



INTERNET DISPLAY GUIDELINES

IDX RULES, SAMPLE LEGAL DISCLOSURES, AND USE OF LOGOS

(from Appendix 1 and Appendix 2 of the Data Use Policy v2.1)

APPENDIX 1: IDX GUIDELINES: THE DISPLAY OF MLS CONTENT ON THE INTERNET

IDX Participation (Opting In or Out)

Internet Listing Exchange (IDX) is a system where brokers give each other permission to display their listings on each others' websites. All brokers can choose to opt in or opt out of the IDX program at any time. Participants in the IDX program ("opted in") can display each others' active listings, which will be identified by a special IDX logo (see Appendix 2 below).

Broker participants are automatically opted in to the program. Brokers who do not want to participate must complete the Internet Data Exchange Opt In/Opt Out form and fax it to MLSListings at (408) 341-8931. Once a broker opts out, no other broker will be permitted to display that broker's listings, and the opted-out broker will not be permitted to display theirs. (The MLSListings Board of Directors reserves the right to limit how often status changes may be made by a single broker.)

When necessary, brokers may request to withhold an individual listing and still participate in the program.

Overview of Rules and Requirements:

Specific guidelines apply when MLS Content is displayed on Internet websites. If you have specific questions, or aren't sure if your website complies with current MLS Rules and Data Use Policy, contact the MLSListings Compliance department. (See Appendix 2 for the applicable MLS Rules.)

MLSListings may, from time to time, adopt or modify MLS Rules, policies and procedures with respect to the display of MLS information on Internet websites. When it does so, the MLS Rules, if inconsistent with these guidelines, will automatically supersede this document.

Approvals and Authorized Users:

1. Licensee must submit a "Broker Authorization for Use of Third-Party Product or Service" form to MLSListings for each participant/subscriber who intends to establish a website containing MLS content, before listing information is made accessible on any website. Licensee must make password-protected websites directly accessible to MLSListings for purposes of monitoring and ensuring compliance with applicable MLS Rules and MLS Content display policies.
2. Websites displaying MLS content must be controlled by an MLSListings participant/subscriber and advertised as the MLSListings participant's/subscriber's website. The website must also identify the brokerage under which the MLSListings participant/subscriber performs real estate sales activities.

MLS Content Permitted:

1. Only "Opted In" listings (listings belonging to IDX-participant brokers) may be displayed on IDX websites
2. Only active, pending and sold statuses (1, 2, 4 and 5) may be displayed. Sold listings must be clearly identified to the user.

3. Sold listings must also comply with the following additional requirements:
 - (a) Public remarks may not be displayed
 - (b) List price may not be displayed
 - (c) Name and contact information of listing or selling office may not be displayed
 - (d) Only the main photo can be displayed; no additional photos are permitted
 - (e) All additional public fields in the IDX content (other than the fields explicitly called out here) can be displayed
 - (f) Listings older than 3 years may not be displayed by vendor products; brokers are not subject to this limitation
4. Not all listings from the IDX datafeed must be displayed, as long as any exclusions are based on objective criteria (e.g., geographical location, property type, list price range, etc.)
5. Only "public" fields, as described in the MLS Content Licensing Agreement, may be displayed.
6. Only listings that are entered into the MLS are allowed to appear in the results of an IDX search. (No "pocket" listings or withheld listings.)
7. Only unbranded virtual tour links may be placed on IDX detail pages. (Unbranded tour links include listing agent name and listing office name in text, with no contact information, logos or other "branding.")
8. Websites with MLS Content must be updated no less often than every 72 hours.

Web Page Design:

1. A detailed display of another IDX participant's listing may not include any contact information or "branding" of the IDX participant who owns the website, or any of its agents, within the "body" of the listing data. (The "body" is a rectangular space whose borders are defined in each direction by the area used for listing text and photo data; "branding" refers to any marks, images, or language referring to the website owner.) The prohibition on branding or contact information within the "body" of the listing information is intended to prevent any possible confusion on the part of the consumer as to the source of the listing.
2. All active and pending listings displayed shall identify the name of the listing agent and listing office in a typeface not smaller than the type size displaying detailed property information. This identification is considered an integral part of the listing information and must be displayed within the "body" of the listing along with the property information.
3. MLS participants' websites shall disclose the firm's name and state(s) of licensure in a reasonable and readily apparent manner. Websites of subscribers affiliated with a participant's firm shall disclose the firm's name and the subscriber's state(s) of licensure in a reasonable and readily apparent matter.
4. All displays of MLS Content shall include an accuracy disclaimer. Licensee may include other appropriate disclaimers as necessary (see sample text for disclaimers in Appendix 2).
5. MLS content on IDX websites shall be properly identified by a specified IDX logo provided by MLSListings (see logo use guidelines Appendix 2). Each listing that belongs to another MLSListings participant/subscriber must be clearly identified as belonging to that listing participant/ subscriber. Under no circumstance may an MLSListings participant/subscriber display listings of other MLSListings participants/subscribers in a manner that leads the viewer to believe that they are the listings of the displaying MLSListings participant/subscriber.

