

# MLS of ELKHART COUNTY IDX RULES & REGULATIONS

Revised December 2011

**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have given blanket authority for other Participants to display their listings on IDX sites, such consent may be withdrawn on a listing-by-listing basis as instructed by the seller.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 & 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)

**18.2.8** – 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 18.2.9, 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 6/11)

**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 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 6/11)

**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), & 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.