



ABG Best Practices Charter UAE

November 2024



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For any questions, please email: info@abg-me.com.

What is Influencer Marketing?

- **How do you define an influencer?**

An influencer is any individual who has a form of influence or sway over specific industries or groups of people through their social and digital channels.

- **How do I know if I'm engaging in Influencer Marketing activities?**

You are engaging in Influencer Marketing if you are working on a transactional basis (financial or not) with brands or businesses to promote their services or products to your followers on your social channels.

- **How do influencers work with brands?**

Brands and businesses collaborate with influencers on content creation and product placement. Influencer marketing generally drives brand awareness, supports a brand message or encourages engagement with a brand's product or service.

- **Where and how does Influencer Marketing take place?**

Influencer marketing typically occurs on digital platforms, particularly social media networks. These platforms provide a space for influencers to connect with their audience, share content, and promote brands or products.

- **What counts as Influencer Marketing?**

Influencer marketing can take different forms: one off engagements, short- term promotional collaborations or long term ambassador positions, hosted trips by a brand and blogging or review type content also counts.

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Regulation and Licensing in the UAE

- **Is Influencer Marketing Regulated in the UAE?**

Yes, the Media Regulatory Office (MRO) is the regulatory authority. Within the UAE, Influencer Marketing falls under the MRO's **Federal Decree–Law No. 55 of 2023 on Media Regulation** which states:

“All advertisers must include in all advertising materials something that explicitly and clearly indicates that it is advertising material.”

This law applies to all media activities in the UAE, including traditional media, digital platforms, social media, and influencer marketing. Influencers, media companies, and digital content creators are subject to this law, especially if they engage in paid promotions or advertising.

- **Do influencers need a license?**

Yes. In the UAE, influencers who earn income from promoting brands or services are required to have a commercial license from the Dubai Department of Economy and Tourism (DET) **in addition** to the influencer license issued by the Media Regulatory Office (MRO). Influencers can either establish their own company in the form of a sole proprietorship LLC or a freelancer license (available with the DET and in several free zones across the UAE)

Content creators who are contractually hired by a licensed influencer marketing agency in the UAE, might not need to obtain an individual license, depending on the specific arrangement, so it's always best to check before agreeing to any work. Prices of licenses will vary depending on the specific free zone or jurisdiction you choose the license from.

- **Do any other Emirates have different licenses?**

Yes. Recently, Abu Dhabi announced stricter regulations on social media collaborations with influencers, requiring they all obtain a license from ADDED (Abu Dhabi Department of Economic Development) to legally advertise services through online platforms. Moreover, ADDED is now requiring licensed entities to obtain permits prior to launching their influencer marketing campaigns and to ensure that any content creators they engage with are duly licensed to carry on their activities. License fees for individuals is Dh1,250 and for companies it is Dh5,000. Penalties for violations will be strictly enforced, with fines starting at 3,000 (\$817) and reaching up to Dh10,000 (\$2,720).



- **What happens if I don't get a license?**

Non-compliance with the law can result in fines, penalties, or suspension of the influencer's license. The authorities, including the Ministry of Culture and Youth, are empowered to monitor and enforce compliance with the regulations.

- **Do I need to register for anything else?**

Yes, in addition to the influencer license, **if you earn over AED 375,000** annually from your influencer activities in the UAE, you'll need to register for Value Added Tax (VAT). Even if you earn less, voluntary registration is recommended **if your income exceeds AED 187,500** in the past year or are projected to do so in the next 30 days. Remember to keep records of your income to support this registration.

Furthermore, the UAE's new **Corporate Tax Law** that came into effect on June 1, 2023, imposes **a 9% tax on taxable income exceeding AED 375,000** and will be first liable for current tax during the year ending December 31, 2024, for the financial year starting on or after June 1, 2023. While your specific tax obligations will depend on your financial situation and business structure, it's essential to stay informed about these changes and consult with a tax professional. A 0% tax rate applies to taxable income up to AED 375,000 and for qualifying income of free zone entities.

What about sensitive topics or products?

