

State-Wide MLS IDX Compliance Policy

Section 14 of the State-Wide MLS Rules and Regulations contain provisions relating to IDX. These provisions are reproduced in their entirety here. **These rules become effective on July 31, 2009.**

SECTION 14 – Internet Data Exchange (IDX)

Section 14.1 A Participant may republish all or a portion of the Internet Data Exchange Database on the Internet in accordance with the following provisions and in keeping with any policies that the MLS may adopt from time to time. A non-principal broker or sales licensee (Subscriber) affiliated with a Participant may, with his or her Participant’s consent, operate an IDX website. Any IDX website of a non-principal broker or sales licensee is subject to the Participant’s oversight, supervision, and accountability. Unless expressly contravened by the provisions of this section, all other Rules and Regulations remain in full force and effort.

Section 14.2 Authorization – Participants’ consent for display of their active listings by other participants pursuant to these Rules and Regulations is presumed unless a participant affirmatively notifies the MLS that the Participant refuses to permit display (either on a blanket or on a listing-by-listing basis). If a Participant refuses on a blanket basis to permit the display of that Participant’s listings, that Participant may not download or frame the aggregated MLS data of other Participants. Even where Participants have given blanket authority for other Participants to display their listings on IDX sites, such consent may be withdrawn on a listing-by-listing basis as instructed by the seller(s).

Section 14.3 Participation - Participation in IDX is available to all MLS Participants who consent to display of their listings by other Participants.

(a) An Internet republication of another Participant’s listing shall contain only those fields of data designated by the MLS for this purpose. A Participant or Subscriber may display fewer fields if it chooses; provided, however, that the Participant or Subscriber displays the following mandatory fields:

- municipality name
- property type
- MLS listing number
- listing price
- MLS-approved IDX logo
- Listing firm name, with the qualifier “Listed By: (firm name)” in a display such as would not deceive or mislead the average consumer to believe that the listing belongs to another firm.

(b) Participants and Subscribers must refresh all MLS downloads and refresh all MLS data at least once every seven (7) days and must display the date of the most recent update on the web site.

(c) A Participant or Subscriber shall not modify or manipulate the data which relates to another Participant’s listing. This prohibition relates only to the data itself and not to the physical design of the web site.

(d) The MLS-approved icon and such written explanation of the IDX Policy as the MLS requires must appear on the first page where any listing data is displayed.

(e) Any property display which identifies another Participant's listing in a brief or "thumbnail" format shall bear the MLS-approved thumbnail icon immediately adjacent to the property information.

(f) A thumbnail display of another Participant's listing may not include any contact information and/or branding of the Participant who owns the web site, any of its affiliated licensees, or any third party.

(g) A property display which produces a detailed display of another Participant's listing shall bear that Participant's office name, the MLS-approved icon, and the MLS-approved copyright notice immediately following the property information. The Participant's office name should be displayed using a font color and size equal to that which is used to display the listing data.

(h) A detailed display of another Participant's listing shall not include any branding of the Participant or Subscriber who owns the web site, Participants, Subscribers, Users, or any third party within the body or rectangular space whose borders are delimited by the utmost extent in each direction of the listing text and photo data.

(i) Any result identifying a listing from the IDX database shall include the following disclaimer "Information deemed reliable but not guaranteed."

(j) Any Internet web site used for the publication of the MLS and/or IDX data or any portion thereof must be controlled by a Participant and advertised as that Participant's or Subscriber's Internet web site. Although the use of outsourced technology vendors for site development and operating purposes is permitted, branding of the Participant's or Subscriber's site must be at least as large as the largest type size and logo/images used by the vendor to display their own company information.

(k) A Participant or Subscriber who displays the Internet Data Exchange Database or any portion thereof shall make reasonable efforts to avoid "scraping" or capturing of the data by third parties or displaying of that data on any other web site. "Reasonable efforts" shall include, but not be limited to

1. monitoring the web site for signs that a third party is "scraping" data, and
2. Prominently posting notice on the Participant's or Subscriber's web site that any use of search facilities of data on the site other than by a consumer seeking to purchase real estate is prohibited.

If a Participant or Subscriber suspects "scraping" of the data has occurred, he shall report his suspicion and provide any and all evidence to the MLS immediately for investigation and action. A Participant or Subscriber shall make changes to an Internet site necessary to cure a violation of the MLS Rules and Regulations within five business days of notice, excluding state and federal holidays, from MLS of the violation during which time MLS access may be denied, and after which MLS access may be terminated.

(l) Except as provided in these rules, an IDX site or a Participant or Subscriber operating an IDX site may not distribute, provide, or make any portion of the MLS database available to any person or entity.

(m) Any non-MLS listing of which there is written consent of the seller(s) can be co-mingled with the IDX listings on the Participant's or Subscriber Internet web site, but must be denoted by using the MLS-approved "non-MLS listing" icon and disclaimer.

(n) Any Participant or Subscriber who uses a third party to develop/design its web site shall include the MLS-mandated provisions in a written agreement with that third party.

(o) When displaying listing content, a Participant's or Subscriber's site must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface.

(p) Participants and their Subscribers must notify the MLS of their intention to establish an IDX site and make their IDX site directly accessible to the MLS for purposes of monitoring /ensuring compliance with applicable rules and policies.

(q) Any Participant that has registered with MLS their intention to opt-out all their listings from the IDX program is prohibited from displaying IDX data or any portion thereof on their web site or the sites of their Subscribers.

(r) A thumbnail display may only include the following: text data about the listing property, a photo of the listing property, the logo of the listing broker, the MLS-approved logo, and "buttons" providing links for other information.

(s) Display of expired and withdrawn listings is prohibited. Display of pending and sold listings is permitted if the listing or cooperating licensee/office participated in that transaction. Display must include the listing office name.

(t) Listings or property addresses of sellers who have directed their listing brokers to withhold their listing or property address from display on the Internet (including but not limited to publicly-accessible websites or VOWs) shall not be accessible via IDX sites.

(u) Participants and Subscribers may exclude listings from display on their IDX sites based only on objective criteria including, but not limited to, factors such as geography, list price, type of property, or cooperative compensation offered by listing brokers.