

ADVERTISING – LICENSED NAME

Summary: Industry members must only trade in real estate or deal in mortgages in the name of the licensed brokerage with which they are registered. [See *Real Estate Act* Rules, s.49(a)(b), s.51(1)(b)(c), s.53(a), s.54(1)(a), s.65(1)(b), s.67(1)(b) and s.70(1)(a)]

A licensed real estate brokerage or a licensed mortgage brokerage must only trade or deal in the name that appears on the brokerage's licence. Therefore, the name of the brokerage, as it appears on the brokerage's licence, must be clearly indicated in all advertisements.

Mortgage brokers and associates, and real estate brokers, associate brokers and associates registered with a brokerage must only deal in the name or trade in the name, as the case may be, that appears on the individual's licence and in the name of the brokerage with which they are registered. Therefore, the name of the brokerage, as it appears on the brokerage licence, must be conspicuous and clearly indicated in all advertising carried out by individual industry members. In order to determine if the name is clearly indicated, the test is whether a consumer can easily determine the licensed name of the brokerage in the advertisement.

In addition to the names on an industry member's licence, the Real Estate Council of Alberta will allow industry members to include other identifiers (e.g. franchise name, team name, a branding name) in the advertisement of their services or products. Industry members may include an identifier (e.g. "Condo Man," "Mortgage Guru") as long as their name and their brokerage's name as these appear on their licence are clearly indicated and the identifier does not violate other legislation.

Care must be taken to ensure the use of identifiers does not convey the impression to the public that they are dealing with an entity that is separate and distinct from the brokerage with which the industry member is registered.

Where an advertisement includes the names or pictures of individuals who are not licensed with the Real Estate Council of Alberta (e.g. unlicensed assistants), the position of those individuals must be clearly identified so the public is not misled into thinking those individuals are licensed (i.e. Mary Smith, unlicensed assistant).

Industry members may find the following guidelines helpful in ensuring clarity and accuracy in advertising:

- Clearly display, in an easily readable form, the name of the licensed brokerage.
- Where possible, include the brokerage business address, website and telephone number.
- Referring to the brokerage's website name alone does not meet the requirements of advertising in the brokerage name.
- An industry member may advertise using a single name (i.e. "Joe" instead of "Joe Smith"). This is acceptable as long as the same advertisement includes the name that appears on the industry member's licence and it clearly identifies the brokerage with which that industry member is registered.

- Avoid the use of identifiers typically associated with brokerages, such as "realty" and "real estate."
- A corporate entity, i.e. an entity other than the brokerage, is not allowed as an identifier.
- Industry members with the same last name (i.e. "the Smiths") may advertise together as long as the full name that appears on the person's licence appears in the advertisement and the brokerage name with which the industry members are registered is clearly indicated in the advertisement.
- Advertising may include a marketing slogan ("the Smith team") as long as the advertisement also contains the name as it appears on the person's licence as licensed with the Real Estate Council of Alberta.