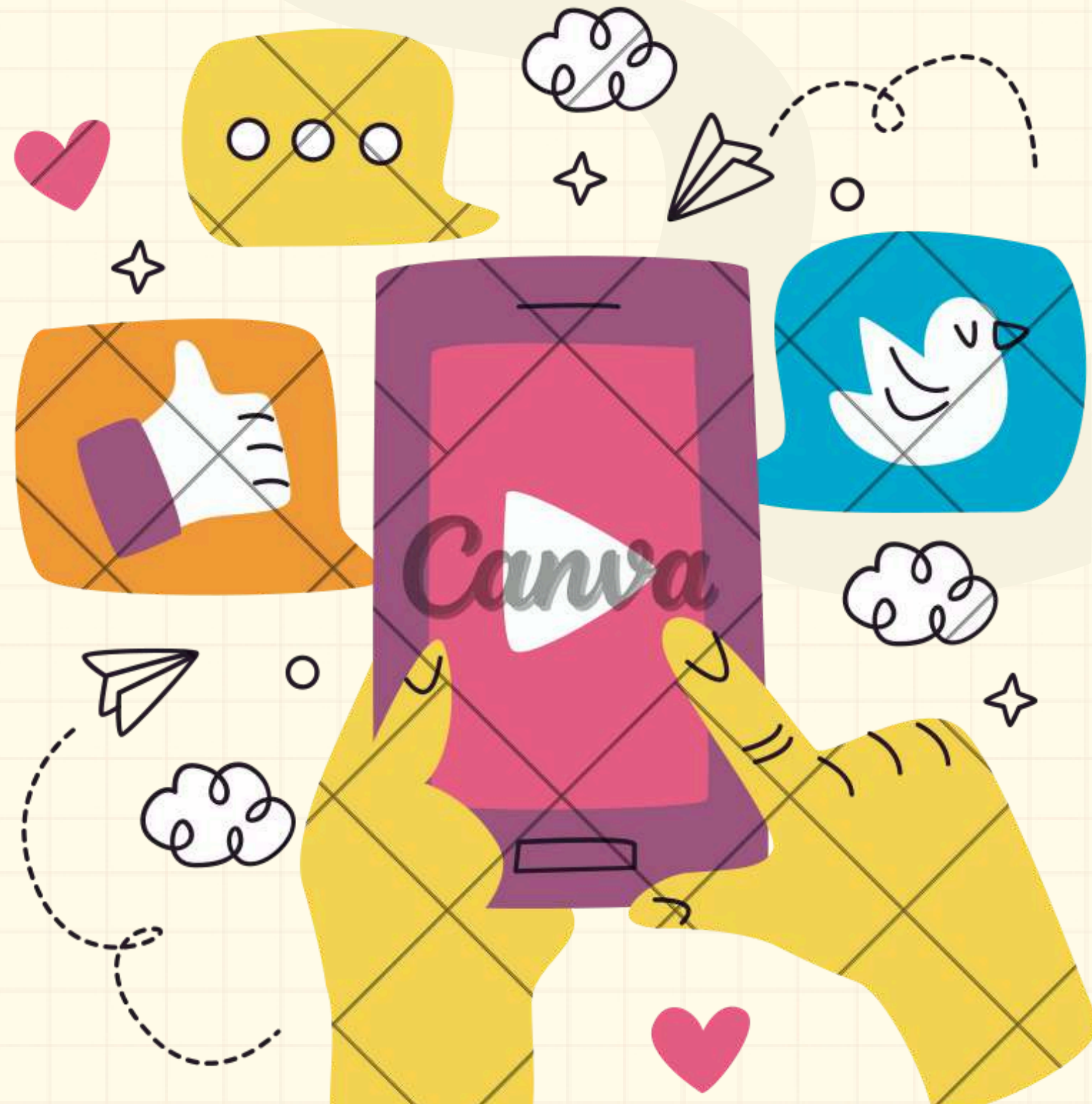


Taxation of Youtubers & Influencers

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Taxation of Youtubers, Streamers & Influencers

- How International Tax Law Meets the Creator Economy

Tax rules built for physical performers and traditional media now apply to borderless creators paid by platforms and brands.

General treaty rules

Article 7 of the OECD Model

Business income: Restricts the taxing right of the source state to situations where the business is carried out through a **permanent establishment (PE)** in that state.

Article 12 of the OECD Model

royalties

Article 15 of the OECD Model

Limits the right of the source state to impose tax on **employment income** by permitting taxation if a non-resident employee is present in the country in which the employment is exercised for more than **183 days** and is paid by a local employer.

