Text Additions in Green

~~Text Deletions in Red~~

Moved from in Blue

Moved to in Yellow

F. Model Rules and Regulations for an MLS Separately

Incorporated but Wholly-owned by an Association of

Realtors®

~~Internet Data Exchange (IDX)~~Listing Exchange

## Section 18 Listing Exchange Defined

The Listing Exchange (“Listing Exchange”) is a method whereby participants authorize limited electronic display and delivery of their listings by other participants through Internet Data Exchange displays (“IDX”) and Virtual Office Websites (“VOW”).

## Section 18.0.1 IDX Defined

IDX provides a mechanism for ~~affords~~ MLS participants to give consumers the ability to search for listings that the participant ~~authorize limited electronic~~ displays  ~~and~~ or ~~delivery~~delivers via ~~of their listings by other participants via~~ the following authorized mediums under the participant’s control: business websites, features of business websites, mobile applications~~s~~, and audio devices (Collectively referred to in this Section 18 of the Rules as a “Display”). ~~As used~~ ~~throughout these rules, “display” includes “delivery” of such listing. (Amended 5/17)~~ By participating in IDX, participants grant other participants permission to show~~Display~~ their listings in a limited manner via the aforementioned authorized Display methods. M

Section 18~~9~~.0.2~~1~~ VOW Defined

~~a.~~ A ~~“Virtual Office Website” (~~VOW~~)~~ is a participant’s business ~~Internet~~ website~~,~~ or other Display, ~~a feature of a participant’s website,~~ through which the participant is capable of providing real estate brokerage services to consumers with whom the participant has first established a broker-consumer relationship (as defined by state law) where the consumer has the opportunity to search MLS listing information, subject to the participant’s oversight, supervision, and accountability. ~~A non-principal broker or sales licensee affiliated with a~~ ~~participant may, with his or her participant’s consent, operate a VOW. Any VOW of a nonprincipal broker or sales licensee is subject to the participant’s oversight, supervision, and~~ ~~accountability.~~ M

## Section 18.1 Authorization

Note: Select one of the following two options. M

**Option #1:** Participants’ consent for the ~~D~~display of their listings through the Listing Exchange ~~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 (for both VOW and IDX) or on a blanket basis (for IDX only)). If a participant refuses on a blanket basis to permit the IDX display of that participant’s listings, that participant may not download, frame or display the aggregated MLS data of other participants in IDX.\*

**Option #2:** Participants’ consent for display of their listings through the Listing Exchange ~~by~~ ~~other participants pursuant to these rules and regulations~~ must be established in writing. If a

participant withholds consent for IDX Display 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~~the

Listing Exchange, such consent may be withdrawn on a listing-by-listing basis where the seller has prohibited all Internet display or other electronic forms of display or distribution. (Amended 05/17)

## Section 18.2 Eligibility for Participation

a. Note: Select one of the following four options. Participation in ~~IDX~~ the Listing Exchange may be limited to MLS participants engaged in real estate brokerage by adopting Option #3 or Option #4. M

Option #1: Participation in the Listing Exchange ~~IDX~~ is available to all MLS participants who have participatory rights in the MLS and who consent to display of their listings by other participants.

Option #2: Participation in the Listing Exchange ~~IDX~~ is available to all MLS participants who have participatory rights in the MLS, who are Realtors®, and who consent to the display of their listings by other participants.

Option #3: Participation in ~~IDX~~ the Listing Exchange is available to all MLS participants engaged in real estate brokerage, who have participatory rights in the MLS, and who ~~who~~ consent to display of their listings by other participants. (Amended 11/09)

Option #4: Participation in the Listing Exchange ~~IDX~~ is available to all MLS participants who are Realtors® who are engaged in real estate brokerage, who have participatory rights in the MLS, and who consent to display of their listings by other participants. (Amended 11/09)

A non-principal broker or sales licensee who has participatory rights in the MLS and who is affiliated with a participant who has participatory rights in the MLS, may, with his or her participant’s consent, participate in the Listing Exchange, with said participation subject to the participant’s oversight, supervision, accountability, ~~Section 18.3.5~~

b. ~~Non-principal brokers and sales licensees affiliated with IDX participants may display~~ ~~information available through IDX on their own websites subject to their participant’s~~ ~~consent and control~~ and the requirements of state law and/or regulation. O

### Section 18.2.1 Notification of Intent to Participate

Participants must notify the MLS of their intention to D~~d~~isplay ~~IDX~~ information from the Listing Exchange and must ~~give the MLS direct access for purposes of monitoring/ensuring compliance~~ ~~with applicable rules and policies. (Amended 05/12) M~~

