PUTTING BROKERS IN CONTROL
OF THEIR LISTINGS ON THE WEB

Broker Information Packet
& Technical Implementation Guide

Version 3.0

This version replaces the previous Broker Information Packet and Technical Implementation Guide.

The IDX Rules and Regulations are subject to change, and this document is updated frequently. For the most recent version of this document, please check our Web site at www.carolinamls.com, under General Information, then IDX.

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1 Executive summary

1.1   WHAT IS INTERNET DATA EXCHANGE?

Internet Data Exchange ("IDX") is a system where brokers give each other permission to display their listings on each other's Web sites. Brokers who participate in the program (called "Internet Data Exchange Participants" or "IDX Participants") can display all of each other's active listings. If you choose not to participate, no other broker will be permitted to display your listings. You can include your listings in the Internet Data Exchange database without having your own Web site. (See Section 5 – Frequently Asked Questions for an explanation why you would want to do this.)

1.2   WHY DOES CMLS OFFER INTERNET DATA EXCHANGE?

The NATIONAL ASSOCIATION OF REALTORS® (NAR) mandated that multiple listing services must enable MLS Participants to display on Participants' public Web sites aggregated MLS active listing information through, at Participants' option, either downloading and placing the data on Participants' public access Web sites or by framing such information on the MLS or association public access Web site (if such a site is available) subject to the requirements of state law and regulation.

Unless state law requires prior written consent from listing brokers, listing brokers' consent for such display is presumed unless a listing broker affirmatively notifies the MLS that the listing broker refuses to permit display (either on a blanket or on a listing-by-listing basis).

1.3   WHAT IS THE PURPOSE OF INTERNET DATA EXCHANGE?

The purpose of Internet Data Exchange is to empower REALTORS® to deal with the real estate consumer of the future. Among the objectives to which CMLS is committed are:

1. Permitting brokers to fully market their services on the Internet.

2. Permitting the brokerage community to take advantage of the data brokers have contributed to the system.

3. Permitting brokers to obtain and maintain first contact with the consumer in the real estate transaction.

1.4   HOW DOES MY FIRM PARTICIPATE IN INTERNET DATA EXCHANGE?

Follow these instructions! (But read the rest of this document, too. It includes important information you should know before signing up.)

2 Quick start: 2 steps to Internet Data Exchange

2.1   STEP 1: BECOMING AN INTERNET DATA EXCHANGE PARTICIPANT (IDX PARTICIPANT)

Being an IDX Participant just means that you give all other IDX Participants permission to display your active listings on their Web sites according to the Internet Data Exchange Rules and Regulations (Appendix A). 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. You don't need to have a Web site yourself.

You do not need to take any action to become an IDX Participant. If you were a participant in CMLS when the Internet Data Exchange program was implemented, you were automatically signed up as long as you met the definition of an Internet Data Exchange Participant/Internet Data Exchange Participant Firm defined in the Internet Data Exchange Rules & Regulations. If you are a new participant in CMLS, you will also automatically be signed up as long as you meet the definition of an Internet Data Exchange Participant/Internet Data Exchange Participant Firm defined in the Internet Data Exchange Rules & Regulations. **If you don't want to participate, you must log into Tempo, click on My Page, click on the Office Broker tab, click on the link for Office Participation, and select No beside Internet Data Exchange.** You may change your Office Participation preferences as often as you like. Changes are applied at midnight on a daily basis. Once CMLS receives your request to stop sending your listings, your data will stop appearing in the Internet Data Exchange Database the next business day.

2.2   STEP 2 (OPTIONAL): PUTTING INTERNET DATA EXCHANGE DATA ON YOUR WEB SITE

You don't have to have a Web site to be an IDX Participant. But to take maximum advantage of the program, you will want one. To put Internet Data Exchange data on your Web site, you have to take four steps:

a.   Sign the Access to Internet Data Exchange Data Feed Contract (Appendix C).

b.   Get a Web site (see Section 4 for advice on how and where, if you don't already have one).

c. Incorporate the IDX data into your Web site. This is really the toughest part. See the Technical Implementation Guide (Section 7) for more information.

d. Obey the Internet Data Exchange Rules and Regulations (Appendix A) and the policy statements in this document.

3   Fees

There is no fee to be an IDX Participant or to receive a data feed from CMLS, provided you use one of the standard methods for accessing that data. If you want a special interface to access the IDX data, CMLS will charge you for all costs to establish that interface including reasonable fees for CMLS staff time.

4   How your brokerage can make the most of Internet Data Exchange

To take full advantage of IDX, you MUST have a Web site that displays IDX data. There are several ways to get one; each described more fully below. CMLS will identify third parties that are qualified to assist you in developing a Web site for your firm. (See Appendix D for details).

Use your imagination! This is the really important part of Internet Data Exchange. If you can think of a way to provide an innovative service to consumers using IDX data, try it out (so long as it doesn't break the rules). Ideas that have been tried on other real estate Web sites include:

o   Gathering consumers' e-mail addresses and property interests and sending them periodic updates on new listings that match their criteria. (Be mindful of any state and/or federal "do-not-spam" laws.)

o   Allowing consumers to perform a mortgage payment calculation using the list price for the listing they are looking at.

o   Allowing consumers to save listings to their "favorites" folders, so they can get back to favored listings quickly on subsequent visits. (Note that you cannot continue to show consumers a listing after it is sold. If a consumer tries to view a "favorite" listing that has since gone off the market, your site must

inform her that the listing is no longer available. That's a good time to suggest that she call your firm to find out what happened to the listing. Maybe it just expired or was cancelled.)

Services brokers may investigate in the future include automated brokerage, loan application, and others. Note that the regulatory climate surrounding such services is still being determined. As the rules are clarified, you'll have a leg up on your competitors if you already have a robust Web site with IDX data.

4.1   DOING IT YOURSELF

If you are a fairly sophisticated designer of Web sites, and particularly if you have experience building, maintaining, and accessing databases on the Web, you may want to build your own IDX Web site. Refer to Section 7 – Technical Implementation Guide.

4.2   WORKING WITH A WEB DESIGNER

Most brokers do not possess the resources or staff required to perform the tasks identified in the Technical Implementation Guide. If you want the maximum amount of control over how your Web site looks and works, you will want to engage a Web site design and maintenance firm. They will use the instructions provided in the Technical Implementation Guide to build a Web site for you according to your specifications.

4.3   SAMPLE SITES

Still can't figure out which approach you want? Check out examples of Web sites. CMLS lists the Web sites of brokerages who display IDX data. The list is available at www.carolinamls.com. Look under General Information, then IDX.

Vendor Template Programs:

There are low-cost means for real estate firms to have a Web presence using the IDX data. Many Web site designers provide "template" Web sites. These are sites where the "search engine" and "user interface" are the same from broker to broker, but the branding on the Web site is unique to each broker. The brokers' sites may look very different, but if you perform a search and look at resulting listing data, you'll note important similarities. By making the databases the same or similar on multiple broker Web sites, the vendors of these services can dramatically improve the pricing of their services. The cost for this kind of service is $1,000 or less up-front and $1,000 or less per year to maintain. You could reasonably expect a custom site with the same characteristics to cost $10,000-$15,000 to build and several thousand dollars a year to maintain. Note: The costs above contemplate a simple Web site. Add-ons can rapidly increase the cost of your site.

Many Web site vendors have expressed a desire to work with our members to provide affordable Internet Data Exchange Web site solutions. For a complete list of Web site vendors, visit www.carolinamls.com, look under General Information, then IDX. This list is provided as a convenience for CMLS members and is not an endorsement of any of these Web site vendors. CMLS is not responsible for the services rendered by any Web site vendor, listed or otherwise.

