



Carolina Multiple Listing Services, Inc.

CHARLOTTE REGIONAL REALTOR® ASSOCIATION

Photos Policy

Pictures matter. Though entering a listing without a photo doesn't violate the "[CMLS Rules and Regulations](#)," it's simply not a good idea.

When listings are new, they are disseminated automatically to many Web sites and databases that have legal agreements with CMLS to display listing data. Some of them might even be set up to automatically send out new listing data to clients on the day or day after a new listing is added. If a listing doesn't have a photo, it can easily be overlooked – missing the opportunity to make a great first impression.

CMLS strongly recommends that all Subscribers become proficient with a digital camera and take pictures themselves at the listing appointment with the seller. If that's not possible, find another time to obtain the photos before entering the listing in CMLS.

Uploading photos

- Agents can upload photos on the Edit Media page, in the "Add/Edit" section of TEMPO™.
- To upload, the image must first be saved in .JPG file format.
- To upload, the image size cannot exceed 300KB.
- The image must be horizontal in perspective; otherwise it might be cropped.
- There is no additional charge for this service.

Other options

- Agents can hand-deliver or snail-mail hardcopy photos to CMLS.
- CMLS staff will scan the photos into the system at no charge.
- CMLS staff will return the originals if requested.

Photo copyrights. CMLS puts a watermark on photos submitted to CMLS. The primary purpose is to protect the listing data. The ©CMLS watermark serves as notice to members and nonmembers that CMLS claims copyrights in the compilation of MLS data. Furthermore, the addition of the copyright notice on each photograph helps thwart copyright infringement and detect copyright infringement if it occurs. CMLS aggressively pursues anyone who uses listing data without authorization.

Each Member Participant owns the copyrights to his or her own company's listings. Once a listing is in TEMPO, the Member Participant represents that he or she has been authorized to grant, and does grant, authority to CRRRA to include the property listing data in its copyrighted CMLS compilation, and in any statistical report on "Comparables." The "[CMLS Rules and Regulations](#)" requires the Member Participant to obtain the necessary rights to use and reproduce the photo from the photographer for use by the MLS and all other authorized entities anywhere the listing data is intended to appear. The rules and regulations require the Member Participant to indemnify the MLS in the event of any litigation relating to the reproduction of the photograph by the MLS or other authorized entities. Therefore, the Member Participant is responsible in the event of any litigation that arises out of the misuse of a photo submitted to the MLS.

Do not copy photos from other agents' listings. CMLS staff fields calls from disgruntled agents who complain that the photos of their expired or withdrawn listings were copied into a listing belonging to another agent now handling the property. This is problematic for two reasons.

First, agents should do their own work. Taking great pictures of listed properties takes time, effort and money. For example:

- Investing in high-quality camera equipment
- Making sure there are no people, power lines, soda cans or other objects that would detract from the subject of the photograph
- Adjusting for perfect lighting
- Waiting for the sun to be behind the photographer or directly over the home
- Wetting the driveway for contrast
- Digitally enhancing the photo for color and contrast

The photos an agent takes for his or her listing are considered "work product." Anyone who copies photos that he or she didn't take is stealing.

Second, it is possible that the property might have changed since the previous listing when the photos were input. An agent who copies photos from an old listing could be in jeopardy of misrepresenting the property.

Not only does the "[CMLS Rules and Regulations](#)" prohibit agents from copying photos from another agent's listing, the original copyright holder could take legal action for copyright infringement.

Additional photo standards. Additionally, the "[CMLS Rules and Regulations](#)" (Section 1.8) prohibit putting company, agent or seller contact information in the fields that appear on a Customer Report ("Photos," "Photo Captions," "Virtual Tours," "Directions" and "Remarks"). Click here [[link to come](#)] to read CMLS' branding policy.