

Multiple Listing Service of Elkhart County, Inc.

IDX PROGRAM

Updated April 2010

Section 1. EXECUTIVE SUMMARY

WHAT IS IDX?

Internet Data Exchange (“IDX”) is a system where MLS Participants give each other permission to display their listings on each other’s web site. MLS Participants who participate in the program (called “Internet Data Exchange Participants or IDX Participants”) can display each other’s active listings. If you choose not to participate, no other MLS Participant will be permitted to display your listings. You can include your listings in the Internet Data Exchange database without even having your own web site.

WHY DOES THE ECMLS OFFER IDX?

The National Association of REALTORS® (NAR) mandated that MLS’s must enable MLS Participants to display on Participant’s public websites aggregated MLS active listing information through, at the Participants option, either downloading and placing the data on Participant’s public access websites or by framing such information on the MLS subject to the requirements of state law and regulation.

WHAT IS THE PURPOSE OF IDX?

The purpose of IDX is to empower MLS Participants to deal with the real estate consumer of the future. Among the objectives to which ECMLS is committed are:

- 1) Permitting Participants and their agents to fully market their services on the Internet;
- 2) Permitting the brokerage community to take advantage of the data Participants have contributed to the system;
- 3) Permitting Participants and their agents to obtain and maintain first contact with the consumer in the real estate transaction.

Section 2. HOW DOES MY FIRM PARTICIPATE IN IDX?

Step 1: Becoming an IDX Participant

Being an IDX Participant means that you give all other IDX Participants permission to display your active listings on their web sites according to the IDX Rules and Regulations. In so doing, you obtain permission from all other IDX Participants to display their active listings. You give permission and get permission in the same act. In addition, the Participant may grant permission to the agents in the firm who wish to offer IDX on their agent site.

The most important thing to remember is that your listings will automatically be included in the program. You do not have to take any action to become a part of the IDX Program.

If you were a Participant in the MLS of Elkhart County when the IDX Program was implemented, you were automatically signed up. If you are a new Participant who joined after the beginning of the IDX program, you will also automatically be signed up. If you don’t want to participate, you must fill out the form Appendix II, “Dropping IDX”, Your data will stop appearing in the IDX Database within 48 hours.

Step 2 (Optional): Putting IDX Data on Your Website

To put IDX Data on your web site, you have to take four steps:

1. Contact the MLS for the appropriate documents and information or go to www.ecbor.com Click MLS Information – Click on IDX/VOW tab and the documents can be found on the page. Before the MLS can begin the set-up, the forms will need to be completed and returned to the MLS office along with the appropriate fees. The MLS needs the “IDX Contract” and payment of the appropriate fees. If a consultant is involved with the design, then the MLS will need a signed Consultant agreement located in the contract. *Agents will need Participant’s authorization. Authorization is incorporated in the Contract..
2. Build a web site if you don’t all ready have one. This step and the next step are really the hardest part and it may be best to make contact with someone who works in the computer industry.
3. Incorporate the IDX data into your web site. Smart framing can be done without a web consultant, However, with the FTP and RETS solution, a consultant will be needed.
4. Obey the IDX Rules and Regulations and other policies relating to the program.

Section 3. FEES *Agents will require Participant’s authorization

Smart Framing - \$50.00 non-refundable one-time set-up fee. This fee is payable upon application.
No on going charges.

FTP Data Feed: \$150.00 non-refundable one-time set-up fee. This fee is payable upon application.
\$25.00 monthly fee, billed quarterly.

RETS Access: \$150.00 non-refundable one-time set-up fee. This fee is payable upon application.
\$25.00 month fee, payable quarterly.

Custom Access: ECMLS will charge Participant for all costs to establish a customized interface.

Any Participant intending to use any other method for downloading and updating the IDX database must seek approval from the MLS of Elkhart County, Inc. This approval will not be denied unless the method proposed is likely to result, or does in fact result in, violations of the MLS Rules and Regulations for IDX or in degradation of the performance of any of the MLS of Elkhart County’s systems. The use of any other method also requires payment to the MLS of Elkhart County for any costs it incurs to provide the access method, including reasonable fees for MLS staff time and other consultants.

