

NEOHREX IDX RULES

Section 12. Limitations on Use of the Service's Information /IDX

Use of information from the Service compilation of current listing information from participating Board/Association's "Statistical Report," from any "sold", "comparable" report of a participating Board/Association or the Service for public mass media advertising by the Service, or in other public representations may not be prohibited.

However, any print or non-print forms of advertising or other forms of public representations based in whole or in part on information supplied by the Board/Association or the Service must clearly demonstrate the period of time over which such claims are based and must include the following, or substantially similar, notice:

"Based on information from the Board/Association of REALTORS® (alternatively, from the Service) for the period (date) through (date)."

12.1 Internet Data Exchange Definition

Internet Data Exchange (IDX) affords MLS Participants the option of authorizing display of their listings on other participant's Internet websites

12.2 Internet Data Exchange 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have given blanket authority for other participants to display their listings on IDX sites, such consent may be withdrawn on a listing-by-listing basis as instructed by the seller.

12.3 Internet Data Exchange Database

Participants may select the listings they choose to display on their IDX sites 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, etc.) or cooperative compensation offered by listing brokers, type of listing (e.g. exclusive right to sell, exclusive agency, or open listing) or the level of service provided by the listing firm. Selection of listings to be displayed on an IDX site must be independently made by each Participant.

12.4 Internet Data Exchange Database Participants

Participation in IDX is available to all MLS Participants engaged in real estate brokerage who consent to display of their listings by other participants.

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

Agents will not have the ability to have the IDX database displayed on their own personal website(s). However, those agents working with a participant of Internet Data Exchange may

have access to the IDX database only through the permission of his or her broker. Upon approval of the broker, agents may have access to the IDX database by adding a hyperlink button to his or her own personal website page which will direct the viewer back to their broker's website which contains the IDX database information. No IDX data will be fed directly to an agent's website by the MLS.

The right to republish all or a portion of the reciprocity database on Participant's website and the right to use IDX database shall immediately terminate in case of breach of Section 12 of these Rules and Regulations by IDXP or Vendor or breach of any provisions contained in IDX Agreement by vendor.

12.5 Display of Participant's Information on Participant's Site

Any form of display, brief or thumbnail of the Participant's listing information, cannot disclose any contractual information or branding of the IDXP who owns the website or any of its agents.

A thumbnail display may only include the text data about the listing property, a photo of the property, the required standard NAR MLS logo icon and any buttons providing links for other information.

12.6 Listings Reflected in the IDX Database

All listings of real or personal property which are listed subject to a real estate brokers license, published in the MLS database, taken by IDX Participant's on an exclusive right to sell agreement or an exclusive agency agreement shall be included in the IDX database.

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 of VOWs) shall not be accessible via IDX sites.

The following property types will comprise the IDX database:

Single-family homes for sale or exchange

Condominium units for sale or exchange

Vacant lots and acreage zoned residential for sale or exchange

Two-family, three-family, and four-family residential buildings (Multi-Family units) for sale or exchange

12.7 Standard NAR MLS Logo Used for IDX Database

The standard NAR MLS logo will be the approved icon used to signify that the information is being provided by the MLS IDX database.

12.8 Required Disclaimer for Listings in the IDX Database

Any IDXP's website must display some form of disclaimer on its home page and any subsequent page displaying IDXP's listing information indicating that the information is being provided through the MLS IDX database.

Under no circumstances are the IDXP's listings allowed to be displayed on an IDXP's website without clearly displaying the disclaimer that "Information Deemed Reliable But Not Guaranteed."

Any search result identifying another IDXP's listing in a brief or thumbnail format shall bear the required standard NAR MLS logo icon. This logo must be displayed immediately adjacent to the

property information and meet the required specifications of size. By displaying this required icon immediately adjacent to the property, this informs the user this information is being provided through the MLS IDX database.

12.9 Required Disclosures

When displaying listing content, a participant's or user's IDX site must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface.

These disclosures are required:

1. Explanation of Data Source:

Under NEOHREX Rules and Regulations an IDXP's website must display a disclosure indicating the source of Internet Data Exchange database data on that site. The following disclosure, appearing alongside the standard NAR MLS logo 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 NEOHREX. Real estate listings held by brokerage firms other than (insert your firm's name here) are marked with the Internet Data Exchange logo and detailed information about them includes the name of the listing broker(s)."

2. Accuracy disclaimer on other IDX Listings:

Under NEOHREX Rules and Regulations, an IDXP's website must display a disclosure indicating that data from other IDXP's is "deemed reliable but not guaranteed." Any similar language indicating both that the listing broker believes the data provided to be accurate but that it does not guarantee the data will be acceptable as an alternative.

Additional recommended disclosures:

Any IDXP choosing to display less than the entire IDX database, should place a disclosure on their website stating that the IDXP is using only a part or portion of the available IDX database data. A recommended disclosure is listed below:

"(IDXP firm name) participates in NEOHREX IDX program, allowing us to display other IDXP's' listings on our website. However, (the IDXP firm name) displays only (listings in Cuyahoga County) (only condominium listings), (with list prices above \$500,000.)"

"(IDXP firm name) does not display the entire NEOHREX IDX database on this website. The listings of some real estate brokerage firms have been excluded."

Two example disclosures are listed below:

"This data is updated weekly on (Saturday) nights. Some properties which appear for sale on this website may subsequently have sold and may no longer be available;" or

"This data up-to-date as of (fill in the update date here). For the most current information, contact (IDXP's firm name, phone number, and e-mail address)."

