

### SECTION 6.1.1: PHOTOGRAPHS

All listings except vacant land, new construction, confidential commercial listings, PLN listings and deeded parking/boat slips must have a primary photo in the system within seven (7) days of their entry into the system. Listings with an Auction (AUCTION) status or Contingent on Auction (CTGA) contingency flag shall have a photo placeholder added as the primary photo to indicate this is awaiting auction, and the secondary photo shall be a primary photo of the property. Failure to comply with this rule may subject you to a fine. If no primary photo is submitted within ten (10) days, the listing will be placed in the "HOLD" status, and can only be viewed by the Listing Broker, Listing Agent and Secretary of the office. It will not appear in any searches for the general membership, and the listing will not be included on any VOW or IDX sites or fed to a third party vendor such as REALTOR<sup>®</sup>.com, etc. The listing will be removed from the "HOLD" status once a primary photo has been added to the listing. Once the listing has been placed in hold, a violation notice will be sent to the Broker, who will have 72 hours to add the photo before a fine is imposed. The fine will be \$250.00 for the first offense per office (NOT per agent), \$300.00 for the second offense per office, \$500.00 for the third offense per office, and \$1,000.00 for the fourth and all subsequent violations.

Electronic transmission must be submitted in the required format, as set forth by the Service. For vacant land or proposed construction a sketch or artist's rendering may be submitted to the Service. For confidential commercial listings, a graphic conveying the type of business or property listed may be submitted to the Service. For all other types of listings, the primary photo submitted must be an exterior shot of the residence/business and secondary photos can include additional exterior and/or interior shots. Photos submitted may not be removed from the Service, with the exception of (1) replacing photos to reflect a change in the seasons, (2) reflecting improvements to the home; or (3) substituting a higher quality photo of the same image. While secondary photos may not be removed from the Service, a Listing Broker may instruct the Service to suppress off market secondary photos (but not primary photos) from the Service's data feed to third-parties (e.g., IDX data feeds) which shall include the Participant's own IDX site. Removal of photos shall result in a \$250 fine and the photos will be restored to the listing. All photos should pertain strictly to the subject property and may not prominently display any names, contact information (digital or otherwise), URLs and/or links, QR codes (or similar) REALTOR<sup>®</sup> or realty office logos and/or branding, for sale signs, persons, collages, or audio/video/text commentary. Cloning of any photo by a different brokerage firm is strictly prohibited. The same verbiage and language restrictions/prohibitions that apply to the Property Description/Remarks also apply to all photo captions and photo remarks.

All virtual tours should pertain strictly to the subject property and may not display any names, screen names, contact information (digital or otherwise), URLs and/or links, QR codes (or similar), REALTOR<sup>®</sup> or realty office logos and/or branding, for sale signs, or audio/video and/or



commentary unrelated to the subject property. Virtual tours may include the presence of a narrator, provided the narrator does not identify him/herself or his/her firm and the narration does not contain any specific branding as described elsewhere in this paragraph. Virtual tours submitted to the Service may not require any registration. Once an office is notified that their photo/virtual tour is in violation of the above rule, there shall be a fine imposed for subsequent occurrences per office as follows: \$250.00 fine for first occurrence after notification, \$300.00 for the second occurrence per office, \$500.00 for the third occurrence per office, and \$1,000.00 for every occurrence thereafter.

Using photos without written permission from the intellectual property owner is strictly prohibited. Violation of this rule will result in an automatic \$250.00 fine per occurrence. The complaining firm must submit proof (i.e. copy of prior listing with copies of original photos, invoicing for photos) of a violation to this rule to the Service before a notice will be sent to the listing firm. The new listing firm will have 72 hours to remove the photos. If the listing firm does not remove the photos, MRED will remove or deactivate access to the infringing content after the 72 hour period. Once the disputed photo has been removed and a firm has been fined, it will have 20 days to file an appeal in accordance with the MRED Rules and Regulations. If an appeal is filed, MRED will notify the complainant of the appeal and repost the disputed photo in not less than ten, nor more than fourteen, business days pending the outcome of the appeal, unless the complainant notifies MRED that that the complainant has filed an action seeking a court order to restrain the alleged infringer from engaging in infringing activity on the MRED MLS system. If no appeal is filed, the photos in violation of this rule will be permanently removed by the Service at the end of the appeal period.