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Licensing of Rights In An Advertising Campaign  
[Kristie Prinz](#)

**Q.** I created an in-home advertising campaign that I use with my children; the company that I work for is interested in using the ads I created. They also said they would like to bring it to a graphic design packaging company and maybe then sell it. What do I need to do in order to protect myself? Also, how do you talk to people you work with about this?

-- Jennifer

**A.**

Assuming you own the intellectual property rights in the advertising you created, then you will want to negotiate a license agreement with the third party company, which enables such company to use the rights in the advertising campaign pursuant to defined terms and conditions.

However, based on the facts you have provided, I am a little concerned about your relationship with what you call "the company you work for." If you are an employee of the company interested in using the ads, then the possibility exists that your employer will assert that it owns the intellectual property rights in your campaign, and assuming you created the advertising campaign in the course of your employment with the company, then your employer would most likely be correct. On the other hand, if your relationship with "the company you work for" is an independent contractor arrangement and you are not an employee of the company, then you most likely own the intellectual property rights in this advertising campaign, provided that there is no work for hire arrangement specifically assigning your rights in the intellectual property to this company.

My advice would be to consult with an [intellectual property attorney](#) in your jurisdiction specializing in the negotiation of intellectual property licenses and transactions. Such an attorney would be able to discuss the specific facts of your case with you and confirm that you own the intellectual property rights in your advertising campaign. Once you have established that you own the rights in your advertising campaign, you can work with this attorney to establish a strategy to license your campaign.

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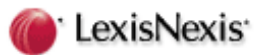
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Moreover, hiring an attorney to represent you in this matter will likely have an additional benefit: it should help to put you in a better bargaining position with this company you already have a working relationship with, while also distancing you from the negotiation, so that you can hopefully preserve your relationship with this company, regardless of what happens to the negotiation.

-- Kristie Prinz

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