
Beyond distribution: The critical role of content tracking

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Abstract In the dynamic landscape of digital asset management (DAM), managing the life cycle of digital assets extends beyond mere storage and retrieval. This paper emphasises the critical importance of content tracking for safeguarding brand integrity and compliance. It outlines the complexities involved in managing digital assets, from pre-production to post-distribution, highlighting the necessity of tracking usage rights and expiration dates across various platforms and geographies. The piece explores advanced technologies such as visual matching and rights management systems that use artificial intelligence to automate tracking and compliance analysis, thereby mitigating legal risks and enhancing operational efficiency. The paper discusses practical scenarios where content tracking is indispensable, such as managing expiring content, avoiding rights violations and maintaining brand consistency during rebranding efforts. It concludes that in a world where digital content predominates, a robust content tracking system integrated with a DAM system is essential for maintaining control over digital assets and ensuring their compliant and effective use. This not only protects the brand but also optimises content performance, ultimately contributing to the brand's market success.

KEYWORDS: DAM, DRM, content tracking, rights management, compliance, brand integrity, automation

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INTRODUCTION

When most people think about digital asset management (DAM), they tend to focus on the 'digital assets' part, which on the surface seems quite logical. They talk about creation, storage, organisation, metadata tagging, sharing and downloading — all common features and functions of DAM systems — and yet frequently gloss over the aspect of

'management'. This is curious, as managing digital assets entails much more than simply having a place to store them and a way to search, find and access them.

Digital assets have a complex life cycle that can present challenges throughout pre-production, production and post-production. Even before an asset exists, the details regarding its sourcing need to be managed;

this can often include capturing talent rights, usage restrictions or other licensing requirements. During the creative process, assets can be changed or merged to create derivations or composites, adding further complication to the management of the resulting metadata and compliance details. By the time they are published, a slew of clearance considerations may apply, and in some cases, usage decisions can be complicated and hard to arrive at simply by looking at an asset and the associated metadata.

As illustrated in Figure 1, this is a lot to manage. Furthermore, even if you do strive to capture all relevant rights data and use all possible tools at your disposal to clear assets before publishing them, most licences change over time, well into the future, as

rights expire, restrictions kick in, or assets are further transformed and reused.

Because of this, it is important to extend the management of your digital assets outside of your DAM system and beyond publication. It is not enough simply to publish and forget. Diligently tracking your content usage will reduce the risk of lawsuits resulting from misuse and help to avoid compliance issues that could tarnish your brand and cost you sales, customers and your reputation. The financial impact of a copyright infringement lawsuit is often in the hundreds of thousands once legal fees, settlement fees and/or damages are factored in — and significantly higher when working with high-profile talent. For example, content aggregator BuzzFeed was sued by Mavrix Photo Agency for US\$1.3m