4.4   QUESTIONS YOU SHOULD ASK WEB SITE DESIGNERS BEFORE SIGNING UP WITH THEM.

CMLS strongly advises you to ask questions, many questions, before signing up with any Web site provider, including the vendors identified in Appendix D. The questions you ask at the beginning of the process will go a long way toward preventing disputes down the road. Before you contact any Web site designer, look at other Internet Data Exchange Web sites. Use them as you would imagine a consumer using them. Because your competitors' Web sites are available to you 24 hours a day, you have an unusual opportunity to see what they're doing before choosing your own course. If you can't or won't

search the Web yourself, have a few agents in your office do it. Have them report back to you on features they think are valuable.

Before you begin discussions with a Web designer, ask for the Web addresses of other brokerage sites they have built. While nothing prevents you from working with a designer that has no previous Internet Data Exchange experience, you may find it more economical to work with one who has.

Here are a few important questions to ask Web site designers. This list is not exhaustive. Use your business common sense.

What are the set up costs for the Web site? Most Web site designers will want some kind of up-front fee to create your Web site. Find out exactly what steps the designer will take during these initial stages.

What is included in the up front fees? Find out if the package you are considering includes the complete design of a custom Web site, or if it only includes certain "template" elements. Find out how much control you have over things like the graphic design of your site, the color scheme, etc.

Can I integrate the Internet Data Exchange site with my existing Web site? You may already have a Web site and a Web site designer who has been doing a good job maintaining it. You may just want to incorporate the Internet Data Exchange piece into that existing site. If you want to keep your existing designer, have him/her contact other designers who have Internet Data Exchange experience and help you select one who is best for you.

What are the maintenance costs and how frequently are they due? Most Web site designers will charge you a monthly or quarterly maintenance fee. You should find out what you are receiving for this fee. At a minimum, it should include automatic updates of the Internet Data Exchange listing data on your Web site, preferably daily, but at least once every 72 hours according to the Internet Data Exchange Rules & Regulations (Appendix A).

Is a hosting fee included, or is it payable separately? Once a designer creates your site, it will have to be "hosted" on a computer connected to the Internet. Your designer may include the cost of hosting in the maintenance fees, or you may have to make separate arrangements for hosting. **If the designer will host your site, ask for the Web address of another site they host. Visit this site and make sure that it loads quickly. Consumers will hate your site if it runs slowly.**

What is the vendor's experience with Web-based databases, real estate Web sites, etc., and with whom have they worked? CHECK THESE REFERENCES! If they have built other broker Web sites, visit them. Make sure they work, that they look good, and that they are fast (consumers hate slow Web sites).

Does the maintenance fee include periodic changes to your site? You will want to change information on your site, things like firm special events, salesperson of the month, etc. Find out whether such changes are included in any maintenance fee, and how much additional changes will cost.

Does the maintenance fee include access to statistics about who is visiting your Web site and when? Critical to any marketing plan involving the Internet is an understanding of who is visiting your Web site and from where they are being referred. There are software packages available that will track activity on your Web site and provide important answers to these questions. Will your Web site designer provide this information to you? Is the cost included in your maintenance?

How much personal interaction will you have with the designer, or is it all online? Any face-to-face? How much? Any phone? How much? If you are accustomed to face-to-face or telephone customer service, you may find it difficult to find among Web site designers. They are creatures of e-mail. If this is important to you, you'll want to discuss it with candidate designers in advance.

Where is the designer located and how will you communicate with them?

What is the cost for additional work and features? If you see something on another site your designer has created, he/she should be able to tell you how much it would cost to add it to your own site. **Do not assume that a feature will appear on your site just because it appears on another site your designer created for another broker. The other broker may have paid a premium price for that feature.** The contract you write with the designer should list all the features you want and indicate their price. (If you're asking for a novel feature, the designer may hesitate to give you a price up-front. This is not unreasonable, and you'll have to negotiate the best deal you can.)

Discuss changes you will probably have to make. Find out how much they will cost:

Change an agent name

Add a link

Add a banner

Add a Web page

Will you own the domain name? If you are paying the designer to register your domain name, it's important that the designer commit to registering it in your name. You will be putting this address on all of your marketing materials from here on out. You don't want the designer to take it with him/her if you choose to work with a different designer.

Does the Broker own the site content? You will want to be able to take your Web site design with you if you choose another designer down the road. Seek provisions in your contract that will guarantee this. Note: this is probably only applicable to "custom" site content. If you buy a "template" package, the Web site vendor will not relinquish any rights in the template or the search interface to you).

Who is the designer/vendor? Is it a corporation, sole proprietor, LLC? Who will deliver on the promises the salesperson makes if that salesperson leaves? It's important here, as in every business deal, to know with whom you are dealing.

How soon after you sign a contract will your Web site be up? It is important to clarify all parties' expectations here.

Ask the designer why they deserve your business. There are many options out there. Make the designer explain why they are the best.

Encourage the designer to contact CMLS. You may encourage the vendor to contact CMLS to talk about what's entailed in an Internet Data Exchange Web site if they have any questions. They will provide better cost estimates if they know more about MLS's systems and the rules and regulations of the program. You are encouraged to provide any potential designer the Internet Data Exchange Rules & Regulations (Appendix A) for reference.

5 Frequently Asked Questions

CAN AGENTS HAVE IDX WEB SITES?

All agent Web sites must frame their IDX Participant's Web site in order to display IDX listings. Agent sites may frame their IDX Participant's site only with their IDX Participant's permission, and all such displays are subject to Section 17.1.16. Secondary sites may not modify the display of IDX data appearing within the brokerage's primary IDX site, including re-sorting data, adding email links, etc.

SHOULD I CONTINUE TO SEND MY LISTINGS TO OTHER WEB SITES LIKE THE NEWSPAPERS AND REALTOR.COM?

That's a business decision you have to make for yourself. Some brokers feel their listing data is being used by third party Web sites to draw consumers away from the brokerage community. Others feel that the exposure available from such Web sites is well worth any purported loss of control of the data. You should examine this situation carefully and decide for yourself.

WHAT HAPPENS IF SOMEONE DOES NOT FOLLOW THE IDX RULES?

CMLS will monitor brokers who develop Web sites using the IDX data. It will also monitor other real estate Web sites. If CMLS finds that an IDX Participant is misusing data, that broker will be notified of the infraction and required to correct the problem. If the broker fails to correct the problem, he or she will lose access to the IDX data feed, be fined and possibly even suspended from CMLS.

WHY WOULD I WANT TO ALLOW OTHER BROKERS TO DISPLAY MY LISTINGS ON THEIR WEB SITES?

This is a great question. The answer lies in a desire to strengthen the brokerage industry. Long-term, if real estate brokerages want to compete with other industry segments for the business of Internet consumers, they will need to have Web sites that are attractive to consumers. That means having the most data. If you don't want your listings on the Internet at all, then you don't want to participate in Internet Data Exchange. If you currently provide your listing data to one or more local or national Web sites on the theory that more exposure is better, why wouldn't you want your listings exposed on other brokers' Web sites?

WHY WOULD I WANT TO LET OTHER BROKERS DISPLAY MY LISTINGS IF I DON'T HAVE MY OWN WEB SITE?

See the answer to the previous question. The rationale is equally strong in this case. In addition to those arguments, sellers will want to know why your listings do not show up on Internet Data Exchange Web sites when the listings of other brokers do.

WHY WOULD I WANT TO DISPLAY OTHER BROKERS' LISTINGS ON MY WEB SITE?

Because by displaying the complete CMLS inventory of active listings, you are providing a service to consumers that can help keep them coming to your Web site. If you want to be able to sell services on-line, you need a way to keep consumers at your site once they get there. (Industry folks refer to this as having a "sticky" site – the "stickier," the better.)

HOW MUCH WILL IT COST?

Internet Data Exchange costs you nothing. A Web site? That's another matter. See Appendix D for some rough estimates of the cost to put up and maintain a Web site including the Internet Data Exchange Data.