~~Section 19.13~~

~~A participant who intends to operate a VOW to display MLS listing information must notify the~~ ~~MLS of its intention to establish a VOW and must~~ make the ~~VOW~~ Display readily accessible, upon request, to the MLS ~~and to all MLS participants~~ for purposes of verifying compliance with ~~these~~ the Listing Exchange rules ~~, the VOW policy,~~ and any other applicable MLS rules or policies. M

### Section 18.2.2 Use of Listings and Listing Information

MLS participants may not use ~~IDX-provided~~ listings from the Listing Exchange for any purpose other than D~~d~~isplay as provided for in these rules. This does not prevent participant’s Displays from providing other features, information, or functions. Additionally, ~~T~~this does not require participants to prevent indexing of ~~IDX~~ listings by recognized search engines. ~~(Amended 05/12)~~

M

### Section 18.2.3 Withholding Listings from Display

1. Listings, including property addresses, can be included in ~~IDX~~ D~~d~~isplays from the Listing Exchange except in cases where a seller has affirmatively directed their listing broker to withhold their listing or the listing’s property address from all ~~all~~ D~~d~~isplays  ~~on the~~ ~~Internet~~ (including, but not limited to, publicly-accessible websites, IDX websites, or VOWs). In such cases, t~~T~~he listing broker shall communicate to the MLS that the seller has elected not to permit D~~d~~isplay of the listing or property address. ~~on the Internet. or~~ ~~other electronic forms of display or distribution. (Amended 05/17)~~ M

1. ~~b.~~ A participant who lists a property for a seller who has elected not to have the property listing or the property address D~~d~~isplayed on the Internet shall cause the seller to execute a document that includes the following (or a substantially similar) provision.

M

Seller Opt-out Form

1. Check one.
   1.  I have advised my broker or sales agent that I do not want the listed property to be displayed on the Internet.
   2.  I have advised my broker or sales agent that I do not want the address of the listed property to be displayed on the Internet.
2. I understand and acknowledge that if I have selected Option a., consumers who conduct searches for listings on the Internet will not see information about the listed property in response to their searches.

\_\_\_\_\_\_\_\_\_\_\_\_\_

Initials of Seller

* 1. The participant shall retain such forms for at least one (1) year from the date they are signed or one (1) year from the date the listing goes off the market, whichever is greater, and participant shall provide the MLS with a copy of the seller’s affirmative direction within forty-eight hours upon request.~~.~~ M

~~Where a seller affirmatively directs his or her listing broker to withhold either~~ ~~the seller’s listing or the address of the seller’s listing from Display on the~~ ~~internet, a copy of the seller’s affirmative direction shall be provided to the MLS~~ ~~within forty-eight (48) hours. O~~

### Section 18.2.4 Criteria for Display

Participants may select the listings they choose to display through the Listing Exchange ~~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, type of listing (e.g., exclusive right-to-sell or exclusive agency), whether the listing broker is a Realtor®, or the level of service being provided by the listing firm. Selection of listings displayed through the Listing Exchange ~~IDX~~ must be independently made by each participant. ~~(Amended 05/17)~~ M

### Section 18.2.5 Refresh of MLS Downloads

Participants must refresh all ~~MLS~~ downloads from the Listing Exchange and ~~IDX~~ D~~d~~isplays automatically fed by those downloads at least once every twelve (12) hours. ~~(Amended 11/14)~~ M

### Section 18.2.6 Sharing of MLS Compilation

Except as provided in ~~the IDX policy and~~ these rules, ~~an~~ a Display from the Listing Exchange ~~IDX~~ ~~site~~ or a participant or user operating ~~an~~ a Display ~~IDX site~~ or displaying ~~IDX~~ information from the Listing Exchange as otherwise permitted may not distribute, provide, or make any portion of the MLS database available to any person or entity. ~~(Amended 05/12)~~ M

### Section 18.2.7 Identifying Participant’s Brokerage Firm

Any ~~IDX d~~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~~ Listing Exchange policy and these rules, “control” means the ability to add, delete, modify and update information as required by the ~~IDX~~ Listing Exchange policy and MLS rules. ~~(Amended~~ ~~05/12)~~ M

### Section 18.2.8 Third Party Comments and Automated Value Estimates

~~Any IDX display controlled by a participant or subscriber that~~

1. ~~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~~
2. ~~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 participants. 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. (Adopted 05/12) M~~

~~Section 19.7~~

1. Subject to Section 18.2.8(b) below, ~~Subsection b., below,~~ a participant’s ~~VOW~~ Display from the Listing Exchange may allow third-parties:

* 1. to write comments or reviews about particular listings or display a hyperlink to such comments or reviews in immediate conjunction with particular listings, or

* 1. to display an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate conjunction with the listing. M