6. The name of the firm, company or individual who has immediate control of the MLS content, and the arrangement of MLS content, that is being provided on the participant's/subscriber's website must be displayed, at a minimum, on either the home search page or the detail report page within the IDX property search.
7. If MLSListings participants/subscribers display on their websites listings that have been obtained from other sources, such as other MLSs they subscribe to, the website shall clearly display the source from which each such listing was obtained.
8. Separating out selected listings from the aggregate IDX search into such categories as Featured Listings, My Listings, Our Listings, Office Listings, My Favorites, Our Favorites, Our Picks, et al, is only permitted for the listings of the agent who owns the website, or the broker who is branding the website.
 - (a) Listings belonging to other brokers may not be "featured" or "highlighted" unless specific permission is granted by the listing broker.
9. When displaying listings of other MLSListings participants/subscribers on a website, the MLSListings participant/subscriber who hosts the website must obtain from each consumer who visits the website an agreement to the following terms of use:
 - (a) All MLS information obtained from the website is intended only for the consumers'/viewer's personal, noncommercial use;
 - (b) The consumer/viewer has a bona fide interest in the purchase, sale or lease of real estate of the type being offered via the website or other electronic means;
 - (c) The consumer/viewer will not copy, redistribute or retransmit any of the MLS content or information provided; and
 - (d) The consumer/viewer acknowledges MLSListings' ownership and the validity of its copyright in the MLS content.

The Use of Statistics

Statistics may be calculated based on MLS Content and provided to consumers on authorized websites to provide a marketing overview of real estate activity in the participant/subscriber's service area.

- (a) Statistics calculated and provided by a licensed third party provider or broker may be displayed on IDX websites of Authorized Users. Restrictions may apply.
- (b) MLSListings-generated statistics may be copied for personal use on individual websites, but are not for redistribution. (See section 5.4.4.2 of the Data Use Policy for guidelines.)
- (c) Content for statistical analysis on websites is limited to a rolling 3-year time period.
- (d) Appropriate disclaimers are required.

The Use of Off-Market Content for Property Valuations:

Automated valuation models using algorithms or calculations based on sale activity in a given area may be provided by licensed third party providers or brokers for use on IDX websites.

- (a) This valuation cannot be referred to as a "CMA" or "Comparative Market Analysis." The term "estimated value" is acceptable.
- (b) Appropriate disclaimers are required.

Prohibitions:

1. MLS Content cannot be modified in any way, except by the listing agent/broker.
 - (a) This requirement does not restrict the format of the MLS Content displayed, or the display of fewer than all of the listings, or fewer authorized fields.
 - (b) MLS content may be augmented with additional data not otherwise prohibited from display (such as neighborhood or mortgage information) as long as the source of such other data is clearly identified, except that this additional information must lie outside the “body” of the listing data. Display of additional information on pages containing MLS content is subject to approval by MLSListings.
2. The following kinds of information are never allowed for search or display on the Internet:
 - (a) Expired (status 6), cancelled (status 7), withdrawn (status 8), or pending/do not show (status 4) listings
 - (b) Compensation offered to other MLSListings Participants and the type of listing agreement;
 - (c) Sellers’ or occupants’ names, phone numbers or email addresses or other identifying information; or
 - (d) Instructions or remarks intended for cooperating brokers only, such as those regarding showing or security of the listed property.
 - (e) Any fields not included in the “IDX-Only” datafeed.
3. If restrictions are placed on any information by the listing office, such content may not show on any website.
 - (a) Only authorized (“filtered”) addresses may be displayed
 - (b) Sale prices withheld from public display at the written request of the buyer or seller (and authorized by the MLS) may not be disclosed to the public. In such cases, the “last list price” is used, with a code indicating that it replaces the sales price.

For additional information or assistance regarding these guidelines, contact the
MLSListings Inc. Compliance Department at compliance@mlslistings.com.