- **Not permitted:**
 - Tobacco control laws prohibit any type of advertising for smoking devices and tobacco products across all media platforms, including television, radio, print, and online.
- **These products and services need approval from competent authorities:**
 - Alcohol, Drugs and pharmaceutical products are subject to restrictions and permits under the UAE Ministry of Health and Prevention and the Dubai Health Authority.
 - Financial products and services in the UAE, for example things like bank accounts, investments, loans, etc. have to follow strict advertising rules set by the UAE Central Bank to make sure everything is fair and honest. You can find more information on this here: [\(2.3.1 General Provisions for Responsible Advertising | CBUAE Rulebook \(centralbank.ae\)\)](#).
- **While these topics and audiences have conditions:**
 - Online gaming, betting, and paid competitions in the UAE are now regulated by a new government authority called the General Commercial Gaming Regulatory Authority, who monitor the ethical and responsible advertising of products and services.
 - Content aimed at children should avoid promoting products or services that could be harmful or inappropriate for their age group. Social media platforms have their own rules and policies regarding content targeting children, so ensure any content complies with these platform-specific conditions.

It's crucial to respect the country's laws, culture, and values such as respecting divine and Islamic beliefs, as well as all other religions and beliefs. This includes avoiding actions such as spreading misinformation or fake news, and refraining from actions that could harm the nation's reputation or social fabric. Additionally, it's important to be mindful of greenwashing and to ensure that any sustainability claims are genuine and backed by evidence to avoid greenwashing.

So how do I post as an influencer responsibly and legally?

Not everyone is social media savvy. It's up to the creator and brands to ensure their consumer is aware they are being advertised to through paid materials. The MRO's regulation states that all paid influencer marketing communications must be clearly identifiable as advertising with the use of the below language:

1. Use clear language like "**#ad**" or "**#sponsored**". It's not acceptable to have #paid_ad with numerous other hashtags within the post description, as this obscures the message.
2. Disclosures should be prominently placed at the beginning of content.
3. Vague wording like "in cooperation with" is not sufficient for disclosure.
4. In addition to written disclosure, paid advertising in videos should be stated verbally throughout, as well as written in the caption.
5. It's not acceptable to use very small font that is unreadable or use a font color that is hard to read (e.g. using a similar font colour to the background color).
6. Disclosures should also not require users to move to another page or be re-directed content (e.g., the disclosure may not be placed under a "Read More" link) and should not be accompanied by too many other hashtags so as to make such hashtags hard to see.

Use social media disclosure tools

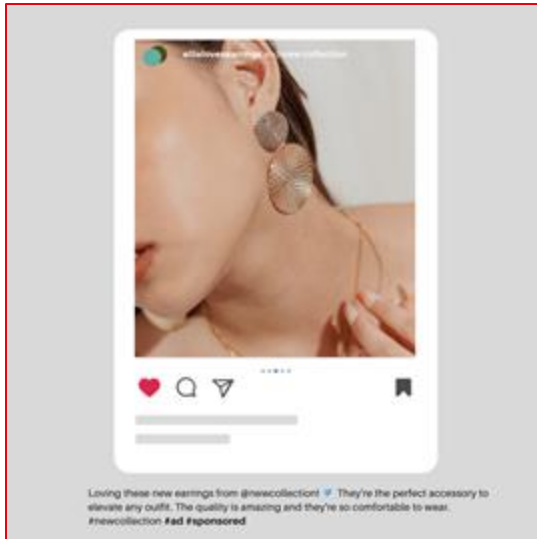
Clearly labeling sponsored content such as using "Paid Partnership" badges on social media platforms builds trust with your audience. It demonstrates honesty and integrity, which can lead to stronger relationships with your followers. Even when using features like Instagram's joint publishing, remember to use the appropriate disclosure tag.

While social media platforms offer tools to help influencers easily disclose paid partnerships, the ultimate responsibility for ensuring that these disclosures are made correctly lies with the person or entity publishing the content. Always prioritize ethical practices and avoid misleading your audience. If you feel pressured to promote a product you don't believe in, consider terminating the partnership.

Practical Examples for disclosure

When you use paid partnership badges, it will appear on your post, letting your followers know that the content is sponsored.

This helps maintain transparency and avoids any confusion.





