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# Policy on Business Arrangements, Reselling, and Marketing of NMLS Approved Courses

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## Purpose

The purpose of this policy is to provide definitions and to list what NMLS considers to be acceptable business arrangements for the promotion, selling, reselling, and marketing of NMLS approved courses. This policy also details when and how NMLS approved course providers may use the NMLS name, the "NMLS Approved" phrase, and/or "NMLS Approved course" logo to promote and/or market courses.

## Background and Reason for the Policy

The Secure and Fair Enforcement for Mortgage Licensing Act (SAFE Act) requires that all pre-licensing (PE) and continuing education (CE) courses be reviewed and approved by the Nationwide Multistate Licensing System (NMLS). As such, any course taken by a state-licensed loan originator that has not been reviewed and approved by NMLS does not satisfy the PE or annual CE requirement as stipulated by the SAFE Act. To assist in the prevention of fraud and/or to eliminate confusion in the marketplace, this policy details the various policies that may be employed to promote, resell, and/or market NMLS approved courses. Additionally, this policy details when and how the NMLS name, the "NMLS Approved" phrase, and and/or the "NMLS Approved" logo may be used to promote and/or market courses.

## Definitions

The following definitions are applicable:

**NMLS Approved Course Provider:** An organization which has submitted an application and has subsequently been approved by NMLS to deliver PE and/or CE courses which are intended to satisfy the requirements of the SAFE Act. An NMLS Approved Course Provider is also defined as the organization that offers and delivers an approved course, is responsible for the instruction of the course, charges fees, issues refunds, issues a course completion certificate, and performs credit banking.

**NMLS Approved Course:** A course which has been submitted by an NMLS approved course provider and has been reviewed and approved by NMLS to satisfy the requirements of the SAFE Act. Every NMLS approved course has a unique course ID number which is associated with only one NMLS approved course provider.

**Licensing Agreement:** An agreement in which the owner of course materials, textbooks, or software extends permission to an NMLS approved provider to use said specific course material, textbook, or software in the delivery of an NMLS approved course.

**Referral Marketing:** A marketing arrangement between an NMLS approved course provider and a third party in which the third party refers a potential customer to a course (or list of courses) owned and offered by an NMLS approved course provider.

**Reseller:** An entity that resells (accepts payment for) a course on behalf of an NMLS approved course provider. NMLS defines this as a prohibited act.

### **Course Provider Business Arrangement Standards**

The overriding objective of these business standards are: 1) to ensure that it is very clear and that there can be no doubt in the consumer's mind about: (a) who the approved course provider is, (b) who they are purchasing the course(s) from, (c) who is delivering the education, and (d) who they need to contact in the case of any issue or complaint; and 2) to preserve the integrity of the term "NMLS Approved;" 3) to ensure all NMLS approved course providers are abiding by the Approved Course Provider Standards of Conduct.

- 1. Acceptable Business Arrangements:** The following business arrangements are acceptable under the following conditions:
  - a. Licensing Agreements:** NMLS approved course providers may enter into licensing agreements with third parties for the use of course materials, textbooks, and software (including the use of Learning Management Systems (LMS) for the purposes of delivering an NMLS Approved Course). Licensing agreements and the source of the material must be disclosed when the course is submitted to NMLS for approval. The following additional caveats apply:
    - i. Licensing Agreements of Approved Classroom Course Content:*
      1. An NMLS approved course provider (the "licensor") with an NMLS approved classroom course may license its course to another NMLS approved course provider (the "licensee") provided the licensee resubmits the course for re-approval so that content can be verified as being accurate and so that a unique course ID number associated the licensee can be assigned to the course.
      2. The licensee has responsibility for ensuring course content is up-to-date, for satisfying any and all conditions associated with the course approval process, course auditing, and, assuming the course is up for renewal, for submitting updated material during the renewal process. During the course approval process, NMLS will communicate solely with the licensee to address any concerns.
      3. The SAFE Act's "two year rule" precludes an MLO from taking the same course two years in a row. A course provider offering a licensed CE course will retain the course title as was approved for the "parent" course. This will serve as an obvious indicator on the MLO's course completion record that the MLO has not complied with the rule.
    - ii. Licensing Agreement of Classroom Equivalent (Webinar) Course Content:*
      1. An NMLS approved course provider with an NMLS approved classroom course may license its course to another NMLS approved course provider provided the licensee resubmits the course for re-approval so that content can be verified as being accurate and so that a unique course ID number associated the licensee can be assigned to the course.

