

MINNESOTA REALTORS®

FORMS USE POLICY Q&A



It is all too common that the Minnesota Realtors® (“Association”) receives notice that someone has modified the template language of our copyrighted forms (“Forms”) and left the Minnesota Realtors® logo and copyright on the Form, or that the Association receives word that there is unauthorized distribution and use of the Forms. In an effort to continue protecting the copyright and value of the Minnesota Realtors® Forms for its members, the Board of Directors has adopted a new enforcement mechanism for the Forms Use Policy (“Policy”). Now, if a member violates the Policy, an ethics complaint may be filed through the Professional Standards process, naming a violation of Article IX of the bylaws, where it states that adherence to the Policy is a membership duty. This change will allow the Association to streamline the process for enforcement of the Policy, benefiting our membership as a whole.

The Policy can be found [here](#) or on the Forms page on my.mnrealtor.com. The Policy generally allows for the use of the Forms in real estate transactions and/or education within a real estate brokerage. It prohibits members from selling, reproducing, or distributing the Forms outside of those circumstances. It also prohibits the alteration of template Forms language without removing the Minnesota Realtors® logo and copyright, so that members will have notice as to whether they are dealing with our Forms or an altered version that looks similar. [Please refer to the full Policy for details.](#)

While any member of the public or the Association may file an ethics complaint naming this bylaws violation, staff of the Association will also have the ability to alert the Risk Management Committee Chair and let the Chair decide whether to act as a complainant in a case.

I would like to add some of my own language to the Minnesota Realtors® listing contract, so that I have it in the template language for all of my listings. Can I do that?

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Yes, however the Association currently allows members to modify the template language ONLY IF you remove the Minnesota Realtors® logo and copyright language. In this circumstance, you are creating your own brokerage-specific form, and you should consult with your legal counsel for any legal advice, as the Association cannot review or approve brokerage-specific forms. The only alterations that members may make to the Forms without removing the copyright are to add the brokerage logo to the upper left corner of the form and/or add a footer at the bottom of the Forms to place non-contractual disclosures. No other information, marks, or symbols may be added without removing the Minnesota Realtors® logo and copyright language.

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A Realtor® who's licensed only in Florida called me up and asked if he could have a copy of our Minnesota Realtors® Purchase Agreement for a Minnesota for sale by owner transaction in which he is the buyer. I want to help him out, and hopefully create a referral relationship with him. Can I do this?

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No, Minnesota Realtors® is not able to distribute blank copies of our forms unless it is for their use in a real estate transaction or for educational purposes within their real estate brokerage practice. Members may not provide the Forms to nonmembers for the purpose of use in a transaction without a Minnesota Realtor®. This protects the value of our forms and the value of using a Minnesota Realtor® in Minnesota real estate transactions

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I'm representing a buyer who wants to make an offer on a for sale by owner property. Can I give the seller a blank Disclosure Statement: Seller's Property Disclosure Statement to fill out?

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Yes. Minnesota Realtors® is able to distribute a blank Form to a person if it's directly related to a real estate transaction in which the Minnesota Realtor® is involved.

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I'm representing a seller and an unrepresented buyer wants to make an offer on my client's property, but doesn't want me to represent her because she is weary of the dual agency situation it would create. Can I give her a blank Purchase Agreement to fill out to make an offer on the property?

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Yes. Minnesota Realtors® is able to distribute a blank Form to a person if it's directly related to a real estate transaction in which the Minnesota Realtor® is involved.

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My CE provider asked if she could have a copy of the Minnesota Realtors® Sale of Buyer's Property Contingency so that she can better understand it and teach it to licensees (many of whom are Realtors®). Can I do this? She also offered to pay me for it. Is that okay?

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No. However, the education provider may enter into a licensing agreement with the Minnesota Realtors® to utilize the Forms in the providers education courses. The Association supports use of the Forms to advance the members' knowledge about the Forms. However, our individual agreement to enter into a licensing agreement with education providers will allow the Association to protect our copyright and limit the Forms' use. In no case should an individual member distribute the Forms to an unauthorized individual

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I utilize an online cloud tool to store blank forms, including the Minnesota Realtors® Forms, and fill them. Is this okay?

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Uploading the Association's blank, copyrighted Form to a cloud service may be okay, but it will depend on the service's Terms of Use. For example, many of the free document storage programs on the internet do not keep uploaded documents private and will allow public access and display. If this is the case, use of that tool would not be allowable for the storage of Minnesota Realtors® Forms.

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I'd like to publish an example of a Minnesota Realtors® Forms on my website so prospective clients can see how our transactions will work and familiarize themselves with the Forms in advance. This will also show them what value I have to give, as far as having good transactional forms to use with them. Can I do this?

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No. You may not upload our Forms to your website for display or make them publicly available in any way. They are strictly for use in transactions involving Realtors® and for educational purposes within a member brokerage. Any other use would require a licensing agreement.

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