- **Can I use AI in my content?**

Currently there are no laws within the UAE for the use of AI, however The European Parliament recently came out with the first ever [AI Act](#), declaring that content that is either generated or modified with the help of AI - images, audio or video files (for example deepfakes) - need to be clearly labeled as AI generated so that users are aware when they come across such content.

- **As for Virtual Influencers:**

While there are no laws specifically targeting virtual influencers in the UAE, they must comply with existing media, advertising, and data protection regulations. Virtual influencers must clearly disclose any paid partnerships or sponsorships. This aligns with the UAE's advertising standards, which require clear and honest communication to consumers about commercial relationships, and includes adhering to the social fabric of the country's culture and values.

CREATORS

Additional Best Practices for Creators

- **How do I know if I should work with a brand or not?**

It is highly recommended that you do your homework on a business, brand, product and/or service before entering into a formal agreement to work with them. Ensuring the brand you are partnering with is in line with your values and belief is crucial to your own brand and ethics.

- **Should I have a contract in place when I work with a brand/company?**

It isn't a legal requirement to have a contract in place within the UAE, however, it's recommended to have one. A contract outlines the terms and conditions of your partnership, protecting both your rights and the brand's interests. If a brand you are working with doesn't have one, you are within your rights to provide one.

- **What does it mean if a company doesn't want me to work with any other brand during our promotion?**

If a brand wants exclusive access to your influence, they might require an exclusivity clause in your contract or agreement. This means you agree not to promote competing products or services during a specific timeframe or within a particular category. Ensure that the compensation for the exclusive agreement is fair and that you are happy with the contract duration, including intellectual property rights it would also be helpful to clearly define what constitutes a competing product or service to avoid misunderstandings. Influencers should carefully review exclusivity clauses in their contracts, as these can limit your earning potential.

- **Should I share my insights and audience data with a brand?**

While not legally required, sharing insights and audience data with a brand is a professional practice that fosters a healthy business relationship. It provides a benchmark for performance and helps ensure your campaigns are effective. Regularly auditing your follower base to remove fake accounts can further improve your engagement rate and the accuracy of your audience data. Instagram has recently announced a new feature to remove suspicious following accounts. [Here's a step by step of how to do it.](#)



Additional Best Practices for Creators

- **Consider a “pre” pre-approval on content**

We know shooting and editing content takes time, so before starting, consider sending a storyboard and script to the brand your partnering with to ensure you're on the same creative path. It may save you future edits down the line.

- **Participate in ABG's training**

Consider taking advantage of training programs offered by the ABG.

These short courses empower you to learn the rules and regulations of influencer marketing in the UAE and provide valuable knowledge about best practices with a certification of completion at the end which can be shared with brands to boost your credibility and used as leverage.

BRANDS

Additional Best Practices for Brands

- **Have a contract in place when working with creators**

It isn't a legal requirement to have a contract in place within the UAE, however, it's highly recommended when working with an influencer in the UAE. A contract is the clearest route to defining the terms and conditions of your partnership, protecting both your rights, and the creators interests.

- **Get permission for influencer content usage rights**

Before repurposing an influencer's content across various social channels, you should obtain explicit permission to do so, and agree on usage terms. This includes defining a specific timeframe for the content's use and any potential exclusivity rights. Be prepared to offer additional compensation for extended usage or exclusive rights. Ensure that the content aligns with your brand's messaging and values, and that it's used appropriately to avoid any negative consequences, and consider the potential impact of repurposing content on the influencer's brand reputation and audience engagement. It's advisable to include this in any contract you have in place.

- **Editorial control and pre-approval process**

Provide briefing documents for creators as guidance, particularly by providing examples. This will alleviate any back and forth editing rounds before content goes live. By also outlining the MRO disclosure regulations in your briefing document you are ensuring responsible posting from both yourself as a brand, and from the creator you are working with.

Additional Best Practices for Brands

- **Do your homework on your audience**

A creator's content aesthetics are important and must fit your brand's, but insights are key to your campaign success. Ask for audience insights to ensure your marketing budget is going towards your desired target audience. Something to consider is that as an influencer's follower count increases, so may their percentage of fake followers. **No influencer has 100% real followers.** Even the most authentic accounts have some fake followers. The key is to look for a healthy ratio of real to fake followers.

