

**The most important protection for your business - Contracts -
Part 1 (S3E62)**

scribie

Audio Transcription, Perfected

<https://scribie.com/files/8031a3410c2144c4928feb3aa0ad4092dbf89ef7>

[music]

00:06 Autumn Witt Boyd: Welcome to The Legal Road Map® podcast, for online and e-commerce entrepreneurs. I'm your host, lawyer Autumn Witt Boyd. I am an experienced copyright and trademark lawyer with my team at the, AWB firm, I leverage Grow and Protect multimillion online businesses. My goal in every episode is to teach you about the sophisticated legal and business strategies to build your own seven or eight-figure business. If you're a new business owner, go back and listen to episodes 1-12. You'll learn the basics to set up a strong legal foundation. The Legal Road Map® podcast is sponsored by the AWB firm. You can find show notes for every episode, and learn more about how we help our clients achieve their next level goals at awbfirm.com.

[music]

00:52 AB: Hi everybody, lawyer Autumn Witt Boyd here. I have had [chuckle] a little bit of technical difficulty today. And you can see, if you typically watch my Facebook Lives you can see behind me, we have a little bit of a different backdrop, today. I moved my location, in my office to have a little bit of a different view. And of course that required a little bit of moving everything else around. So thank you for your patience, if you tuned in a few minutes ago, sorry, I am a few minutes late. We are starting this month's series, this month of November, is going to be all about contracts. So we are going to kind of go back to basics for the month of November. I'll go ahead and introduce myself if you're new here, I'm so glad that you have joined us. My name is Autumn, I am a lawyer, I live in Chattanooga Tennessee. And I work with online and innovative businesses. So we work with a lot of businesses at about year two to five. They have found a product or a service that resonates with their audience, they're profitable, they are growing, they are looking to scale. And that's when we come in and can really help make sure that they have a strong legal foundation. We often work on the basics. So that's why I've been talking about a lot of more advanced topics this year on the podcast, talking about selling your business, growing your team. All kinds of different really high-level topics.

02:06 AB: And I realized we haven't talked about much of the foundational issues in a while. That's why I wanna spend the month of November really digging into contracts because I think this is the most important legal protection that every business owner needs to have in place, whether you are doing these on your own or working with a lawyer either way, they are so, so, critically important for your business. So, I'm excited to be chatting about contracts, all month. We are going to dive in today to why they are so essential for your business, why you must have contracts in place if you are wanting to build a sustainable, profitable business. And then also, what are some of the benefits to using contracts in your business and what kinds of contracts are essential to your business depending on the kind of business that you're running. So we are going to dive right in. I will give my standard disclaimer which is that I am a lawyer but I'm not your lawyer, unless you decide to hire our law firm and work with us one-on-one. So everything in this podcast recording and

Facebook live video is meant to be information, it is not legal advice, please do not rely on it in your own business.

03:12 AB: If you have questions, definitely talk with your own lawyer. This podcast and Facebook Live video are just meant to give you kind of a vocabulary. Get your wheels turning, let you spot some of the areas that you may need legal help in your business so that you can then take the next steps either on your own or working with a lawyer. So, not legal advice. That's my standard disclaimer and I'll talk more about disclaimers in a little bit. So I'm going to talk about five reasons contracts are essential to your business and some of the benefits that they give to your business. So the first thing I just wanna talk about is, what is a contract? It is just an agreement between two people. So I know a lot of people may see a contract and it's long and it's many, many pages and it's got all this legalese that you can't understand, but when it boils down to it, a contract doesn't even have to be in writing in every instance. A contract is just an agreement between two people or two businesses or more than two people or two businesses. But for most of my clients, a contract is really just a way of formalizing or putting in writing something that hopefully they've already talked about.

04:14 AB: So some of the most common contracts that we see and that we'll talk about are gonna be if you're a service provider, your agreements with your clients, if you are selling a product you may have terms with your... Wholesale terms, if you're selling that way or you may have terms and conditions that go with your products, if you're selling a digital product. There's all kinds of different contracts that are gonna come into play with the products and services you're selling. You're also going to be using contracts hopefully with your team members, maybe with your employees or your contractors as you start to grow that team. And then as you're starting to maybe collaborate with people or do different things in your business, you are also gonna see contracts come in to play there. So we might see affiliate agreements, or referral agreements, all kinds of different things there. If you're having in-person events, you may need an agreement with your attendees for those events. So we'll talk about some of those in a minute, but just wanted to get your wheels turning.

