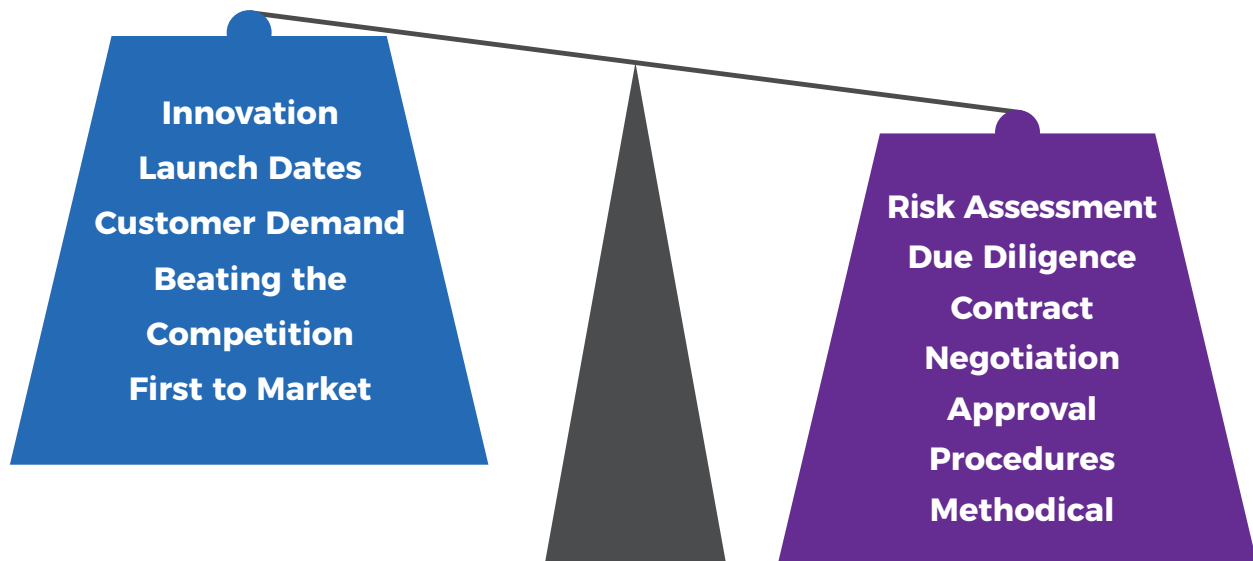


Tipping the Balance Between Creative and Compliance

Having worked as the Legal Director for a FMCG, I have probably heard every argument a marketing team can come up with to swerve the legal team during the process of new product development or creation of an advertising campaign. The legal team wants involvement early to avoid the pressure of having to advise when a button is about to be pushed and it is really too late to add value or reduce risk. The Board is often torn - it wants to manage risk and comply with any necessary regulations but it doesn't want a clunky legal process to slow things down.

What's the answer?

The best way forward is to invest in a process which works in practice and reduces risk to an acceptable level. This requires marketing to take the time to understand the legal issues so that they can identify them and refer to legal at the right time during the project and for legal to understand the various steps of the creative process so that what is being proposed by legal reflects the commercial reality and business relationship with the external agency.



There are 3 key steps:

1. Develop standard agreements for use with your various external agencies;
2. Agree a procedure for involving legal at certain stages of the creative process; and
3. Train your marketing team to give them an understanding of the legal issues involved from IP ownership to warranties from the agency.

If you get it right, you can strike the balance between creative and compliance allowing the business to innovate and take creative risks within parameters the Board is comfortable and without compromising project deadlines.

For a review of legal and compliance procedures for your marketing team or further information on this issue please email shelley@beaumont-watson.com



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