1. Notwithstanding the foregoing, at the request of a seller, the participant shall disable or discontinue either or both of ~~those~~ the features described in Section 18.2.8(a) ~~Subsection a.~~ as to any listing 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~~Displays. Subject to the foregoing and to Section 18~~9~~.2.~~8~~9, a participant’s ~~VOW~~ Display may communicate the participant’s professional judgment concerning any listing. A participant’s ~~VOW~~ Display may notify its customers that a particular feature has been disabled at the request of the seller. M

### Section 18.2.9 Comments on Listings

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 in a Display. Participants shall correct or remove any false data or information relating to a specific property within forty-eight (48) hours ~~upon~~ of 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. ~~(Amended 05/12)~~ M

### 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. (Adopted~~ ~~11/14) M~~

#### Section 18.2.10~~1~~ Prohibition of Listing Modification

Participants shall not modify or manipulate MLS data ~~information~~ that is d~~D~~isplayed through the Listing Exchange which relates ~~relating~~ to other participants’ listings. The participant may, however, augment MLS listing information with additional information not otherwise prohibited by these rules or by other applicable MLS rules or policies, as long as the source of such other information is clearly identified ~~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. ~~(Adopted 05/15)~~ M

#### Section 18.2.11~~2~~ Listing Brokerage Attribution

All listings displayed via the Listing Exchange ~~pursuant to IDX~~ shall identify the name of the listing firm and the listing broker or agent in a reasonably prominent location,  ~~and~~ in a readily visible color, and in a ~~typeface~~ font size not smaller than the median font size used in the D~~d~~isplay of listing data.\* ~~(Amended 05/17)~~ M

\*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. ~~(Amended 5/17)~~

## Section 18.3 Display

~~Display of listing information pursuant to IDX from the Listing Exchange is subject to the~~ ~~following rules:~~

~~Note: All of the following rules are optional but, if adopted, cannot be modified. Select those~~ ~~rules which apply to your IDX Listing Exchange program and number the sections~~ ~~accordingly.~~

### Section 18.3.1 Display of Listing Fields and Data

Listings displayed from the Listing Exchange ~~pursuant to IDX~~ shall contain only those fields of data and information designated by the MLS. Display of all other fields and data (as determined by the MLS) is prohibited. A participant’s Display may not make available for search by or display to consumers (including “Registrants” as defined in this Section 18 of the rules) any of the following information:

~~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. (Amended 05/12) OSection 19.15~~

~~A participant’s VOW may not make available for search by or display to Registrants any of the~~ ~~following information:~~

1. expired and withdrawn listings

~~Note: Due to the 2015 changes in IDX policy and the requirement that participants be permitted~~ ~~to make MLS listing information available to Registrants of VOW sites where such~~ ~~information may be made available via other delivery mechanisms, MLSs can no longer~~ ~~prohibit the display of pending (“under contract”) listings on VOW sites.~~

1. the compensation offered to other MLS participants

1. the type of listing agreement, i.e., exclusive right-to-sell or exclusive agency

1. the seller’s and occupant’s name(s), phone number(s), or e-mail address(es)

1. instructions or remarks intended for cooperating brokers only, such as those regarding showings or security of listed property

1. sold information ~~O~~

1. Any other confidential fields intended only for other MLS participants O

Note: If sold information is publicly accessible in the ~~jurisdiction~~ service area of the MLS, ~~Subsection~~ Section 18~~9~~.3.1~~15~~(f)~~.~~ must be omitted. ~~(Revised 11/15)~~ M

### Section 18.3.1.1

~~The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not be~~ ~~displayed. (Amended 05/12) O~~

~~Section 18.3.2~~

~~Deleted May 2015.~~

~~Section 18.3.3~~

~~Deleted May 2017; moved to 18.2.12 May 2017.~~

### Section 18.3.4

~~All listings displayed pursuant to IDX shall identify the listing agent. O~~

~~Section 18.3.5~~

Non-principal brokers and sales licensees affiliated with IDX participants may display information available through IDX on their own websites subject to their participant’s consent ~~and control and the requirements of state law and/or regulation. O~~

~~Section 18.3.6~~

~~Deleted November 2006.~~

#### Section 18.3.2 Identifying Source of Listing Exchange Information ~~7~~

All listings displayed pursuant to the Listing Exchange ~~IDX~~ shall show the MLS as the source of the information.\* ~~(Amended 05/17)~~ O

#### Section 18.3.3 Consumer ~~Disclaimer~~Terms of Use~~8~~

Participants (and their affiliated licensees, if applicable) shall indicate on their Displays ~~websites~~ that ~~IDX~~ information from the Listing Exchange 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.\* ~~(Amended 05/17)~~ O

