

2022 Calendar

TBA

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Copyright Issues

Speakers, educators, and trainers in any field often reference or use previously created materials (intellectual property) for their presentations or training seminars. Copyrighted materials include printed manuals, photographs, graphics, playing a YouTube video, PowerPoint slides, and even playing music at the beginning of the session.

At the Georgia Real Estate Commission Annual Schools Meeting this month, an attorney and nationally recognized expert in copyright law, Trista Curzydlo, J.D. spoke to Georgia Real Estate instructors regarding copyright issues and the intricacies of using protected works, as well as providing common examples of infringement of copyright. When using previously created works, permission from the owner of the work as well as proper credit must be given to the owner of the work, and how this is done may depend on the work itself.

Whenever a copyright issue arises, an attorney specializing in Intellectual Property Law should be consulted. The following quotes from Attorney Curzydlo's presentation provide an overview and insight into the complicated issues that may arise when creating and using intellectual property.

***"What is Copyright?"** Virtually every original work that is ultimately fixed in a tangible medium of expression is eligible for copyright protection, and in most cases, copyright protection is instantaneous upon fixation. Everything from a novel to a text message can be subject to copyright protection."*

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December 2021 Meeting – Commission Actions Taken

Cases Sent to the Attorney General for Review and Disposition by Consent Order or by Hearing	2
Cease & Desist Orders Issued	1
Citations Issued	10
Letter of Findings Issued	2
Consent Orders Entered Into	0
Final Orders of Revocation of Licensure	1
Cases Closed for Insufficient Evidence or No Apparent Violation	17
Licensing Cases - Applicant has a Criminal Conviction - License Issued	10
Licensing Cases - Applicant has a Criminal Conviction - License Denied	2
Total	45

[Click here to review a legend of the disciplinary actions the Commission may impose.](#)

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Copyright Issues...

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“How Long Does the Copyright Last? As with most questions that involve an interpretation of the law, the answer is ‘It depends’. Copyright currently falls within three categories of dated protection. For work created after 1978, the protection is for the life of the author plus 70 years. For work created after 1978 when the work is made for hire, anonymous or pseudonymous works, the protection is for 95 years from publication or 120 years from creation. For works created prior to 1978, it depends on the manner in which the work was copyrighted, if the author renewed the copyright and if it is a work that falls within a law offering additional protection.”

In summary, when debating the use of previously created works, Ms. Curzydlo states: **“The most effective way to use copyrighted work is to get permission from the copyright holder. Permission can also be purchased as a ‘license.’”**

Source: Georgia Real Estate Commission Annual School Meeting December 3, 2021, Copyrights & Copywrongs for Educators. Speaker: Trista Curzydlo, J.D.



Absolutely Must Know Section

The Broker is responsible for all the brokerage activities of the firm including the real estate activities of the affiliated licensees. In order to ensure that the firm is in compliance with the Georgia License Law, Rules, and Regulations, the Broker must establish, implement, and enforce policies and procedures. This responsibility requires the Broker to review and manage the activities of the firm. Two specific areas that cause common violations involve the review of contracts and the review of all advertising.

(43-40-18(c)(3) The Broker must review for compliance “...all listing contracts, leases, sales contracts, and management agreements to buy, sell, lease, or exchange real property and any offer to buy, sell, lease, or exchange real property accepted within the time limit of said offer secured or negotiated by the firm’s associates. This review shall take place **within 30 days** of the date of the offer or contract”

Advertising includes any media. Per 520-1-.09(a) “...the term ‘advertising’ or ‘advertisement’ means any manner, method, or activity by which a licensee through the use of any media makes known to the general public real estate for sale, rent, lease, or exchange.”

520-1-.09 (2.1) states “All advertising by associate brokers, salesperson, and community association Managers must be under the direct supervision of their broker and in the name of their firm.”

43-40-18(c)(1) states that the Broker is responsible for “Reviewing all advertising to ensure compliance with this chapter and its rules and regulations.”



Focus on Terminology: “Copyright”

According to the online source of [Merriam-Webster](#) Dictionary, the Definition of Intellectual Property is: “property (such as an idea, invention, or process) that derives from the work of the mind or intellect. Also: an application, right, or registration relating to this.”

Clearly, the scope of the definition is very broad, and anyone using previously created works or materials should be careful to obtain permission and give proper credit.