# Fixing Affiliate Marketing

Benjamin Edelman

Affiliate Dag 2010

May 27, 2010

#### Why affiliate marketing?

- Creativity
- Reach
- Attractive pricing model, risk model

## /BUT/

- How to supervise small affiliates a retailer has never met?
- Many & divergent incentives: merchant, network, affiliate program manager, affiliate

#### Affiliate earns commission if ...

- User requests affiliate web site
- User clicks affiliate's link to merchant <u>/and/</u>
- User makes a purchase

→ Merchant can safely partner with <u>anyone</u>?

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Ditto. I am still researching some other sites that are similar. If I find out any information I will keep ya posted. In the meantime, I am going to sign up.															
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alt="" /><img src="http://www.avxf.com/img17.jpg"
border="0" alt="" />
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GET /img16.jpg HTTP/1.1 ...
Host: www.avxf.com
```

```
HTTP/1.1 302 Found ...
Location: http://secure.hostgator.com/cgi-bin/
affiliates/clickthru.cgi?id=dsplcmnt01 ...
```

GET /img17.jpg HTTP/1.1 ... Host: www.avxf.com

HTTP/1.1 302 Found ... Location: http://www.amazon.com/?...&tag=qufrho-20

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GET /iframe3? ...
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Host: ad.yieldmanager.com ...
HTTP/1.1 200 OK
Date: Mon, 29 Sep 2008 05:36:02 GMT
<iframe src="http://allebrands.com/allebrands.jpg"</pre>
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<iframe src ='http://send.onenetworkdirect.net/z/41/</pre>
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#### SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF ORANGE, CENTRAL BRANCH

COMMISSION JUNCTION, INC., Plaintiff, v.	CASE NO.: 30-2008 00101025 ASSIGNED FOR ALL PURPOSES TO: JUDGE RANDELL L. WILKINSON DEPARTMENT C25
THUNDERWOOD HOLDINGS, INC. dba KESSLER'S FLYING CIRCUS; TODD DUNNING; BRIAN DUNNING; and DOES 1 through 50, inclusive, Defendants.	<ul> <li>SECOND AMENDED COMPLAINT</li> <li>FOR DAMAGES</li> <li>1. Breach of Contract</li> <li>2. Open Book Account</li> <li>3. Account Stated</li> <li>4. Reasonable Value</li> <li>5. Conversion</li> <li>6. Unfair Competition</li> <li>7. Declaratory Relief</li> </ul>
	, [Unlimited]

Plaintiff Commission Junction, Inc. alleges as follows:

1. At all times relevant herein, plaintiff Commission Junction, Inc. ("CJI") was a corporation organized and existing under the laws of the State of Delaware and wholly

Hi Todd:

Further to our conversation, this is the letter L referred to. I appreciate your understanding in this matter. As we discussed, please wire us the funces (\$565,517.84) it is your wiring fee, tomorrow morning at your convenience. If you could kindly call me at (805-450-6120) and email to confirm once done, I'd greatly appreciate it.

Below are the payment instructions for wire payment:

Wire Payment InformationBeneficiary:Commission JunctionBank:Wells Fargo BankAddress:420 Montgomery StreetSan Francisco,CA 94104Account No:4121196406Routing No:121 000 248Swift Code:BIC WFBIUS6S

Thanks again for your cooperation and understanding!

Cheers,

Peter Bexelius Account Manager - Strategic Accounts

Commission Junction, a ValueClick Company 530 East Montecito Street Santa Barbara, CA 93103 Direct: 805 730 8106 Fax: 805 730 8458 Email: pbexelius@cj.com