\*The MLS may, at its discretion, require use of other disclaimers as necessary to protect participants and/or the MLS from liability. 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. (Amended 05/17)

#### Section 18.3.4 Co-Mingling of Listings

An MLS participant (or where permitted locally, an MLS subscriber) may co-mingle the listings of other brokers received from the Listing Exchange with listings available from other MLS feeds, provided all such Displays are consistent with the Listing Exchange 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 MLS data feeds resulting in the Display of information from each of the MLSs on a single search results page; and that participants may Display listings from each MLS data feed on a single webpage or Display. M

~~Section 19.2318.3.4 Co-Mingling of Listings~~

~~A participant shall cause any listing included in displayed on his or her Display VOW obtained~~ ~~from other sources, including from another MLS or from a broker not participating in the MLS,~~ ~~to be searched separately from listings in the MLS. Listings obtained from said other sources~~ ~~must display the source from which each such listing was obtained.\* O~~

Section 18.3.5 Co-Branding Advertisements~~16~~ Note: Select one of the following two options.

Option #1: Advertising (including co-branding) on pages d~~D~~isplaying listings and other information from the Listing Exchange ~~displaying IDX-provided listings~~ is prohibited.

Option #2: Deceptive or misleading advertising (including co-branding) on p~~p~~ages d~~Dd~~isplaying listings and other information from the Listing Exchange ~~IDX-provided listings~~ is prohibited. For purposes of ~~these rules~~this Section of the rules, co-branding will be presumed not to be deceptive or misleading if the participant’s logo and contact information (or that of at least one participant, in the case of a Display established and operated on behalf of more than one participant) is displayed in immediate conjunction with that of every other party, and the logo and contact information of all participants displayed on the Display is larger than that of any third party. ~~larger~~ ~~than that of any third party. (Adopted 11/09)~~ O

### Section 18.3.9

~~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. (Amended 11/17) O~~

#### Section 18~~9~~.3.6 Limit on Number of Listings Displayed ~~19~~

A participant shall limit the number of listings that a Registrant may view, retrieve, or download to not more than \_\_\_ current listings and not more than \_\_\_ sold listings in response to any inquiry. O

Note: The number of listings that may be viewed, retrieved, or downloaded should be specified by the MLS in the context of this rule, but may not be fewer than five hundred (500) listings or fifty percent (50%) of the listings in the MLS, whichever is less. ~~(Amended~~ ~~11/17)~~ M

### Section 18.3.10

~~The right to display other participants’ listings pursuant to IDX shall be limited to a participant’s~~ ~~office(s) holding participatory rights in this MLS. O~~ ~~Section 18.3.11~~

~~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.\* (Amended~~ ~~05/17) O~~

~~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, “comingling” 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. (Adopted 11/14)~~

### Section 18.3.12

~~Display of expired, withdrawn, and sold listings\*\* is prohibited. (Amended 11/15) O~~

~~\*\*Note: If “sold” information is publicly accessible, display of “sold” listings may not be prohibited. (Adopted 11/14)~~

### Section 18.3.13

~~Display of seller’s(s’) and/or occupant’s(s’) name(s), phone number(s), and e-mail address(es) is~~ ~~prohibited. O~~

~~Note: The following Sections 18.3.714 and 18.3.815 may be adopted by MLSs that provide~~ ~~participants with a “persistent” download (i.e., where the MLS database resides on~~ ~~participants’ servers) of the MLS database.~~

#### Section 18.3.~~14~~7 Security of Listing Information

A participant ~~’s VOW~~ Displaying information from the Listing Exchange must employ reasonable efforts to monitor for and prevent misappropriation, scraping, and other unauthorized uses of MLS listing information. Participants are required to employ appropriate security protection such as firewalls on their websites and D~~d~~isplays, provided that any security measures required may not be greater than those employed by the MLS. ~~(Amended 05/12)~~ O

#### Section 18.3.8 Audit Trail of Consumer and Registrants Activity~~15~~

Participants must maintain an audit trail of consumer and Registrant (as defined in Section 18 of the Rule) activity on their ~~website~~ Displays and make that information available to the MLS if the MLS believes the ~~IDX~~ Display ~~site~~ has caused or permitted a breach in the security of the data or a violation of MLS rules related to use by consumers. ~~(Amended 05/12)~~ O

~~Section 18.3.16~~

~~Note: Select one of the following two options.~~

~~Option #1: Advertising (including co-branding) on pages displaying IDX-provided listings is~~ prohibited.

