

Advertising Guidelines

REALTORS® shall be honest and truthful in their real estate communications and shall present a true picture in their advertising, marketing, and other representations.

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I. ADVERTISING OF REAL ESTATE SERVICES

A Proper Representation

REALTORS® must ensure that their status as real estate professionals is readily apparent in all their advertising, marketing, and other representations to the public.

When advertising as a "team," it must be readily apparent in any advertisement what the professional status is for *each member* of that team. This is especially important if one of the team members is NOT licensed. Care must be taken to avoid giving the impression that an unlicensed person can provide services that require a valid real estate license.

The firm name must always be disclosed in any advertisement, including websites.

REALTORS® are only allowed to use professional designations (GRI, ePRO, CRS, etc.), certifications, and other credentials to which they are legitimately entitled.

B Use of the Term “Free”

REALTORS® may use the term “free” in their advertising of products or services, provided that all terms governing the offered product or service are clearly disclosed at the same time.

They may represent their services as “free,” even if they expect to receive compensation from another source other than their client, provided that the potential to benefit from a third party is clearly disclosed at the same time.

C Offering Prizes

Offering prizes, merchandise discounts, or other inducements to list, sell, purchase, or lease is not unethical, even if receipt of the benefit is contingent on listing, selling, purchasing, or leasing through the REALTOR® making the offer. However, all the terms and conditions of the offer must be clearly communicated in advance.

D Referral Fees and Finder’s Fees

Members should be wary of advertising referral fees or finder’s fees without first seeking legal advice.

While California law appears to approve a “finder’s fee” (a fee to a non-licensee for providing a lead, where there was no negotiation), the same fee may be a violation of federal law under the Real Estate Settlement Procedures Act (“RESPA”). RESPA generally permits a sharing of commissions between real estate agents, and allows the rebate of commissions to buyer and seller, but there are exceptions to this general rule.

For further guidance, members are directed to <http://www.hud.gov/respa>. There is also a Referral Fee Chart available on the C.A.R. website, www.car.org.

II. ADVERTISING OF REAL ESTATE

A Use of Regional MLS Information

The purpose of the MLS is to market properties and offer compensation to other participants for the sole purpose of selling the property. Sellers of properties filed with the MLS have not given permission to disseminate the information for any other purpose. Current listing information may not be used for any purpose other than to market property to bona fide prospective purchasers, or to support market evaluations or appraisals.

B Public Remarks

Remarks are to be used only for the purpose of marketing the property to the general public.

They cannot be used to disparage other real estate agents or to convey information about other offices.

They cannot contain any of the following:

Company name, agent name, telephone numbers, web addresses, email addresses, gate codes, alarm codes, occupant name, occupancy information, or any sensitive information which is not for the general public.

Remarks should not contain any reference to commission, bonus or other compensation information, nor any reference to the selection or preference of services.

C Advertising Active or Pending Listings

REALTORS® must not advertise property without authority. A listing may not be advertised by anyone, other than the listing broker, without the prior written consent of the listing broker.

D Advertising Sold Listings

Advertising the addresses and prices of the properties that have sold in a neighborhood after that information has been published is permitted as long as the advertisement does not falsely imply that the agent was involved in the transactions.

Only REALTORS® who participated in the transaction as the listing broker or cooperating broker may claim to have “sold” the property

Prior to closing, a cooperating broker may post a “sold” sign only with the consent of the listing broker.

E Advertising One's Own Property

When advertising unlisted real property in which they have an ownership interest, REALTORS® must disclose their status as both owners/landlords, and as REALTORS® or real estate licensees.

III. DISCLAIMERS

If there is any question as to whether a disclaimer should be made, agents should err on the side of caution, and always disclose from whom or from where information or data is drawn.

REALTORS® must be aware regarding advertising that, while “legally” something might not be required for disclosure or a disclaimer, ethically, the NAR Code of Ethics might have a requirement affecting the activity.

A When Using MLS Data

Representations made to the public should be clear and provide truthful use of information. This includes representations of an agent's “market share” of real estate activity.