Article 12B of the UN Model

electronically supplied services: 'Services delivered over the Internet or an electronic network and the nature of which renders their supply essentially automated and involving minimal human intervention, and impossible to ensure in the absence of information technology.'

Article 14 of the UN Model

Limits the right of the source state to impose tax on professional services income by permitting taxation if a non-resident professional is present in the country in which the services are exercised for more than 183 days or has a fixed place.

- social media platforms, meaning the provision of platforms on a digital interface to facilitate interaction between users or between users and user-generated content;
- online gaming, meaning the provision of a digital interface to allow users to interact with each other in the same gaming environment.

Article 17

OECD Model

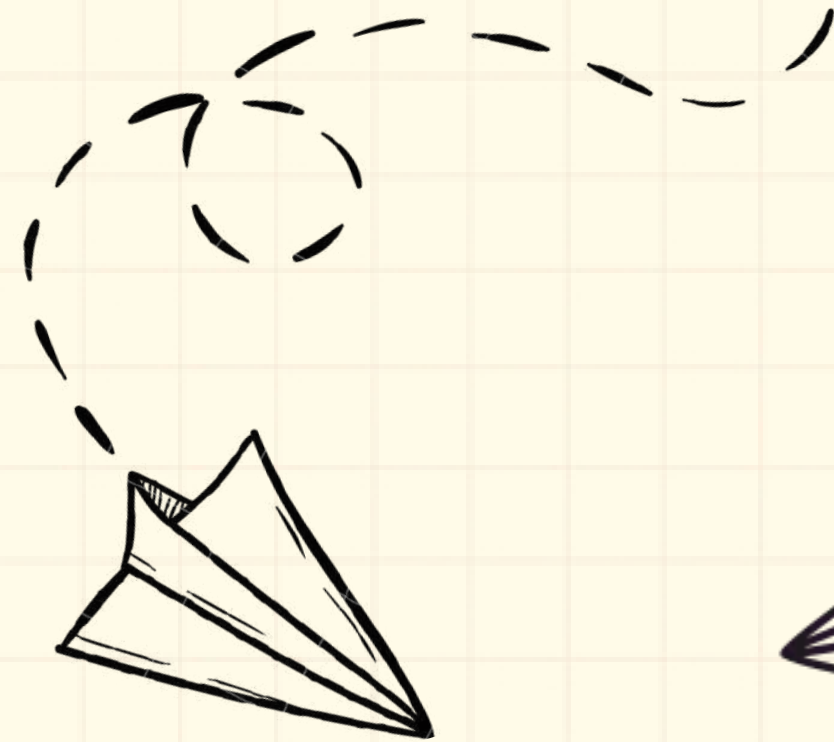
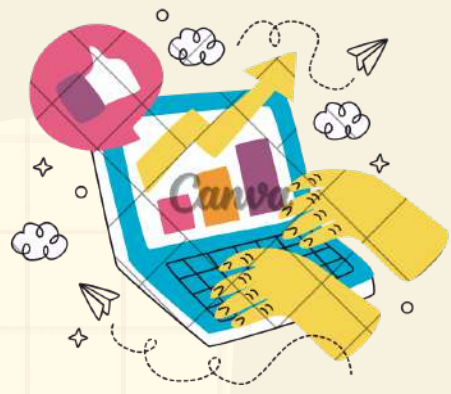
Exception to Articles 7 and 15


No requirement of substantial presence

Income derived by a resident of a contracting state as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsman, from that resident's personal activities as such exercised in the other contracting state, may be taxed in that other state.

Taxing payments to third parties

Where income in respect of personal activities exercised by an entertainer or a sportsman acting as such accrues not to the entertainer or sportsman but to another person, that income may, notwithstanding the provisions of Article 15, be taxed in the contracting state in which the activities of the entertainer or sportsman are exercised.





Key Issues under Article 17



Who

No precise definition of "entertainer" or "artiste". Examples include a theatre, motion picture, radio or television artiste and a musician ; a stage performer, a film actor or an actor in a television commercial



What

Income derived **as such**: performance must have an entertainment quality, i.e. relaxation, amusement or distraction, but, if the activity also has an educational, or information communication purpose



How

Personal services exercised : activities with a political, social, religious or charitable nature, but only "if an entertainment character is present"



Where

Place of performance: Difficulty in assessing whether the activity is performed where the performer is physically present, where the consumers are located or where the organizer of the services or event is based.



