

AGENDA



**NATIONAL ASSOCIATION OF REALTORS®
2018 REALTORS® LEGISLATIVE MEETINGS
FEDERAL TECHNOLOGY POLICY COMMITTEE
Tuesday, May 15, 2018
9:00AM – 11:00AM
Wilson Room C, Mezzanine Level
Marriott Wardman Park Hotel**

CHAIR Dawn Carpenter (NY)
VICE CHAIR Bobbi Miracle (NV)
COMMITTEE LIAISON Kevin Brown (CA)
STAFF EXECUTIVE Melanie Wyne (DC)

PURPOSE

The Federal Technology Policy Committee provides education opportunities to help NAR members understand and respond to the changing technology policy landscape and to advise on the impact of technology policy issues on the NAR membership.

I. Call to Order: Dawn Carpenter, Chair

- a) Opening Remarks, Introductions
- b) Conflict of Interest [Statement](#)
- c) Overview of Subcommittee purpose/jurisdiction
- d) Approval of [Minutes](#)

II. RPAC Challenge: Dawn Carpenter, Chair

III. NAR Reach Company Demos: Dave Garland, NAR Staff

IV. Artificial Intelligence in Real Estate: Aleks Velkoski, NAR Staff

V. Issue Updates: Melanie Wyne, NAR Staff

a) Network Neutrality

Net neutrality is shorthand for the concept that internet users should be in control of what content they view and what applications they use on the internet. NAR supports legislative and regulatory efforts to ensure that broadband providers adhere to net neutrality practices. Net neutrality practices are essential to ensure that REALTOR® content may be freely and efficiently distributed online.

In April 2015, the Federal Communications Commission (FCC), chaired by Tom Wheeler, published a rule implementing open internet regulations that prohibit the blocking or degrading of lawful content on the internet by internet service providers.

In November 2017, the FCC, under chairman Ajit Pai, released a plan to dismantle these landmark regulations that ensure equal access to the internet, clearing the way for internet service companies to charge users more to see certain content and to curb access to some websites.

On December 14, 2017, the FCC voted on to dismantle its net neutrality regulations.

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The issue will now move to the courts, where several groups will challenge the FCC's decision. Congress is also considering legislation that would codify the rules in law.

NAR will continue to work the Congress and the FCC to protect members ability to freely share lawful content on the internet.

b) Data Privacy & Security

Technology has dramatically increased the amount of consumer data collected and used by businesses. Several recent high-profile data breaches, coupled with a high rate of identity theft crime has made data security and consumer privacy a hot issue for policymakers in Washington.

REALTORS® strongly support efforts to protect consumers' sensitive personal information. The REALTOR® code of Ethics and Standards of Practice explicitly acknowledge a REALTOR's® obligation to preserve the confidentiality of personal information provided by clients in the course of any agency or non-agency relationship—both during and after the termination of these business relationships. REALTORS® support for data protection measures is also bolstered by their day-to-day business activities where they see firsthand the damage that identity theft can do to a family's ability to rent an apartment or buy a home. This resource will provide REALTORS® with current information on policy efforts underway in Washington to regulate data security and consumer privacy.

c) Copyright

With countless photos, articles, logos, and videos just a click away on a smartphone or computer, it can be tempting to simply grab what you want for your website, presentation or other marketing materials. But just because something you see online or someplace else is easy to find and doesn't seem to sport a price tag doesn't mean it's free—or that you have the right to use it at all. Copyright and trademark laws guard against the misuse of intellectual property and prescribe remedies and penalties that can be costly and even ruinous, regardless of whether you realized you were doing anything wrong.

For decades, many MLSs have obtained automated database copyright registrations protecting the arrangement, selection, and coordination of their MLS compilations. If the MLS owns all the underlying components of the database – meaning, the photos, text, and other listing content – then this copyright registration also gives those MLSs copyright protection in that content as well. It appears that a great number of MLSs obtain ownership of all listing content, so they've long viewed this type of copyright registration as an effective protection mechanism against a third party's unauthorized use of the listing content.

Recently, the Copyright Office has issued requests for clarification to hundreds of MLSs regarding their MLS database copyright registration applications. The Office asserts that the applications do not demonstrate sufficient creativity in the arrangement, selection, or coordination of the compilation. This response is viewed as a major sea change for MLSs who've been granted this type of copyright protection for decades.

Real estate professionals create valuable content/intellectual property that is increasingly distributed on the internet. That content must be carefully protected from theft in a manner that does not create serious unintended consequences for members doing business on the internet. Our Multiple Listing Services (MLS) members support continuing protection for compilations of data as REALTORS® compile and utilize collections of information every day through the use of MLSs. These compilations had traditionally been thought to enjoy copyright protection. The 1991 Supreme Court ruling in the *Feist v. Rural Telephone Service Company* court case made it less clear whether this type of information is protected.

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d) Competition Investigation

The Federal Trade Commission (FTC) is continuing its investigation of competition within the real estate profession and among real estate professionals. The committee will be discussing this investigation and its potential impact on members, the MLS, business models and the industry.

VI. New Business: Bobbi Miracle, Vice Chair

a) Commitment to Excellence

VII. Adjournment: Bobbi Miracle, Vice Chair