05:08 AB: Again, in many of those instances, you're really just putting into writing what you've hopefully already talked about. So if you're selling a service, you have probably had a phone call or a meeting with the person who is hiring you, to do that service. If you're a web designer or a graphic designer. And you've talked about what kinds of things you're able to do, if you are selling a package of services you've talked about what exactly you're you gonna provide. Are you doing a suite of branding? So, you're gonna provide a logo and maybe a letterhead design, an envelope, a business card. How many revisions are included, all of those things. Hopefully you've already at least kind of started to talk about. You've talked about price you've talked about what the timeframe is. So all of those things you're just now gonna put in writing. And this is... I wanna go to the second step or the second thing I wanted to talk about with contracts, which is, I think contracts are a really critical part of a business.

05:57 AB: Because it starts off your relationships on such a good foot and it makes you look like so much of a professional. And that's what we all want, we wanna have a nice reputation, we want for the customers that we're working with to think highly of us to think that we're going to do a good job. And your contract is really going to set the stage for that. So if you have a professional-looking

contract, that either you have put together carefully, you have bought a contract template from someone trustworthy or you've worked with a lawyer one-on-one. These are kinda the three options, when it comes to putting together a contract? If you're presenting something that looks professional that lets the other person know that they're gonna have a good experience with you that you are going to treat them professionally throughout your relationship, hopefully. That the products or services that you're selling to them are gonna be delivered in a similar manner. So it really just starts you off on that right foot. It makes you look good. It makes you look like you know what you're doing. So, a contract can just basically set the stage for the good start of a relationship.

06:54 AB: The third thing that I wanted to mention about contracts, is that it really can ease the worries and it can free you up to be more creative, to have a more open and collaborative relationship with the people you're either purchasing services from or products, if you're doing something custom or if you're the one providing those products or services. A lot of my creative clients, those web designers and graphic designers, event planners any kind of custom creative field, a lot of them are very hesitant to use contracts, especially if they are newer and maybe they've only had a few experiences with clients and they don't want to put something... You don't wanna slide a 20-page contract across the table with one of your very first clients, because you're eager to do work, you're excited to do the work, you're excited to be building your business. So I had a lot of clients who were very nervous about pushing that contract across the table or sending it via email that that is gonna put off the other side.

07:49 AB: And what I have found is that it really does the exact opposite. So when you have everything in writing, and again, hopefully you've talked about all the things or most of the things that are in the contract, so these should not be surprises to the other person that you're asking to sign. You are making it clear what you have agreed to. So you talked about it. But you know, people have different memories sometimes when we have a conversation. Or maybe you've emailed about it, but... I was just looking for something in my email this morning, and I could not find it. I know I had an email about this with another lawyer and I cannot find it. I'm sure if I took more than one minute I could find it, but we all do this. You've got an email about this in and an email about that and maybe your agreement is spread over 15 different emails. So putting it together. In a contract in one place that you can both refer back to if you ever have questions, is going to put everyone at ease. It really, I think, gives you the freedom to not have to worry that someone is going to take advantage of you because you have both trusted each other enough that you've been willing to put it in writing, and sign it.

08:48 AB: So that if you did ever have questions later you can just refer back to it. I have some clients who especially... I have some clients that are kinda old school. And they don't like to use contracts, they prefer a handshake deal and they say, "Well I trust them enough. I just... They gave me their word and I trust that." And I kind of and, of course I'm a lawyer so I am biased, but I kind of think it's the opposite. If you trust me, then you would have no problem signing a contract you would have no problem putting what we have talked about into writing, so that I can look at it back if I have questions later if I don't remember or if I say, "Did we talk about that? I just, I'm not sure." A handshake deal is only as good as everyone's memory. And we all know that our memories are not always the same and not always great. I'm a mom, I have three kids. My memory is not always great, I joke, you'll see my [chuckle] post-it notes here, I live by Post-it notes if I don't have it written down, it's like it never happened. So I think if you really are in a trusting relationship, then

you should have no problem signing a contract, because the contract should say what you've already talked about, it should not be bait and switch where you talked about one thing and then you send them the contract and it's something totally different.