APPENDIX 2: IDX RULES, SAMPLE LEGAL DISCLOSURES, AND USE OF LOGOS

The following definitions are from the MLS Rules. If at any time these definitions are modified in the MLS Rules, the definitions below will be superseded.

RELEVANT DEFINITIONS AND RESTRICTIONS FROM MLS RULES (Section number in Rules)

MLS Content Defined (11.1.1)

“MLS Content” or “Content” as promulgated by the National Association of Realtors (“NAR”) includes, but is not limited to, photographs, images (including maps), graphics, audio and video recordings, virtual tours, drawings, descriptions, remarks, narratives, pricing information, statistics and other details or information related to listed property. MLS Content is protected by the applicable Intellectual Property laws.

MLS Compilation Defined (11.1.2)

“MLS Compilation” is an aggregate set of MLS Content, collected and disseminated to Authorized Users of MLS Content in any format. MLS Compilation is protected by the applicable Intellectual Property laws.

Advertising Defined (12.8.1)

“Advertising” is defined as an activity that is intended to attract potential customers to your business or to increase brand awareness, and includes such items as websites (including “blogs”), neighborhood updates, just-listed and just-sold cards/flyers, and other unsolicited “farming” activities.

Client or Customer Defined (2.1)

A “customer” or “client” is defined as a person who has specifically requested the services of a real estate professional for a real estate transaction. This may include those with whom a prior business relationship exists.

Authority to Put Listings in the MLS Compilation (11.4)

By submitting any Content into the MLS Compilation participants and subscribers represent that they have been authorized to grant and thereby do grant authority to the MLS to include the Content in its copyrighted MLS Compilation and to other participants and subscribers to reproduce and display the Content in accordance with the MLS Rules.

Copyright Ownership (11.6)

All right, title, and interest in each copy of every MLS Compilation created and copyrighted by the MLS, and in the copyrights therein, remains vested in the MLS at all times. The MLS has the right to license such compilations in whole or in part to any entity pursuant to terms agreed upon by the Board of Directors.

False or Misleading Advertising/Representations; True Picture Standard of Conduct. (12.10)

Participants and subscribers may not engage in false or misleading advertising, including, but not limited to, advertisements or representations regarding the participant’s or subscriber’s relationship to the service, about the service itself, or about any property listed with the service. MLS participants and subscribers shall present a true picture in their advertising and representations to the public, including the URLs and domain names they use, and participants and subscribers may not:

- a. engage in deceptive or unauthorized framing of real estate brokerage websites
- b. manipulate (e.g., presenting content developed by others) listing content in any way that produces a deceptive or misleading result; or
- c. deceptively use metatags, keywords or other devices/methods to direct, drive, or divert Internet traffic, or to otherwise mislead consumers.

Appraiser IDX Restrictions (12.14.3)

Appraisal offices are not authorized to operate IDX websites or to provide listing information to the public in any form.

Restrictions on Use of Offline MLS Databases (12.15.4c)

Downloading listing data from MLS applications is not permitted for purposes of creating websites, automated evaluations, statistics, or other products or services. These activities require a data license and access to bulk ML Content ONLY through specified channels.

INTERNET DATA EXCHANGE (IDX) WEBSITES IN THE MLS RULES:

The IDX program is governed by the MLS Rules, primarily relating to Section 12.16: "Use of Listing Information on Internet" (shown below). Interpretations and guidelines for complying with these MLS Rules are provided within this document.

12.16 Use of Active Listing Information on Internet. [Also known as Internet Data Exchange ("IDX")]

- (a) Subject to paragraphs (b) through (l) below, and subject to an executed IDX Access Agreement with the MLS, notwithstanding anything in these rules and regulations to the contrary, broker participants and real estate subscribers may display on their public websites aggregated MLS active listing information through either downloading and placing the data on the participant or subscriber's public access websites or by framing such information on the MLS public access website (if such a site is available). MLS content may ONLY be displayed on websites branded by active MLSListings participants and subscribers and may not be compiled with data from other sources for use on any websites of non-MLSListings participants/subscribers, even if such websites are owned or operated by an authorized licensee of MLSListings.
- (b) The listing brokers' consent for such internet display is presumed, in satisfaction of Rule 12.8, unless a listing broker affirmatively notifies the MLS that the listing broker refuses to permit display on either on a blanket or on a listing-by-listing basis. Listing brokers that refuse to permit other MLS broker participants or real estate subscribers to display their listing information on a blanket basis may not display MLS active listing information of other brokers' listings. Only listings that are entered into the MLS and not opted out are allowed to appear in the results of an IDX search.
- (c) Broker participants and real estate subscribers shall not display confidential information fields, as determined by the MLS in the MLS's sole discretion, such as that information intended for cooperating brokers rather than consumers.
- (d) Listings with the status of active, pending or sold may be displayed and the statuses must be clearly identified to the viewer. All active listings on a broker participant or real estate subscriber's site displayed by framing or other electronic means shall display the name of the listing firm and the name of the listing agent in a manner designed to easily identify such listing firm or agent. Listing firm and listing agent name shall be displayed in a readily visible color and typeface not smaller than the median used in the display of the listing data. Each results screen, including the thumbnail and summary view, shall display the listing firm and listing agent name for each such listing. Listing or selling office information is not used on sold listings. Restricted Sales prices may not be shown or disclosed to the public.
- (e) Broker participants and real estate subscribers shall not modify the information displayed pursuant to these MLS rules.