WILL THIS ALLOW BIG BROKERS TO HAVE MORE SUCCESSFUL WEB SITES? WILL THIS MAKE LITTLE BROKERS LOOK LIKE BIG BROKERS?

Brokers will get out of Internet Data Exchange whatever they put into it. Very large brokerages may have more money to put into their Web sites. They may spend more marketing dollars to get consumers to visit their sites. However, small firms that focus on Internet strategies and marketing may be able to look as "big" on the Internet as their much larger competitors. Internet Data Exchange is designed to make *all* broker sites more attractive to consumers. CMLS can only give you the tools. What you make with them is up to you.

WILL CONSUMERS CALL THE LISTING AGENT ON LISTINGS BELONGING TO OTHER IDX PARTICIPANTS?

Maybe. The listing firm's name must appear on any detailed display of data for listings that don't belong to you. You cannot display the listing agent's name. (This isn't true with regard to your own listings. See the question below about agent links.) An interested consumer could call the other brokerage and ask which agent has the property listed in order to reach him or her. However, this is a great deal more difficult than just e-mailing you. This phenomenon is also just as likely to benefit you, as your firm name appears on your listings on other brokers' Web sites.

WHAT DATA WILL CONSUMERS SEE? WHAT PROPERTY TYPES, STATUSES, DATA ELEMENTS, ETC.?

IDX Participants may only display active, conditional, contingent, and pending listings. They may display any or all of CMLS' several property types. The fields supplied in the Internet Data Exchange download (Appendix B) were determined by the Internet Data Exchange Committee. In any case, no more fields will be provided than appear on the MLS system customer report.

HOW DO I KNOW SOME AGENT FROM ANOTHER OFFICE WON'T END UP ADVERTISING MY HOT NEW LISTING AS HER OWN?

You don't. But it would be just as much a violation of the Rules under Internet Data Exchange as it was previously. Such an act would violate the Code of Ethics and state real estate law as well.

CAN THE CONSUMER LINK DIRECTLY TO THE LISTING AGENT'S E-MAIL?

An IDX Participant can provide linking on its own listings to its agents. It need not do so. This is a matter to be determined between the IDX Participant and his/her agents.

WHAT KIND OF ADVERTISING FOR OTHER SERVICES OR COMPANIES CAN BROKERS HAVE ON THEIR WEB SITES WITH IDX DATA?

An IDX Participant shall not co-brand with, or post advertisements on the listing search screen or any page of the Web site that displays IDX data for, any individual or company that is not a Member Participant of CMLS. This will result in the IDX data feed to the IDX Participant being terminated.

DO I NEED A WEB SITE?

What do you think? CMLS is providing the greatest flexibility so you can compete in an increasingly complex industry. But CMLS cannot compete for you. You must decide what your own business strategy is and whether Internet Data Exchange and a Web site with IDX data would support that strategy.

6   Choose your company and/or Web site name carefully!

If you are thinking of starting a real estate company or getting a Web site, be careful when choosing the name. The Charlotte Regional Realtor® Association (CRRA) and the Carolina Multiple Listing Services, Inc. (CMLS) may object to certain company and Web site names.

Why? It is the mission of both CRRA and CMLS to protect the role of the Realtor® and the multiple listing service and to ensure that the public understands the value Realtors® bring to real estate transactions. Some company or Web site names may deceive the public into believing that a company is affiliated with or endorsed by CRRA or CMLS. In addition, some Web site names lead the public into believing that the MLS is being searched or viewed when it is not.

Policy: SECTION 12.5: OBJECTIONABLE COMPANY AND WEB SITE NAMES: Member Participants and Subscribers must not indicate or imply in any medium that they operate a multiple listing service. CMLS reserves the right to object to any company name or Web site name proposed by a current or potential Member Participant or Subscriber, whose name is confusingly similar to any name used in commerce by CMLS, and that CMLS believes would leave the public confused. Names or phrases that CMLS might find objectionable could include "MLS," "Charlotte Regional" or any combination when used together or in such close proximity to each other anywhere in their Web site address (URL) or their Web site name that it could cause confusion. The use of the words "Multiple" (or "Multi") "Listing" (or "List") or "Service" (or "System") together or in any combination in a Web site address (URL) or Web site name is also prohibited.

CRRA/CMLS staff will record the rejection of a company or Web site name proposed by a current or future Member Participant or Subscriber at the time of membership application, or when the member first proposes the use of such company or Web site name.

If a potential new Member Participant or Subscriber refuses to change his or her company or Web site name to something less objectionable, the CRRA/CMLS Member Services Department will advise the applicant that he or she will not be allowed to attend orientation and therefore, he or she will not receive access to Supra keys or CMLS until the name is reviewed by the CRRA or CMLS Board of Directors at the next regularly scheduled meeting.

When a current Member Participant or Subscriber chooses a new company or Web site name found to be objectionable, the Member Participant or Subscriber (as well as the Subscriber's Member Participant) will be notified that if use of the objectionable name does not cease within five business days, access to MLS will be terminated for the Member Participant or Subscriber. Additionally, the IDX data feed will be terminated for the Member Participant or Subscriber's Member Participant. [Policy approved February 2003] (Amended 10-06)

SECTION 12.6: USE OF THE TERM MLS: Member Participants and Subscribers shall not use the term "MLS" "multiple listing service" or any derivatives to represent or imply that the public will have access to the MLS on their own Web sites or on any advertising in any media. The only acceptable use of the term MLS is for a Member Participant or Subscriber to indicate they are a member of the MLS or to describe the services they provide.

CRRA/CMLS staff uses the following chart to evaluate whether a Web site name is objectionable.

	Object	Use of the words Multiple Listing(s), MultiList or Listing(s) or the letters MLS or any combination thereof, anywhere in the name.
	Object	Use of the words CarolinaHome(s).[anything]
Will not object*	Use of the words: CarolinaHome(s)[anything].[anything] [Anything]CarolinaHome(s).[anything] Charlotte[anything].[anything] [Anything]Charlotte.[anything]	
*Exception	The only exception to the above is use of the word Multiple Listing(s), MultiList or Listing(s), or the letters MLS or any combination thereof, anywhere in the name.	
Note:	This policy is not all-inclusive and CMLS reserves the right to object to any other names at its sole discretion.	

If you have questions or concerns Gary Frank at 704.940.3139 or gary.frank@carolinahome.com.

7   Technical Implementation Guide

7.1   OVERVIEW

7.1.1   Purpose of this section

This Technical Implementation Guide is designed to provide information to the technical advisors and contractors of brokers participating in CMLS, so that they may incorporate the Internet Data Exchange program into those brokers' Web sites. When this section refers to "you," it is referring to such a technical advisor or contractor. When it refers to "your client," it is referring to a broker participating in CMLS and the Internet Data Exchange program, which you are assisting in developing a Web site.

7.1.2   Definitions and purpose of Internet Data Exchange

"Internet Data Exchange" is a means by which each MLS participant subscribing to the program (the "Internet Data Exchange Participant" or "IDX Participant") permits the display of its active listings appearing in MLS on each other IDX Participant's Internet Web site. The "Internet Data Exchange Database" is the current aggregate compilation of all listings of all Internet Data Exchange Participants except those listings where the property seller has opted out of Internet publication by so indicating on the listing contract. The goal of the Internet Data Exchange ("IDX") program is to permit participants in the CMLS, i.e., real estate brokers, to display the most complete set of data possible regarding listings for sale on their own Web sites.

7.1.3   Opting into the pool

Your client is assumed be an IDX Participant unless he/she submits a request in the Tempo MLS system not to be included. This request is made on the Office Participation screen under the Office Broker tab. There is no charge for a broker to become an IDX Participant and thus contribute his/her firm's listings to the IDX database.