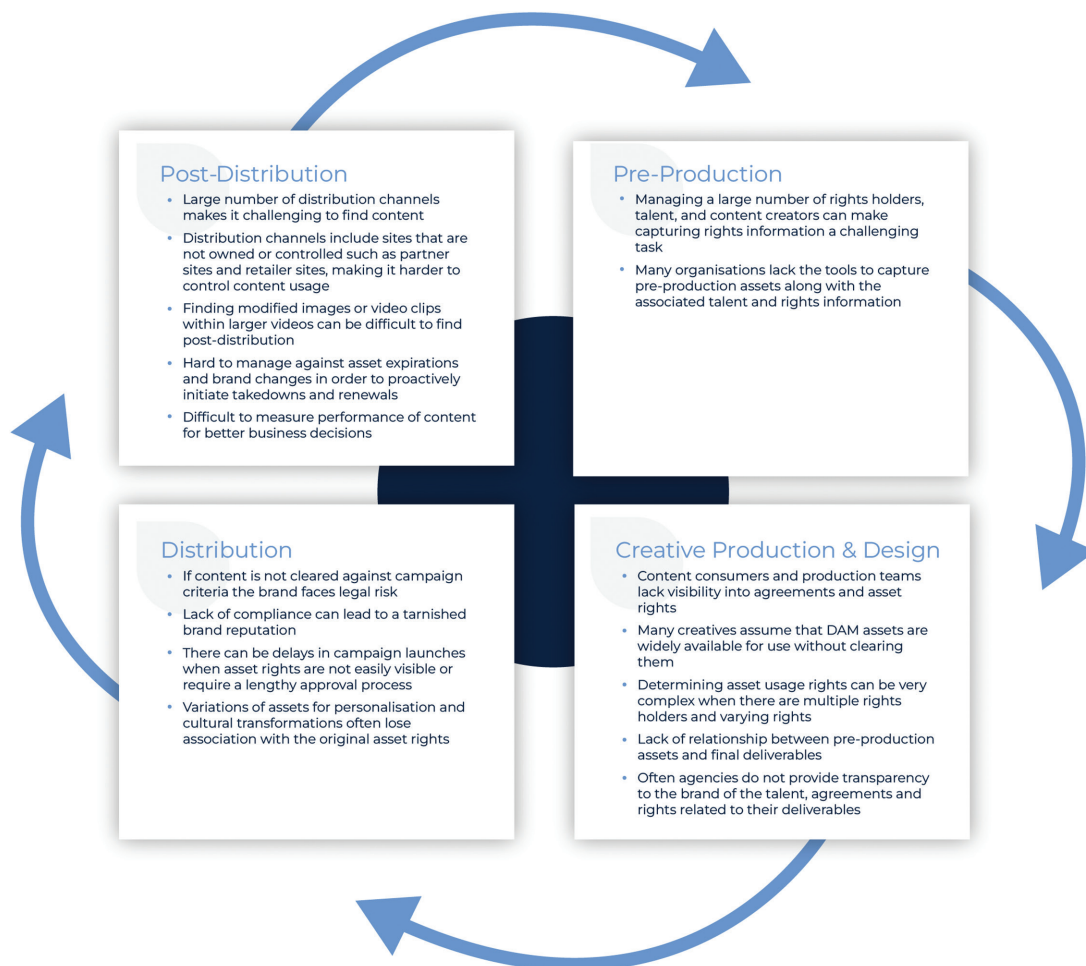


Figure 1 Capturing rights information and acting on that information can be challenging but is essential to effective governance of content

for publishing nine of its celebrity photos without permission,¹ while movie megastars George Clooney and Julia Roberts sued Beyond Audio and Digital Projection, Inc. for misappropriation of publicity rights, trademark infringement and negligence when they discovered the companies were using their images on their websites.²

But how can you effectively track digital assets and ensure compliance? Given the vast landscape of omni-channel distribution and complexity of usage rights, this is a task that is very hard to achieve through manual processes. It could take a large team of people many hours to scour websites, social media and other digital outlets for your published assets, and even longer to then assess their rights status. Thankfully there is now technology that can automate this process and provide efficient content tracking in a much shorter time.

Content tracking systems typically involve ‘scanning’ or ‘crawling’ websites, social media and other digital channels to find published images and videos. This indexing requires a lot of processing power and a meticulous process of site-by-site analysis. While there are tools which can scour the entire internet for images, they tend to return so much information that it becomes less useful, as it takes a secondary process of analysis to make heads or tails of it. Content tracking systems, which operate with more targeted indexing, tend to produce better results with clearer outcomes.

In addition to this automated indexing process, content tracking systems typically have the ability to perform image and video matching in order to identify which digital assets among those indexed are yours (as sites may have many images and videos that are not yours). Various methods exist to accomplish this, with visual matching driven by artificial intelligence (AI) providing the most sophisticated way of identifying assets, while techniques such as watermarks or digital IDs also provide a way of locating specific assets.

To analyse rights compliance, a different type of technology is usually in the mix, namely, a rights management system. This is a

built-for-purpose database that allows for the capture of detailed, complex rights information in a comprehensive, configurable data model. These systems also provide logic engines that can perform analysis on asset rights in order to determine availability or provide clearance. When paired with content tracking technology, a rights management system can analyse indexed and matched assets to determine if their rights have expired or the assets have been used in violation of their usage rights.

While some DAM systems do provide rights management capabilities, most do not provide a scalable and robust data model to do so, opting instead for straightforward metadata fields, which can be challenging once the rights use cases become more complex. In addition, DAM systems do not typically have the logic to analyse complex sets of rights to determine availability or clearance.