(f) Information displayed shall indicate the source of the information being displayed, the MLS copyright information, the responsibility disclaimer and the most recent date updated, along with any other descriptive or identifying elements required by the MLS. Broker participants and real estate subscribers shall update all downloads and refresh all data at least once every 72 hours;

(g) Sharing of the MLS compilation with any third party not authorized by the MLS is prohibited. Broker participants and real estate subscribers shall indicate on their websites that the information being provided is for consumers' personal, non-commercial use and may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing.

(h) Broker participants' and real estate subscribers' websites must protect MLS data from misappropriation by employing reasonable efforts to monitor for and prevent "scraping" and other unauthorized accessing, reproduction or use of the MLS database.

(i) Listings or property addresses of sellers who have directed their listing brokers to withhold their listing or their property address from display on the Internet (including, but not limited to, publicly-accessible websites) shall not be accessible via IDX sites. This does not preclude listing broker participants or real estate subscribers from displaying on their IDX sites or their other website(s) the listing or property address of consenting sellers.

(j) Not all listings from the MLS must be displayed as long as any exclusions from display on broker participants' and real estate subscribers' IDX sites are based on objective criteria, e.g. class of property, listed price or geographical location.

(k) No portion of the MLS database shall be distributed, provided to or made accessible to any person except as provided for in these rules and in the National Association of REALTORS IDX policy.

(l) When displaying listing content, a broker participant's or real estate subscriber's website must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface.

12.16.1 Notification by Authorized Broker Participants and Real Estate Subscribers.

Broker participants and real estate Subscribers partaking in the display of MLS active listing information of other brokers' listings pursuant to Section 12.16 must notify the MLS before displaying said MLS active listing information and must make their website directly accessible to the MLS and other MLS participants for purposes of monitoring/ensuring compliance with applicable rules and policies.

12.16.2 Right to Charge for Download. The MLS has the right to charge the costs of adding or enhancing its downloading capacity to broker participants and real estate Subscribers who request downloading of listing information pursuant to Section 12.16.

12.16.3 Intention of IDX Display. IDX is intended to allow broker participants and real estate subscribers to display limited active MLS data on their public Internet websites. Display of this information is limited to Internet sites accessible by the public. IDX is in no way intended to negate provisions of these rules that prohibit advertising of another agent's listings without permission, as stated in Section 12.8.

RULE VIOLATIONS

MLSListings monitors websites using IDX data. If MLSListings finds that an IDX Participant is misusing or improperly displaying IDX data, or is otherwise in violation of MLSListings' MLS Rules, that IDX Participant will be notified of the wrongdoing and required to correct the problem. If an IDX Participant fails to correct the violation, he or she will be subject to disciplinary action in accordance with the MLS Rules.

Whether or not a citation is issued, IDX Participants must make the necessary changes to their Internet site to cure a violation within five business days of notice from MLSListings of the violation. MLSListings reserves the right to discontinue the IDX datafeed without further notice if An IDX Participant does not comply with this requirement.

IDX Participants may also be subject to fines or disciplinary action. (See Appendix A of the MLS Rules: Citable Infractions, 5.2, Violation of IDX Rules.)

SAMPLE DISCLOSURES FOR IDX WEBSITES

1. Mandatory Disclosures and Notices

These disclosures are required. However, with the exception of the copyright notices, the examples that appear here are suggestions only. If you follow these suggestions, you will be in compliance with the applicable provisions of MLSListings' Rules. You may use your own verbiage as long as it achieves the same objectives.

