Technologies / Copyright/Trademark

NAR Committee:

Federal Technology Policy Committee

What is the fundamental issue?

The U.S. Copyright Office has proposed a significant increase in copyright registration fees for Multiple Listing Services (MLSs), which rely on copyright registration to protect listing content from unauthorized copying, scraping, and misuse. NAR opposes the increase and instead supports modernization of the registration process, including an electronic filing option that would reduce processing costs, provide for more fair and equitable fees, and encourage greater participation in the copyright system, consistent with the goals of the Copyright Act.

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

MLSs are cooperative marketplaces where real estate professionals share information about homes for sale. MLSs compile, review, organize, present, and distribute listing information so it is accurate, comprehensive, timely, and broadly available to brokers, agents, and consumers. Without MLSs, real estate professionals would not have equal access to the information needed to effectively represent buyers and sellers. Sellers would receive less exposure of their properties, buyers would face higher search costs, and smaller and newer brokerages would find it more difficult to compete.

Real estate professionals invest significant time and resources creating listing content, while MLSs invest substantial resources compiling, selecting, organizing, arranging and maintaining listing databases. MLSs register copyrights in those database compilations to help prevent unauthorized copying, scraping, and misuse. Courts have recognized copyright protection for MLS databases and related listing content. Copyright registration is particularly important because it provides access to statutory damages and attorneys' fees, making it practical to enforce rights against infringement by Big Tech companies using artificial intelligence.

The Copyright Office is proposing another 40% increase in MLS registration fees, to $700 per filing, after increasing fees by 480% (from $85 to $500) in 2020. According to the Copyright Office's fee study, the proposed fee to $700 exceeds the Office's reported cost of processing an MLS registration ($500). Because MLS databases are continuously updated, MLSs generally register their databases quarterly and must pay the fee multiple times per year. MLS registrations have declined following prior fee increases. Reduced participation in the copyright system will weaken the legal protections MLSs rely on to safeguard their intellectual property in an increasingly competitive and data-driven marketplace.

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.

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Opposition Arguments:

1. The Copyright Office argues that the proposed increase is necessary to recover processing costs, encourage electronic filing, and help offset lower fees for other classes of registrants. The Office also assumes that group registrants are generally large corporations that can absorb higher fees.

NAR Rebuttal: MLSs are **not** large corporations. Most are small, local, member-based organizations that rely on subscriptions paid by real estate agents, the vast majority of whom work as independent contractors and sole proprietors in a highly competitive market. According to T3 Sixty, approximately 92% of MLSs have fewer than 10,000 subscribers and would likely fall below the SBA's $19.5 million revenue threshold for a small business. The proposal would therefore require hundreds of small businesses and their subscribers to bear a disproportionate share of the Office's costs based on the unsupported assumption that MLS registrants have the resources of large corporate filers.

2. The Copyright Office maintains that the volume of group database filings, including MLS registrations, is too low to justify developing an electronic filing option for MLSs. As a result, the Office contends that MLSs can wait several years until its new Enterprise Copyright System (ECS) is developed and deployed.

NAR Rebuttal: MLSs would prefer to file electronically but are thwarted from doing so by the Copyright Office's paper-based filing system. Unlike 99% of copyright applicants, MLSs have been denied access to an electronic registration option and are forced to continue using a paper-based process at additional expense. The Office is using the low volume of MLS registrations to justify denying electronic filing, but that low volume is, in part, a consequence of the costly and inefficient paper-based system imposed on MLSs.

3. The Copyright Office asserts that it can charge group registrants more to subsidize individual filers because doing so will encourage registrations by individuals while not discouraging registrations by large corporations that can absorb higher fees.

NAR Rebuttal: The Copyright Office's own analysis indicates that it costs approximately $500 to process an MLS registration, yet it is proposing to charge MLSs $700 per filing multiple times per year. Neither Section 708 nor the legislative history cited by the Office expressly authorizes charging one class of registrants more than the cost of providing a service to subsidize another. NAR believes it is unfair to require MLSs, composed mostly of small businesses and local organizations with limited resources, to pay more than the cost of processing their registrations. The Office's own data show that MLS registrations have declined as fees have increased, suggesting that further fee increases will discourage participation in the copyright system even more. While MLSs may not produce blockbuster movies or bestselling books, they provide the foundational infrastructure for property listing information that makes real estate markets work and supports a sector representing nearly 20% of the U.S. economy. Copyright fees should be fair, equitable, encourage participation in the copyright system, and not require one class of registrants to subsidize another.

Legislative/Regulatory Status/Outlook

On March 20, 2026, the Copyright Office proposed additional fee increases affecting MLS registrations. On

July 14, 2026, the Copyright Office submitted the proposed fee schedule to Congress. Congress has until November 12, 2026, to pass a resolution of disapproval.

NAR is working with Congress to oppose the MLS fee increase and is advocating for the Copyright Office to:

1. Delay the proposed MLS fee increase while stakeholders work with the Office to identify cost-saving alternatives, including an electronic filing option for MLS registrations.
2. Prioritize MLS registration modernization as part of the Enterprise Copyright System (ECS) rollout.
3. Ensure MLS fees reflect the actual cost of processing MLS registrations and do not require MLSs to subsidize unrelated filing classes.

As part of the Copyright Alliance, we will continue working to modernize the copyright registration system so real estate content creators, including MLSs, can fully enforce their copyright protections guaranteed under the Constitution and federal law.

Current Legislation/Regulation (bill number or regulation)

Proposed Rule: *Copyright Office Fees, 91 Fed. Reg. 13,529 (Mar. 20, 2026)*

Submission to Congress: U.S. Copyright Office, *Proposed Schedule and Analysis of Copyright Fees to Go into Effect in Fall 2026* (submitted to Congress for review on July 14, 2026)

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