entails health risks, such as the promotion of cosmetic surgery or medical products? In addition, given that impressionable children between 7 and 15 are constantly present on social media, should they benefit from any additional protections?

This workshop brings together interdisciplinary approaches to some of the less visible issues posed by advertising on social media, and is supported by the Independent Social Research Foundation, the Maastricht European Private Law Institute and the University of Groningen. Each speaker in the event is currently authoring a chapter in the book *The Regulation of Social Media Influencers* (Elgar, forthcoming 2019), edited by Sofia Ranchordás and Catalina Goanta.

PROGRAMME

09:15-09:45 *Coffee and registration*

09:45-10:00 Welcoming remarks - Catalina Goanta (Maastricht University)

10:00-12:00 **SESSION 1**

The Promises and Perils of Influencer Marketing as Work

Chair: Catalina Goanta

Discussant: Caroline Cauffman (Maastricht University)

Speakers:

- *Creative Labor in Social Media Platforms*
Christian Fieseler (BI Norwegian Business School)
- *Tort Liability and Advertising Law*
Isabelle Wildhaber (University of St. Gallen)
- *Influencer Marketing as Labor: Between the Public and Private Divide*
David Mangan (City University of London)

- *The Protection of Children on Social Media*
Simone van der Hof, Mark Leiser (Leiden University) & Valerie Verdoodt (KU Leuven)

12:00-12:30 **KEYNOTE SPEECH**

Influence on Social Media
Madeleine de Cock Buning (Utrecht University/Commissariaat voor de Media)

12:30-13:30 *Lunch**

13:30-15:10 **SESSION 2**

Between Free Speech and Consumer Protection – Public and Private Interests

Chair: Stephan Mulders (MEPLI)
Discussant: Vanessa Mak (Tilburg University)
Speakers:

- *Free Speech and the Right to Publicity on Social Media*
Oreste Pollicino (Bocconi University) & Ernesto Apa (Bocconi University)
- *Ethical Implications of Influencer Marketing from a Business and Human Rights Perspective*
Isabel Ebert & Dana Sindermann (University of St. Gallen)
- *Mandatory Information Duties of Social Media Platforms and Influencers*
Rossana Ducato (UC Louvain)

15:10-15:25 *Coffee break**

15:25-16:00 Discussion table: Top-down regulation versus self-regulation

Facilitators: Sofia Ranchordás (University of Groningen) and Catalina Goanta
Discussants: Egelyn Braun (European Commission)
Fiona Vening (Stichting Reclame Code)
Justina Raižytė (European Advertising Standards Alliance)

16:00-17:40 **SESSION 3**

Social Media Influencers and Research Design

Chair: Sofia Ranchordás
Discussant: Jerry Spanakis (Maastricht University)
Speakers:

- *Comparing Standard Terms on Disclosures*
Felix Pflücke (Oxford University)
- *Social Media Research Design*
Gijs van Dijck & Monika Leszczynska (Maastricht University)
- *Persuasiveness in Influencer Marketing*
Liselot Hudders, Marijke de Veirman & Steffi De Jans (Ghent University)

17:40-17:50 Closing remarks – Sofia Ranchordás

17:50-19:00 *Drinks**

18:15 *Dinner for speakers, discussants and panelists*

* During these timeslots, we will invite our academic guests to our video corner to each give 3 legal/ethical/business tips to influencers, their representatives, ad agencies, platforms and public institutions. These videos will be edited and gradually uploaded on the **Influencer Law** Youtube channel co-managed by our volunteer artistic directors Adrien Dubois and Laura Aade (2nd year European Law School). The channel aims to educate the influencer market and make academic legal and interdisciplinary knowledge available to social media users.