A Proposal for Industry Alignment on Digitally Altered Listing Imagery

Position Paper

Verified Image Disclosure Protocol (VIDP)

Authored by Kennith Wheeler
Author, Verified Image Disclosure Protocol
Principal, VIDP LLC
Owner, Kennith Wheeler Photography
Chickasha, Oklahoma

May 2026

Why I am writing this

I am a real estate photographer. I shoot residential and land listings in Oklahoma, mostly for agents whose photos go through their MLS and end up on Zillow, Realtor.com, Redfin, and the rest of the platforms buyers actually use. I have been doing this work long enough to watch the tools change underneath me. AI fill, sky replacement, virtual staging, twilight conversion, element removal, generative everything. None of it requires a photographer who knows what they are doing. All of it can be done by anyone with a phone and a subscription.

Before I picked up a camera professionally, I spent twenty-six years with the California Highway Patrol. I retired as an investigator with the Major Crimes Unit. That career taught me to recognize the moments when the law and the rules of an industry stop matching up with each other. When that happens, two things follow. Good people get caught between obligations they cannot satisfy at the same time. And the gap eventually gets filled, almost always by litigation, almost always after someone has been harmed.

That is the situation I see in real estate photography right now.

What I see, and why I think it matters

The technology to alter listing photos has run far ahead of the rules that govern listing photos. AI tools that were rare two years ago are routine in production workflows now. Virtual staging is standard practice. Sky replacement is one click. Element removal, twilight conversion, and generative fill are features in editing software that millions of agents and photographers already own. Whether or not the industry endorses these techniques, they are in widespread use, and a meaningful percentage of listing imagery currently being uploaded to MLSes has been digitally altered in ways that would have required disclosure a generation ago.

The regulatory response is starting to land, and it is fragmenting state by state. California passed Assembly Bill 723 in 2025, which took effect January 1, 2026. The law requires disclosure on every listing photo that has been digitally altered to add, remove, or change physical elements of the property, and it requires the unaltered original to be made accessible to the buyer through a link, URL, or QR code. Other states are working on similar legislation. The Federal Trade Commission’s Section 5 framework already covers materially misleading product imagery, and the first significant FTC action against altered listing photography will accelerate the state-level trend significantly.

At the same time, MLS rules across the country prohibit overlays on listing imagery as a class. The rules were written to keep agent and brokerage branding off MLS data. They were not written to prohibit disclosure markings, but their language reaches them anyway. A producer or brokerage in California is now in a position where state law requires a visible disclosure on or near every altered listing photo, and MLS rules prohibit the marking that delivers that disclosure. There is no compliant path under the current rule structure.

Below that, the technical pipeline that delivers listing imagery to buyers is hostile to disclosure even when it is applied. MLS providers compress images aggressively at upload. Older Paragon deployments cap images at 1280 by 960 pixels and 125 kilobytes. Newer deployments are more accommodating but still recompress. Aggregators like Zillow downsample again to their own display dimensions and re-encode the JPEG a second time. By the time a buyer sees the image on Zillow, any QR code that started at a reasonable size has been crushed to the point where standard scanners cannot decode it. The disclosure mechanism the law assumes will work, in practice, breaks at the third stage of the pipeline.

None of these pieces talk to each other. Photographers and editors operate under industry custom and individual judgment. Brokerages operate under MLS rules that do not yet reflect the new state laws. MLSes operate under model rules from NAR and standards from RESO that have not been updated to address disclosure overlays. Aggregators operate under their own recompression policies that destroy disclosure markings the law expects to survive. State regulators are issuing rules that assume an industry standardization that does not exist. The FTC sits behind Section 5 with enforcement authority that has not yet been activated, and when it is, it will land on a fragmented landscape that nobody has coordinated.

I am writing this paper because I believe the current trajectory ends in litigation, regulatory whiplash, and inconsistent enforcement. Photographers will be sued by buyers who relied on altered images. Brokerages will be cited by state real estate commissions for non-disclosure even when they intended to comply. MLSes will face pressure from regulators on one side and from frustrated participants on the other. Aggregators will be drawn into Section 5 actions when their recompression destroys disclosure markings. None of this is necessary. All of it can be avoided if the industry coordinates on a unified approach before the regulatory response fragments further.