7.1.4   Getting a data feed

Any IDX Participant may display all or any portion of the IDX database on his/her own Web site, provided they:

- Sign the required Access to Internet Data Exchange Data Feed Contract (Appendix C)

- Abide by the Internet Data Exchange Rules and Regulations (Appendix A) relating to IDX set forth in this document as well as periodic policy statements promulgated by CMLS.

7.1.5   Limitations on use

The Internet Data Exchange program has been created to encourage those whose principal business is the brokerage of residential real estate to display the most complete, accurate, and up-to-date compilations of listing information on their own Web sites. **Any use for any other purpose is STRICTLY PROHIBITED; CMLS will act aggressively to protect its copyright of the IDX database, to enforce its contractual rights, and to protect listing brokers' listing data from distribution in any way inconsistent with their legitimate business interests.**

7.2   RULES OF THE ROAD

For the best results CMLS recommends that you review this entire Broker Informational Packet for further details, particularly regarding rules and regulations and disclosures that should appear on your client's

Web site if he/she is an IDX Participant. The most recent version of this document is always available on CMLS' Web site, www.carolinahome.com.

7.2.1   Access methods

There is only one method of access provided by CMLS for IDX Participants to retrieve the IDX database: FTP access. Any IDX Participant intending to use any other method for downloading and updating the IDX database must seek approval of its method from CMLS. This approval will not be denied unless the method proposed is likely to result or does in fact result in violations of the IDX rules and regulations or in degradation of the performance of any of CMLS' systems. The use of any other method also requires payment to CMLS of any costs it incurs to provide the access method, including reasonable fees for CMLS staff time. See Appendix A for the complete Internet Data Exchange Rules & Regulations.

In order to use the FTP site, you will need an ID and password assigned by CMLS. To initiate FTP access, you need to fill out and send to CMLS the contract at the end of this document. CMLS will verify the necessary information and send you the ID, password and an FTP address. If you don't understand all this, that's a sure sign you should be working with a consultant or Web design firm to put this data on your site.

7.2.2   Rules and regulations

Your client will be held responsible for any failure on your part to comply with the Internet Data Exchange Rules and Regulations (Appendix A); therefore we suggest very strongly that you review them before building your client's site.

7.2.3   Contracts

Before you will be permitted to have access to the IDX data or any test sample of it, you must sign a contract with your client and CMLS. See the Access to Internet Data Exchange Data Feed Contract (Appendix C) for details. **You must sign this contract for each broker for whom you provide services.** (If you do not, you may lose access to the IDX data if one of your clients leaves CMLS or ceases to participate in the IDX program.)

7.3   MANDATORY AND RECOMMENDED DISCLOSURES

The rules and regulations require certain mandatory disclosures. Please review the Internet Data Exchange Rules & Regulations (Appendix A) carefully to ensure that you are in compliance with all mandatory disclosures.

7.3.1   Mandatory Logos and Disclosures

These logos and disclosures are required. With the exception of the copyright notices, the examples that appear here are merely suggestions. If you use these suggestions, you will be assured of compliance with the applicable provisions of CMLS' rules. But you may use language of your own choosing so long as it achieves the same objectives. Internet Data Exchange Participants are still responsible for complying with all of the CMLS rules, not just those listed here.

7.3.1.1   IDX Participant/Participant Firm Web Site Branding: The IDX Participant/Participant Firm that owns the Web site shall include brokerage branding at the top of any page within the Web site where any portion of the IDX Database is displayed or where visitors may initiate a search that may display any portion of the IDX Database. Such brokerage branding shall be visible when being framed by an agent Web site or secondary brokerage Web site. The brokerage's branding shall consist of either the brokerage firm's full name or its logo including its full name, with all text displayed at least 10 points high, and with a hyperlink from the brokerage's name or

logo to the brokerage's Web site. Brokerage firm name here means the full name of the firm as registered with CMLS (e.g. "Century 21" or "RE/MAX" is not enough; it must include the entire firm name).

7.3.1.2   **MLS Number:** At a minimum, the IDX listings must display the MLS number. Listings under conditional and pending status must display the words "under contract."

7.3.1.3   **Frequency of Updates:** The IDX site must include a disclaimer indicating the frequency with which it is updated or the date of the last update. Either of the following two forms of disclaimer satisfies this rule: "Data is updated as of [date];" or, "This data is updated every 72 hours."

7.3.1.4   **Explanation of IDX data:** The Internet Data Exchange icon and an explanation that those properties marked with the icon are provided courtesy of the CMLS IDX Database must appear on the first page where any listing data is displayed. The following disclosure, appearing alongside the IDX icon that is at least 100 pixels by 100 pixels will satisfy this requirement.

> *"The data relating to real estate for sale on this Web site comes in part from the Internet Data Exchange Program of the Carolina Multiple Listing Services, Inc. Real estate listings held by brokerage firms other than [insert your firm's name here] are marked with the IDX logo or the IDX thumbnail logo (a little black house) and detailed information about them includes the name of the listing brokers."*

7.3.1.5   **Thumbnail display:** CMLS interprets a thumbnail display as being no more than two horizontal lines of text and/or a photograph no more than 150 pixels high. Displays of more text or larger photos will be considered a detailed display requiring additional disclosures.

7.3.1.6   Any search result identifying another IDX Participant's listing in a brief or "thumbnail" format shall bear the IDX icon immediately adjacent to the property information. The approved thumbnail icon shall be at least 25 pixels by 25 pixels.

7.3.1.7   **Detailed display of a IDX Participant listing:** A search result producing a detailed display of another IDX Participant's listing shall bear that IDX Participant's name, the IDX icon that is at least 50 pixels by 50 pixels, and the CMLS copyright notice in at least 10-point font in Arial, Times New Roman or Courier, and as clearly legible as the listing data.

7.3.1.8   **CMLS Copyright Notice:** Your Web site must display CMLS' copyright notice on any detailed listing data of another IDX Participant. This notice must appear exactly as in one of these two options:

> *Option A: "Copyright nnnn Carolina Multiple Listing Services, Inc. All rights reserved." [Where nnnn is indicates the current year.]*

> *Option B: "© nnnn Carolina Multiple Listing Services, Inc. All rights reserved." [Where nnnn is indicates the current year.] Note, you may not substitute a "c" in parentheses – "(c)" – the copyright symbol – "©". If your Web site cannot display the copyright symbol, you must use option A and spell out the word "Copyright."*

7.3.1.9   **Required disclaimer:** Any result identifying another IDX Participant's listing (thumbnail and detailed description) shall include the disclaimer "Information Deemed Reliable But Not Guaranteed" or other acceptable language.

7.3.1.10 **Avoiding Scraping:** The Web site shall 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.

7.4 DATA UPDATE PROCESS IN GENERAL

7.4.1 Overview

The data for Internet Data Exchange resides on an FTP server maintained by CMLS. Access to this FTP server is via the Internet with a user ID and password.

Two zipped download files will be created daily for retrieval, one will contain listings data, and the other will contain photos.

The daily zipped data file will contain the following: one file containing a list of agents who belong to IDX participant offices (**agent.txt**), one file containing a list of IDX participant offices (**office.txt**), and six listings files, one for each property type in our system (**prpres.txt, prpcnd,txt, prpmul.txt, prplnd.txt, prpcom.txt, and prprnt.txt**). You will also find two files containing additional useful information (**features.txt and proptype.txt**). This daily zipped data file will contain a "complete replacement set" created every day. It is not an incremental download.

CMLS offers two methods for retrieving and displaying listing photos: (1) linking to the CMLS photo server, or (2) downloading and storing the primary photos on your own servers. Under the first method, link photos directly in your Web site from our photos server, additional photos included. Under the second method, the daily zipped photos file will contain all of the primary photos entered into the MLS system during the previous 24-hour day. This file is an incremental update. Photos files must be retrieved and stored daily in order to maintain a complete set on your server.

All files are created and ready for downloading by 2:30 a.m. EST daily.