~~Option #2: 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) O~~

## Section 18.4 Service Fees and Charges

Service fees and charges for participation in the Listing Exchange ~~IDX~~ shall be permissible. ~~as~~ ~~established annually by the Board of Directors. (Adopted 11/01, Amended 5/05) O~~

### Section 18.5 Listing Exchange Vendor Partners

Any entity or person designated by a participant to operate a Listing Exchange on behalf of the participant, is subject to the participant’s supervision, accountability, and compliance with the Listing Exchange policies. No said third party has independent participation rights in the MLS by virtue of its right to receive information on behalf of a participant, nor the right to use or display MLS listing information, except in connection with operation of a Display on behalf of one or more participants. M

### Section 18.5.1 Operating Multiple Displays

A participant may operate more than one Display, however, all Displays must be under the participant’s supervision and control.

### Section 18.5.2 Licensing Agreements

The MLS shall require any person or vendor who operates a Display to sign a licensing agreement with the MLS. ~~Section 18.5 IDX Displays~~

~~The following rules shall only apply to IDX Displays from the Listing Exchange and shall not apply~~ ~~to VOW Displays:~~

~~Section 18.5.1 Co-Mingling of IDX Listings~~

~~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 Listing Exchange 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. M~~

### Section 18.6 VOW Displays

The following rules shall only apply to VOW Displays from the Listing Exchange and shall not apply to IDX Displays:

~~Section 18.6.1 VOW Definitions~~

~~Section 19~~

~~Virtual Office Websites (VOWs)~~

~~Note: Adoption of Sections 19.1 through 19.14 is mandatory.~~

Section 19.1 VOW Defined

1. A “Virtual Office Website” (VOW) is a participant’s Internet website, or a feature of a participant’s website, through which the participant is capable of providing real estate brokerage services to consumers with whom the participant has first established a brokerconsumer relationship (as defined by state law) where the consumer has the opportunity to search MLS listing information, subject to the participant’s oversight, supervision, and accountability. A non-principal broker or sales licensee affiliated with a participant may, with his or her participant’s consent, operate a VOW. Any VOW of a non-principal broker or sales ~~licensee is subject to the participant’s oversight, supervision, and accountability. M~~

1. ~~As used in Section 19 of these rules, the term “participant” includes a participant’s affiliated~~ ~~non-principal brokers and sales licensees—except when the term is used in the phrases~~ ~~“participant’s consent” and “participant’s oversight, supervision, and accountability”.~~ ~~References to “VOW” and “VOWs” include all Virtual Office Websites, whether operated by a~~ ~~participant, by a non-principal broker or sales licensee, or by an “Affiliated VOW Partner” (AVP)~~ ~~on behalf of a participant. M~~

1. ~~“Affiliated VOW Partner” (AVP) refers to an entity or person designated by a participant to~~ ~~operate a VOW on behalf of the participant, subject to the participant’s supervision,~~ ~~accountability, and compliance with the VOW policy. No AVP has independent participation~~ ~~rights in the MLS by virtue of its right to receive information on behalf of a participant. No AVP~~ ~~has the right to use MLS listing information, except in connection with operation of a VOW on~~ ~~behalf of one or more participants. Access by an AVP to MLS listing information is derivative of~~ ~~the rights of the participant on whose behalf the AVP operates a VOW. M~~

1. ~~As used in Section 19 of these rules, the term “MLS listing information” refers to active~~ ~~listing information and sold data provided by participants to the MLS and aggregated and~~ ~~distributed by the MLS to participants. M~~

~~Section 19.2~~

~~A participant may operate more than one VOW himself or herself or through an AVP. A~~ ~~participant who operates his or her own VOW may contract with an AVP to have the AVP~~ ~~operate other VOWs on his or her behalf. However, any VOW operated on behalf of a~~ ~~participant by an AVP is subject to the supervision and accountability of the participant. M~~

1. ~~The right of a participant’s VOW to display MLS listing information is limited to that supplied~~ ~~by the MLS(s) in which the participant has participatory rights. However, a participant with~~ ~~offices participating in different MLSs may operate a master website with links to the VOWs of~~ ~~the other offices. M~~

1. ~~Subject to the provisions of the VOW policy and these rules, a participant’s VOW, including~~ ~~any VOW operated on behalf of a participant by an AVP, may provide other features,~~ ~~information, or functions, e.g., “Internet Data Exchange” (IDX). M~~

1. ~~Except as otherwise provided in the VOW policy or in these rules, a participant need not~~ ~~obtain separate permission from other MLS participants whose listings will be displayed on the~~ ~~participant’s VOW. M~~

### Section 189.6.14 Registration Requirements 3

~~a.~~ Before permitting any consumer to search for or retrieve any MLS listing information on his or her VOW, the participant must take each of the following steps:~~.~~

1. ~~i.~~ The participant must first establish with that consumer a lawful broker/consumer relationship (as defined by state law), including completion of all actions required by state law in connection with providing real estate brokerage services to clients and customers (hereinafter~~,~~ “Registrants”). Such actions shall include, but are not limited to, satisfying all applicable agency, non-agency, and other disclosure obligations, and execution of any required agreements.