Content tracking is not typically a feature seen in any DAM systems today (outside of limited watermarking capabilities); however, this will likely change as these use cases become more prevalent and AI makes integrating this feature easier in the future. For now, however, brands looking to protect themselves from rights issues related to published assets should be looking for content tracking and rights management systems that can integrate with a DAM system to provide the most powerful capabilities.

TRACKING EXPIRING CONTENT

There are numerous scenarios where these types of pitfalls can occur, the most common of which is probably expiring content. Nearly any licensing agreement related to digital assets is going to have an expiration date, whether based on talent rights, third-party ownership, brand guidelines, or any other reason that the content usage is obligated to come to an end. But even ‘expiration date’ is not as simple a concept as it sounds.

Imagine a photograph with a model in it such as the one in Figure 2. The model agreement grants you usage of the asset

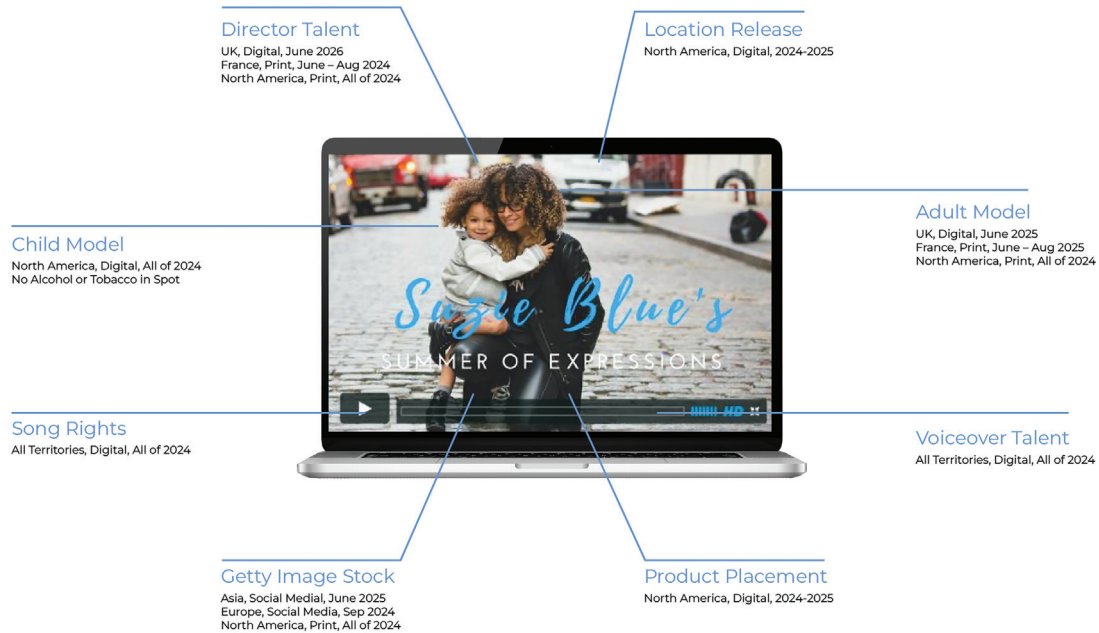


Figure 2 The usage rights of even a single piece of content grows in complexity when there are multiple rights holders and varying sets of rights

through a specific date, for example, 31st December, 2024. In this case, the expiration date is easy to identify: it is 31st December, 2024. But say the model agreement specifies different rights for North and South America. For North America, the content can be used through 31st December, 2024, but for South America it can be used through 1st July, 2025. Now what is the expiration date of the asset? Well, it depends on where it is used.

Now assume there is a second model in the photograph, and the second model only grants usage through 30th August, 2024. Now what is the expiration date? Still fairly easy to decipher, as 30th August is earlier than the first model’s agreement allows for in any case, so the asset expires on 30th August. But what if the second model also has different territory restrictions, and it allows North American usage through 30th August, but South American usage through 1st May, 2025. Now it is getting more complicated, and again, the expiration date depends on where it is used and which model has the more restrictive agreement. This can be further complicated by introducing the notion of channel usage, such as specific

expiration dates for things like print publication versus web or social media.

In practice then, a digital asset rarely has an explicit expiration date, except in the most basic cases. The answer to the question ‘has this asset expired’ can be yes and no at the same time. For this reason, it is often helpful to consider and capture the ‘full expiration date’ of an asset, which represents the time at which the asset no longer has *any* rights available for usage.