That coordination requires cooperation across multiple platforms and roles. No single party can solve this alone. Photographers cannot fix MLS rules. MLSes cannot fix state law. Regulators cannot dictate technical standards. Aggregators cannot fix what happens upstream of their pipeline. The work has to be coordinated across all of them, and right now it is not.

What VIDP is, and how it fits

I built the Verified Image Disclosure Protocol to address the technical disclosure problem from inside the photography profession. VIDP is a voluntary, open standard for marking digitally altered listing imagery in a way that satisfies what AB 723 requires, what the FTC is signaling, and what NAR’s Code of Ethics implicitly demands. It is published under Creative Commons Attribution 4.0, owned by no platform, and free for any photographer, brokerage, MLS, or aggregator to adopt.

The protocol defines a small, stable set of color-coded labels (called pills) that get applied to listing images when specific kinds of post-production work are performed. The labels indicate the category of work, not the producer’s identity. A QR code accompanies each labeled image and resolves to a public verification gallery hosting the unaltered original, the disclosed final, and a machine-readable audit record. Four tiers exist in the current specification. Tier 0 is informational, used for boundary overlays,

focus callouts, and annotations. Tier 1 is atmospheric, used for sky replacement, lighting adjustment, and twilight conversion. Tier 2 is additive, used for virtual staging and content addition. Tier 3 is subtractive, used for removal of objects, structures, or other elements.

The reference implementation is a single-file browser tool. No servers, no accounts, no subscription. Any photographer or editor can download it from vidp.org and produce VIDP-compliant deliveries the same day. The certification mark VIDP-Verified exists separately and is administered by VIDP LLC for adopter platforms that want to demonstrate spec conformance, but the underlying standard does not require certification to use.

VIDP does not prescribe what photographers can or cannot edit. It does not ban virtual staging or sky replacement. It does not impose creative restrictions. It defines how to disclose what was done, in a way that buyers can verify with a phone scan and that regulators can audit through a structured record.

VIDP is in production deployment now. My own photography business has been delivering VIDP-disclosed listings to agents in Oklahoma since April 2026. The verification galleries are live and scannable. The audit records are auditable. The gap between what state law requires and what current MLS rules allow is the only thing keeping the standard from scaling beyond the early adopter base. That gap is what this paper is about.

The MLS rule conflict, in detail

Most MLS rule sets, and most brokerage policies that mirror those rules, prohibit overlays on listing imagery. The specific language varies by MLS but the pattern is consistent. From CRMLS rules: “Watermarks, agent branding, logos, and contact information are prohibited on MLS photos. No overlay text is permitted on listing images.” From Bright MLS rules: listing photos must be free of “logos, watermarks, contact information, branding, or other marks or text.” From Stellar MLS: listing images must not display “any text, logos, watermarks, banners, or other markings of any kind.” From NAR’s model MLS policy, which many regional MLSes adopt as a template: listing photographs must be free of “any markings, logos, text, or other identifying or branding information.”

These rules exist for a sound reason. They prevent listing photos from becoming advertising surfaces for individual agents and brokerages. An MLS exists to share property information, not to promote one agent’s brand over another. Photos uploaded to the MLS need to be neutral so any cooperating agent can use them in their own marketing without being forced to advertise a competitor. That reasoning is unchanged. Branding overlays should remain prohibited.

The problem is that the rules, as currently written, do not distinguish between branding overlays and disclosure overlays. They treat all text, all marks, and all overlays the same way. Under a strict reading, a VIDP pill, an AB 723 disclosure marking, or any other visible disclosure delivered on the image itself is technically a violation of the rule, even though the marking is required by California law on every listing where digital alteration occurred.

This puts producers, agents, and brokerages into a position where two compliance obligations contradict each other. Either they violate AB 723 by failing to disclose, or they violate MLS rules by including the disclosure marking. Some MLSes have begun working around this through metadata, captions, or paired image fields where the altered and unaltered versions are uploaded together. Those workarounds depend on every downstream syndication platform preserving the metadata and the pairing, which they generally do not. The IDX, VOW, API, and aggregator pipelines downstream of the MLS were built before disclosure was a regulatory category. They do not preserve image pairings or alteration metadata reliably. The disclosure that travels with the image to the buyer is the disclosure embedded in the image itself.

The rule needs to evolve. Disclosure markings, defined as overlays that indicate the category of digital alteration applied to a listing image, need to be recognized as a category distinct from branding overlays. Branding overlays should remain prohibited. The two categories serve opposite purposes and need to be governed by different rules.