Who we're talking about



YouTubers

TikTokers

**Instagram
creators**

**Virtual/AI
influencers**



**Twitch
streamers**

**Gamers /
eSports
streamers**

**Metaverse
performers**



Podcasters

Bloggers

**Course
creators /
coaches
educators**



**Only Fans
creators**

**Patreon
creators**

Revenue map

Where the money actually comes from

Platform monetization

YouTube AdSense / Partner Program (CPM/RPM), Super Chat, Channel Memberships; Twitch subscriptions & Bits; platform bonuses/creator funds

Brand monetization

sponsorships, brand collaborations, product placement, affiliate/CPA deals, discount codes, ambassadorships, affiliate programs and links

Direct monetization

merch (own store, dropshipping), digital products (courses, presets, e-books), licensing (music, footage, likeness), NFT, skins, assets; events/meetups/appearances

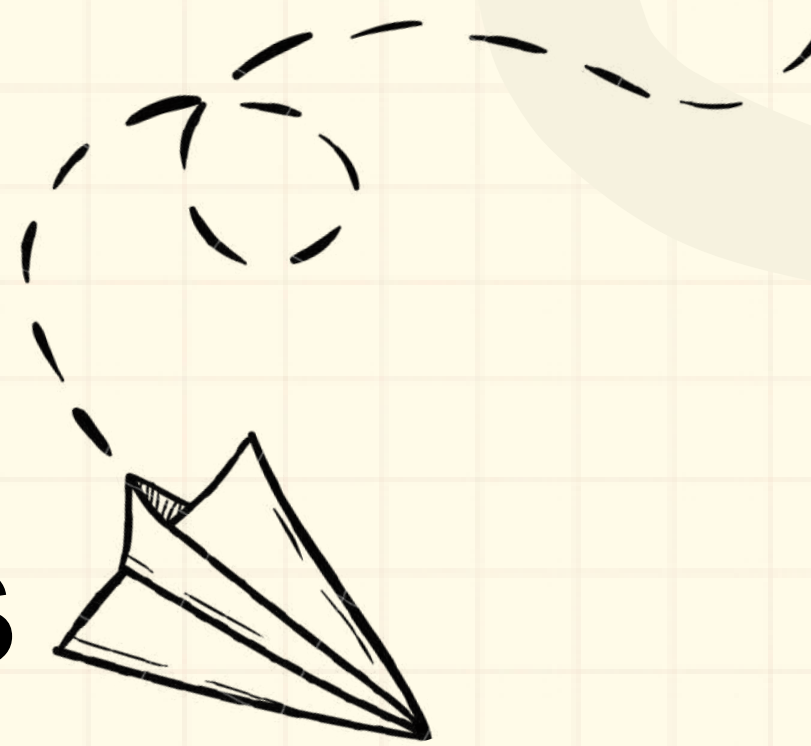
OnlyFans & similar

subscriptions, PPV ("pay-per-view"), tips, bundles, paid messages

In-kind

gifted products, travel, hotel stays, free services (yes—taxable at fair market value)

Metaverse Performers & Virtual Influencers



Virtual Concerts and Events

Metaverse performers host concerts, shows, and interactive events inside virtual worlds such as Fortnite, Roblox, WaveXR, Decentraland, or Horizon Worlds.

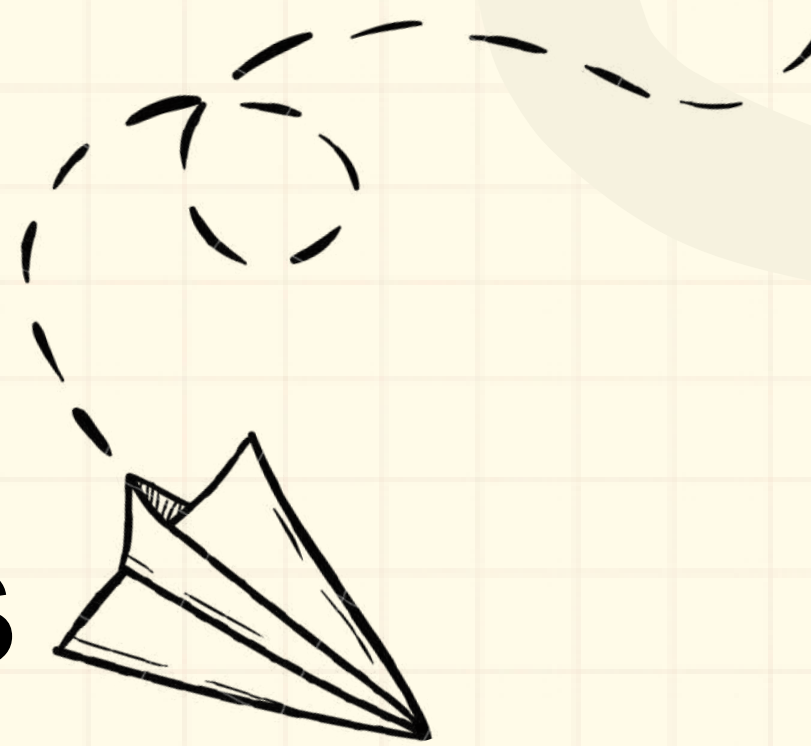
Examples:

