

**B. Use of Speculative Creative**

[AGENCY LETTERHEAD]

Dear \_\_\_\_\_:

Thank you for providing us with the opportunity to present our agency's creative product and ideas in this review for your account. Our creative effort is our stock in trade and while we enjoy working hard and presenting you with our best work with the expectation we will win your business, we also need your agreement on how our creative product and presented ideas will be used after the review.

If we are the lucky recipient of your account, you are free to use our creative product and ideas as you see fit to direct us to proceed, all in accordance with whatever agreement we sign.

If, regretfully, we are not awarded your account, of course we will respect your decision, but we must require that our creative product not be used by you or your agency. As we use the term creative product in this letter, we mean the illustrations, copy, art, photographs, layout and concept and feel of our creative product, or derivatives or portions of the foregoing, many of which components are protected by United States and international copyright laws.

In addition to the creative product, you agree not to use our ideas behind the creative product whether or not communicated to you in writing or orally. These ideas may be no more than a general statement of the strategy, or more detailed tactics, but if we communicate them to you, they are protected under the terms of this letter. We hope you realize that even a general statement of strategy is the result of extensive time and effort spent by us on your behalf.

Payment for our creative product or ideas will not compensate us for the harm incurred by using our creative product or ideas in a fashion not permitted by the terms of this letter.

Before we can proceed, we ask that you please sign and return to us a copy of this letter. If you have any questions, please telephone. We trust you will understand our reasons for this letter.

AGENCY  
By: \_\_\_\_\_

AGREED AND ACCEPTED  
THIS \_\_\_\_ day of \_\_\_\_\_, 200\_  
COMPANY

\_\_\_\_\_  
By: \_\_\_\_\_  
Name: \_\_\_\_\_