

DETERMINE YOUR RIGHTS TO YOUR LISTING PHOTOGRAPHS



Listing Photo Sample Agreements

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Sample Agreements

In order to assist members and member firms, NAR Legal Affairs created sample agreements, modified as necessary to fit your particular needs.

These documents are provided as a sample, and are not intended to be and do not constitute a substitute for specific legal advice or opinions. The user of this sample document should not use it without consulting legal counsel. The use of this document should be modified to address the needs of the user.

Work for Hire Agreement: This sample agreement provides that the commissioned photograph is a "Work for Hire", which means the commissioning party is the automatic owner of the photographs from their creation.
Download: [DOC](#) | [PDF](#)

Assignment Agreement: In this sample agreement, the photographer assigns all right, title and interest in the photographs to the broker.
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Exclusive License Agreement: A photographer may want to retain its ownership of the photographs. In this sample agreement, the photographer grants to the broker an exclusive license to display and distribute the photographs in connection with the real estate industry.
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<https://bit.ly/2Lwa3g4>



NATIONAL
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SAMPLE PHOTOGRAPHY AGREEMENTS

- Work Made for Hire Agreement: you own the photos as soon as they are taken.
- Assignment Agreement: the Photographer transfers ownership of the photos to you.
- Exclusive License Agreement: the Photographer retains ownership of the photographs; however, you are permitted to use the photos in connection with the real estate industry.

<https://bit.ly/2Lwa3g4>

LICENSING LISTING PHOTOS

- Read all license agreements carefully to determine restrictions on your use of the listing photos.
- Audit your use of listing photos to ensure compliance with the relevant agreement.
- Modify your use of listing photos to achieve compliance as necessary.
- Seek ownership of listing photos or a broad license that permits any use in connection with the real estate industry.

UNDERSTAND RIGHTS GRANTED TO THIRD PARTIES

- Carefully read all third-party agreements to avoid inadvertently grant a right you do not have or do not want to grant.
- Ensure third party's use of the listing photos will not exceed the license scope of your license.
- Make sure you are able to do what the agreement requires of you.

LISTING PHOTO BEST PRACTICES

- Use written agreements.
 - See NAR's Sample Photography Agreements: <https://bit.ly/2Lwa3g4>.
- Review photography agreements to determine your rights.
- Obtain ownership of the photos or a broad license.
- Understand the rights you grant to third parties and ensure your rights conform with those rights granted.