Any print or other representation should clearly indicate the period of time over which a claim is made and must include the following notice in a type size not less than 9 point type:

Based on information from the CRIS-Net® Regional MLS as of [date data was obtained]. Display of MLS data is deemed reliable but is not guaranteed accurate by the MLS. The Broker/Agent providing the information contained herein may or may not have been the Listing and/or Selling Agent.

B Production Claims

Any changes or alterations from the following instances should have some identifying disclaimer attached to the statement.

1) “Production”, “Sales Volume”, and “Sales Production” Claims Must be Accurate

Production always refers to closed escrows. Statements of production amounts must be based upon closed escrows only.

Listing inventory can be new listings taken plus volume or numbers of unsold listings.

A selling agent may state the dollar amount of properties he has sold as long as he is clearly identified as being the “selling agent” or “buyer's agent”.

An agent identified as a “Million Dollar Club” agent must have fully met the requirements as set up by his office.

2) Identify the Time Period

Reference to production or volume of real estate activity should identify a specific time period during which escrows were closed or listings were taken.

IV. INTERNET ADVERTISING

A Websites

The obligation to present a true picture in advertising includes information that is presented on REALTORS® websites.

1) Keep Information Current

Reasonable care must be taken to ensure that information on agent websites is current. Remove advertisements for listings that have expired, sold or cancelled.

2) Metatags and Keywords

Deceptively using metatags, keywords or other devices to direct or divert internet traffic, or to otherwise mislead the consumer, is prohibited.

3) *Linking To or Framing Other Brokers' Websites*

Providing a simple text link to another broker's website is acceptable, as long as it does not imply affiliations or endorsements that do not exist.

It is advisable to seek the advice of legal counsel prior to using framing technology. Framing the content of another website can raise several legal issues such as: trademark or copyright infringement, unfair competition, misappropriation, and false advertising.

B Display of MLS Information

MLS information is to be displayed to specifically identified and bona fide prospective buyers. General MLS rules still apply to information that is presented on the internet.

1) *Advertising One's Own MLS Listings*

As long as the seller agrees, the fact that the listing broker entered the listing information into the MLS does not prohibit the listing broker from also advertising the home on a website.

2) *Advertising Another Broker's Listing*

A member may not advertise another broker's listing on his or her own website, or on any other website (Craig's List, eBay, Zillow, etc.) without obtaining prior consent.

3) *Using the Internet Data Exchange ("IDX")*

In the case of IDX listings, the consent to advertise is already presumed. This is because a listing broker has the right to withhold authorization to display his or her listings, by "opting out" of the IDX program.

IDX listings must be displayed in strict accordance with all the current IDX rules.
(See MLS Rules, Section 12.16)

C URLs and Domain Names

Using a domain name that employs a competitor's name in order to drive traffic to one's website is not acceptable. In addition, it may also violate a competitor's registered trade name.

Using the terms "MLS" or "Multiple Listing Service" in URLs or email addresses is prohibited.

Examples of Improper Use:

JohnDoeMLS.com

ABCSearchMLS.com

JonesRealtyandMLS.com

D Use of the REALTOR® Trademarks on the Internet

For purposes of domain names and internet addresses only, capitalization of the term REALTOR® is not required and it may appear in lower case letters.

The term REALTOR®, whether used as part of a domain name or in some other fashion must refer to a member or a member's firm.

For use as a domain name or e-mail address on the Internet the term REALTOR® does not need to be separated from the member's name or firm name with punctuation.

Examples of Proper Use - Domain Name:

johndoe-realtor.com

johndoerealtor.com

Examples of Proper Use - Email Address:

jdoe*realtors@webnetservices.com

jdoerealtors@webnetservices.com

The term REALTOR® may not be used with descriptive words or phrases.

*Examples of **Improper** User:*

numberonerealtor.com

chicagorealtors.org

The REALTOR® block R logo should not be used as hypertext links at a website as such uses can suggest an endorsement or recommendation of the linked site by your Association. The only exception would be to establish a link to the National Association's web site, REALTOR.org, or its official property listing site, REALTOR.com.

