PORTALS / VENDORS

have non-exclusive licenses for photos

MLS

transfer ownership
exclusive license
non-exclusive license

BROKER

transfer ownership

AGENT

work for hire

work for hire

work for hire

work for hire

MLS EMPLOYEE

BROKERAGE EMPLOYEE

HOME OWNER

PRO PHOTOGRAPHER

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Risk Management Strategies

• Review photography agreements to assess how you can use the photographs
• Audit photographs to ensure compliance with the relevant agreements
• Determine how you want to use listing photographs and ensure future agreements permit those uses
• Maintain record of all photography agreements
Sample Photography Agreements


- Work Made for Hire Agreement
- Assignment Agreement
- Exclusive License Agreement
Digital Millennium Copyright Act ("DMCA"): 

• Designate a copyright agent on website and with the Copyright Office

• Implement DMCA-compliant website policy

• Comply with DMCA takedown procedure

• Have no knowledge of complained-of infringing activity

• Have no knowledge of facts that make complained-of infringing activity apparent

• If capable of controlling infringing activity, make sure no financial benefit can be attributable to the
All of the slides from today’s presentation are available via the link below and on the Window to the Law page of www.realtor.org.

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