NAR Issue Summaries

Technologies / Copyright/Trademark

NAR Committee:

Federal Technology Policy Committee

What is the fundamental issue?

Congress must modernize the copyright registration system so real estate professionals, brokerages, and MLSs can protect their creative property listing content in federal court.

I am a real estate professional. What does this mean for my business?

Real estate professionals create and rely on original creative works, including photos, listing data, and MLS databases, to represent home buyers and sellers and earn a living.

Imagine one of your listing photos being copied and reused without your permission or compensation. On its own, that might only cost you $100 but hiring a team of attorneys to go to court to recover that amount may not be worth it.

That is why copyright registration matters. It gives you a practical way to go to court and recover meaningful damages, including monetary damages and your attorneys' fees. Without that option, enforcing your rights is often not practical, especially in an era of large-scale scraping, misuse, and AI-driven copying.

At the same time, today's registration system remains slow, cumbersome, and paper based, making it difficult for the real estate sector to protect large, dynamic listing data.

NAR Policy:

Supports strong copyright protection for all original property listing content, including photos, listing data, and MLS databases, created by or for real estate professionals.

Opposition Arguments:

The Copyright Office argues that fee increases are needed to recover rising operating costs and keep up with inflation. Opponents counter that these costs are driven in part by an outdated, paper-based system, and that electronic registration could lower costs while also reducing barriers to participation.

Legislative/Regulatory Status/Outlook

On March 20, 2026, the Copyright Office proposed additional fee increases without modernizing the system. NAR opposed these increases and has urged the Office to instead create electronic registration options that reduce costs and barriers to participation across the real estate industry.

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NAR is advocating for modernization of the copyright system, including:

- A system that keeps costs reasonable and does not discourage participation
- Easier, more efficient registration of large volumes of real estate content
- Clear information so content creators can identify and enforce their rights

NAR will continue to work as part of the Copyright Alliance to advance modernization, including electronic filing, more flexible registration options, and reducing barriers that make registration difficult at scale.

Current Legislation/Regulation (bill number or regulation)

Copyright Office Fees, 91 Fed. Reg. 13,529 (Mar. 20, 2026).

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