09:55 AB: It should all be consistent. It should all be what we talked about. Nobody should be taking advantage of anyone. I tend to write my contracts very fair and even-handed. I just... That's the way I do business, that's the way the clients that I like to work with do business. I don't like to work with clients that are trying to do a gotcha or take advantage of other people, that's just not my style. If you are looking [chuckle] for that kind of lawyer you are in the wrong place. There are plenty of lawyers who will do that. And that is fine. There's nothing wrong with it. It's just not how I like to do business. But I think when you're approaching a contract with that kind of mentality, there's nothing gross or un-trusting about asking someone to sign a contract because it is all very above board. So I wanted to give you a couple of examples of, when things could go wrong. I try not to be doom and gloom, but it is important and I have a lot of experience when people either have a contract that didn't include something important or they didn't have a contract at all.

10:48 AB: And maybe wished that something had been covered. So I'm just gonna give you some examples of things that can really protect you and your business when they are included in a contract and how having it right there in black and white, can save you a lot of time and trouble down the road. So I'm just gonna go over one, two, three four, five things that you might want to consider having in a contract. Not every contract is gonna need all of these, but these are just good examples of when a contract can really protect your business and be super helpful. So the first thing is if you are... Whether you're selling a product or providing services, just a really good description of what you are selling. So what are the products that you will be delivering? And this is especially important if you're doing a very large quantity order, you probably wouldn't use a contract for just a small transaction you might just have an invoice or order confirmation. That is kind of a contract. There are often terms in those. But especially if you're providing services that are gonna be complex or are gonna take place over six months, let's say you're a business coach and you're gonna be doing six strategy calls over a six-month period and three group calls and you're gonna review someone's website copy and you're gonna give specific feedback about different things that they're working on.

12:00 AB: You wanna really outline those carefully. And again, let's say maybe you talked about something in a call with someone they had a question about a particular part of their business. And you said that you would take a look at that and then... But it's not really included in your package and maybe you forget. This happens, it can be an honest mistake. So, having that list of services in your contract gives both sides a chance to say like, "Oh wait, I forgot I was gonna do this extra thing I was..." Maybe you were gonna charge a little extra for it. Maybe you were just gonna throw it in at no charge. But again, it just makes sure that everybody is getting what they thought they were going to get, and that both sides know what the expectations are. A contract is really a setting expectations document. So the goods and services that you're gonna provide products or services, outline them, make sure they're really clear. And I like a lot of detail here. I like to be as specific as possible. The second thing that you are gonna wanna include are payment terms.

12:50 AB: So what is it gonna cost? Is there a payment schedule? Are there deadlines for certain payments? What happens if someone is late, making a payment? If you've got a longer project where you've got maybe installment payments, or progress payments. Are you gonna charge

penalties? Can you stop the project? Something that a lot of people don't know, if you don't go to law school, is that there's this weird part of Contract Law, where if one person breaches the contract, so let's say one person does not hold up their end of the bargain that does not allow the other side to just stop doing their side of the bargain 'cause the contract usually, both people are... Have responsibilities, so just because one side breaches their obligations doesn't mean that you can stop doing what you agreed to do.

13:29 AB: So that means if somebody doesn't pay you, but you've agreed to deliver products or services by a certain date you are not necessarily excused from doing that unless your contract says that you don't have to. So that's a really, really important thing to consider when you're writing your payment terms. You wanna make sure that you're protected. Do you have a refund policy? That's the third thing that I like for people to address. So whether you give refunds or not, it should be in there. Because you need to be clear, especially if you don't give refunds, but if you do give refunds, are there certain circumstances where you give refunds or don't. Do you have some discretion? Is it only if they have put in the work and didn't get the results that you promised or is it only within a certain number of days or under circumstances? You wanna just spell that out very clearly. Refunds as an area where I see a lot of issues.

14:16 AB: So, refunds is gonna be our third thing to think about. Fourth example of a really important contract term, and how this can come to bite you, is a provision called termination. This is usually at the end of the contract. [chuckle] This is often when you're kinda tired of reading. If it's a long contract, it's usually buried back there. But it's really, really important. So this is how can either you, the service provider, fire a client or how can the client fire you. Under what circumstances? Or is there no way that either side can get outta the contract? There are some contracts that are really hard to get out of. Commercial leases, for example pretty much never have a termination provision. You can't really get out of a commercial lease unless you can find someone to come pay your rent. [chuckle] And even that is not always allowed. But you definitely want to address under what circumstances or no circumstances can the contract be terminated. And you see a wide variety of terms here, you may have a 30 day notice provision if this is something that's really crucial to the other person's business and they wanna make sure they have time to find a substitute, for you if you decide to terminate you may have termination for any reason, or no reason, at any time.