1. ~~ii.~~ The participant must obtain the name of and a valid e-mail address for each

Registrant. The participant must send an e-mail to the address provided by the Registrant confirming that the Registrant has agreed to the terms of use (described in ~~Subsection d~~Section 18.6.3~~6~~ of these rules~~., below~~). The participant must verify that the e-mail address provided by the Registrant is valid and that the Registrant has agreed to the terms of use.

1. ~~iii.~~ The participant must require each Registrant to have a user name and a password, the combination of which is different from those of all other Registrants on the VOW. The participant may, at his or her option, supply the user name and password or may allow the Registrant to establish its user name and password. The participant must also assure that any e-mail address is associated with only one user name and password. M

### Section 18.6.25 Registrant Passwords and Security

1. ~~b.~~ The participant must assure that each Registrant’s password expires on a ~~date~~ certain date, but may provide for renewal of the password. The participant must at all times maintain a record of the name, e-mail address, user name, and current password of each Registrant. The participant must keep such records for not less than one hundred eighty (180) days after the expiration of the validity of the Registrant’s password. M

~~Section 19.20~~

1. A participant shall require that Registrants’ passwords be reconfirmed or changed every \_\_\_ days. O

Note: The number of days passwords remain valid before being changed or reconfirmed must be specified by the MLS in the context of this rule and cannot be shorter than ninety (90) days. Participants may, at their option, require Registrants to reconfirm or change passwords more frequently. M

1. ~~c.~~ If the MLS has reason to believe that a participant’s VOW has caused or permitted a breach in the security of MLS listing information or a violation of MLS rules, the participant shall, upon request of the MLS, provide the name, e-mail address, user name, and current password, of any Registrant suspected of involvement in the breach or violation. The participant shall also, if requested by the MLS, provide an audit trail of activity by any such Registrant. M

Section 18.6.3~~6~~ VOW Terms of Use~~d.~~

1. The participant shall require each Registrant to review and affirmatively to express agreement (by mouse click or otherwise) to a terms of use provision that provides at least the following:

* 1. ~~i.~~ that the Registrant acknowledges entering into a lawful consumer-broker relationship with the participant

* 1. ~~ii.~~ that all information obtained by the Registrant from the VOW is intended only for the Registrant’s personal, non-commercial use

* 1. ~~iii.~~ that the Registrant has a bona fide interest in the purchase, sale, or lease of real estate of the type being offered through the VOW
  2. ~~iv.~~ that the Registrant will not copy, redistribute, or retransmit any of the information provided, except in connection with the Registrant’s consideration of the purchase or sale of an individual property

* 1. ~~v.~~ that the Registrant acknowledges the MLS’ ownership of and the validity of the MLS’ copyright in the MLS database. M

~~e.~~

1. The terms of use agreement may not impose a financial obligation on the Registrant or create any representation agreement between the Registrant and the participant. Any agreement entered into at any time between the participant and Registrant imposing a financial obligation on the Registrant or creating representation of the Registrant by the participant must be established separately from the terms of use, must be prominently labeled as such, and may not be accepted solely by mouse click. M

1. ~~f.~~ The terms of use agreement shall also expressly authorize the MLS and other MLS participants or their duly authorized representatives to access the VOW for the purposes of verifying compliance with MLS rules and monitoring display of participants’ listings by the VOW. The agreement may also include such other provisions as may be agreed to between the participant and the Registrant. M

### Section 18.6.47 Display of Contact Information9.4

A participant’s VOW must prominently display an e-mail address, telephone number, or specific identification of another mode of communication (e.g., live chat) by which a consumer can contact the participant to ask questions or get more information about any property displayed on the VOW. The participant or a non-principal broker or sales licensee licensed with the participant must be willing and able to respond knowledgeably to inquiries from Registrants about properties within the market area served by that participant and displayed on the VOW.

