



# Dispatch 2010-10

This document contains information of interest to your members.

**The attached Notice contains important information about Member obligations in relation to the use or display of CREA's trademarks when partnering with non-members.**

**PLEASE ENSURE THAT THE ATTACHED NOTICE IS DISTRIBUTED TO ALL OF YOUR MEMBER BROKERAGES.**

**RE: USE OF MLS<sup>®</sup> AND REALTOR<sup>®</sup> TRADEMARKS BY NON-MEMBERS WHO HAVE PARTNERED WITH MEMBERS**

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**Date:** December 15, 2010

**To:** Executive Directors of all  
Real Estate Boards and Provincial/Territorial Associations

**From:** The Canadian Real Estate Association (CREA)

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Some members have entered into arrangements with private sale or other non-member companies to offer access to a Board's MLS<sup>®</sup> System without considering the need to protect CREA's trademarks from misuse. The result of improper use by those not entitled to use the marks results in the weakening of the trademarks.

It is very important that REALTOR<sup>®</sup> members understand their obligations as licensees of CREA's trademarks when partnering with non-members. The attached Notice describes these obligations in detail. Some important points are the following:

- 1. REALTOR<sup>®</sup> members are liable to CREA and their Boards for any improper use or display of CREA's trademarks by non-members with whom they are partnering.**
- 2. When partnering with non-members, REALTOR<sup>®</sup> members are required to enter into written contracts. Each contract must, at a minimum, require the non-member to comply with the trademark restrictions set out in the attached Notice. A copy of the attached Notice should be sent to the non-member.**
- 3. It is a violation of the MLS<sup>®</sup> trademarks for a non-member to refer to "selling privately on the MLS<sup>®</sup> system", or to use words to that effect. Selling "privately"**

**contradicts the entire meaning (or in legal terms, the “defined standard”) associated with the MLS<sup>®</sup> trademarks. It is acceptable to advertise that the property is listed on a named Board’s MLS<sup>®</sup> System and the seller is also selling privately. These are two very different statements since what the seller is doing is not connected to the MLS<sup>®</sup> trademarks.**

**4. It is a violation of the REALTOR<sup>®</sup> trademark for a non-member to use it as a generic term. The accepted generic or descriptive term to describe an agent is a “real estate agent” or “real estate salesperson”.**

The sanctions for infringement can be substantial and may include the loss of the member’s right to use any of CREA’s trademarks.

Also, please note that pursuant to Rule 16.8 of CREA’s Rules, Boards and Associations are responsible for monitoring and enforcing the proper use of the trademarks in their own jurisdictions. Therefore, it is important that the Boards/Associations be aware of these obligations and be vigilant in ensuring that the proper steps have been taken to protect the marks by their members.

Again, we would ask that you put this notice in the hands of all of your REALTOR<sup>®</sup> members.

If you have any questions, please contact CREA’s trademark counsel, David Gray, at (613) 237-7111 extension 2232 or [dgray@crea.ca](mailto:dgray@crea.ca).

Thank you in advance for your assistance and co-operation.

A handwritten signature in black ink, appearing to read "Bill Harrington". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Bill Harrington  
CREA Corporate Counsel