15:22 AB: It's a wide variety and it's gonna depend on what the background is and what circumstances are for the contract, but one way or another, you wanna make sure that that is addressed. I see lots of contracts that just leave this out altogether. And again, the kind of default rule is, "There's no way out of a contract if it's not addressed." So you definitely wanna think about that, put that in your contract. And I think going through a contract also will make you think of how you wanna run your business and what you want your processes to be. I think this is another benefit that people don't think about, is that when you have a contract, a solid well-thought out contract for your business, it forces you to put some systems and processes in place, to think about, "Well, what if someone fires me, do they still have to pay me or do I give them a refund, or what do we do if the project is kind of in the middle?" It forces you to think about things like that, forces you to maybe think about when you need to be paid and maybe some deadlines for that, or if there's a timeline for the project, kind of forces you to go ahead and think through that, early on.

16:22 AB: So I think it can really force you in a good way to put some structure into your business and how you're delivering your products, or services. So the last thing that I see a lot of people ignoring, with their contracts is how the intellectual property is handled. And if you've listened to the podcast, or watched my Facebook lives, in the past, you know, that I am primarily a copyright and trademark lawyer. My law firm is full service for online businesses but my personal expertise is, copyright and trademark, so I am always thinking about the copyrights and trademarks that are at issue when you're delivering a product or a service to a client or a customer. So, I see this a lot again, with these creative fields that I've been talking about. Let's say you hire a graphic designer to create your logo. Well, who owns the copyright in that logo? It's a creative work. So that's gonna be covered in the US by our copyright law. Who owns the rights to that logo? A lot of people don't really think about this or they don't think it matters and it really does. Because let's say you publish a book, and you put your logo on the cover and you wanna register the copyright to that book.

17:24 AB: If you don't own the copyright to that logo you cannot include it in your copyright registration. You actually have to exclude it. You cannot register the copyright to a work you don't own. So it's important to say, do you own it? Does the person who created it still own it? Are they just giving you permission to use it? Are there restrictions on how you can use it? Sometimes someone creates something and they wanna let you use it but they also wanna let other people to use it. We see this, I have a client that does some custom music that is used in film scores and video production, and so they may create some music for a project, but they wanna be able to use it in other projects also, so they're never transferring that copyright to the client and the client knows that, that's in the contract.

18:04 AB: They used the music in the video for the client, but the client does not own the music. So again, this is an area where there's lots of different choices of how you want to set things up, but you wanna be thinking about this and talking about it with the client rather than just leaving it to chance. I see a lot of issues with this where we do have a relationship that goes bad and you've got a creative work that's maybe half-way done, or two-thirds done and the client wants to keep using it or they wanna take it to another designer to finish. And maybe the designer who worked on it at the beginning, doesn't want that to happen. A contract will make you think through all of the worst case scenarios in your business, which I know is not most people's idea of a good time but it's an important exercise. Again, making you think through the structure, the systems, the processes, for your business and how you want things to work. So those are just five examples of some worst case scenarios, some bad things that can happen that you can really, with a little planning and talking with the person that you're in a contract with, you can just put it all in writing, you can talk about it up front and you don't have to worry about it later.

19:08 AB: So those were my five things, five kind of examples. I'm gonna go back to my overall list of some of the benefits and reasons why I think a contract is so important in your business. So this is... The fourth thing I wanted to talk about was really just how do you start using a contract, let's say you're a newer business owner or you're... You've been going a while but you haven't been using contracts consistently, so kind of how do you get started? And I would say something is better than nothing. So, I am not one of those lawyers who thinks that everyone needs to spend thousands and thousands of dollars hiring, a lawyer to get custom legal documents drawn up. In fact, I think it's probably a poor use of your funds when you're in the start-up phase, when you're just getting going in your business. I like to tell people, start selling something, start trying things out, just start

testing the market and see what clicks, what really hits with your customers, what people like. What is profitable for you, what do you like doing? Try lots of things. And you don't need to spend thousands of dollars on a contract while you're still in that kind of exploratory phase.