12.10 IDX Listing Modifications

Participants shall not modify or manipulate information relating to other participants' listings. (This is not a limitation on site design but refers to changes to actual listing data.) MLS data may

be augmented with additional data not otherwise prohibited from display so long as the source of the additional data is clearly identified. This requirement does not restrict the format of MLS data display or display of fewer than all of the available listings or fewer authorized data fields.

An IDXP can do anything they want (consistent with the Code of Ethics and applicable state law) with data relating to their own listings.

Participants must refresh all MLS downloads and refresh all MLS data as least once every three (3) days.

12.11 Information Corrections on Internet Data Exchange Participant's Website

An IDXP must make correction(s) to their website within 48 hours, or 2 days (except Saturdays, Sundays, and postal holidays) if the MLS determines that their site is in violation of the MLS Rules and Regulations. The MLS reserves the right to discontinue the data feed they receive without further notice if they do not comply with this requirement. (An IDXP may be subject to fines from the MLS for non-compliance.)

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 displayed on the IDX site.

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. (Adopted 11/09)

12.12 Branding/Scraping

MLS participants may not use IDX-provided listings for any purpose other than display on their websites. This does not require participants to prevent indexing of IDX listings by recognized search engines.

12.13 Third Party Users

Any IDXP using a third party to develop or design their website will have a written agreement with that third party vendor that any unauthorized use of the information is a serious violation of copyright law and appropriate legal action will be taken by the MLS for each such violation.

Any IDX site 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, shall disable or discontinue either or both of those features as to 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 participants' websites. Except for the foregoing and subject to Section 12.13, a participant's IDX site may communicate the participant's professional judgment concerning any listing. Nothing shall prevent an IDX site from notifying its customers that a particular feature has been disabled at the request of the seller. (Adopted 11/09)

Any IDXP using the IDX database data for any unauthorized use is a serious violation of copyright law and appropriate legal action will be taken by the MLS for each such violation and

is punishable by a fine of \$1,000 for each such violation as well.

12.14 Real Estate Franchise

Participants may provide IDX information to their respective real estate franchise organizations (“franchisors”) to be indexed for display on such franchisors’ websites, subject to the following requirements and limitations. Failure of a franchisor to comply with the following requirements and limitations can, at the discretion of the MLS, result in suspension or termination of the participant’s(s’) authority to provide IDX information to the franchisor.

- a. Initial search results that provide minimal information (e.g., “thumbnails”) are exempt from MLS-required disclosures (e.g., listing firm, listing agent, source of information, notice that information is deemed reliable but is not guaranteed accurate) provided that a direct link to a detailed (“full view”) display that includes all required disclosures is provided.
- b. Consumers can link directly to a detailed (“full view”) display that complies with disclosure/display rules of the source MLS.
- c. IDX information cannot be used for any unauthorized purpose.
- d. Inaccurate or incomplete information related to any listing must be promptly corrected by the franchisor at the request of the source MLS.
- e. No advertising may appear on pages displaying IDX information.
- f. IDX listing information cannot be modified, manipulated, or permanently retained.
(Adopted 11/10)

Note: For purposes of this policy, “real estate franchisor” is defined as a company granting real estate brokerage franchises under the franchisor’s trademarks pursuant to a franchise disclosure document meeting applicable Federal Trade Commission rules.

12.15 Non-MLS Listings on Subscriber Website

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 fields intended only for other MLS participants and users (e.g., cooperative compensation offers, showing instructions, property security information, etc.) may not be displayed on IDX sites

If an IDXP takes listings that are classified required property types from consumers but does not put them into the MLS system they cannot appear on any thumbnail display or as part of any search results with Internet Data Exchange data. However, Participants taking listings that are not classified required property types from consumers and does not put them into the MLS system can appear on any thumbnail display or as part of any search results with Internet Data Exchange data.

12.16 Abuse of Internet Data Exchange Data

The MLS will monitor IDXP’s websites using the Internet Data Exchange data. The MLS will also monitor other real estate websites. If the MLS finds that an IDXP is misusing data, that IDXP will be notified of the wrongdoing and required to correct the problem. If the IDXP fails to correct the problem, he or she will be fined and possibly suspended from the MLS.

Participant agrees to promptly notify the MLS in writing of any infringement or suspected

infringement involving the IDX database or listings by vendors. Participant agrees to cooperate fully with the MLS in case of any action taken by the MLS against the vendor (i) to protect the misuse of IDX database or listings by vendor, or (ii) in case of breach of IDX Agreement or breach of the Rules and Regulations by the vendor.

12.17 Removal of Internet Data Exchange Participants Listings

Any IDXP who is not an active Participant of the MLS will no longer be eligible to receive data feed under the IDX agreement. Additionally, all IDX data contained on the IDXP's website must be removed within 72 hours, or 3 days, (except Saturday, Sundays, and postal holidays)

12.18 Display of Sold Data on IDX Sites

The MLS will supply six months of comparable data (sold) to the IDX Participants and authorized website(s) to be displayed at their discretion. The listing data content to be included in the listing feed will be comprised and limited to public information and data fields approved by the MLS leadership; and may change from time to time as deemed necessary.

12.19 Advertising/Co-branding

Deceptive or misleading advertising (including co-branding) on pages displaying IDX-provided listings is prohibited. For purposes of these rules, co-branding will be presumed not to be deceptive or misleading if the participant's logo and contact information is larger than that of any third party. (Adopted 11/09)