2. The licensee has responsibility for ensuring course content is up-to-date, for satisfying any and all conditions associated with the course approval process, course auditing, and, assuming the course is up for renewal, for submitting updated materials during the annual course renewal process. During the course approval process, NMLS will communicate solely with the licensee to address any concerns.
3. The licensee is responsible for ensuring all current and future technical requirements for delivery of the course as outlined in the functional specification are met.
4. The SAFE Act's "two year rule" precludes an MLO from taking the same course two years in a row. A course provider offering a licensed CE course will retain the course title as was approved for the "parent" course. This will serve as an obvious indicator on the MLO's course completion record that the MLO has not complied with the rule.

*iii. Licensing Agreement of Online Self-Study Courses:*

1. An NMLS approved course provider with an NMLS approved online self-study course may license its course to another NMLS approved course provider provided the licensee resubmits the course for reapproval so that content can be verified as being accurate and so that a unique course ID number associated the licensee can be assigned to the course.
2. The licensee has responsibility for ensuring course content is up-to-date, for satisfying any and all conditions associated with the course approval process, course auditing, and, assuming the course is up for renewal, for submitting updated materials during the annual course renewal process. During the course approval process, NMLS will communicate solely with the licensee to address any concerns.
3. The licensee must ensure that any brand name that may appear on the course, within the course content, on the course completion certificate, etc. does not create any confusion about who the course provider is. For example, if company X has produced an online self-study course that is being licensed by provider Y, it must appear obvious and remain persistent to the student that provider Y is the course provider, that provider Y is the organization responsible for collecting payment and issuing any refunds; is responsible for answering all questions, dealing with complaints, and for reporting the course completion. In no way should it ever appear that company X is the course provider.
4. The licensee is responsible for ensuring all current and future technical requirements for delivery of the course as outlined in the functional specification are met.
5. The SAFE Act's "two year rule" precludes an MLO from taking the same course two years in a row. A course provider offering a licensed CE course will retain the course title as was approved for the "parent" course. This will

serve as an obvious indicator on the MLO's course completion record that the MLO has not complied with the rule.

*iv. Licensing Agreement of Online Instructor-led Courses:*

1. An NMLS approved course provider with an NMLS approved online instructor course may license its course content and/or technical capability (LMS and supporting technology) to another NMLS approved course provider provided the licensee resubmits the course for re-approval so that content, activities, time requirements, etc. can be verified as being accurate and so that a unique course ID number associated the licensee can be assigned to the course.
2. The licensee has responsibility for ensuring course content is up-to-date, for satisfying any and all conditions associated with the course approval process, course auditing, and, assuming the course is up for renewal, for submitting updated materials during the annual course renewal process. During the course approval process, NMLS will communicate solely with the licensee to address any concerns.
3. The licensee is responsible for ensuring and demonstrating that instructors have the requisite skills and experience to teach online courses. NMLS reserves the right to deny/remove course approval if the licensee fails to demonstrate that it possesses the capability to deliver online instructor-led courses in accordance with NMLS policies and procedures and the functional specification.
4. The licensee must ensure that any brand name that may appear on the course, within the course content, on the course completion certificate, etc. does not create any confusion about who the course provider is. For example, if company X has produced an online instructor-led course that is being licensed by provider Y, it must appear obvious and remain persistent to the student that provider Y is the course provider, that provider Y is the organization responsible for collecting payment and issuing any refunds; is responsible for answering any questions, dealing with complaints, and for reporting the course completion. In no way should it ever appear that company X is the course provider.
5. The licensee is responsible for ensuring all current and future technical requirements for delivery of the course as outlined in the functional specification are met.

**b. Referral Marketing:** NMLS approved course providers may enter into referral marketing agreements with third parties as a means to acquire students for an approved provider and/course. During the renewal process, as part of any desk review, or upon request, the approved course provider is required to disclose with NMLS referral marketing agreements for verification that the referral marketing complies with NMLS policies. The following additional caveats apply:

*i. Acceptable Practices:*

1. A third-party web site may host a link (line of text, ad banner, image, etc.) that, when clicked by a user, will take the user to the web site of the approved course provider where the user can learn about or purchase the course.
2. Course providers must ensure that all third-party web site information discloses required information such as the course provider's complete name as registered with NMLS, and the course name and number as approved by NMLS (see Section 2, Course Marketing Standards).
3. Course providers are responsible for monitoring affiliates and proactively taking action to ensure third-party marketing activities are not being conducted in such a way as to infer, suggest, or in any way mislead a consumer into thinking the third party is approved, endorsed or has any sort of relationship with NMLS. In accordance with the Standard of Conduct for NMLS Approved Course providers, NMLS will hold the approved course provider responsible for any misleading or deceptive affiliate marketing.