7.4.2 Access Procedure

- In order to obtain access to data, you and your client will need to complete the Access to Internet Data Exchange Data Feed Contract that is part of the complete Internet Data Exchange Information Packet.

- You may be allowed access to test data for testing purposes by contacting the Technical Point-Of-Contact shown below.

- Once access has been approved, we will email a FTP login name and password for use in accessing our FTP server.

7.4.3 Contact Information

- **Primary Point-Of-Contact:** For information regarding the overall program, the procedure for subscribing or unsubscribing to the program, the Internet Data Exchange Rules & Regulations, or the Access to Internet Data Exchange Data Feed Contract, please email Gary Frank, Internet Compliance Administrator, at **idx@carolinahome.com** or call him at 704-940-3139.

- **Technical Point-Of-Contact:** For information regarding the Technical Implementation Guide, the Data Update Process, the fields supplied, or any other programming, hardware, or software related information, please email Steve Byrd, VP/CIO, at **steve.byrd@carolinahome.com** or call him at 704-940-3141.

7.5 DATA UPDATE PROCESS IN DETAIL

7.5.1 Daily Data (zipped)

- The FTP directory will contain a daily zipped data file. This file will contain the current day's agent.txt, office.txt, prpcnd.txt, prpcom.txt, prplnd.txt, prpmul.txt, prpres.txt and prprnt.txt files zipped together in one convenient file. The contents of these individual files are described below under 7.5.2 Listing Information.

- **Format:** The daily zipped data file in this directory will be in standard zip format.

- **Frequency:** The daily zipped data file will be updated daily. The data in the file will be completely replaced each day (not an incremental download).

- **Naming Convention:** The daily zipped data file will always be named in the format **IDXmmddyyyy.zip (example: IDX11172003.zip for November 17, 2003).**

- **Purpose:** This will be the best place to retrieve your data. This one zipped file will contain a complete set of the listings, agents, and offices data in one zipped file.

- **Size:** The size of the **IDXmmddyyyy.zip** file will depend greatly on the number of participating offices as well as the number of active, pending, conditional and contingent listings. It should be less than 4MB.

7.5.2   Listing Information (Unzipped)

- The FTP directory will always contain the current day's version of the following files:

    1. **prpres.txt** - contains all active, pending, conditional, and contingent single family residential listings belonging to IDX participant offices.

    2. **prpcnd.txt** - contains all active, pending, conditional, and contingent condo/townhouse listings belonging to IDX participant offices.

    3. **prpmul.txt** - contains all active, pending, conditional, and contingent multi-family listings belonging to IDX participant offices.

    4. **prplnd.txt** - contains all active, pending, conditional, and contingent lots/acres/farms listings belonging to IDX participant offices.

    5. **prpcom.txt** - contains all active, pending, conditional, and contingent commercial listings belonging to IDX participant offices.

    6. **prprnt.txt** - contains all available rental listings belonging to IDX participant offices.

- **Format:** Files are pipe (|) delimited text files. We chose pipe delimited because some of our data may contain quotes and/or commas but will not contain pipes. This format should be easy to import into any database application.

- **Frequency:** These files will be completely replaced every night, usually by 2:30 AM EST.

- **Naming Convention:** These files will always be named as shown above (no date stamping).

- **Purpose:** These are the listing data files. These files contain all of the active, pending, conditional, and contingent listings of all members working under an Internet Data Exchange Participant at the time the files were created.

- **Relationships:** There are six listings data files (one for each property category). Each record is identified by a unique value in the **MLSNum** field. Each record is associated with a unique listing

agent and listing office via the **OfficeList** and **AgentList** fields. Some other fields may contain a code instead of a complete value or meaning. In order to assist you in translating the codes, we have provided the **features.txt and proptype.txt** files.

- **Size:** The files range in size from 1k (prprnt.txt) to 10MB (prpres.txt). The number of listing records will vary, but can be as high as 25,000. The total size of all files should remain less than 15MB. Due to the large size of these files, we highly recommend you get your daily update from the zip format file described below.

- **Note (Square Footage):** CMLS policy states that IDX Web sites MUST NOT DISPLAY, or otherwise make available, the actual square footage values. IDX Web sites can only display the square footage range values. You may use the actual values to facilitate your search function, but every resulting report must display the range values.

7.5.3   **Agent information (unzipped)**

- The FTP directory will always contain the file **agent.txt.** This file will contain one record for each agent working with a broker in the **office.txt** file.

- **Format: Agent.txt** is a pipe (|) delimited text file. We chose pipe delimited because some of our data may contain quotes and/or commas but will not contain pipes. This format should be easy to import into any database application.

- **Frequency:** This file will be completely replaced every morning, usually by 2:30 AM EST.

- **Naming Convention:** This file will always be named **agent.txt** (no date stamping).

- **Purpose:** This is the member data file. This file contains a list of all members working under Internet Data Exchange Participants at the time the file was created.

- **Relationships:** There is one agent file. The **AgentList** field in each listing record relates that listing record to an agent through the **UID** field in the **agent.txt** file. The **UIDOffice** field in each record in the agent file relates that agent to a single office record through the **UID** field in the **office.txt** file.

- **Size:** The number of agent records will vary, but can be as high as 10,000. The total file size should remain less than 250k.

- **Special Limitation:** An IDX Participant may display agent information on its Web site only for listings associated with its own agents. That is, the **OfficeList** field in the listing must refer to an office that is part of your client's firm.

7.5.4   **Office Information (unzipped)**

- The FTP directory will always contain the file **office.txt**. This file will contain one record for each Internet Data Exchange Participant office.

- **Format:** Office.txt is a pipe (|) delimited text file. We chose pipe delimited because some of our data may contain quotes and/or commas but will not contain pipes. This format should be easy to import into any database application.

- **Frequency:** This file will be completely replaced every morning, usually by 2:30 AM EST.

- **Naming Convention:** This file will always be named **office.txt** (no date stamping).

- **Purpose:** This is the offices data file. This file contains a list of all Internet Data Exchange Participant offices at the time the file was created.

- **Relationships:** There is one office data file. The **OfficeList** field in each listing record relates that listing record to an office through the **UID** field in the **office.txt** file. The **UIDOffice** field in each record in the agent table relates that agent to a single office record through the **UID** field in the **office.txt** file

- **Size:** The number of office records will vary, but can be as high as 3,000. The total file size should remain below 50k.

- **Special Note:** Many real estate firms have more than one office. You should find out from your client all the office numbers for offices in his/her firm. This way, if your client's Web site will give special treatment to her own listings, you'll be sure to know which listings those are.

7.5.5   Photos

There are two methods for retrieving listing photos. CMLS encourages IDX vendors to use the first method described below, which is linking to the CMLS photo server. Linking to the CMLS photo server alleviates issues with updating and storing photos, and guarantees the most recent photo is displayed.

7.5.5.1   Photos Linked: Link photos directly in your Web site from our photos server, additional photos included.

- For primary photos, link to http://www.carolinaphotos.com/photos/123456.jpg , where 123456 represents the MLS listing number.

- For additional photos, link to http://www.carolinaphotos.com/photos2/123456b.jpg , where 123456 represents the MLS listing number and b is the suffix for the second photo.

- For High Res photos inserting an "hr" prior to "photos", for example http://www.carolinaphotos.com/hrphotos/123456.jpg will link to the high resolution version of that particular photo useful for displaying a large view of individual photos.

- Use this same format for b=2, c=3, d=4, e=5, f=6, g=7, and h=8 suffixes.

- We store up to 8 photos per listing.

- Our system is configured to deliver a "Photo Not Available" graphic when no photo is available, see http://www.carolinaphotos.com/photos2/123456h.jpg for example.

- You can get an idea of how many photos are available by using the photocount field in the listing data, but do not count on this field to be 100% accurate.

