

## IDX RULES AND REGULATIONS

MLSs must, if requested by a participant, promptly provide basic downloading of all active listings, sold\* listing data starting from January 1, 2012, non-confidential pending sale listing data, and other listings authorized under applicable MLS rules. MLSs may not exclude any listings from the information which can be downloaded or displayed under IDX except those listings for which a seller has affirmatively directed that their listing or their property address not appear on the Internet or other electronic forms of display or distribution.

\*Note: If “sold” information is not publicly accessible, display of sales price may be prohibited. “Publicly accessible” sold information as used in IDX policy and rules, means data that is available electronically or in hard copy to the public from city, county, state and other government records. MLSs must provide for its participants’ IDX displays publicly accessible sold information maintained by the MLS starting January 1, 2012. (Revised 2022).

- Section 18      **IDX Defined:** IDX affords MLS participants the ability to authorize limited electronic display and delivery of their listings by other participants via the following authorized mediums under the participant’s control: websites, mobile apps, and audio devices. As used throughout these rules, “display” includes “delivery” of such listing. (Revised 2017)
- Section 18.1    **Authorization:** Participants’ consent for display of their listings by other participants pursuant to these rules and regulations must be established in writing. If a participant withholds consent on a blanket basis to permit the display of that participant’s listings, that participant may not download, frame or display the aggregated MLS data of other participants. Even where participants have given blanket authority for other participants to display their listings through IDX, such consent may be withdrawn on a listing-by-listing basis where the seller has prohibited all Internet display or other electronic forms of data or distribution. (Revised 2017)
- Section 18.2    **Participation:** Participation in IDX is available to all MLS Participants who are REALTORS® who are engaged in real estate brokerage and who consent to display of their listings by other Participants. (Revised 2009)
- Section 18.2.1   Participants must notify the MLS of their intention to display IDX information and must give the MLS direct access for purposes of monitoring/ensuring compliance with applicable rules and policies. (Revised 2012)
- Section 18.2.2   MLS participants may not use IDX-provided listings for any purpose other than display as provided for in these rules. This does not require participants to prevent indexing of IDX listings by recognized search engines. (Revised 2012)
- Section 18.2.3   Listings, including property addresses, can be included in IDX displays except where a seller has directed their listing broker to withhold their listing or the listing’s property address from all display on the Internet (including, but not limited to, publicly-accessible Web sites or VOWs) or other forms of electronic display or distribution. (Revised 2017).
- Section 18.2.4   Participants may select the listings they choose to display through IDX based only on objective criteria including, but not limited to, factors such as geography or location (“uptown,” “downtown,” etc.), list price, type of property (e.g., condominiums, cooperatives, single-family detached, multi-family), ~~cooperative compensation offered by listing brokers, or~~ type of listing (e.g., exclusive right-to-sell or exclusive agency), ~~or the~~

level of service being provided by the listing firm. Selection of listings displayed through IDX must be independently made by each participant. (Revised 2022)

- Section 18.2.5 Participants must refresh all MLS downloads and IDX displays automatically fed by those downloads at least once every 12 hours. (Revised 2014)
- Section 18.2.6 Except as provided in the IDX policy and these rules, an IDX display or a participant or user operating an IDX site or displaying IDX information as otherwise permitted may not distribute, provide, or make any portion of the MLS database available to any person or entity. (Revised 2012)
- Section 18.2.7 Any IDX display controlled by a participant must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface. For purposes of the IDX policy and these rules, “control” means the ability to add, delete, modify, and update information as required by the IDX policy and MLS rules. (Revised 2012)
- Section 18.2.8 Any IDX display controlled by a participant or subscriber that
- a. allows third-parties to write comments or reviews about particular listings or displays a hyperlink to such comments or reviews in immediate conjunction with particular listings, or
  - b. displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate conjunction with the listing,
- either or both of those features shall be disabled or discontinued for the seller’s listings at the request of the seller. The listing broker or agent shall communicate to the MLS that the seller has elected to have one or both of these features disabled or discontinued on all displays controlled by the participant. Except for the foregoing and subject to Section 18.2.9, a participant’s IDX display may communicate the participant’s professional judgment concerning any listing. Nothing shall prevent an IDX display from notifying its customers that a particular feature has been disabled at the request of the seller (Revised 2012)
- Section 18.2.9 Participants shall maintain a means (e.g., e-mail address, telephone number) to receive comments about the accuracy of any data or information that is added by or on behalf of the participant beyond that supplied by the MLS and that relates to a specific property. Participants shall correct or remove any false data or information relating to a specific property upon receipt of a communication from the listing broker or listing agent for the property explaining why the data or information is false. However, participants shall not be obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or professional judgment. (Revised 2012)
- Section 18.2.10 An MLS participant (or where permitted locally, an MLS subscriber) may co-mingle the listings of other brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays are consistent with the IDX rules, and the MLS participant (or MLS subscriber) holds participatory rights in those MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a single property search of multiple IDX data feeds resulting in the display of IDX information from each of the MLSs on a single search results page; and that participants may display listings from each IDX feed on a single webpage or display. (Added 2014)
- Section 18.2.11 Participants shall not modify or manipulate information relating to other participants listings. MLS Participants may augment their IDX display of MLS data with applicable property information from other sources to appear on the same webpage or display, clearly separated by the data supplied by the MLS. The source(s) of the information must

