

# PROPERTY IMAGES

Ensuring Legal Usage of Images on Listings



# What is a Property Image?

Photos



Videos



Virtual Tours



3D Tours



Drone – captured images

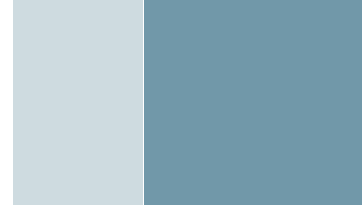


Essentially any digitally –  
captured or human created image



# Who Owns Property Images?

- ✦ The individual who creates the image owns the copyright to the image
- ✦ The copyright owner may assign all or part of these rights



# Rights to Images Taken by Others – Form PIA

- ✦ Form PIA identifies the image type
- ✦ Provides the term of the agreement
  - ✦ May apply to one or multiple properties over a period of time
- ✦ May be used to apply to more than one property
- ✦ Includes any compensation to be paid for the Images



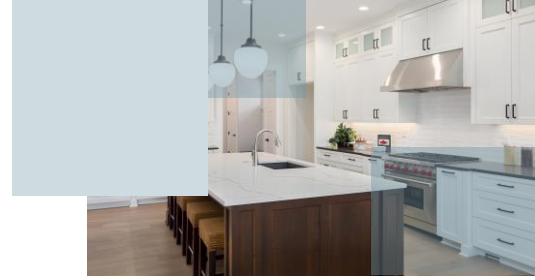
## PROPERTY IMAGES AGREEMENT (For Photos, Video, and Other Media) (C.A.R. Form PIA, 12/17)

This Property Images Agreement ("Agreement"), dated \_\_\_\_\_, is made and entered into by and between \_\_\_\_\_ ("Real Estate Licensee" (REL)) and \_\_\_\_\_ ("Photographer"). The parties hereby agree as follows:

### 1. DESCRIPTION OF WORK AND TERM:

- A. **DESCRIPTION OF WORK:** REL has engaged Photographer to photograph, visually record, videotape, or otherwise create, whether through cameras, drones, or other technology, graphics, or other images (collectively, "Images") for the purpose of using the Images as permitted by home sellers in connection with the real estate industry. The Images shall be for the property or properties identified below, or, if no properties are identified below, as identified by REL from time to time ("Identified Property(ies)"); \_\_\_\_\_

# Rights to Images Taken by Others – Form PIA

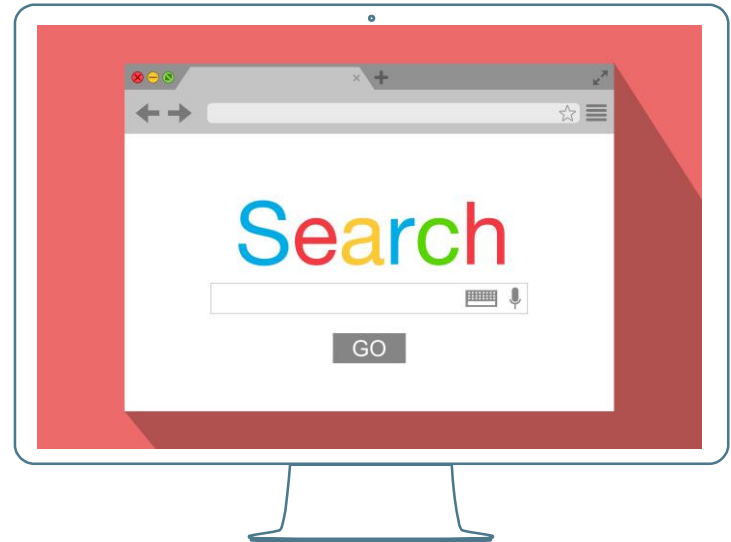


- ✦ Specifies rights to the image
  - ✦ Assigned to you (by default in the form)
  - ✦ Or exclusive license (right to use and sue for infringement)
  - ✦ Copyright owner may continue to use too
- ✦ Specifies 3<sup>rd</sup> party is an independent contractor (Not an employee)
- ✦ Specifies that the MLS rules apply if images are published in MLS
- ✦ Form may be used by broker or real estate salesperson

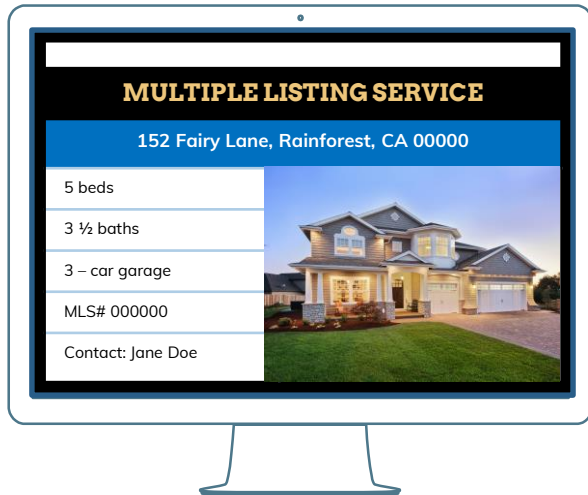
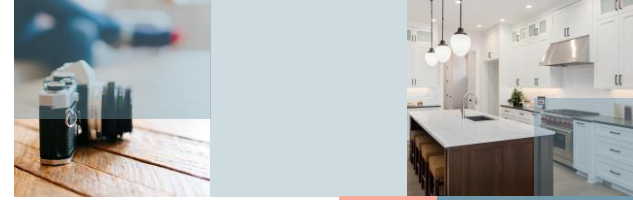
# What About Images on the Internet?



- ✦ Everything on the internet is not free
- ✦ Only use images you have written permission to use from the copyright owner



# What About Images in the MLS?



- ✦ MLSs generally require pictures be included in listings
- ✦ CAR Form RLA, Seller gives Listing Broker authority to take photos and publish on the MLS, Broker's website and other media
- ✦ MLSs may limit the file size and provide restrictions on display

# Using Images for Other Purposes

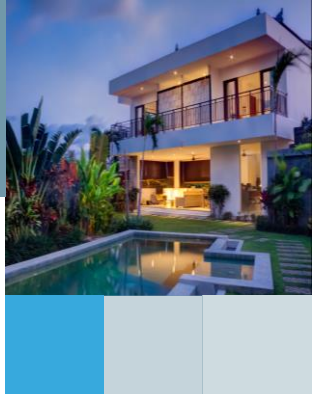
- ✦ Personal business portfolio
- ✦ Advertising another broker's listing
  - ✦ Prohibited by Model MLS Rule 12.8 without consent
- ✦ Check your written agreement for usage
  - ✦ Confirm your right to use the images beyond marketing the listing
  - ✦ Do you have the right to use the images?
    - ✦ Individually or as an entity?





# What's the Penalty?

- ✦ Copyright owner's actual damages and any profits by the infringer, or
- ✦ Statutory damages ranging between \$750 and \$30,000 per work
  - ✦ If unintentional, court can reduce the damages to \$200
  - ✦ If intentional, possibly up to \$150,000 per work
- ✦ In some circumstances, copyright infringement is a criminal offense and could result in imprisonment for up to 10 years



# Additional Resources

- ✦ C.A.R. Legal Q&A  
Copyright Issues for REALTORS® [on.car.org/copyrightissues](https://on.car.org/copyrightissues)
- ✦ California Model  
Multiple Listing Services Rules [on.car.org/MLSrules](https://on.car.org/MLSrules)
- ✦ C.A.R. Form PIA, Property Images Agreement
- ✦ C.A.R. Form ICA-BA & ICA-NA,  
Independent Contractor Agreement

