



This is the first installment of a short series intended to help you, the real estate professionals, understand why and how copyrights are important to your businesses and to the real estate industry in general.

This is an exciting time for the real estate industry. Among the many developments in the industry, this past year we saw the emergence of several high profile businesses proclaiming “new” and “improved” business models that they contend will change the real estate industry.

information such as photographs, house tours, floor plans, the agent’s original narrative commentary, maps, public record information, neighborhood information, list price, and more. This information is derived from a variety of sources, including sellers, agents, photographers, third party vendors, public agencies, as well as information provided by and through MRIS itself. In addition, the information is collected, processed, selected, organized and arranged so that it presents the information in a useful format that we call the real estate listing.

For this reason, it seems that that “content” is a better term to describe the information contained in real estate listings. The word “content” not only more accurately describes the information that is provided (when was the last time you saw a song or even a song lyric described as data?), it also implicitly recognizes the value inherent in the listing itself, and that the listing is itself an item of property.

Clearly, we are just scratching the surface here. There are many additional questions that we haven’t discussed, yet, such as:


What are copyrights?

and

What does copyright mean to me as a real estate professional?

These will be the subject of future installments of this series and of publications that MRIS will be releasing in the near future.

Please send your comments about this article or suggestions for this series to me at copyrights@mrис.net. I look forward to continuing this conversation with you.

This article and any comments made are the opinion of the author only. Nothing in this article is intended as or should be considered to be legal advice. 

Data, Content & Copyrights: Let’s Talk



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Together with these new developments, we also have seen increasing focus on issues related to real estate “data” ownership, usage, and copyrights, with a particular emphasis on real estate listings. This focus has created robust — and sometimes contentious — discussions.

With that said, perhaps a good place to start our discussion is with two words from the title of this article: “Data” and “Content.” Is “data” really the best term to describe the information contained in real estate listings? Is “content” a better descriptor?

I would argue yes to “content” and no to “data.” The term “data” implies non-protectable factual information. Who owns a fact? Thus the argument that listing “data,” MLS “data” and broker “data,” as mere data, are not worthy of being designated protectable “property” under the law, and that because they are publicly available on the internet, they are in the “public domain.”

But does this argument reflect the reality of what constitutes a real estate listing? For example, today’s real estate listings on MRIS include a combination of