

Affiliate Marketing Agreement Template

Include the following sections in your affiliate marketing agreement.

1: Definitions

Define important elements and entities like company, affiliate, parties, affiliate program, affiliate application, website, and others relevant to your business for the purposes of this agreement

2: Nature of the partnership

Note that affiliates are independent contractors, not employees of your business



3: Application and acceptance into the program

What are the requirements needed to apply to the affiliate program?

When does someone become notified about their acceptance or rejection?

How is the affiliate agreement finalized?

4: How the affiliate program works

Provide an overall description and process of your affiliate program



5: Non-exclusivity clause

Note that the business is not limited to only working with the individual affiliate, and the affiliate is still free to promote any other businesses and products

6: Responsibilities of the parties involved

Responsibilities of the affiliate

Responsibilities of the business



7: Commission and payment

How does an affiliate become eligible for commission?

What must be done in order for an affiliate to earn a commission?

What commission rates are available?

What makes a purchase/click eligible?

How long are they eligible for a commission after someone clicks on an affiliate link?

What fraudulent actions would make a purchase ineligible for commission?

8: Link promotion terms

Including, but not limited to:

What the affiliate can and cannot do to promote their affiliate link

Where the affiliate link can and cannot be displayed

What counts as misuse of the affiliate link?

9: Brand promotion terms

Including, but not limited to:

What rules must the affiliate follow for using your brand name?

What are the messaging guidelines for representing your product?

Intellectual property guidelines: What logos, slogans, etc. are the property of your brand?



10: Affiliate tracking

How will the affiliate's activity be tracked?

What type of information will you collect, and what software will you use to collect it?

11: Confidentiality agreement

What information should both parties keep confidential?

For businesses, this can be supplier information, customer lists, etc.

For affiliates, this can be previous clients, follower information, etc.

12: Termination or suspension

How long does your affiliate marketing agreement last?

Under what circumstances would the contract be prematurely terminated or suspended?

What happens when there are changes to the affiliate agreement?



13: Legal stipulations

Any other applicable laws by the state governing the transaction

Requirements for compliance with FTC endorsement guidelines

Procedure in case of a default or breach of this agreement

An indemnification clause to protect either party from liability caused by the actions of the other and consequential damages (i.e., data loss, service interruptions). Any clarifications of the limitation of liability

A severability clause, where necessary

** If these points require more detailed coverage, break them out into separate sections.*

14: Signatures

Include space for your business and the affiliate to sign the agreement

Affiliate legal name, signature,
and signing date

Business point person legal name,
signature, and signing date

