

# USING FLOORPLANS IN LISTINGS

February 2025 | NAR Legal Affairs

## WHAT IS THE ISSUE?

The [Eighth Circuit Court of Appeals](#) unanimously upheld rulings from a lower court that defendant real estate brokerages and professionals did not violate a home designer's copyright when they included floorplans of the sellers' homes in their listings, holding that the use of floorplans was a fair use.

## WHAT IS FAIR USE?

The fair use doctrine is an affirmative defense to copyright infringement that permits the use of copyrighted material in a reasonable manner without the copyright owner's permission.

## RECOMMENDED PRACTICES

To help ensure your use of floorplans qualifies as a fair use under copyright law, observe the following best practices:

- Document the property owner's permission to create a floorplan to help market the home;
- Make sure that floorplans convey only the interior layout of the home; and
- Never include technical drawings or plans in property listings.

If you are facing copyright infringement allegations over your use of floorplans, [share this video](#) with your attorney so they can rely on this important decision when asserting any applicable fair use defense.