M

# Section 19.5

A participant’s VOW must employ reasonable efforts to monitor for and prevent misappropriation, scraping, and other unauthorized uses of MLS listing information. ~~A~~ ~~participant’s VOW shall utilize appropriate security protection such as firewalls as long as this~~ ~~requirement does not impose security obligations greater than those employed concurrently by~~ ~~the MLS. M~~

~~Note: MLSs may adopt rules requiring Participants to employ specific security measures,~~ ~~provided that any security measure required does not impose obligations greater than~~ ~~those employed by the MLS.~~

#### Section 1~~9.6~~8.6.5~~8~~ Listings Withheld from Display

1. ~~A participant’s VOW shall not display the listings or property addresses of any seller who has~~ ~~affirmatively directed the listing broker to withhold the seller’s listing or property address from~~ ~~display on the Internet.~~ The listing broker shall communicate to the MLS that the seller has elected not to permit display of the listing or property address on the Internet. ~~Notwithstanding~~ ~~the foregoing,~~ A~~a~~ participant who operates a VOW may provide to consumers via other delivery mechanisms, such as e-mail, fax, or otherwise, the listings of sellers who have determined not to have the listing for their property D~~d~~isplayed ~~on the Internet~~via the Listing Exchange pursuant to Section 18.2.3 of these rules. M

1. A participant who lists a property for a seller who has elected not to have the property listing or the property address displayed on the Internet shall cause the seller to execute a ~~document that includes the following (or a substantially similar) provision. M~~

~~Seller Opt-out Form~~

1. Check one.
   1.  I have advised my broker or sales agent that I do not want the listed property to be displayed on the Internet.
   2.  I have advised my broker or sales agent that I do not want the address of the listed property to be displayed on the Internet.
2. I understand and acknowledge that if I have selected Option a., consumers who conduct searches for listings on the Internet will not see information about the listed property in response to their searches.

\_\_\_\_\_\_\_\_\_\_\_\_\_

Initials of Seller

~~c. The participant shall retain such forms for at least one (1) year from the date they are signed~~ ~~or one (1) year from the date the listing goes off the market, whichever is greater. M~~

~~Section 19.7~~

1. Subject to Subsection b., below, a participant’s VOW may allow third-parties:

* 1. to write comments or reviews about particular listings or display a hyperlink to such comments or reviews in immediate conjunction with particular listings, or

* 1. to display an automated estimate of the market value of the listing (or hyperlink to such ~~estimate) in immediate conjunction with the listing. M~~

1. Notwithstanding the foregoing, at the request of a seller, the participant shall disable or discontinue either or both of those features described in Subsection a. as to any listing 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. Subject to the foregoing and to Section 19.8, a participant’s VOW may communicate the participant’s professional judgment concerning any listing. A participant’s VOW may notify its ~~customers that a particular feature has been disabled at the request of the seller. M~~ ~~Section 19.8~~

~~A participant’s VOW shall maintain a means (e.g., e-mail address, telephone number) to receive~~ ~~comments from the listing broker about the accuracy of any 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 VOW. The participant shall correct or remove any false information relating to~~ ~~a specific property within forty-eight (48) hours following receipt of a communication from the~~ ~~listing broker explaining why the data or information is false. The participant shall not, however,~~ ~~be obligated to correct or remove any data or information that simply reflects good faith~~ ~~opinion, advice, or professional judgment. M~~

### Section 19.9

~~A participant shall cause the MLS listing information available on its VOW to be refreshed at~~ ~~least once every three (3) days. M~~

### Section 19.10

~~Except as provided in these rules, in the National Association of Realtors®’ VOW policy, or in any~~ ~~other applicable MLS rules or policies, no participant shall distribute, provide, or make~~ ~~accessible any portion of the MLS listing information to any person or entity. M~~

#### Section 18.6.6~~8~~ Display of Privacy Policy~~9.11~~

A participant’s VOW must d~~d~~isplay the participant’s privacy policy informing Registrants of all of the ways in which information that they provide may be used. M

### Section 19.12

~~A participant’s VOW may exclude listings from display based only on objective criteria, including,~~ ~~but not limited to, factors such as geography, list price, type of property, cooperative~~ ~~compensation offered by listing broker, and whether the listing broker is a Realtor®. M~~

~~Section 19.13~~

A participant who intends to operate a VOW to display MLS listing information must notify the MLS of its intention to establish a VOW and must make the VOW readily accessible to the MLS and to all MLS participants for purposes of verifying compliance with these rules, the VOW ~~policy, and any other applicable MLS rules or policies. M~~

[~~Section 19~~ 14](#_Toc30921)

[A participant may operate more than one VOW himself or herself or through an AVPparticipant who operates his or her own VOW may contract with an AVP to have the AVP **Error! Bookmark not defined.**](#_Toc30922)

[operate other VOWs on his or her behalf. However, any VOW operated on behalf of a ~~participant by an AVP is subject to the supervision and accountability of the participant~~ **Error! Bookmark not defined.**](#_Toc30923)

~~Note: Adoption of Sections 19.15 through 19.19 is at the discretion of the MLS. However, if any~~ ~~of the following sections are adopted, an equivalent requirement must be imposed on~~ ~~participants’ use of MLS listing information in providing brokerage service through all~~ ~~other delivery mechanisms.~~

~~Section 19.15~~

A participant’s VOW may not make available for search by or display to Registrants any of the following information:

1. expired and withdrawn listings

~~Note: Due to the 2015 changes in IDX policy and the requirement that participants be permitted~~ to make MLS listing information available to Registrants of VOW sites where such information may be made available via other delivery mechanisms, MLSs can no longer prohibit the display of pending (“under contract”) listings on VOW sites.