- a. **Explanation of data source:** Your website must display a disclosure indicating the source of the IDX data on your site. The following disclosure, along with the MLSListings-approved icon for Internet Data Exchange will satisfy this requirement:

“The data relating to real estate for sale on this website comes in part from the Internet Data Exchange program of the MLSListings™ MLS system. Real estate listings held by brokerage firms other than [insert host brokerage name here] are marked with the Internet Data Exchange icon (a stylized house inside a circle) and detailed information about them includes the names of the listing brokers and listing agents.”
- b. **Accuracy disclaimer on other Brokers' listings:** Your website must display a disclosure indicating that data from other brokers is “deemed reliable but is not guaranteed.” Any similar wording indicating that the listing broker believes the data provided to be accurate but that it does not guarantee the data will be acceptable. Some examples of acceptable alternatives:

“The broker providing this data believes the data to be correct, but advises interested parties to confirm all information before relying on it for a purchase decision.”

“Listing broker has attempted to offer accurate data, but buyers are advised to confirm all data provided.”

“Listing information is deemed reliable, but not guaranteed.”

- c. **Copyright notice:** Your website must display MLSListings' copyright notice on any detailed listing data of another IDX Participant. This notice must appear exactly as shown in one of these two options:

Option A: "Copyright yyyy MLSListings Inc. All rights reserved."
[Where yyyy is the current year.]

Option B: "© yyyy MLSListings Inc. All rights reserved. [Where yyyy is the current year.]

NOTE: You may not substitute a "c" in parentheses "(c)" for the copyright symbol "©." If your website cannot display the copyright symbol, you must use Option A and spell out the word "Copyright."

2. Additional recommended disclosure

- a. **Less than all the IDX Content:** If you choose to display less than the entire IDX Content, it is wise to disclose this on the website because: 1) The IDX Participant may be advertising the website as "the most complete compilation of homes for sale on the Internet." If the IDX Participant excludes listings from this "most complete" compilation, it should disclose this to consumers to avoid claims that its advertising is not giving a true picture. 2) If the IDX Participant excludes listings without disclosing this to consumers, savvy consumers will note discrepancies among IDX participant websites and may begin to distrust your site. A disclosure might look like one of these:

"[Your firm's name here] participates in MLSListings' Internet Data Exchange program, allowing us to display other broker's listings on our site. However, [firm name] displays only [listings in your county]/[only condominium listings]/[exceptional properties (with list prices above \$500,000)]."

- b. **Update frequency:** You are required to update the information on your Internet website at least once every 72 hours. It is a violation of California Department of Real Estate rules to advertise a property for sale that is not for sale. If you download a listing record on Monday, the property sells on Tuesday, and you don't update the data until the next Monday, the property will show as available on your site for five days during which it is not available. To avoid MLS Rules violations, MLSListings requires that you disclose to consumers the frequency of data updates. For example:

On the data search page: "This data is updated every 72 hours. Some properties appearing for sale on this website may subsequently have sold and may no longer be available."

On the results page: "This data is up-to-date as of [fill in update date here]. For the most current information, contact [your firm name, phone number, and e-mail address]."

Indicating "Data updated every 15 minutes [or applicable time period]" on the search page would also be acceptable.

USE OF IDX LOGO ON WEBSITES

The following summarizes requirements for the use of the IDX logo (not real estate firm logos.) For more information, refer to the IDX program section of MLSListings.com.

- IDX websites must use the IDX icon/logo (the “Logo”) to identify listings that derive from the MLS Content provided for that purpose.
- You must be an MLS Content subscriber to use the Logo.
- You cannot modify the Logo.
- You must demonstrate to MLSListings how you’re using the Logo, if so asked.
- MLSListings is the owner of the Logo.
- You must be doing business legally and in compliance with MLS Rules to use the Logo.
- If we’re sued because of your use of the Logo, you are required to reimburse MLSListings for defense costs and damages.
- If you stop using your IDX website or are no longer an MLS subscriber, or if MLSListings advises you of your violation of this policy, or you are no longer authorized to use the Logo, you must immediately stop using the Logo.
- You may not adopt another logo for yourself that is confusingly similar to the Logo.
- If MLSListings has to go to court to enforce this policy, you agree to pay all MLSListings’ reasonable costs and legal fees.
- You agree that MLSListings can get an injunction against you, if necessary.

Sample Logos



MLS Listings Inc.
 350 Oakmead Pkwy, 2nd Floor
 Sunnyvale, CA 94085
 408-874-0200
data@mlslistings.com