be clearly identified in the immediate proximity to such data. This requirement does not restrict the format of MLS data display or display of fewer than all of the available listings or fewer authorized fields. (Added 2016)

Section 18.2.12 All listings displayed pursuant to IDX shall identify the listing firm, **and the email or phone number provided by the listing participant** in a reasonably prominent location and in a readily visible color and typeface not smaller than the median used in the display of listing data.\* (Revised 2022)

\*Displays of minimal information (e.g., “thumbnails”, text messages, “tweets”, etc., of two hundred [200] characters or less) are exempt from this requirement but only when linked directly to a display that includes all required disclosures. For audio delivery of listing content, all required disclosures must be subsequently delivered electronically to the registered consumer performing the property search or linked to through the device’s application. (Revised 2017)

Section 18.3 **Display:** Display of listing information pursuant to IDX is subject to the following rules:

Section 18.3.1 The right to display other Participants' listings pursuant to IDX shall be limited to a Participant's office(s) holding participatory rights in Realcomp and limited to those Participants licensed as real estate brokers.

**Section 18.3.2 Listings displayed pursuant to IDX shall contain only those fields of data designated by the MLS. Display of all other fields (as determined by the MLS) is prohibited. Confidential field intended only for other MLS participants and users (e.g., showing instructions, and property security information, etc.) may not be displayed. (Added 2022)**

Section 18.3.3 A summary display must include the required text data about the property and the logo of the listing broker or the Realcomp approved logo, and may include a photo of the property and links for additional information. If the Participant has chosen to provide links for additional information, i.e., a detailed view of a listing, then a detail view must be available for every listing on that Participant's display. If the Participant has chosen not to provide links for additional information, then the Listing Office Name and Originating MLS must be displayed in the summary display for every listing.

Section 18.3.4 All IDX displays must include the Participant’s office name as licensed, as required by Michigan State Law.

All IDX listing detail displays must include the Realcomp copyright and MLS credit as follows: “IDX provided courtesy of Realcomp II Ltd. via {{site owner}} and {{listing’s originating MLS}}, ©2022 Realcomp II Ltd. Shareholders”.

IDX Search results producing a detailed display of another Participant’s listing shall include that Participant’s office name, the Realcomp approved logo, and the Realcomp copyright notice (as detailed above) immediately following the property information.

Section 18.3.5 Any search result identifying another Participant's listing in the summary format shall bear the Realcomp approved icon or be present adjacent to the property information to identify the listing as a Realcomp listing.

Section 18.3.6 The Realcomp approved logo and an explanation of those properties marked with the logo are provided courtesy of Realcomp. The term "IDX" must appear on the first page where any listing data is displayed. Displays of minimal information (e.g. “thumbnails”, text messages, “tweets”, etc., of two hundred (200) characters or less are

exempt from this requirement but only when linked directly to a display that includes all required disclosures. (Revised 2012)

Section 18.3.7 Participants (and their affiliated licensees, if applicable) shall indicate on their display that IDX information is provided exclusively 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 and that the data is deemed reliable but not guaranteed accurate by the MLS. Displays of minimal information (e.g. “thumbnails”, text messages, “tweets”, etc., of two hundred (200) characters or less are exempt from this requirement but only when linked directly to a display that includes all required disclosures. For audio delivery of listing content, all required disclosures must be subsequently delivered electronically to the registered consumer performing the property search or linked to through the device’s application. (Revised 2017)

Section 18.3.8 The data consumers can retrieve or download in response to an inquiry shall be determined by the MLS but in no instance shall be limited to fewer than five hundred (500) listings or fifty percent (50%) of the listings available for IDX display, whichever is fewer. (Revised 2017).