V. TRADEMARKS AND LOGOS

Note: *In this section, the terms REALTOR®, REALTORS®, the REALTOR® Logo and the Block "R" mark will collectively be referred to as the "MARKS".*

A Authorized Use of REALTOR® Membership MARKS

Use of the terms REALTOR® or REALTORS® by members is subject to the provisions prescribed by the NATIONAL ASSOCIATION OF REALTORS® (NAR). Southland Regional Association of REALTORS® (SRAR) has the authority to control use of the terms within its jurisdiction.

1) *Use of MARKS by Brokers and Salespersons*

REALTOR® members of SRAR have the privilege of using the MARKS in connection with their places of business within California, or a state contiguous thereto, so long as they remain REALTOR® members in good standing. No other class of members shall have this privilege.

2) *Use of MARKS Dependent on Status of Firm Principals*

A REALTOR® member who is a principal of a real estate firm, partnership or corporation may use the MARKS only if engaged in the real estate profession within California, or a state contiguous thereto. If there is an additional place of business in which no principal, partner, corporate officer or branch office manager holds REALTOR® membership, the MARKS may not be used in any reference to that place of business.

B Pronouncing the Term REALTOR®

The proper pronunciation is "real' tor."

C Acceptable Uses of REALTOR® Trademark

Use of the REALTOR® trademark is restricted to a local firm name, since it is the local firm which has elected to be a member firm and which is therefore subject to the Code of Ethics.

1) *In Connection With Member Name or Firm Name*

The terms REALTOR® or REALTORS® should be in caps with registered mark.

Separating punctuation, such as a comma, must appear between name and REALTOR®.

Example of Proper Use:

John Doe, REALTOR®

(followed on second line with: Broker, Broker-Associate or Salesperson)

REALTOR® cannot be used in name of company. Use either "Realty" or "Real Estate" in company name.

Example of Proper Use:

XYZ Realty, Inc.,

REALTORS®

Separating punctuation (such as “,” or “-” or “/”) must separate company name from REALTORS® trademark.

Example of Proper Use:
Smith Realty,
REALTORS®

The terms REALTOR® or REALTORS® must always be separated from the firm name by punctuation, even when the term appears on a separate line.

Example of Proper Use:
Jones, Inc., REALTOR®
Real Estate Broker/Builder
(or)
Doe Realty, Decade 80, REALTORS®

REALTOR® or REALTORS® should not be followed on the same line with a description of another business function, even if separated by punctuation.

Example of Improper Use:
Jones, Inc., REALTOR®/Builder

Example of Proper Use:
Jones, Inc., REALTOR®
Real Estate Broker/Builder

2) *Non-Members*

A non-member is never permitted to use the term REALTOR®, even if he or she is employed by or affiliated with a REALTOR® firm.

A member firm may use the terms REALTOR® or REALTORS® on business cards or letterhead used by non-member brokers or salespersons provided the term is used in connection with the firm name and not the name of such individual and it is otherwise clear that it is the broker or principals of the firm that hold REALTOR® membership and not the salesperson.

Example of Proper Use:
ABC Real Estate Company, REALTORS®
631 Oak Street
Anywhere, U.S.
Sally Smith, Real Estate Agent

3) *Signs and Advertising*

The MARKS may be used on a member’s office and yard signs and in advertising. Remember that the firm address must accompany uses of the MARKS when such use extends beyond the jurisdiction of the member’s Member Board.

4) *On Incentive Items/Give-Aways*

Members may desire to have various business supply items produced for distribution to, and use by, their sales force. These items (e.g., desk sets, plaques, memo pads) may be imprinted with the MARKS, provided that such items are intended solely for the business use of salespersons that are members. If any items are to be used also by non-member salespersons, the firm’s name and address must appear adjacent to the MARKS.

Give-away items may be imprinted with the MARKS provided that the name of the member or member’s firm name and address is also imprinted adjacent to the MARKS. This is to make clear that the MARKS refer to the membership of the distributor and not the recipient or end user.

5) *Use on Internet*

See Section IV, Internet Advertising.