- If you choose to use this method to display photos on your site, you won't need to download any photos at all or store them on your site.

- You could also always create your own combination of the two - download main photos and link to our site for additional photos.

- At any time, we only provide photos for active, conditional, contingent, or pending listings.

- Once a listing goes of market, photos for that listing will not be available.

7.5.5.2 **Photos Files (zipped):** The daily zipped photos file will contain all of the primary photos entered into the MLS system during the previous 24-hour day. This file is an incremental update. Photos files must be retrieved and stored daily in order to maintain a complete set on your server.

- First, request a starter set of photos. Once requested, CMLS will create a starter set and place these zip files on the photos sub-directory of the FTP server. CMLS requires a week's notice to create the starter set. The starter set consists of 10 zip files usually less than 100MB each. Once the starter set is downloaded, then download each daily zip file and add photos to your directories as follows:

- The FTP directory will contain the last seven zipped photos files.

- **Format:** All photos files contained in the zipped photos file will be in JPEG format.

- **Naming Convention:** The daily zipped photos file will be named in the format **phmmddyyyy.zip (example: ph11162003.zip on November 16, 2003)**. When unzipped, the individual photos files will be named with a listing number that corresponds to the **MLSNum** field in the six listings files. The extension of photos files will always be ".jpg". **(example: 123456.jpg**).

- **Purpose:** This will be a daily incremental update of photos files, used to maintain your server's photos directory.

- **Frequency:** The files will be added daily and maintained for one week. Only seven **phmmddyyyy.zip** files will be available at any one time.

- **Relationships:** When unzipped, the name of each photos file corresponds to the **MLSNum** field in the six listing files.

- **Size:** The **phmmddyyyy.zip** should not exceed 5MB daily. The individual photos files will be less than 40k in size.

- **Special Notes:** Please note that on any given day, there is no direct correlation between the listing records contained in the six listings files and the photos contained in the **phmmddyyyy.zip** file. The six listings files are re-written everyday. The photos for the listings contained in the file may have been sent earlier, on the same day, or will be sent later.

  You will have to come up with your own method of maintaining your photos database. Since we do not send sold, withdrawn, or expired listing information, you have no easy way to know what files to delete from your stockpile of photos. I would recommend a weekly process that looks through your entire directory and deletes all photos files that do not have corresponding **MLSNum** value in any of the six listings files.

- There are several ways that you could get stung here, so be careful. For example, if a listing's photos get entered into the MLS when the firm with that listing is not an Internet Data Exchange Participant, those photos will not be delivered in the **phmmddyyyy.zip** package. But, if the broker/owner of that firm decides to change his/her mind and subscribe, that listing will immediately be delivered in the next **listings.txt** file, but the photos will not be sent again.

  Instead, rely on the **phmmddyy.zip** files in the **daily** directory to keep your photos database current.

Appendix A – Internet Data Exchange Rules & Regulations
Carolina Multiple Listing Services, Inc. (CMLS)

Last Revised January 24, 2008 - The IDX Rules & Regulations are subject to change, and this document is updated frequently. For the most recent version of this document, please check our Web site at www.carolinahome.com, and click on the Internet Data Exchange link from the home page.

INTERNET DATA EXCHANGE

(FIRST ADOPTED APRIL 2001)

SECTION 17: IDX DEFINITIONS:

A. **Internet data exchange (IDX):** IDX is a means by which Member Participants subscribing to the IDX program (the "IDX Participant" or "Participant Firm") permits the display of their Active, Contingent, Conditional and Pending listings appearing in the MLS on each other IDX Participant's Internet Web site, subject to the requirements of this Section 17.

In order to be an IDX Participant, the Participant Firm must:

1. Have agents actively representing buyers or Sellers in real estate transactions through exclusive right to sell or exclusive agency listing agreements, or through exclusive or non-exclusive buyer agency agreements or any other form of written buyer agency agreement.

2. Comply with all applicable North Carolina and South Carolina laws, rules and regulations governing real estate. As prohibited by law, an IDX Participant should not advertise listings from another state where the IDX Participant is not licensed.

    Note: There shall be only one IDX Participant per office. Companies with multiple offices must designate an IDX Participant for each office. The IDX Participant (principal) may be the same Member Participant or a different Member Participant for each separate office location. *(Amended 4-22-04)*

B. "**INTERNET DATA EXCHANGE BROKER INFORMATION AND TECHNICAL IMPLEMENTATION GUIDE**" is a policy document adopted by the CMLS Board of Directors describing the CMLS Internet Data Exchange program.

C. **"INTERNET DATA EXCHANGE DATABASE"** (IDX Database) is the current aggregate compilation of all Active, Contingent, Conditional and Pending listings submitted to the MLS by all IDX Participants except those listings where: a) the CMLS Member Participant Firm has opted out of Internet Data Exchange, or b) listings or property addresses of Sellers who have directed their Listing Brokerages to withhold their listing or property address from display on the Internet (including, but not limited to, publicly-accessible Web sites). Those listings described under (a) and (b) of this paragraph shall not be accessible via IDX sites (notwithstanding this prohibition, Listing Brokerages may display on their IDX sites or their other Web sites(s) the listing or property addresses of consenting sellers). *(Amended 1-08)*

SECTION 17.1: REPUBLICATION OF IDX DATABASE ON INTERNET PERMITTED: Display of listing information pursuant to IDX is subject to the following rules:

SECTION 17.1.1: REPUBLICATION OF IDX DATABASE ON INTERNET PERMITTED: An IDX Participant may republish all or a portion of the IDX Database on the Internet in accordance with the following provisions and in keeping with any policies that CMLS may adopt from time to time. Unless expressly contravened by the provisions of this Section 17, all other rules and regulations remain in full force and effect.

SECTION 17.1.2: 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. *(New Section Approved 1/08)*

SECTION 17.1.3: IDX WEB SITE END USER LICENSE AGREEMENT: The IDX Participant/Participant Firm that owns the Web site shall require all Web site users to click to acknowledge and consent to the "IDX Web Site End User License Agreement" contained in Appendix D of the *CMLS IDX Broker Information and Technical Implementation Guide. [This rule is not yet effective.]*

SECTION 17.1.4: IDX PARTICIPANT/PARTICIPANT FIRM WEB SITE BRANDING: The IDX Participant/Participant Firm that owns the Web site shall include brokerage branding at the top of any page within the Web site where any portion of the IDX Database is displayed or where visitors may initiate a search that may display any portion of the IDX Database. Such brokerage branding shall be visible when being framed by an agent Web site or secondary brokerage Web site. The brokerage's branding shall consist of either the brokerage firm's full name or its logo including its full name, with all text displayed at least 10 points high, and with a hyperlink from the brokerage's name or logo to the brokerage's Web site. Brokerage firm name here means the full name of the firm as registered with CMLS (e.g. "Century 21" or "RE/MAX" is not enough; it must include the entire firm name). *(Amended 10-06)*

SECTION 17.1.5: DISPLAYING LESS THAN THE ENTIRE IDX DATABASE: An IDX Participant who chooses to display less than the entire IDX Database is responsible for reconfiguring the IDX Database as necessary for this use and any costs associated with the reconfiguration. IDX 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 (e.g., uptown, downtown, etc.), list price and type of property (e.g., condominiums, single-family, multi family). Selection of listings displayed on any IDX site must be independently made by each IDX Participant. *(Amended 2-07)*

SECTION 17.1.6: REPUBLICATION OF ANOTHER IDX PARTICIPANT'S LISTINGS: Except as otherwise contained herein, an Internet republication of another IDX Participant's listings shall not contain more (but may contain less) information than is contained in CMLS' customer report, which excludes certain listing information. The fields available are set forth in Appendix B of the *CMLS IDX Broker Information and Technical Implementation Guide.* At a minimum, the IDX listings must include the MLS number. Listings under conditional and pending status must display the words "under contract." An IDX Participant may display all information relating to its own listings if it chooses; this limitation applies only to listings belonging to other IDX Participants. *(Amended 10-07)*

SECTION 17.1.7: IDX INFORMATION UPDATES: The IDX Participant shall update the information on its Internet Web site at least every 72 hours.