By specifically tracking a full expiration date, you can facilitate notifications or reporting that can inform responsible parties when an asset has gone beyond all rights or is nearing its expiration. This becomes increasingly important once you have published content. In cases where a ‘fully expired’ asset has been published, you may need to unpublish or remove it.

Combined with a real-time content tracking strategy, such data can help avoid the risk of having published content expire, and provide the visibility and mechanism to locate and pull down that content. Content tracking technology can be used to scan websites, social media feeds and other

distribution channels for digital content published by your organisation. When explicit expiration data are available for an asset, your content tracking system can identify if the published content is expired or, more importantly, nearing expiration, so you can take it down before getting into trouble with the rights holder.

TRACKING VIOLATIONS AND MISUSE

DAM systems contain a lot of content — with a lot of users searching, sharing, downloading, transforming and publishing that content. According to SEMrush’s 2023 State of Content Marketing report,³ 42 per cent of marketers and business owners say that updating and repurposing content leads to content marketing success. And much of it is likely restricted by talent rights, third-party licences or other rules and governance policies. At each step in the life of the content, there is an opportunity for misuse, especially if rights information is not stored for each asset and made available throughout its life cycle.

Like expiration dates, rights information can be quite complex, and the answer to the simple question ‘Can I use this asset?’ might not be all that simple. Again, it depends on time frames, but also typically geographies and distribution channels. Talent rights often restrict assets from

being used during certain blackout periods, or in certain countries, or on specific digital outlets such as the web or social media.

To manage such data requires a rights management strategy that incorporates both standardisation and flexibility, along with technology that can manage the complex matrix of rights that might apply to a single asset with multiple rights holders with varying restrictions. Similar to the example above with expiration dates, you may have one model in a photograph whose agreement grants full rights in perpetuity, but another that restricts usage to one year and only in print formats.

Storing this data is only one part of the rights management challenge. The other is the ability to analyse the data, which is no small feat given the complexity, and often becomes impossible or untenable for a human to do. Any effective rights management strategy must incorporate automated tools that can analyse complex rights scenarios and provide an answer to the question, ‘Can I use this?’.

With asset rights data and proper technology in place, you can begin to make sure the content is not misused throughout the full life cycle. As illustrated in Figure 3, users searching for content can be served up content based on availability for the intended use. Users downloading or sharing content can put it through



Figure 3 Checking for rights clearance against campaign terms is needed across the workflow and as changes are made

rights clearance before gaining access to the high-resolution versions. Users transforming or combining content can track component assets and determine availability for final production assets based on the sum of the parts. And users who publish content can be forced to clear it before distribution.

But of course it does not end with publication. Many times, content gets reused or repurposed by partners, regional brands or other constituents who do not follow protocol or do not have access or visibility to the rights data. In these cases, assets may get published in territories or on channels for which you do not have the rights.

The only way to fully protect yourself is to make sure you employ content tracking post-distribution so you know when there is published content on your brand sites and social media that is in violation. A tracking system can monitor your sites and your partner's sites and identify your published content, and with the proper rights management strategy in place, the rights data will be immediately available so you know if a published asset is a risk.

TRACKING SPOKESPERSONS

There are other tracking concerns outside of expiring content and violations that may or may not have anything to do with rights management. One such area relates to material that includes spokespersons or other talent that represent your brand and is used prominently in your marketing assets. These actors, models, singers or other celebrities are often the 'face' of your brand, and their endorsement can be very powerful, especially among a passionate fan base that aligns with your target demographic. For example, more than 50 per cent of 2024 Super Bowl commercials featured A-list celebrities,⁴ with brands paying large production costs and premium fees for the talent and music rights.

However, if something should happen that causes that celebrity to be viewed differently by the general public, then that change of perception can also harm your brand. In this

case, you may find yourself needing to adapt rapidly to the changing environment, which may mean quickly removing any marketing content that features your spokesperson.

Even barring that type of occurrence, you may have some immediate need to make a change to your talent-based campaigns. Perhaps the spokesperson is not resonating the way you want, or your brand strategy is no longer supported by a particular type of talent. In this case, you may also need to quickly find and remove any content featuring that individual.