6) In The Body of Written Material

When the MARKS are used in the text of brochures, pamphlets, newsletters or otherwise in the body of written material, the first use should be followed by a footnote or other reference to the effect that:

REALTOR[®] is a federally registered collective membership mark which identifies a real estate professional who is a member of the NATIONAL ASSOCIATION OF REALTORS[®] and subscribes to its strict Code of Ethics.

The registration symbol “®” should be used in connection with each use of REALTOR[®] at least the first time it appears in the body of printed material, and in connection with each subsequent appearance to the extent practical. If all of the copy in the body of the printed material is in capital letters, the terms REALTOR[®] and REALTORS[®] should be made to stand out by the use of boldface type or by some other means sufficient to distinguish them from words of ordinary use, and in such instances, the registration symbol “®” should be used in connection with every appearance of each MARK.

7) In News Releases

These guidelines apply only to news releases and not to advertising copy intended for newspaper publication.

Most newspapers follow either the Associated Press (“AP”) Style Book or the United Press International (“UPI”) Style Book in editing news items for publication. These style books do not call for use of full capitals or a federal registration symbol “®” even for registered marks. Therefore, to avoid presenting news releases in a form which will require excessive editing, it is recommended that initial capitals only be used when those terms appear in news releases, e.g., “Realtor” and “REALTORS”, and that the registration symbol “®” be omitted from copy submitted. It is nevertheless critical to be sure the context of usage is proper.

News releases should be submitted on letterhead or paper stock which includes at the bottom of each page the following definition of the term REALTOR[®]:

REALTOR[®] is a federally registered collective membership mark which identifies a real estate professional who is a member of the NATIONAL ASSOCIATION OF REALTORS[®] and subscribes to its strict Code of Ethics.

8) Television, Radio, or Other Media Advertising

This advertising is generalized in the sense that it does not mention the local firm name nor does it provide specific address or telephone information with regard to each office benefited. An example is a national television ad promoting the services of franchisees of a particular franchise organization. For that reason, use of the MARKS in such advertising is almost never permissible.

It is acceptable for members who have pooled their advertising resources to share print, radio or television advertising to include in the ad the local firm name, address and one or more of the MARKS adjacent to the local firm name of each participant. For example, a television ad may close with a list of specific firms by local name and address with one or more of the MARKS used in connection with each local firm name whose principals, partners or corporate officers hold REALTOR[®] membership in the National Association.

9) Use in Connection with Political Activities

Individual members are allowed to use the terms REALTOR[®] and REALTORS[®] in connection with activities in support of specific candidates in specific elections, provided, however, the definition of REALTOR[®] as a collective membership mark of the National Association and the identification of those conducting the activity as members of a specific Board is included on all letterhead and written campaign literature, in all campaign media aids, and other materials unless not reasonably practical, and all such use of the terms REALTOR[®] and REALTORS[®] ceases immediately after the election.

10) *Never*

Never use adjectives to qualify the terms REALTOR® or REALTORS®.

Examples of Improper Use:

Main Street's most qualified REALTOR®

Your local REALTOR®

Consult a professional REALTOR®

The REALTOR® with Integrity

Independent REALTOR®

Never use the term REALTOR® or REALTORS® in lieu of the phrase “real estate broker,” “real estate agent,” “real estate salesperson” or in groups or classes of words which describe vocations or professions.

Examples of Improper Use:

Local lawyers, REALTORS®, insurance agents and bankers attended the meeting.

Builders-REALTORS®-Insurers

11) *“Yellow Pages” Listings*

An exception to these rules applies to regular “Yellow Pages” listings. Yellow Pages publishers generally will not use punctuation between a firm name and the term REALTOR®, nor will they use full capitals and the registration symbol “®” in regular listings. Members must nevertheless follow the requirements concerning punctuation, capitalization, and use of the registration symbol “®” when placing display ads in the Yellow Pages directories.

D The REALTOR® Logo

The REALTOR® logo is comprised of the Futura Black “R” and the term REALTOR®. The term REALTOR® must always appear below the “R” with the federal registration symbol “®” beside it.