The IDX site must include a disclaimer indicating the frequency with which it is updated or the date of the last update. Either of the following two forms of disclaimer satisfies this rule: "Data is updated as of [date];" or, "This data is updated every 72 hours."

SECTION 17.1.8: NO MODIFICATION OR MANIPULATION OF DATA RELATING TO ANOTHER IDX PARTICIPANT'S LISTING: An IDX Participant may not modify or manipulate the data relating to another IDX Participant's listing (his is not a limitation on the design of the site, but refers to the actual data). The IDX Participant may, consistent with Sections 17.1.10 and 17.1.12, display generic links or "buttons" (such as "Map" or "Tax Info") on listings of other IDX Participants. If the IDX Participant wishes to display data from other sources, such as property tax records, sales histories, etc., the IDX Participant must segregate that data on the page from the other IDX Participants' listings and clearly identify its source.

SECTION 17.1.9: CMLS IDX DATABASE ICON AND EXPLANATION: The CMLS-approved icon and an explanation that those properties marked with the icon come from the CMLS IDX Database must appear on the first page that displays listing data.

The following disclosure or any substantially similar disclosure, accompanied by the CMLS-approved logo for IDX, will satisfy the requirements of this Section 17.1.9:

"The data relating to real estate for sale on this Web site comes in part from the IDX Program of the Carolina Multiple Listing Services, Inc. Real estate listings held by brokerage firms other than [insert your firm's name here] are marked with the IDX logo or the IDX thumbnail logo (a little black house) and detailed information about them includes the name of the Listing Brokerage."

SECTION 17.1.10: BRANDING ON OTHER PARTICIPANTS' LISTINGS: The IDX Participant/Participant Firm that operates the Web site cannot display its name, contact information, branding, logo, advertisement or offer for itself or for any of its agents, or any third party, within the body of the listing data on any display of another IDX Participant's listing. "Branding" refers to any marks or language referring to the Web site-owning IDX Participant repeated in the display of another IDX Participant's listing. Any association of such information or branding with the listing data is a violation of this rule. 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 17.1.11: CMLS-APPROVED ICON OR THE CMLS-APPROVED THUMBNAIL ICON: A thumbnail display of another IDX Participant's listing is one that includes no more than two horizontal lines of text and no more than one photo, which must be 150 pixels or less in height. A thumbnail display must include a link to a detailed display. Any other display is a detailed display. Any search result identifying another IDX Participant's listing in a brief or "thumbnail" format shall bear the CMLS-approved icon or the CMLS-approved thumbnail icon immediately adjacent to the property information to identify the listing as a CMLS listing. The CMLS-approved icon shall be at least 95 x 35 pixels. The CMLS approved thumbnail icon shall be at least 27 x 21 pixels.

SECTION 17.1.12: THUMBNAIL DISPLAY: A thumbnail display may only include the following: text data about the listing property, a photo of the listing property, the logo of the Listing Brokerage or CMLS-approved icon, and "buttons" providing links for other information. The CMLS-approved icon and CMLS-approved thumbnail icon are available for download from CMLS' Web site at www.carolinahome.com. If the CMLS-approved thumbnail icon is used, the disclosure required under subsection 17.1.9 must indicate that both the CMLS-approved icon and the CMLS-approved thumbnail icon refer to listings of other IDX Participants.

SECTION 17.1.13: DETAILED DISPLAY OF ANOTHER IDX PARTICIPANT'S LISTING: A search result producing a detailed display of another IDX Participant's listing shall bear that IDX Participant's name, the CMLS-approved icon, and CMLS' copyright notice immediately following the property information. The IDX Participant's name, CMLS-approved icon, and copyright notice shall be at least 10-point size in Arial, Times New Roman or Courier font, and must be as clearly legible as the listing data. *(Amended 9-01)*This notice must appear exactly as in one of these two options:

Option A: "Copyright nnnn Carolina Multiple Listing Services, Inc." [Where nnnn is indicates the current year.]

Option B: "© nnnn Carolina Multiple Listing Services, Inc. All rights reserved." [Where nnnn is indicates the current year.] Note, you may not substitute a "c" in parentheses – "(c)" – for the copyright symbol – "©". If your Web site cannot display the copyright symbol, you must use option A and spell out the word "Copyright."

SECTION 17.1.14: REQUIRED DISCLAIMER: Any result identifying another IDX Participant's listing shall include the disclaimer, "Information deemed reliable but not guaranteed," or any similar language indicating both that the IDX Participant believes the data provided to be accurate and that it does not guarantee the data.

SECTION 17.1.15: INTERNET WEB SITE PUBLICATION: The IDX Participant must have both actual and apparent control of the site, and each such IDX Participant may have only one Web site displaying the IDX database or any portion thereof. Actual control means that the IDX Participant either has built the Web site for its own use with internal resources or has obtained technology for the Web site under an agreement with a third party that provides the IDX Participant final say over how the Web site is operated. Apparent control means that a reasonable consumer viewing the site would understand that it is under the control of the IDX Participant. Indicia of apparent control include that the IDX Participant's branding is more prominent than that of any other entity. *(Amended 10-06)*

SECTION 17.1.16: SECONDARY BROKERAGE AND AGENT SITES: All CMLS Member Participants and Subscribers with secondary brokerage and agent Web sites ("secondary sites") must frame their IDX Participant's Web site in order to display IDX listings, and only with their IDX Participant's permission. All such displays are subject to Section 17.1.15. Secondary sites may not modify the display of IDX data appearing within the IDX Participant's primary IDX site, including re-sorting data, adding email links, etc. The secondary site may frame the Member Participant's or Subscriber's inventory displayed on the IDX Participant's Web site. However, a Web site vendor cannot use IDX data to create an inventory list for a Member Participant or Subscriber whose company does not have an IDX Web site or uses another IDX vendor. *(Amended 10-06)*

In all cases, the brokerage branding on the IDX Participant's Web site shall be equal to or larger than the branding present on a secondary site (excluding the agent's photograph) that may frame the IDX Participant's Web site.

The following graphics serve as examples of acceptable approaches in which secondary sites may frame the IDX Participant's Web site, but are not exhaustive of the options available, with the condition the secondary site complies with this Section and Section 17.1.15.

<u>**Internet Data Exchange Web Site Standards**</u>

Brokerage Web site (Permitted)

This is an example of a typical brokerage Web site. Standard information and links across the top and left side. The listing search frame appears in the green area as shown.

Agent Branding

Company Branding

Company Listing Search
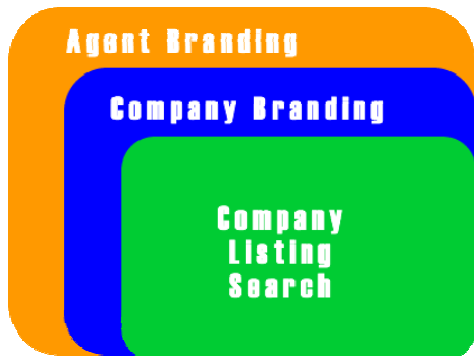
Example 1: Agent Web site (Permitted)

This agent's Web site contains an outer layer of information about the agent. When a visitor to this site clicks a link for listings, the agent's site frames the brokerage site.