20:04 AB: So I think in that phase, when the stakes are low, when you don't have a lot of money invested in your business, if you're just kind of boot-strapping and getting things going. I really think that the legal pad, or the Word document or as much as I hate to say it, [chuckle] Googling example contracts and trying to put your own together. Something is better than nothing, doing your best, trying to put together some common sense contract terms. And I will mention one resource here and I'll drop in the comments if you go to the contract templates page on my website, I do sell contract templates, which I'll talk about... In just a minute! I keep banging this thing. If you sign up for my email list you will receive a free guide that will help you write your own contracts. So we'll go over some of the key terms, which some of them I just talked about. And it'll have some language that you can use. So definitely go... That's, awbfirm.com/contract-templates. So very easy. Or if you go on the website, you just click on, at the top, services and products and you'll find it right there. So, awbfirm.com/contract-templates.

21:02 AB: And you can get that free resource. So that's... In your start-up phase, you should be writing your own contracts, you should be doing your best, if you're partnering up with a friend or something, you sit down with a glass of coffee or wine and just write it on a yellow pad. Something is better than nothing, having it written down is better than not having it written down. As you're leveling up and you start to realize that you need to get something a little more legit. Again, like I talked about at the beginning, you wanna start looking more professional, you wanna come off like a pro. Using a contract template that is drafted by a lawyer who understands the kind of business you're in is a really great next step. It's affordable. You're probably gonna pay maybe a few hundred dollars. So it's not nothing, but it is not nearly as expensive, it's probably gonna be a 10th or 20th as expensive as working with a lawyer on a custom contract, and it's going to probably get you 90% of the way there. Again, your risk is still pretty low, you don't have a lot of money at issue you're probably not making millions yet. If you're making millions, you need to be working with a lawyer, but if you're still ramping up making your first five, 10, 50 even up to \$100,000, a contract temple is going to get you where you need to go.

22:07 AB: And these are fill in the blank. They are kind of written for, to work for most businesses, for whatever type of template it is set up for. And this is... My pro tip is, if you are using a contract template, and I highly recommend this, you can actually take it to a lawyer maybe in your city, or who works with the kind of business that you are and they will be able to use that template as a starting point and they can customize it for you usually pretty inexpensively. So you may then spend maybe another hour or two worth of lawyer time, so probably still less than a \$1000 all in. And you can get a somewhat customized contract for your business. If a lawyer is having to start from scratch and really do a lot of custom drafting and research and figuring out how things work, that is very expensive and that's why it costs so much to have a custom contract drafted. You're looking... With our firm, we spend on average, anywhere from 8-15 hours of lawyer time on a custom contract. So that's a lot of time at \$300 an hour or more. Just go ahead and add that up. It is not inexpensive. So, a contract template is going to get you started and will get you a lot of the way there and then you may be able to just buy a little bit of a lawyer time and get it a little bit more customized.

23:18 AB: So a contract template is a great next step for your business and then of course, when your business is growing, when you have a product or service that is really generating a lot of revenue or you've got a big collaboration or you're taking on a partner, or maybe you're selling the business. There are big events in your business that if you're selling your business for half a million dollars, it makes a lot of sense to spend five or 10,000 on a lawyer [chuckle] to make sure that you don't get taken advantage of in that transaction, 'cause that is probably gonna be a little less friendly than a client services agreement type of scenario. So there are times when it makes sense, or let's say you're collaborating with a much bigger brand and you wanna make sure that you're protected or you're doing your first book deal, or maybe you're collaborating with a friend and you wanna really protect that relationship and maybe you're both investing \$50,000 in a new business. As the scale of the investment and what's on the line starts to grow it makes a lot more sense to make that investment in a lawyer to protect that investment.

24:16 AB: That return on that investment, that value of getting the custom contract and making that investment and working with a lawyer on something really super custom, where they're gonna talk to you, get to know you, learn about your business, make sure that all of your interests are protected. That makes a lot of sense. But in the beginning, I don't think it makes so much sense. So I think getting started, doing it on your own, working your way up to maybe a contract template, and then graduating to a one-on-one relationship with a lawyer that is typically the progression that I see. So the fifth thing that I wanted to talk about with regards to contracts is what are the essential contracts in your business? So I would say, any business with a website... If you don't already know this, I'm gonna be preaching about it. You have to have a website privacy policy, it has to be on your website if you are doing online marketing where you are taking people's email addresses and sending them things, signing them up for your newsletter list if you have, what we sometimes call opt-ins or freebies or freemiums or if you even just have a newsletter sign up on your website, or if you have a Contact Us form.