*ii.* Unacceptable Practices:

1. A third party may not link or perform any marketing activity in which it may appear to a prospective student that the third party is an approved course provider and/or that it is selling, hosting, or doing anything else that may lead a prospective student to believe that the third party is an approved course provider and/or is the owner of the approved course.
2. The third party may not take any registrations and/or collect any funds on behalf an approved course provider.
3. The third party may not display or use the NMLS Approved Course logo with the course number. This logo is for the exclusive use of the approved course provider.

- c. Reseller:** A reseller is defined as entity that resells (accepts payment for) a course on behalf of an NMLS approved course provider. NMLS defines this as a prohibited act. An organization may license content and/or technology to an approved course provider for the purposes of offering a course in accordance with one of the licensing policies outlined above.

## **Use of NMLS Name in Marketing**

NMLS expects all approved course providers to promote themselves and their course offerings in accordance with high ethical standards.

### **A. Course Marketing Standards**

Permission to use the NMLS name, initials, logo, or brand is extended under the following conditions:

1. All advertising must be truthful and be void of any misleading statements, promises, or guarantees that cannot be reasonably fulfilled (i.e. a course may not be promoted in

such as way as to guarantee than an individual will pass an exam after completing the course. However, a provider may offer a “guarantee” to refund fees if a student fails to pass a test).

2. All advertising is to be conducted in a manner that is free of disparaging and/or negative language of any individual, organization, entity, or federal/state licensing requirement.
3. All advertisements used to promote an NMLS approved course, including web sites, landing pages, ad banners, print marketing materials, direct mail, e-mail, brochures, etc., must clearly state the name of the course provider (as registered with NMLS) and must also include the name of the course, and the course ID number as approved by NMLS.
4. Course provider web sites are to abide by best practices associated with maintaining a web presence/performing e-commerce to include listing on any web site where an NMLS approved course is listed the organization’s business address, phone number(s), contact e-mail address, privacy policy, refund policy, course cancellation and other applicable policies.
5. Course providers may use the words “NMLS Approved” to market themselves only if they have completed the application process and in fact been approved and continue to remain in an approved status by NMLS. Course providers that have had their approval status suspended may not promote themselves as NMLS approved. (Note: effective July 1, 2011, the “NMLS Approved Course Provider” logo was discontinued and is longer authorized for use.)
6. Courses may be promoted using the words “NMLS Approved” and with the NMLS approved course logo (with embedded course number) only after the course provider has been approved to offer NMLS courses and only after the course has been reviewed and approved by NMLS.
7. Courses may not be marketed or promoted as being NMLS approved until confirmation of approval has been received in writing (including electronic communication) from NMLS.
8. NMLS only “approves” course providers and courses. The word “accredited” is not to be used unless the provider or the course has in fact been accredited by a state or federal higher learning commission.
9. The words “SAFE Approved” or any similarly worded phrase is not to be associated with the offering of any NMLS approved course since the SAFE Act itself does not approve providers or their courses.
10. The words “SAFE Act Compliant” may be used if a course has been submitted and has been approved by NMLS.

**B. Verification and Consumer Protection**

NMLS maintains on its web site a listing of course providers which have been approved to offer NMLS-approved courses. Industry professionals are encouraged to check this list prior

to enrolling in any PE or CE course to ensure that the course provider has been approved by NMLS to offer SAFE-compliant courses.

### **C. Trademark Protection and Enforcement**

The Nationwide Multistate Licensing System, Nationwide Mortgage Licensing System, Nationwide Mortgage Licensing System & Registry, NMLS, NMLS-R, NMLS Approved, NMLS Reviewed, and the NMLS Approved course logo are all registered trademarks of the State Regulatory Registry, LLC. As such, the State Regulatory Registry will enforce and defend any use of its trademarks which is inconsistent with this policy.

### **Non-Compliance with Business and/or Marketing Requirements**

An organization that fails to comply with NMLS business and/or marketing standards will be notified and will be required to take corrective action(s). Failure to remedy the problem in a timely or satisfactory manner may result in SRR to initiate action in accordance with the [Administrative Action Procedures for SAFE Act Education Requirements NMLS Approved Course Providers](#).