

Comparison of Photo/Media Rights

	CRMLS Agreement with Photographer	Agent or Broker's Agreement with Photographer using Zipforms Property Images Agreement (PIA)
Images owned by	<p>4.1 (most common choice) For any and all media in the CRMLS database in which photographer holds rights of any kind, Photographer irrevocably and in perpetuity grants to CRMLS a non-exclusive, world-wide perpetual, transferable license to display, distribute, reproduce, prepare derivative works of, and to transfer with full rights by way of sublicense to any other third parties, in the sole and exclusive discretion of CRMLS all said media. Photographer also assigns and appoints CRMLS, all said media. Photographer also assigns and appoints CRMLS as Photographer's non-exclusive Take Down Agent for purposes of the Millennium Copyright Act of 1998 ("DMCA").</p> <p>NOTE: Photographer under CRMLS agreement owns the image. CRMLS owns a license to distribute.</p>	4A. Rights are assigned to Real estate broker or agent OR 4B. (below)
Agent receives the following license.	See above.	4B. Exclusive license <i>may</i> be (but is not automatically) granted, and may allow licensee to sublet images to others, and

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		4C. License <i>may</i> grant photographer right to use images in his/her own portfolio. License is irrevocable
Agents or brokers can use photos taken by others for use in other listings	Requires both the photographer and listing agent to give written permission.	Paragraph 10 – requires both the photographer and listings agent to give written permission.
Term of license	In perpetuity	1B. License is in perpetuity.

Bottom lines:

- It is never acceptable to download another broker or agent listing photographs and upload them for your own listing.
- If you want to use another agent or broker’s photographs, you have to contact the listing agent or broker and confirm:
 - The agent or broker actually took the photos, and thereby owns the rights to them.
 - The agent or broker gives you permission to use their photos in your listing.
 - If the photos were taken by anyone other than the listing agent, then you also need written permission and a license from that individual.
- It is never acceptable to use Google Maps, Google Earth, Bing, or other branded images.
- Your photographers should sign the agreement with CRMLS, and it is best to use the PIA form with the photographer with each listing.