25:19 AB: Any time you are collecting someone else's personal information and that can be as simple as their name and email address. You have to have a privacy policy that tells them what you're going to do with it. This is required in the US. And also, especially if you have customers or clients or website visitors in the EU, it's super-duper important. There was a new law in the May of 2018 that went into effect that has really, really serious penalties. So privacy policy is absolutely essential. If you have a website where you're collecting other people's personal information. You also might consider having terms and conditions on your website. These are the rules of the road for your website. They're not essential, but they're nice to have. They tell people that you own the intellectual property and things. If you have a blog with comments you can have rules for how people interact with it, tells people if they're allowed to copy your content or not use your photos, all of those kinds of things.

26:06 AB: The next thing. And I would say really other than the privacy policy, which is required by law, you gotta have that. The next most important contract that I would say every business owner needs to have is, whatever your revenue stream is, wherever you are making money, you need to be sure that you are protecting those relationships with a contract. So this can look different for different types of businesses. If you are a business coach, this is gonna be your client agreement. If you are a graphic or web designer again, your client agreement. If you are providing digital

downloads, if that's your business, you are gonna probably have what are called Terms of Use. So this basically again, kinda like the terms and conditions for your website, this is the rules of the road for how people can use your digital products. If you will provide for refunds, what happens if they copy them or send them to other people or post them on the internet without your permission. All kinds of terms with that, those are usually called Terms of Use. Sometimes they're called Terms and Conditions.

27:01 AB: But we wanna protect whatever your stream of revenue is. So again, I mentioned if you're a products-based business, you might have a wholesale agreement. If you're just selling... If you're a very large volume retailer maybe you're selling small items, you probably are not gonna have anything significant with your customers, but you might have, again on your website, a refund policy or shipping policies or guidelines. You may have some of that. And you might wanna have a check box that say, they acknowledge and agree that they have read those. And that is basically a contract with your purchasers. As you're building your team, this is the next thing you wanna think about. So as you're working with contractors you wanna make sure you have a contract with them. If you have employees, we don't always have contracts with employees, it kind of varies. And this is different in every state but you might want to have a non-disclosure agreement, so if they're dealing with sensitive information in your business or things that you wouldn't want them to tell a competitor, you may have them sign a non-disclosure, or a confidentiality agreement and if you are not wanting them to go to work for your competitors, and again take your... All your secret sauce, you might have them sign what we call a non-compete or a non-competition agreement, sometimes non-solicitation agreement, if you don't want them to take your employees or your customers if they go somewhere else.

28:10 AB: Again these are very specific in different states, so you wanna be very careful and make sure, a template is a good start for these, but this is an area any time you're dealing with contractors, or employees that you really do want to make sure you're doing things the right way because there's really stiff penalties and fines if you are doing it the wrong way.

28:26 AB: So again, as you're growing your business, this is when it is time to invest in at least a little advice even if you're not getting a custom document created by a lawyer to just ask some questions, have them do a little research and talk to you about what you're doing, make sure you're doing it the right way. So those are kind of your basic contracts that we see in most businesses. As your up-leveling, as your business is growing. As I mentioned before, you may start having an affiliate program for your products or services, so let's say you sell an online course and now, you want people to be able to get a commission basically for sending people to your course. So let's say I promote my friends course. And one of my friends signs up, maybe I get a little bonus or a percentage of whatever they spent on that course, so that... We call those affiliate programs or referral programs. That's a little... Kind of a next level. But you definitely want to have a contract with that because you've got money changing hands and you've got... You're probably letting other people use your intellectual property to promote your program, so you're letting them post using your trademarks, or your copyrighted materials, maybe they're sharing your blog posts or you have special graphics, that they're allowed to share. Any time that you've got that kind of relationship where you're letting people use your stuff, you wanna make sure you say in writing how they're allowed to use it.

29:36 AB: So that's an affiliate or referral program. I mentioned also, if you're starting to host in-person events you're going to want all of your attendees to sign a contract basically agreeing to follow your rules while they're there, and agreeing that if they get too drunk one night at a party that they... And fall and hurt themselves, that that's not your fault, and that they're not gonna sue you. And it may also include what we call a model release or a photo/video release. So if you have a photographer at your event. So that you can take beautiful photos and market the event the next time. You are gonna want them to say "Yes, it's okay if you take my picture, you can use it on your website, in your marketing materials." Lots of other things that might be in an event attendee contracts, but we sometimes just call those waivers, but it really is a contract between you and the people coming to your event. The last two things I'll talk about, I don't see enough and I would like to see them more. So if you are in this area, definitely think about this. And this is if you are a podcast host, and you're having guests come on your podcast, you should definitely be having them sign an agreement saying that they give you permission to use the recording.

