

Is the Information YOUR Creation?

When it comes to photographs, property surveys, floor plans and a variety of articles that would be great on your blog, website or in a neighborhood mailing or newsletter – did you originate the information, or are you “borrowing it”? Think twice, before making the mistake of using someone else’s *intellectual property!* It may be their unique creation – a photograph or written article.

Why is this important? Because the property may be copyrighted. The unauthorized use of copyrighted materials or products of someone else’s creation can lead to large fines or even a costly lawsuit. It is not worth it!

Has the idea occurred to you to save time and money by using a photo on the MLS rather than taking your own photo? How about using a proprietary floor plan drawing done by a professional and given to your seller by a former listing agent. Should you use it? Hopefully, the answer is a loud, NO! Why, because it doesn’t belong to you, nor likely does it belong to your seller, it was “commissioned” for pay or “created” by someone else for a specific use. It may also be subject to a contract referencing the “ownership” of that intellectual property.

The “Take Away” is - do not use in a publication and/or uploaded onto the MLS, any photographs, floor plans or documents such as those mentioned above that you did not create yourself or that you are unsure of the ownership. When it doubt, leave it out!

Below are several links to HAR and government sites that further explain “copyrighting” and the dangers of using others’ work.

HAR has specific rules for the re-use of photos and accompanying fines. Refer to Section 1.25 of the HAR MLS rules and regulations, [linked here](#) with permission of HAR for the education of its membership.

Even TAR uses reference to the copyrighting of TAR forms right in the document. For example, take a look at the TAR Residential Lease in Section 33 where it specifically states that the form is copyrighted and cannot be used by someone not a member of the Texas Association of REALTORS® or the agreement is voidable. Also, the top of every TAR document contains information about it being copyrighted. (*See below.*)



Save time and money by doing it right the first time. Create your own professional work and think twice before “borrowing” the creations of others.

<http://www.harconnect.com/2017/01/27/photos-that-expose-you/>

<http://www.harconnect.com/2014/07/14/mls-photos-make-sure-you-have-the-appropriate-permission-before-using-someone-elses-photos/>

<https://www.copyright.gov/help/faq/>



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