Section 18.3.9 Listings obtained through IDX feeds from Realtor® Association MLSs where the MLS Participant holds participatory rights must be displayed separately from listings obtained from other sources. Listings obtained from other sources (e.g., from other MLSs, from non-participating brokers, etc.) must display the source from which each such listing was obtained. Displays of minimal information (e.g., “thumbnails”, text messages, “tweets”, etc., of two hundred [200] characters or less) are exempt from this requirement but only when linked directly to a display that includes all required disclosures. (Revised 2014)

Note: An MLS participant (or where permitted locally, an MLS subscriber) may co-mingle the listings of other brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays are consistent with the IDX rules, and the MLS participant (or MLS subscriber) holds participatory rights in those MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a single property search of multiple IDX data feeds resulting in the display of IDX information from each of the MLSs on a single search results page; and that participants may display listings from each IDX feed on a single webpage or display. (Added 2014)

Section 18.3.10 Display of expired ~~or~~ **and** withdrawn listings is prohibited.

Section 18.3.11 The IDX display will include a link to a virtual tour if available on the property. The virtual tour must be a non-branded version in order to be linked through IDX. A Participant participating in Realcomp's IDX RETS program may display branded virtual tours for their own listings. Displays of minimal information (e.g. “thumbnails”, text messages, “tweets”, etc., of two hundred (200) characters or less are exempt from this requirement but only when linked directly to a display that includes all required disclosures. (Revised 2012)

Section 18.3.12 A summary display of another Participant's listing may not include any contact information or branding of the IDX participant who owns the IDX display or any of its agents.

Section 18.3.13 A detailed display of another Participant's listing may not include any contact information or branding of the Participant who owns the Web site or any of its agents within the body of the listing data. The body is defined as the rectangular space

whose borders are delimited by the utmost extent in each direction of the listing text and photo data.

Section 18.3.14 Any result identifying another Participant's listing shall include the disclaimer "The accuracy of all information, regardless of source, is not guaranteed or warranted. All information should be independently verified." In practice, all Brokers will want to display this disclaimer on their own listings as well, unless their legal counsel advises otherwise.

Section 18.3.15 A Participant/agent displaying the IDX Database or any portion thereof shall:

- i. Prominently post notice that "Any use of search facilities of data on the site, other than by a consumer looking to purchase real estate, is prohibited."
- ii. Maintain an audit trail of consumer activity on their website and make that information available to the MLS if the MLS believes that the IDX site has caused or permitted a breach in the security of the data or a violation of the MLS rules related to use by consumers. (Revised 2013)

Section 18.4 No portion of the IDX database shall be used or provided to a third party for any purpose other than those expressly provided for in these rules.

Section 18.5 In order to participate in IDX, a site must be marketed and branded to the brokerage and must be controlled by a Participant/agent. If Participants/agents choose to use a third party to build their displays, they may, as long as the websites are most prominently identified as belonging to the brokerage firm. It's acceptable for the third party company to have a notice at the bottom of every page that says "Powered by (Vendor Name)". But, the Vendor Name must not brand any of these displays in such a way as to suggest that they control it. For example, a big banner across the top of the page with BigRealEstateVendor.com's name is a problem, even if it identifies the brokerage underneath.

Section 18.6 IDX is available to Participants and their agents that are full subscribers to Realcomp's services.

Section 18.7 Non-principal brokers and sales licensees affiliated with IDX participants may display information available through IDX on their own Web sites subject to their participant's consent and control and the requirements of state law and/or regulation. (Added 2016)

Section 18.8 A Participant/agent must ensure their site(s) are in compliance with Realcomp's rules at all times. A Participant/agent choosing to display IDX listings from Realcomp's data share partners, which are included in the data feed, must also insure the data share listings comply with all rules from the listing's originating MLS.

A Participant/agent must make changes to its behavior or to its display necessary to cure a violation of Realcomp's rules, or the rules of Realcomp's data share partners, within five business days of notice from Realcomp of the violation. Any Participant/agent found to be in violation of the MLS/IDX Rules and Regulations faces the following sanctions:

- i. 1<sup>st</sup> offense - Written warning requiring immediate remedy to offense;
- ii. 2<sup>nd</sup> offense - \$2,500 fine along with written notice requiring immediate remedy to offense;
- iii. 3<sup>rd</sup> offense - \$5,000 fine along with written notice requiring immediate remedy to offense;
- iv. 4<sup>th</sup> offense - Termination of MLS privileges.

- Section 18.9 Any Participant/agent using a third party to develop/design its display will have a written agreement with Realcomp and that third party in the form prescribed by Realcomp.
- Section 18.10 When including pending or sold data in IDX, only the primary photo may be shown on pending or sold listings. (Added 2015)