1) *Colors and Contrast*

Any one color may be used to print the logo on any single color background. Select a color which assures a distinct contrast between the component elements of the logo and the background material. The logo may only be printed in two colors when REALTOR® Blue and REALTOR® Gold are used, and then only if the REALTOR® Gold is used for the “R” portion of the logo.

It is permissible to reverse the contrast of the REALTOR® logo, but the square underlying the Futura Black “R” and the term REALTOR® must always be the same color.

Improper Form

Proper Form



2) *Size Reduction*

The REALTOR® logo should never be reduced to the point where the identifier or the registration symbol “®” is not legible. If necessary, the size of the registration symbol may be increased.

3) Spacing

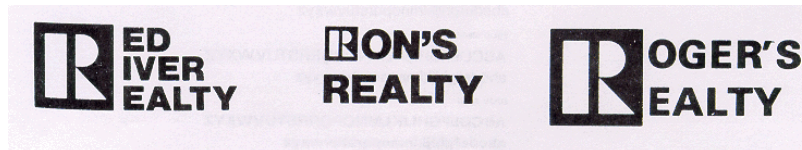
The logo should always be separated from other lettering and designs by at least ½ the width of the logo.



4) Business Name

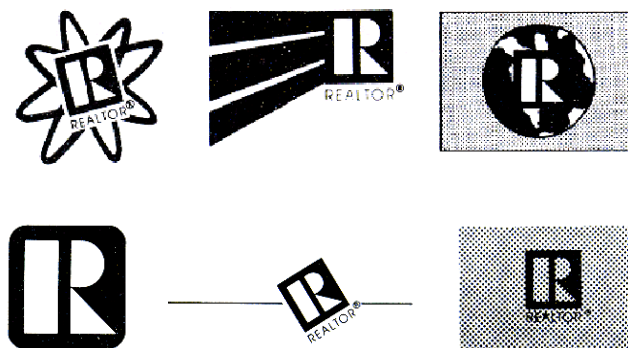
Never use the “R” of the REALTOR® logo as part of a firm’s business name or as the first letter of a word.

*Examples of **Improper** Use*



The logo should **never** be combined with other symbols or be superimposed outlined or altered in any other fashion.

*Examples of **Improper** Use*



5) With MLS Logo

While the REALTOR® logo is not to be combined with other words or symbols, an authorized exception is the MLS logo. The MLS logo incorporates the REALTOR® logo as a component part. Like the REALTOR® logo, use of the MLS logo is restricted. Do not distort, combine or separate the component parts of the MLS logo.



E The National Association's Name

NATIONAL ASSOCIATION OF REALTORS® is, itself, a registered trademark. When communicating with the public, its name should never be abbreviated by using the initials N.A.R. or NAR. Always use the full name in all uppercase letters and include the federal registration symbol “®.” After having referred to the NATIONAL ASSOCIATION OF REALTORS® by its full name in speech or writing, the subsequent references may be to the National Association or the Association.

VI. SIGNS

A “For Sale” Signs

Only “For Sale” signs of the listing broker may be placed on the property.

B “Sold” Signs

Prior to closing, a cooperating broker may post a “sold” sign on a property only with the consent of the listing broker.

C Limits and Restrictions

Brokers should be aware that posted signs must be in compliance with any ordinance established by the city in which they are posted. SRAR has no responsibility or authority to enforce the regulations established by a city sign ordinance.

SOURCES:

C.A.R. Member Legal Services, “Framing on the Internet,” March, 2005

C.A.R. Member Legal Services, “Signs: Can They Be Regulated And To What Extent?,” March, 2004

C.A.R. Member Legal Services, “Referral Arrangements,” September, 2008

C.A.R. Member Legal Services, “The Internet and the Real Estate Industry,” August, 2006

CRIS-Net® Regional MLS Rules (Section 12), March, 2008

MLS Data Integrity Standards, 2007

NATIONAL ASSOCIATION OF REALTORS® Code of Ethics (Article 12), 2008

NATIONAL ASSOCIATION OF REALTORS®, Membership Marks Manual, 2007

S.R.A.R. Bylaws (Article VIII), November, 2007

S.R.A.R Membership Rules (Rule V), February, 2003