Undertaking such an exercise manually is quite overwhelming. Just think of all the brand websites, partner sites, e-retailers, social media feeds and other digital outlets where your marketing assets get published. Now imagine having to review each and every one of those channels, looking for each and every image or video that includes high-profile talent that features prominently in your campaigns. That translates to a lot of assets in a lot of places.

Even if it were possible for a single human being to do this, it would likely take hundreds of hours to complete — and even then, the success rate probably would not be very high. For this reason, such work is best suited to content tracking technology that can scan and index hundreds of digital sites at a time and index thousands of images and videos on those sites. A system like this typically employs crawling to scan and index websites, but also needs to utilise API interactions in order to scan social media feeds, which usually require authentication. A content tracking system like this can perform the task in a much shorter period of time and compile large volumes of indexed assets.

Of course, not every asset on these sites is going to be the one you are looking for. So, in addition to content tracking, you will need some form of content matching. This means that when you find an image or a video on one of your sites or social media feeds, you need to be able to match it to an asset in your DAM system, and in this

particular case, an asset that features your spokesperson.

There are multiple ways to perform this matching. Some technologies embed a hidden watermark or pixel in images in order to identify them. While this can be effective, it relies on the imprint being there and not being changed or manipulated (eg cropped out). Other tools use sophisticated AI-matching algorithms to identify visual matches. This allows for a more powerful means of finding matches that may have been altered or transformed. In addition, capabilities like audio matching or facial recognition can add value, and metadata or tag analysis can also be useful.

With a content tracking and matching system in place, you will be able to react much more rapidly to a situation where you need to find published content related to a spokesperson or talent in order to pull it down as quickly as possible.

TRACKING YOUR BRAND

A similar non-rights management exercise is one related to brand consistency or rebranding. Most large brands undertake some sort of rebranding every five years on average, whether it is a simple logo change (Figure 4) or a broader initiative to rename a company or rebrand a product line. This requires identifying all instances of the old brand or logo in order to remove them or swap them out for new assets — a job where facial recognition is of little benefit. However, visual similarity searching and/or object matching capabilities will help to find images and videos that include a particular logo. To the extent you are rebranding based on more esoteric brand guidelines, these technologies can also be useful in finding images based on general visual themes or subjects.

While DAM systems are useful in helping maintain brand consistency by storing and curating approved brand assets such as logos and trade marks, they cannot help once those assets are out in the world. A simple web search for the logo of any large brand

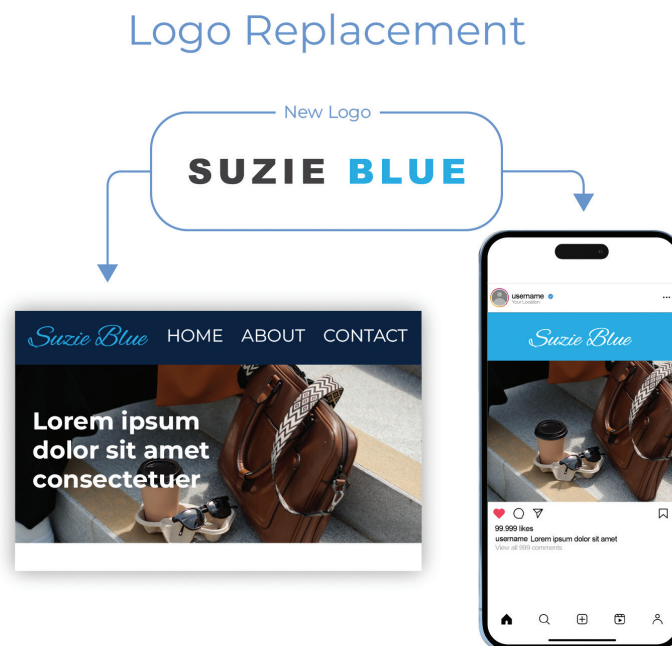


Figure 4 Rebranding initiatives require finding and updating all instances of the original logo/brand elements

will return all sorts of different versions, old and new. Of course, much of this internet content is posted by third parties and probably out of your control (eg a Pinterest site dedicated to the design history of a brand). However, with a content tracking and matching system in place, you will be able to ensure that only the most current, approved logos and brand assets are being utilised on your brand sites, social media feeds and partner or retailer websites.