- Travis Scott's "Astronomical" concert in Fortnite (2020) drew over 27 million participants and generated millions in virtual merchandise sales.
- Ariana Grande's "Rift Tour" in Fortnite combined performance, storytelling, and limited-edition digital collectibles.
- Justin Bieber's virtual concert on WaveXR offered live interaction and purchasable digital experiences for fans.

Revenue streams: ticketed access, in-game purchases, sponsorships, advertising placements, and sales of exclusive virtual items tied to the event.



Metaverse Performers & Virtual Influencers



Sale of Digital Goods and NFTs

Creators also earn from selling digital assets within metaverse ecosystems – including NFTs (non-fungible tokens), avatar clothing (skins), virtual real estate, and collectible items.

These goods may represent artistic content, digital fashion, or access rights to communities and events.

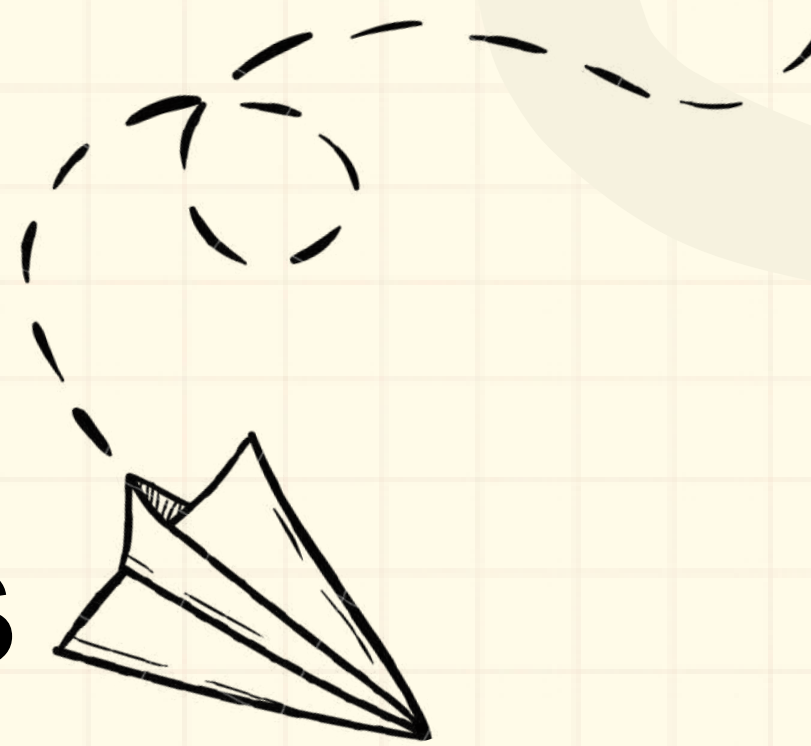
Examples:

- Gucci Garden Experience in Roblox, where users purchased limited-edition digital handbags that later resold for more than their real-life counterparts.
- Beeple’s NFT artwork “Everydays” sold at Christie’s for USD 69 million, highlighting how digital art can generate capital gains or royalty-like income.
- Nike’s “.SWOOSH” and Adidas “Into the Metaverse” programs create ongoing streams of royalties from resales of branded NFTs and virtual sneakers.

Tax relevance: these transactions raise complex questions on valuation, timing of income recognition, and classification (business income, royalties, or capital gains).



Metaverse Performers & Virtual Influencers



Brand Collaborations and Virtual Influencers

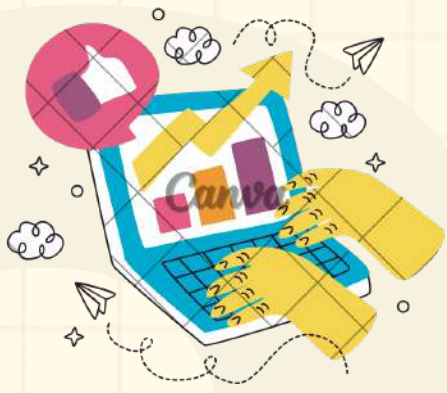
Many metaverse performers collaborate directly with global brands by integrating branded experiences, virtual product launches, or promotional content inside virtual worlds.