30:38 AB: And that you can use their name and if they send you a picture that you can use it in the graphic or you can share it, that you can promote and you can... Basically use the podcast recording in any way you want. You should be allowed to incorporate it into a course if you want, as an example or use it in your marketing materials. Just again, setting expectations. If someone's coming on your podcast, you wanna have clear expectations. You might also wanna have the right to not use it at all, [chuckle] if it's a terrible interview. There's no promise, and a clear statement that whether you're paying them anything or if they are paying you anything, I know there are now podcast hosts that charge for guests to come on and do an interview because they have such a big audience that that's really a benefit to be a guest. So if you are a podcast host, definitely start to think about, "Do I need to use a contract with my guests?" And again, this is kind of a next level problem as you get bigger, more issues can crop up if we're not putting our expectations, our informal discussions into writing.

31:33 AB: The last thing I wanna talk about is if you have either a blog podcast or another kind of medium. So I've got some clients who do magazines or other types of media and you take sponsorships or advertising. You definitely, definitely, definitely are going to want to have an agreement with your sponsor. So again, just stating very clearly, what are you agreeing to give them, how much they're gonna pay you? Are there any refunds? Same thing a lot of my friends who do events have sponsors for their events. Same thing. You want to keep, avoid having this just in an email string, you wanna have a very clear... It can be short. Not all these have to be 100 pages or even 10 pages. A lot of my contracts are five pages. You can have a simple and clear contract that still will accomplish your goal of putting what you agreed to in writing. So any kind of sponsorship, needs to be in writing. Okay, so those are the five benefits to having a contract in your business, how it can really help you up-level and be more professional. Take the worry out of working with clients or selling products and services. The last thing I want to mention is that as part of this November month of talking about getting back to the basics, talking about contracts, I want you to get a benefit from signing up for our email list.

32:47 AB: Because at the end of November, we are gonna do a Black Friday sale on our contract templates. I haven't done this in about a year. I didn't do it last year, I kind of had pulled the contract templates off the website, but they're back, they're really great. And we only do a sale for Black Friday. So, if you are wanting to get a contract template, if any of the contracts that I've been

talking about you feel like you are missing in your business and I'm guessing you probably are, sign up for my email list because there will be a public sale, but if you are on the email list you will get a special additional discount. So you are not gonna wanna miss that. And I've got the link on the video, we'll put it in the show notes. It's that same one I dropped early, awbfirm.com/contract-templates, you can sign up, you'll also get that free downloadable handout that will help you write your own contracts and figure out what these terms even mean that you may see in other people's contracts. So again, awbfirm.com/contract-templates. Go sign up for the email list so that you will be in the know and you will get that extra discount when we do the Black Friday sale on the contract templates.

33:48 AB: Alright, I am gonna close out. Next week's podcast, and Facebook Live, is going to dig a little deeper, we're going to talk about the contracts that you need for your business. If you're an online business, we're gonna talk about those website documents that I just mentioned briefly about privacy policy, your terms and conditions, we'll also hit on some other things, like disclaimers and Federal Trade Commission disclosures. I know those sound like the same thing, but they're different. We will dig into that a little bit more. Why you need them, what they should say and why they are important for your business. So, definitely come join us then. I will see you guys next week.

[music]

34:29 AB: Did you know that you could be making more money from your copyrights and trademarks? Intellectual property is probably the most valuable asset in your creative business but most entrepreneurs don't know how to identify it. And you can't monetize what you can't find. Download my free of five-minute IP Audit Worksheet at awbfirm.com/podcast. You'll find out what parts of your brand, logo, images, website, courses, digital downloads, or other content could be protected by intellectual property laws. And you'll create an inventory of your most valuable trademarks, copyrights, patents, or trade secrets. So you'll know what's worth protecting as you build a more profitable and sustainable business. Get your five-minute IP audit worksheet now at awbfirm.com/podcast.

Thank You for choosing Scribie.com

Cross-check this transcript against the audio quickly and efficiently using our online Integrated Editor. Please visit the following link and click the Check & Download button to start.

<https://scribie.com/files/8031a3410c2144c4928feb3aa0ad4092dbf89ef7>