1. the compensation offered to other MLS participants

1. the type of listing agreement, i.e., exclusive right-to-sell or exclusive agency

1. the seller’s and occupant’s name(s), phone number(s), or e-mail address(es)

1. instructions or remarks intended for cooperating brokers only, such as those regarding showings or security of listed property

1. ~~sold information O~~

Note: If sold information is publicly accessible in the jurisdiction of the MLS, Subsection 19.15f.

~~must be omitted. (Revised 11/15) M~~

### Section 19.16

~~A participant shall not change the content of any MLS listing information that is displayed on a~~

~~VOW from the content as it is provided in the MLS. The participant may, however, augment MLS~~ ~~listing information with additional information not otherwise prohibited by these rules or by~~ ~~other applicable MLS rules or policies, as long as the source of such other information is clearly~~ ~~identified. This rule does not restrict the format of display of MLS listing information on VOWs~~ ~~or the display on VOWs of fewer than all of the listings or fewer than all of the authorized~~ ~~information fields. O~~

### Section 19.17

~~A participant shall cause to be placed on his or her VOW a notice indicating that the MLS listing~~ ~~information displayed on the VOW is deemed reliable, but is not guaranteed accurate by the~~ ~~MLS. A participant’s VOW may include other appropriate disclaimers necessary to protect the~~ ~~participant and/or the MLS from liability. O~~

### Section 19.18

~~A participant shall cause any listing that is displayed on his or her VOW to identify the name of~~ ~~the listing firm and the listing broker or agent in a readily visible color, in a reasonably~~ ~~prominent location, and in typeface not smaller than the median typeface used in the display of~~ ~~listing data. O~~

~~Section 19.19~~

A participant shall limit the number of listings that a Registrant may view, retrieve, or download to not more than \_\_\_ current listings and not more than \_\_\_ sold listings in response to any ~~inquiry. O~~

~~Note: The number of listings that may be viewed, retrieved, or downloaded should be specified~~ by the MLS in the context of this rule, but may not be fewer than five hundred (500) listings or fifty percent (50%) of the listings in the MLS, whichever is less. (Amended ~~11/17) M~~

~~Note: Adoption of Sections 19.20 through 19.25 is at the discretion of the MLS. It is not required~~ ~~that equivalent requirements be established related to other delivery mechanisms.~~

~~Section 19.20~~

A participant shall require that Registrants’ passwords be reconfirmed or changed every \_\_\_ ~~days. O~~

~~Note: The number of days passwords remain valid before being changed or reconfirmed must~~ be specified by the MLS in the context of this rule and cannot be shorter than ninety (90) days. Participants may, at their option, require Registrants to reconfirm or change ~~passwords more frequently. M~~

### Section 19.21

~~A participant may display advertising and the identification of other entities (“co-branding”) on~~ ~~any VOW the participant operates or that is operated on his or her behalf. However, a~~ ~~participant may not display on any such VOW deceptive or misleading advertising or cobranding. For purposes of this section, co-branding will be presumed not to be deceptive or~~ ~~misleading if the participant’s logo and contact information (or that of at least one participant,~~ ~~in the case of a VOW established and operated on behalf of more than one participant) is~~ ~~displayed in immediate conjunction with that of every other party, and the logo and contact~~ ~~information of all participants displayed on the VOW is as large as the logo of the AVP and larger~~ ~~than that of any third party. O~~

### Section 19.22

~~A participant shall cause any listing displayed on his or her VOW obtained from other sources,~~ ~~including from another MLS or from a broker not participating in the MLS, to identify the source~~ ~~of the listing. O~~

~~Section 19.23~~

A participant shall cause any listing displayed on his or her VOW obtained from other sources, including from another MLS or from a broker not participating in the MLS, to be searched ~~separately from listings in the MLS. O~~

~~Section 189.6.10 Execution of Licensing Agreement24~~

~~Participants and the AVPs operating VOWs on their behalf must execute the license agreement~~ ~~required by the MLS. O~~

~~Section 19.25~~

~~Where a seller affirmatively directs his or her listing broker to withhold either the seller’s listing~~ ~~or the address of the seller’s listing from display on the Internet, a copy of the seller’s~~ ~~affirmative direction shall be provided to the MLS within forty-eight (48) hours. O~~