This segment also includes virtual influencers – computer-generated personalities who engage with audiences and represent brands online.

Examples:

- Lil Miquela, a digital influencer with millions of followers, has promoted Prada, Calvin Klein, and Samsung, earning real-world sponsorship fees.
- Shudu Gram, another CGI model, appeared in campaigns for Balmain and Fenty Beauty.
- Virtual fashion events (e.g., Metaverse Fashion Week in Decentraland) feature avatars walking digital runways sponsored by luxury houses such as Dolce & Gabbana or Tommy Hilfiger.

Revenue streams: sponsorship fees, licensing of digital likeness or IP, royalties from virtual merchandise, and long-term brand partnerships.



Tax qualification

Business profits (services) vs royalties vs employment

drives treaty article, withholding, and
expense deductibility.

Licensing/image rights

can be royalties (WHT risk) unless the
deal is truly a services contract

Barter/gifts are income when tied to
promotion

Loan-out / personal service companies

look-through risks in some contexts



Article 17

OECD Model

- **Open distributive rule:** Article 17 of the OECD Model does not effectively resolve the problem of double taxation.
- If both states levy tax under their domestic law, for the avoidance of double taxation of such income, it is necessary to resort to Article 23 of the OECD Model.
- **Elimination of double (non)taxation**
- Under Article 23, the residence state must grant an exemption or allow credit for the tax paid in the source state. Double non-taxation may occur. This could be prevented by the inclusion of a subject-to-tax clause that gives a subordinate right to tax to the residence state in situations where the source state cannot or will not exercise its right to tax, or the tax rate in the source state is much lower than in the residence state. Taxation in the residence state may also be preserved through the application of the tax credit method.

Income recognition

cash, virtual items, chargebacks

Gross vs net

record gross receipts;
fees/commissions as expenses
unless platform is deemed
supplier (then your income is
what you actually earn from
platform)

Virtual items

(Bits, in-app coins): revenue
when redeemed or when
entitled under platform terms

Affiliate Ads

Chargebacks/refunds/
reserves

Expenses & deductions

what creators can defend

Apportionment when content serves both domestic and foreign income streams

Direct costs

cameras, lighting, mics, editing
software, cloud storage, music licenses

Home office / studio, travel

(production, events), team (editors,
mods, managers)

Merch COGS Cost of Goods Sold

fulfillment (Printful, Shopify Fulfillment,
Amazon FBA), payment fees (PayPal, Stripe,
Revolut Business, YouTube % Super Chat /
memberships), App Store / Google Play

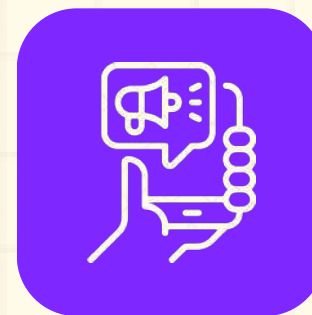


VAT/GST on digital creator income



EU "deemed supplier" rule

(Art. 9a IR 282/2011): when a **platform** sets terms / controls charging / processes payment, it is treated as the **supplier** of electronically supplied services and accounts for VAT on the full price to fans.



CJEU in Fenix (OnlyFans) / Geelan

CJEU confirmed platform liability in EU;; UK reached a parallel result via domestic rules. For OnlyFans and many app-store-style platforms, platform collects/remits VAT/GST to fan's country; creator receives net (commissions + any VAT withheld).

Difficulty in assessing whether the activity is performed where the performer is physically present, where the consumers are located or where the organizer of the services or event is based.



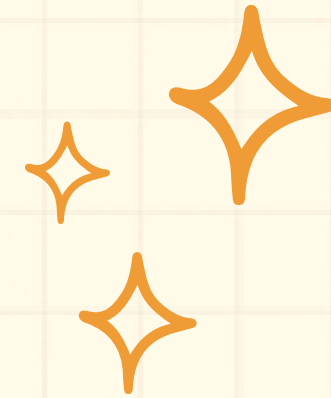
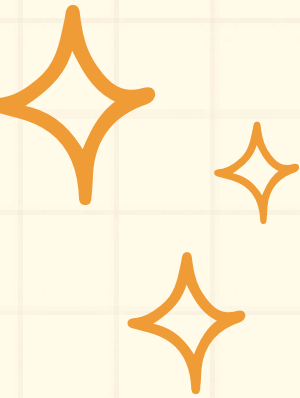
One Stop Shop

If creators sell direct-to-consumer (own site, digital downloads), they may need non-Union OSS (EU) or local VAT/GST registrations.

 Poland

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Thank you so much



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