



Not that all alternative dispute resolution is bad to have in your agreement, but keep in mind that alternative dispute resolution benefits twitch and can be used as a bargaining chip.



K-NOTES

Negotiating Content Partnerships

Lessons from Twitch

Draft a Solid Partnership Agreement

Digital content creators are a dime a dozen these days, but only a few make a living from their work. These artists and entertainers need an airtight contract to ensure their earnings and reputations are protected, and typically negotiate a specialized partnership agreement with their streaming platforms. These deals are subject to NDAs and protected from public scrutiny.



Key Takeaways

➔ Live Content Exclusivity

It's critical to understand that the affiliate agreement and the partner agreement are not the same things. The affiliate agreement cannot be negotiated. If you want to be an affiliate, you must agree to their terms and sign an adhesion contract. There isn't much you can do about it.

➔ Is Arbitration the Right Solution?

Alternative dispute resolution and going to court both have advantages and disadvantages. It may be in the best interests of both parties to keep things more private and confidential.

➔ Modifications

When it comes to modifications, there are thousands of people in the affiliate program. It wouldn't make much sense to have a contract with each affiliate individually and get them to sign off on a modification.

➔ Contracts of Adhesion

Partner contracts are heavily guarded by NDAs, so there's a lot of information we don't have access to, which puts attorneys at a disadvantage when they go into these negotiations, trying to advocate for their clients as best they can. That's why it's critical to use an agreement like this to get a sense of what Twitch will want going in.



Hannah Baker
Attorney



They will treat an agreement with thousands and thousands of people very differently than an agreement that they will write up with an individual streamer."