POST /adshow HTTP/1.1 User-Agent: TSA/4.0.4.1... Host: a.targetsaver.com http://www.tesco.com/clubcarddeals/ HTTP/1.1 200 OK http://www.targetsaver.com/redirect.php?clientID=... &finalURL=http://redirect.tracking202.com/dl/5668... GET /dl/5668626?t202kw= HTTP/1.1 Host: redirect.tracking202.com <script>window.location='http://clkuk.tradedoubler.c om/click?p=898&a=1686304&g=2385383669505';</script> GET /click?p=898&a=1686304&g=2385383669505 HTTP/1.1 Host: clkuk.tradedoubler.com HTTP/1.1 302 Found Location: http://www.tesco.com/landing?tidsi=Affilia

tes/Tradedoubler/Direct&url=http://www.tesco.com/



TARGETED MARKETIN

TargetSaver, Inc 269 S Beverly Dr #1200 Beverly Hills, CA 90212 USA

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#### Affiliate earns commission if ...

- User requests affiliate web site
- User clicks affiliate's link to merchant <a href="mailto://www.and/">/and/</a>
- User makes a purchase

#### A Merchant can safely partner with <u>anyone</u>?

### Fixing Affiliate Marketing

- Supervising small affiliates
  - Penalties?
  - Litigation?
  - Identity verification
    - Name email phone number address tax ID IP
  - Sequential pseudonymity: reregistering using a new name

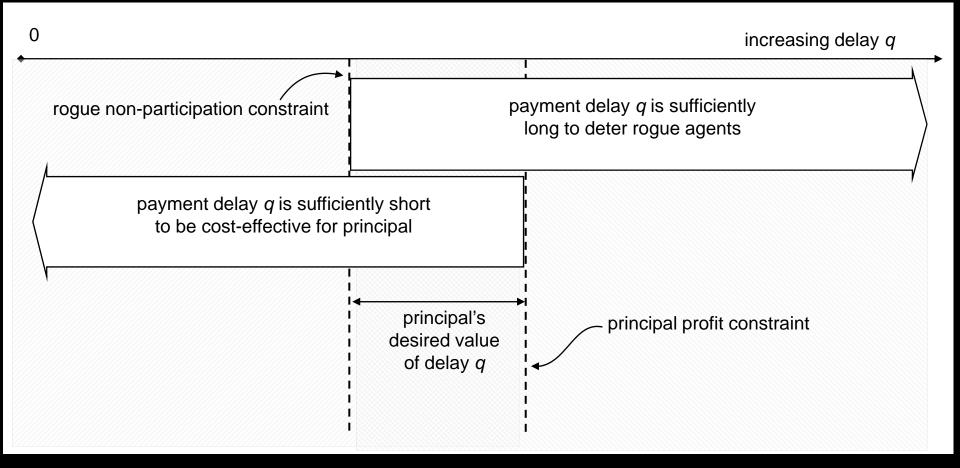
#### Incentives wishlist

- Take existing detection technology as given
- Effective at deterrence
  - No more cat-and-mouse
- Undercut incentives for use of pseudonyms and multiple identities

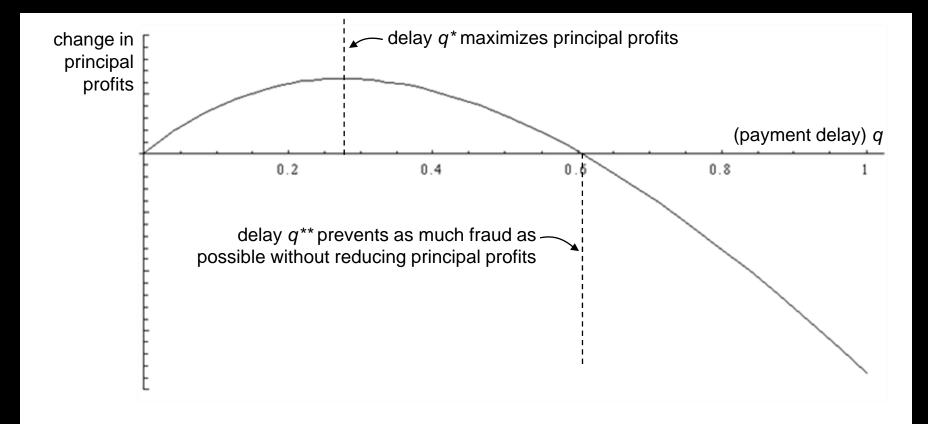
#### Payment delay

- Pay more slowly.
- If uncover a fraud, don't pay.
- Pay a bonus to make good agents indifferent.
   Compensate good agents for having to wait.

#### **Resulting incentives**



#### Calibration



#### What does this fix?

- Sequential pseudonymity
- Fraud unredressable due to litigation costs
- Detection systems with low effectiveness

References:

Delaying Payment to Deter Online Advertising Fraud (2008) benedelman.org/paymentdelay

Deterring Online Advertising Fraud Through Optimal Payment in Arrears Financial Cryptography 2009 - SV LNCS

#### Fixing Affiliate Marketing

- Supervising small affiliates a retailer has never met.
- Managing divergent incentives: merchant, network, affiliate program manager, affiliate

#### Managers' incentives

- Network: "10% of spend"
- Affiliate program manager: "20% of yearover-year growth"

#### **CJ** Advertiser Service Agreement

To the fullest extent permissible pursuant to applicable law, CJ disclaims all warranties implied, including ... that CJ's security methods will be sufficient ... The entire risk as to satisfactory quality, performance [and] accuracy ... is with you. CJ is, under no circumstances, responsible for the practices, acts or omissions of any advertiser or publisher.

#### Affilinet Advertiser T&C's

10.2 Affilinet shall not be liable (whether in contract, tort or otherwise) for any loss of profit, revenue or any consequential loss or damage. 10.5 The Platform is made available on an "as is" basis without any warranties, terms or conditions of any kind, including ... as to satisfactory quality, fitness for purpose .... 10.6 Affilinet has no control over the Publisher Website ... and ... makes no warranties as to ... satisfactory quality, fitness ... or compliance ...

## Fixing Affiliate Marketing

- Supervising small affiliates a retailer has never met.
- Managing divergent incentives: merchant, network, affiliate program manager, affiliate

#### /AND/

• Retaining the cost-effectiveness, excitement, flexibility, and passion of affiliate marketing?

## benedelman.org more examples, perpetrators, and infractions