What I am proposing

I am proposing that MLS rule sets, RESO data standards, and NAR model MLS policies be updated to recognize disclosure overlays as a category distinct from branding overlays.

A workable rule modernization looks something like this:

> *Listing imagery may not include branding overlays. Branding overlays include, but are not limited to, agent or brokerage logos, contact information, agent photographs, promotional text, copyright notices, or any other mark or text serving the producer's commercial interest.*
>
> *Listing imagery may include disclosure overlays. Disclosure overlays are defined as marks or text indicating that the image has been digitally altered as that term is defined under applicable state law or as required by an applicable industry standard. Disclosure overlays must be limited in size and placement to what is reasonably necessary to communicate the disclosure, must not contain branding or commercial content, and must, where applicable, link to or reference the unaltered original image through a URL or QR code.*

VIDP fits this framework cleanly. The VIDP pill identifies the category of alteration without identifying the producer or any commercial entity. The QR code accompanying the pill resolves to a verification gallery hosting the unaltered original, exactly as AB 723 contemplates. Producers can adopt VIDP without licensing fees, without joining VIDP LLC, and without modifying their existing workflows beyond running their delivered images through the free reference implementation.

This is not the only possible standard. Other implementations of disclosure marking will emerge, some better than VIDP for specific use cases. The important thing is that the rule framework recognizes the category. Once disclosure overlays are carved out, the market can sort out which standards win.

What I am not proposing

I am not proposing that MLSes be required to adopt VIDP, endorse VIDP, or treat VIDP differently from any other disclosure standard that meets the same criteria. The protocol is open and free for a reason. It exists to fill a gap, not to capture a market.

I am not proposing that branding rules be relaxed in any other way. Logo overlays, contact information overlays, and promotional text on MLS images should remain prohibited. Those rules serve a purpose and that purpose is unchanged.

I am not proposing that producers, agents, or brokerages be required to use VIDP or any specific implementation. AB 723 and similar laws require disclosure. They do not specify how. That choice properly rests with the producer and the agent, subject to the legal requirements of the jurisdiction.

What I am proposing is that the rule structure no longer prohibit the only thing the law requires.

Why I am asking the industry to lead this

Two paths exist for resolving the rule conflict. The industry can lead, or the industry can wait for state legislatures and regulators to lead.

If the industry leads, MLSes update their rules to recognize disclosure overlays, RESO updates the Data Dictionary to include altered-image flags and unaltered-original references, and NAR updates the model MLS policy to align with state disclosure laws. Aggregators adjust their image pipelines to preserve disclosure markings and metadata across the syndication chain. MLS technology vendors update their compliance review systems to recognize disclosure markings as a distinct category. This produces a unified national framework that protects buyers, satisfies regulators, and preserves the parts of MLS rules that still serve their purpose. Adoption is voluntary, MLS by MLS, but coordinated through the existing standards bodies.

If the industry waits, state legislatures and state real estate departments will impose disclosure requirements that vary state by state, none of which will be coordinated with MLS rules, all of which will create new compliance burdens that producers and brokerages have to navigate without industry-level support. The first significant FTC enforcement action will accelerate this dramatically. The result will be a fragmented compliance landscape that nobody designed and nobody likes.

I have watched both patterns play out, in other industries, during my career. Industry-led standardization, when it happens, almost always produces better rules than regulator-led standardization. It is also almost always cheaper for everyone involved. But it requires the industry to act before the regulator does, and the window on this issue is narrowing.

What VIDP is doing in the meantime

VIDP is in production deployment. The reference implementation is live, free, and downloadable from vidp.org. Verification galleries are live and scannable. The audit records are auditable.

I am working through the rule conflict by communicating directly with MLS organizations, RESO, NAR, state regulators, and MLS technology vendors. This paper is the first step in that effort. I am also documenting the conflict openly on vidp.org, because the worst possible posture is to pretend the conflict does not exist while quietly hoping nobody notices.

The conflict is real. It needs to be resolved. I am asking for your help in resolving it.

Contact

Kennith Wheeler Author, Verified Image Disclosure Protocol Principal, VIDP LLC

Email: standard@vidp.org Web: https://vidp.org

VIDP LLC 2604 W Idaho Ave Chickasha, OK 73018