TRACKING INFRINGEMENT

Expirations and violations pose a risk to your company because you are liable if you misuse content or publish assets with rights that have expired. In some cases, third parties may appropriate or use your content in ways for which it is not licensed, but you will not necessarily be legally liable for this misuse (eg if someone copies an image from your site and publishes it somewhere they should not).

In some of these cases, it may still be beneficial to know where your content ends up and how it is being used by others, as even though you may not be liable, you may want to send a cease-and-desist letter if the content misuse reflects poorly on your brand. Some third-party uses may benefit you; others may not. It depends on the scenario.

Incidentally, you may also receive cease-and-desist letters from time to time. Often an agent or talent will spot published content, be certain that you have misused it, and quickly fire off a letter instructing you to take it down or pay them more money. However, they can sometimes be mistaken. In such cases, it helps to have previously captured detailed licensing and rights information for your content and be able to locate it easily and quickly. As the only information you might get from the complainant is the actual image or video itself, having a means to quickly search your digital assets visually for a match will allow you to check the rights quickly and send a letter back showing that the content has been used properly.

Another case where you might be concerned with third-party use of your content is counterfeit products. Third-party companies who are producing counterfeits may use your real product assets to sell their fakes. In these cases, it becomes valuable to find those assets as not only can you have them taken down, but it may identify broader copyright infringement actions you can pursue against counterfeiters. Studies estimate that billions of dollars in revenue are lost each year due to piracy and unauthorised sharing of copyrighted content.⁵

Content tracking can help with this by searching the broader internet for content. There are challenges with this, as the volumes are exponentially larger when scouring the entire web for your assets. The costs of doing this can escalate quickly, which is why searching for all your assets all the time may not be realistic. Nevertheless, searching for subsets of assets at specific times may be feasible. Another challenge with wider content searches is that most of the available tools can only search for images, not video.

Still, content tracking can be helpful in curbing third-party infringement of your brand assets if applied in more measured ways.

TRACKING PERFORMANCE

Outside of violations and spokesperson scandals, there are other good reasons to track your published assets. Tracking content in order to better understand usage, trends and performance is another valuable application of the technology.

With all the omni-channel outlets you publish content to, it may be that there is no one single place to see everywhere an asset has been used. Your social media team might be using one system to publish, while product teams are feeding assets from a product information management system and the web team is posting content manually. Your DAM system may be able to tell you who downloaded what asset, but not necessarily what was done with it.

Post-distribution content tracking can provide a means of consolidating all usage information into one place for a particular asset. When integrated with your DAM assets, content tracking can provide a singular view of everywhere an asset was located on your distribution channels and allow you to analyse asset adoption and share that information with stakeholders.

When coupled with social media measurements such as shares, likes and reposts, a content tracking tool can enhance usage data with analytics that can help determine asset success and value. Reporting can be used to export such data and drive decisions about what kind of content to produce more of or which campaigns to broaden or repurpose. And if you have done the work on rights management, you will easily be able to know what you can and cannot do with those assets beyond their original publication.

CONCLUSION

We all know that digital content continues to be on a rise. Digital advertising will account for almost 70 per cent of worldwide advertising spend this year, and by 2027 it will make up nearly 75 per cent.⁶ It is therefore more important than ever to fully understand the life, usage rights and effectiveness of your content after it is published.

Rights management remains a core requirement in effectively using content tracking to reduce the risk of content expiration and misuse. No matter what kind of content tracking you employ, having a solid rights management strategy and system will help you identify if an asset has the proper rights in order to be used in a certain region or on a specific distribution channel and if those rights are still valid for the publication time frame.

Brand consistency and reputation are important areas where content tracking can be valuable in helping enforce governance and maintain the integrity of your products and campaigns. Whether you are dealing with

a logo change or an urgent need to change talent assets, having the ability to use content tracking to scan your distribution sites and identify any assets that need to be changed or removed can save hundreds of hours of cumbersome work. It can also help identify third-party infringement and counterfeits.

Knowing how well your assets are performing is a boon to any marketer, and using content tracking to consolidate usage information can be a powerful way to provide a single view of where an asset was used. When social media or other metrics are added into the mix, content tracking can provide a valuable basis for an asset analytics platform that can help drive brand marketing decisions.

These are just some of the scenarios that make post-distribution content tracking a valuable tool for providing brand protection and consistency. Not only are there other scenarios, but the variety of use cases seems to be multiplying all the time.

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