

1301:5-1-02

**Advertising.**

- (A) Every real estate broker, or real estate salesperson, acting in a capacity as such, who in advertising of any nature performs or offers to perform an act contained in section 4735.01 of the Revised Code or in handling his or her own property, whether held by deed, option or otherwise, shall be identified in such advertisement by name. Name identification in advertising by a licensee shall consist of only the name of the person, partnership, corporation, limited liability company, limited liability partnership or association. A licensee may advertise in a first name other than the name on the license or advertise with the licensee's maiden name provided that the preferred first name or the maiden name is not misleading and is registered with the division.
- (B) The name of the brokerage shall be displayed at least in equal prominence with the name of the salesperson in all advertising, including internet websites, that are within the ownership or direct control of the licensee or the brokerage with which the licensee is affiliated. A licensee shall not be considered to have violated this rule if the terms of use or the format of a website or other advertising medium not owned or controlled by the licensee does not allow the licensee to control or direct the size and prominence of the brokerage and salesperson's names.
- ~~(B)(C) Name identification in advertising by a licensee shall consist only of the name of the person, partnership, corporation, limited liability company, limited liability partnership or association as it appears on the license issued thereto by the division of real estate, except as herein otherwise provided.~~
- ~~(1) An individual licensee may use the following in advertisements:~~
- ~~(a) A commonly accepted derivative of the licensee's first name;~~
  - ~~(b) The licensee's first name abbreviated as an initial with the licensee's full middle name as it appears on the license;~~
  - ~~(c) The licensee's first and middle name as it appears on the license abbreviated as an initial;~~
  - ~~(d) A nickname in parenthesis or quotation marks with the full licensed name.~~
- ~~(2)~~(1) Where a person, partnership, corporation, limited liability company, limited liability partnership or association which is a real estate broker has received the approval of the superintendent to conduct business under a trade name, such trade name as it appears on the license issued by the division shall be the

identifying name used by such person, partnership, corporation, limited liability company, limited liability partnership or association in all advertising.

- (2) Where a person, partnership, corporation, limited liability company, limited liability partnership or association which is a real estate broker has received the approval of the superintendent to conduct business under more than one trade name, such trade names as it appears on the license and addendum issued by the division shall be the identifying name used by such person, partnership, corporation, limited liability company, limited liability partnership or association in all advertising. The licensee must advertise in at least one of the approved trade names as it appears on the license or addendum.
- (3) Words or abbreviations appearing on a real estate broker's license to indicate the legal framework under which the licensee conducts business, such as "Inc." or "Co.", are not required to appear in the advertising of such licensee. The words "Realty" or "Real Estate," or the authorized use of ~~trade~~franchise names or insignia indicating membership in a real estate organization, although not part of the name, may be used by such brokerages in advertising.
- ~~(C)~~(D) All internet advertising of real estate services as defined in section 4735.01 of the Revised Code shall disclose the name of the ~~broker or~~ brokerage on every viewable web page of the website, except as herein otherwise provided. For purposes of this rule, a web page is one that may or may not scroll beyond the borders of the screen.
- (1) When advertising in electronic messages of limited information or characters a licensee must provide a direct link to a display that is in compliance with paragraph ~~(C)~~(D) of this rule.
- (2) When advertising on an internet website not owned or controlled by the licensee or a brokerage with which the licensee is affiliated and that internet website's terms of use limit the licensee's ability to comply with paragraph ~~(C)~~(D) of this rule, the licensee must provide a direct link to a display that is in compliance with paragraph ~~(C)~~(D) of this rule on every viewable web page of the website.
- ~~(D)~~(E) Information on an internet website maintained by a licensee which becomes outdated or expired, shall be updated within fourteen days of the information becoming outdated or expired. Each website maintained by a licensee shall disclose the date upon which the information contained therein was most recently updated. If a licensee's website is maintained on the licensee's behalf by a third party, the licensee shall provide to the third party, a timely written notice, by mail, fax or electronic means, of any updates to outdated or expired information, so that such updates may be accomplished in accordance with this paragraph. A licensee who provides such

timely notice shall not be in violation of this paragraph, if the third party fails to effect a requested change as notified.

~~(E)~~(F) The requirements of this rule only apply to advertising, or information on a website, that is within the licensee's ownership and/or direct control. No licensee shall be responsible for the accuracy of information taken from the licensee's website, or other advertising, and placed on a website, or in other advertising, that is outside the licensee's ownership and/or direct control.

~~(F)~~(G) A licensee shall not advertise or alter any information regarding a listing of any property, that is not listed for sale, lease, or exchange with the licensee's ~~broker or~~ brokerage, unless the licensee has first secured written permission of the owner or owner's authorized agent and fully discloses in the advertisement the name of the listing brokerage, in the same or larger size type as used to describe the property. For purposes of this division, the term alter shall not include limiting informational parts of a listing, provided such limitation, the information is not inaccurate or misleading.

~~(1) The licensee has first secured written permission of the owner or the owner's authorized agent and fully discloses in the advertisement the name of the listing broker or brokerage as provided in paragraph (G)(2) of this rule.~~

~~(2) Where such permission is granted, a licensee advertising property, that is not listed with the licensee's broker or brokerage, shall disclose that fact, in the same or larger size type as the type used to describe the property, and the name of the listing broker or brokerage.~~

~~(3) For purposes of this division, the term alter shall not include limiting informational parts of a listing, provided that by such limitation, the information is not inaccurate or misleading.~~

~~(G)~~(H) For purposes of this rule, the term advertising or advertisement means any manner, method or activity by which a licensed real estate broker or salesperson makes known to the general public properties for sale or lease or any services for which a real estate license is required, through the use of, including but not limited to;

(1) Newspapers,

(2) Magazines,

(3) Radio,

(4) Television,

(5) Signs,

- (6) Internet websites,
- (7) Unsolicited mail,
- (8) Voicemail,
- (9) Email,
- (10) Facsimile transmissions,
- (11) Social networking sites,
- (12) Blogs,
- (13) Business cards,
- (14) Property listing data base service.

~~(H)~~(I) The term advertising or advertisement does not include forms of private communication between a licensee and a client, customer or prospective client, including but not limited to the dissemination of information about properties available for purchase or lease, private mail, voicemail, email, password protected websites or facsimile transmissions, provided such communications are initiated at the request of a client, customer or prospective client.

~~(I) The name of the broker shall be displayed in equal prominence with the name of the salesperson in all advertising, including internet websites, that are within the ownership or direct control of the licensee or the brokerage with which the licensee is affiliated. A licensee shall not be considered to have violated this rule if the terms of use or the format of a website or other advertising medium not owned or controlled by the licensee does not allow the licensee to control or direct the size and prominence of the brokerage and salesperson's names.~~

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

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Statutory Authority:	4735.10
Rule Amplifies:	4735.16, 4735.06
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