A fake follower rate of up to 20% is still considered normal and healthy, anything up to 30% can be acceptable, but above 30% it would be advisable to be evaluated.

- **Some benchmarks for spotting fake followers**

- **Sudden spikes in followers:** Organic growth is gradual. A sudden, dramatic increase often indicates purchased followers.
- **Mismatched engagement:** Tons of followers but very few likes or comments on posts signal fake engagement.
- **Repetitive or irrelevant comments:** Comments like "Nice pic!" or emoji spam on every post are likely from bots.

Instead look for genuine and thoughtful comments to gauge an audience's engagement and reaction to the content such as questions about the product or services on posts – e.g. "Can you share a link?" "Where is this product from?"

- **Take advantage of free online tools**

If you don't have access to or rely on a paid platform for insights and qualifying influencers, there are several free and easy to use tools that can help you analyze an influencer's audience and detect fake followers. Some popular options include:

- **Modash:** Offers a free Instagram Fake Follower Checker tool.
- **inBeat.co:** Provides an Audience Score based on engagement rate and other factors.
- **HypeAuditor:** A comprehensive platform for influencer analysis, including fake follower detection.

PLATFORMS AND AGENCIES



Additional Best Practices for Agencies & Platforms



- **Contract**

Protect both yourself and your brand clients by having a contract in place with talent, including a digital comms policy. This could include a requirement for pre-approvals and an opportunity to outline the required MRO disclosure regulations, this way you are ensuring responsible posting from yourself as a platform, protecting the brand and ensuring ethical advertising from the creator you're working with.

- **Editorial control and pre-approval process:**

Provide detailed briefing documents for creators as guidance, along with a brand brief if this is available. This will alleviate any back and forth editing rounds before content goes live. By also outlining the MRO disclosure regulations you are ensuring responsible posting from both yourself as a platform, protecting the brand and ensuring ethical advertising from the creator you're working with.

- **Get permission for influencer content usage rights**

Before brands repurpose an influencer's content across various social channels, agencies should obtain explicit permission to do so from the creator, and negotiate between brand and creator on usage terms. This includes defining a specific timeframe for the content's use and any potential exclusivity rights, advising brands that there may be additional compensation for extended usage or exclusive rights. As best practice include this in any contract you may have in place.



Additional Best Practices for Agencies & Platforms




- **Be transparent about commissions**

Within your contract or agreement with creators, it's advisable to outline any commissions you may be receiving from the influencer partnership. Not only is it transparent and ethical, it allows influencers to be aware of the full financial picture and can negotiate their rates accordingly.

- **Continue to be the role model within the industry**

Agencies and platforms play a crucial role in shaping the future of influencer marketing in the UAE. By setting a strong example of ethical practices, such as transparent compensation, clear guidelines, and data-driven insights, they can help establish industry standards. By sharing knowledge and best practices, agencies can empower both brands and influencers to navigate the evolving landscape of influencer marketing responsibly and effectively.





A Shared Responsibility

As an ecosystem we all share the responsibility for complying with the MRO's advertising codes. The ABG's Best Practice Recommendations emphasizes transparency and responsibility in influencer marketing, calling for a collaborative approach between SROs, advertisers, platforms, agencies and influencers to maintain ethical standards that fosters fair industry growth and protects consumers. Each shares the responsibility of complying with advertising self-regulation codes and we should all be aware of and adhere to these codes, understanding that each is accountable for their content.

Building on the Decree-Law No. 55 of 2023 on Media Regulation; and in consultation with industry stakeholders, this Best Practices Charter has been developed to provide advertisers, agencies, influencers, brands and the broader ecosystem with a clear industry playbook on Influencer Marketing.

About ABG

The Advertising Business Group, was founded in March 2007 & formerly known as the Advertisers Business Group, the Advertising Business Group was relaunched in November 2016 and rebranded to reflect the interests of the wider industry including advertisers, agencies, and media owners. As the United Arab Emirates' Self-Regulatory Organisation, ABG defends and promotes the interests of the UAE's advertising industry and advocates for responsible advertising and communications in the country.