

The Attorney Who Works Out the Legal  
Details of Product Placement  
James Taylor Says Different Motivators Still  
Exist Between Hollywood and Mad Ave

By [Marc Graser](#)

**Who:** James Taylor, partner and co-chair, New York Entertainment section of Loeb & Loeb

**Why you need to know him:** As a lawyer, Mr. Taylor specializes in counseling his advertising, promotions, entertainment and online media clients on sponsorships, promotions, licenses and branded-content agreements. He is also chair of Loeb & Loeb's advertising and promotions law group. Mr. Taylor's clients include Citibank, Toyota, Interpublic Group of Cos. and Public Groupe's Fallon Worldwide



James Taylor is partner and co-chair, New York Entertainment section of Loeb & Loeb.

**Credentials:** Before and during law school, Mr. Taylor worked in the commercial-production and advertising industries. The production companies Taylor worked for were Rainbow Productions and Goodrich Animation in Chicago, and Bozell, Jacobs, Kenyon & Eckhardt in New York, which subsequently became Bozell, once part of Interpublic.

..... **Are people on both sides -- Hollywood and Madison Avenue -- more educated on how to broker branded-entertainment deals together now that enough of these deals have been made?** "The people on both sides are certainly more educated and more sophisticated now, but there continue to be different motivators driving Hollywood and Madison Avenue to do branded-entertainment deals, so these are still heavily negotiated deals. Plus there's a steep learning curve as these deals expand into new areas -- novels, comic books, news shows -- and new media such as wireless devices. So both sides are more educated and eager to explore brand-integration opportunities, but putting together a deal still takes time and commitment."

**What's still the biggest sticking point when it comes to brokering branded-entertainment deals?** "The three M's: motivation, money and measurement. Advertisers and producers have different motivations, so you're trying to create something that will meet the needs of both parties in the deal. And advertisers want to make sure the money they are spending will produce results so they are looking for a

way to measure the success of a branded-integration deal."

**What should producers be asking for from brands when it comes to entertainment projects? What advice would you give?** "Producers should try to understand the brand and what the motivations are for the brand -- they should think about why the brand is doing this and how does this integration make sense in the larger promotion of the brand."

**How about the brands themselves?** "Same thing. The brands should look to see how an integration makes sense from the entertainment perspective so they have a seamless integration between the brand and the content."

**Whenever people talk about branded entertainment, Mark Burnett and the big money he's been able to make from sponsors always comes up. Are people really getting rich off of branded entertainment or is Mr. Burnett an exception?** "I think he is more the exception than the rule. There is money to be made, especially for the celebrities who enter into multiplatform deals, but the vast majority of people and companies are not going to get rich from these deals."

**Will that change anytime soon?** "No, I don't think it will change anytime soon because, at the end of the day, it's going to be: What is the value to an advertiser in integrating that brand into content as opposed to seeking more traditional means of advertising? As a result, there will be forced economic efficiencies so that people will make money, but nobody is striking gold with branded-integration deals."

**What are elements of a deal that have become standard? What should both sides expect to see?** "I don't think there are any elements of the deal that have become standard. Different deals are being made based on the needs of the producer, networks, advertisers and the agencies involved, and based on the type of content and how it is delivered. I think advertisers want to see some exclusivity, which may be limited, and assurances over how the brand will be treated to make sure it isn't reflected unfavorably or improperly. They also want to see better measurement to ascertain the value of the integration. For meaningful integrations, producers can expect to see the dollars range from the low six figures to several million."

**Does that include a media buy or the marketing around an integration?** "It can include either or both. Some shows are trying to include brand integration as part of a media buy; others will develop marketing in and around the integration -- for example, in connection with a movie release. It will really depend on the nature of the entertainment property and the specifics of the actual deal."

**Are you seeing more of your clients make the move from branded entertainment on TV to mobile or the web?** "We're seeing more clients explore mobile and web opportunities, and we're doing a number of deals for advertisers, agencies and content providers in and around mobile and web properties, but so far there's been more discussion than actual implementation on a large scale. But I think we'll see more brand integration for mobile and web-connected devices because those are mediums that have a lot of opportunities, and the users of those devices are an attractive demographic to both producers and advertisers."

**What are your thoughts on an advertiser producing its own movie? What must it**

**keep in mind when tackling such a project?** "I think it can sometimes make sense but not in all cases. An advertiser has to look at what they want out of that experience and what do they see as potential opportunities and how does that relate to overall brand marketing. If an advertiser does decide to produce their own movie, they should get somebody with a lot of experience in that industry representing their interests because it's a different animal than producing your own commercials.

"Advertisers should also think about the endgame: Are they just looking to have an association with the movie? Are they looking to own it and exploit it through other avenues such as merchandising? And how are they going to manage the costs? At the end of the day, it becomes a cost/benefit analysis. Sometimes it works and makes sense, and sometimes it doesn't."

**There is still some confusion out there as to what branded entertainment is. How do you define it?** "Branded entertainment encompasses a lot of different kinds of deals in different media. It can include a simple product placement in a TV show or computer game, an integration of a brand into a story line that makes sense, a sponsorship opportunity and multiyear, multiplatform deals. But, in essence, it refers to an association, either direct or tangential, between a brand and some form of entertainment content."

**What are some good examples of branded entertainment that you've recently seen?** "I really liked the spot with Bob Dylan and iPod."

**And bad?** "I'll plead the Fifth for risk of offending anyone."

**What's on your TiVo?** "'Grey's Anatomy,' 'Entourage,' 'Project Runway.'"

**What's on your iPod?** "Rachmaninoff Vocalise, Josh Groban, standards from the '30s - Rogers & Hart, Cole Porter, Irving Berlin, George and Ira Gershwin."

**What do you do in your downtime?** "When I have it, which is rare with 2 1/2-year-old twins, I read, mostly historical nonfiction."