MLS of ELKHART COUNTY IDX RULES & REGULATIONS

Revised April 2010

SECTION 18 - IDX DEFINED – IDX affords, MLS Participants the option of authorizing display of their listings on other participant’s Internet websites. (Amended 4/10)

18.1 Authorization: Participants' consent for display of their 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 a listing-by-listing basis). If a Participant refuses on a blanket basis to permit the display of Participant's listing, 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. (Amended 4/10)

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. (Amended 4/10)

18.2.1 - 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.

18.2.2 – 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. (Amended 4/10)

18.2.3 - 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 web sites or VOWs) shall not be accessible via IDX sites. (Amended 4/10)

18.2.4 – 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, single-family detached, multi-family), cooperative compensation offered by listing brokers, 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 on any IDX site must be independently made by each Participant. (Amended 5/09)

18.2.5 – Participants must refresh all MLS downloads and refresh all MLS data at least once every three (3) days. (Amended 4/10)

18.2.6 – Except as provided in these rules, an IDX site or a Participant or user operating an IDX site may not distribute, provide, or make any portion of the MLS database available to any person or entity. (Amended 5/09)

18.2.7 – 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. (Amended 5/09)

Section 18.3 - General Display – Display of listing information pursuant to IDX is subject to the following rules:

18.3.1 – Listings displayed pursuant to IDX shall contain only on those fields of data designed 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. (Amended 5/09)

18.3.1.1 – The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not be displayed on IDX sites. (Adopted 4/10)

18.3.2 - 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. (Amended 5/09)

18.3.3 - All listings displayed pursuant to IDX shall identify the listing firm 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. (Amended 4/10)

18.3.4 – 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. The MLS will not be responsible for monitoring agent web sites but will pursue complaints of agent non-compliance filed by Participants. MLS maintains the right to discontinue the data feed to the company site within five days if agent web site is found to be in violation of IDX rules and regulations. (Amended 5/09)

18.3.5 - All listings displayed pursuant to IDX shall show the MLS as the source of the information. The following disclosure verbiage or its equivalent will satisfy this requirement: (Amended 5/09)

Property information provided by the MLS of Elkhart County, Inc.

18.3.6 - Participants (and their affiliated licensees, if applicable) shall indicate on their Web sites that IDX information is provided exclusively for consumers’ personal, non-commercial use, that it 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 is not guaranteed accurate by the MLS. The MLS may, at its discretion, require use of other disclaimers as necessary to protect participants and/or the MLS from liability. Violators may be subject to fines not to exceed \$250,000.00. (Amended 5/09)

18.3.7 – The data consumers can retrieve or download in response to an inquiry shall be determined by the MLS and limited to one hundred (100) listings or five percent (5) of the listings available for IDX display, whichever is fewer. (Adopted 4/10)

18.3.8 – The right to display other participant’s listings pursuant to IDX shall be limited to a participant’s office(s) holding participatory rights in the MLS. (Adopted 4/10)

18.3.9 - Listings obtained through IDX must be displayed separately from listings obtained from other non-MLS listing sources, including information provided by other MLSs. 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. (Amended 5/09)

18.3.10 - Display of off market listings, including pending and sold listings, is prohibited. (Amended 5/09)

18.3.11 - Display of seller’s and/or occupant’s name(s), phone number(s), and email address(es) is prohibited. (Amended 5/09)

18.3.12 - A Participant must make changes to the IDX site necessary to cure a violation of the MLS’s Rules and Regulations within five (5) business days of notice from the MLS of the violation. MLS reserves the right to discontinue the data feed without further notice if the subscriber does not comply with this requirement. ECMLS also reserves the right to issue fines.

18.3.13 - Any Participant or subscriber using a third party to develop and/or design its web site shall have a written agreement with that third party in the form prescribed by the MLS. ECMLS requires that third parties gaining access to the subscriber’s Database sign the standard contract as approved by the MLS. Providing an

MLS password to an unauthorized recipient is a serious violation of the MLS Rules and Regulations punishable by a fine as established by the MLS for each such violation.

18.3.14 – 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 4/10)

18.4 – Fees - Service fees and charges for participation in IDX shall be as established annually by the Board of Directors.