Company Branding

Agent Photo

Company Listing Search
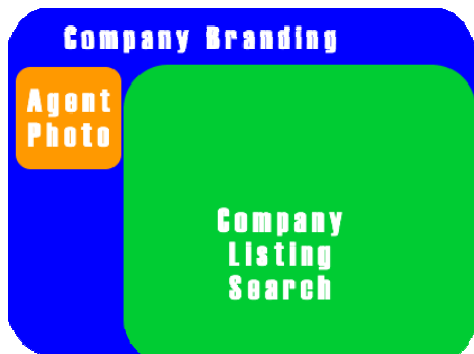
Example 2: Agent Web site (Permitted)

This agent has smart framed his/her brokerage's site by adding his/her name to the brokerage's Web site URL. For example, www.abcrealty.com/johnsmith or www.johnsmith.abcrealty.com. The agent's photo and contact information appear on the brokerage's Web site.

SECTION 17.1.17: AVOIDING SCRAPING: An IDX Participant displaying the IDX Database or any portion thereof shall make reasonable efforts to avoid "scraping" of the data by third parties or displaying of that data on any other Web site. Reasonable efforts shall include but not be limited to:

a) Monitoring the Web site for signs that a third party is "scraping" data, and

b) Prominently posting notice that any use of search facilities of data on the site, other than by a consumer looking to purchase real estate, is prohibited.

SECTION 17.1.18: REPORTING SUSPECTED SCRAPING: If an IDX Participant suspects "scraping" of the data has occurred, the suspicion and any evidence must be reported to CMLS immediately for investigation and action. CMLS may monitor any IDX Participant's Web site for scraping.

SECTION 17.1.19: CHANGES NECESSARY TO CURE VIOLATIONS: An IDX Participant must make changes to an Internet site to cure a violation of CMLS' IDX Rules immediately (but in no event longer than five business days) following notice from CMLS of the violation. CMLS reserves the right to discontinue the data feed without further notice for failure to comply with this requirement or Section 12.5. The IDX Participant or Consultant may also be subject to fines or other sanctions from CMLS. (Amended 3-04)

SECTION 17.1.20: NO THIRD PARTY DISTRIBUTION: CMLS expressly prohibits distribution of the IDX Database or any portion of it for ANY purpose other than those expressly permitted by these Rules. This includes distribution to other IDX Participants. Specifically, an IDX Participant or Consultant cannot sell, provide or otherwise make available access to the IDX Database to other brokers, agents or any other businesses, whether or not they are participants in CMLS. *(Amended 4-22-04)*

SECTION 17.1.21: NO IDX DATABASE CO-MINGLED: No portion of the IDX Database shall be co-mingled with any non-MLS listings on the IDX Participant's Internet Web site. If the property in question appears in an MLS other than CMLS, it may be co-mingled.

SECTION 17.1.22: USING A THIRD PARTY TO DEVELOP/DESIGN WEB SITES: Any IDX Participant using a third party to develop/design its Web site will have a written agreement with that third party in the form prescribed by CMLS. IDX vendors must not provide IDX data to anyone without <u>FIRST</u> verifying that CMLS has signed the Access to IDX Data Feed Contract. Providing an MLS password to an unauthorized recipient is a serious violation of CMLS' rules, punishable by a fine of $1,000 for each such violation.

SECTION 17.1.23: VIRTUAL TOURS: An IDX Participant's Web site may contain links to virtual tours included in the IDX Database. The virtual tour link text may not display the actual virtual tour URL; the link must be opened in a new browser window (target=_blank), and the domain address displayed in that window must be the same as the domain address of the IDX Participant's Web site. (Amended 7-07)

Appendix B – Internet Data Exchange Fields Provided

PRPRES (Single Family Residential)

Acres, float
AgentCoList, varchar (20) (not for display)
AgentList, varchar (8) (not for display)
* AppointmentPhone, varchar (15)
Area, varchar (25)
AssocFee, int
AssocFeePaid, varchar (12)
BathsTotal, float
Beds, int
Builder, varchar (50)
City, varchar (40)
CommonArea, varchar (255)
CompletionDate, datetime
County, varchar (25)
* DaysOnMarket, int
DeedRef, varchar (10)
Driveway, varchar (255)
Equipment, varchar (255)
Exterior, varchar (255)
FireplaceYN, varchar (1)
Foundation, varchar (255)
HVAC, varchar (255)
LaundryLocation, varchar (255)
* ListDate, datetime
ListPrice, int
ListStatus, varchar (25)
ListType, varchar (25)
LotDesc, varchar (75)
MlsNum, int
Modified, datetime
NewConstruction, varchar (1)
OfficeList, varchar (8)
OwnerAgent, varchar (1)
Parking, varchar (255)
PhotoCount, int
PropSubType, varchar (255)
PropType, varchar (5)
Remarks, varchar (400)
* SalesPrice, int
SchoolElem, varchar (255)
SchoolHigh, varchar (255)
SchoolJunior, varchar (255)
SqFtTotal, int (not for display)
State, varchar (25)
StreetDir, varchar (40)
StreetName, varchar (30)
StreetNum, int
StreetNumDisplay, varchar (6)
StreetType, varchar (40)
SubArea, varchar (255)
Subdivision, varchar (30)
UnitNum, varchar (5)

Water, varchar (255)
YearBuilt, int
ZipCode, varchar (10)
Zoning, varchar (7)
Zoning2, varchar (7)
BathsFull, int,
BathsFullBasement, int,
BathsFullLower, int,
BathsFullMain, int,
BathsFullUpper, int,
BathsHalf, int,
BathsHalfBasement, int,
BathsHalfLower, int,
BathsHalfMain, int,
BathsHalfUpper, int,
DoorsWindows, varchar (50)
FireplaceDesc, varchar (75)
Floors, varchar (255)
Interior, varchar (255)
Model, varchar (50)
RoomBasement, varchar (75)
RoomLower, varchar (75)
RoomMain, varchar (75)
RoomUpper, varchar (75)
Siding, varchar (255)
SqFtAdditional, int, (not for display)
SqFtBasement, int, (not for display)
SqFtLower, int, (not for display)
SqFtMain, int, (not for display)
SqFtUnheated, int, (not for display)
SqFtUnheatedBasement, int, (not for display)
SqFtUnheatedLower, int, (not for display)
SqFtUnheatedMain, int, (not for display)
SqFtUnheatedUpper, int, (not for display)
SqFtUpper, int, (not for display)
Style, varchar (255)
WaterHeater, varchar (255)
Latitude, varchar (25)
Longitude, varchar (25)
VirtualTour, varchar (255)
SqFtTotalRange, varchar(20)
SqFtAdditionalRange, varchar(20)
SqFtBasementRange, varchar(20)
SqFtLowerRange, varchar(20)
SqFtMainRange, varchar(20)
SqFtUnheatedRange, varchar(20)
SqFtUnheatedBasementRange, varchar(20)
SqFtUnheatedLowerRange, varchar(20)
SqFtUnheatedMainRange, varchar(20)
SqFtUnheatedUpperRange, varchar(20)
SqFtUpperRange, varchar(20)

* Indicates that the field is a placeholder and contains no data.

Square Footage Note: CMLS policy states that IDX Web sites MUST NOT DISPLAY, or otherwise make available, the actual square footage values. IDX Web sites can only display the square footage range values. You may use the actual values to facilitate your search function, but every resulting report must display the range values.

PRPCND (Condo/Townhouse)

Acres, float
AgentCoList, varchar (20) (not for display)
AgentList, varchar (8) (not for display)
AppointmentPhone, varchar (15)
Area, varchar (25)
AssocFee, int
AssocFeePaid, varchar (12)
BathsTotal, float
Beds, int
Builder, varchar (50)
City, varchar (40)
CommonArea, varchar (255)
CompletionDate, datetime
County, varchar (25)
* DaysOnMarket, int
DeedRef, varchar (10)
Driveway, varchar (255)
Equipment, varchar (255)
Exterior, varchar (255)
FireplaceYN, varchar (1)
Foundation, varchar (255)
HVAC, varchar (255)
LaundryLocation, varchar (255)
* ListDate, datetime
ListPrice, int
ListStatus, varchar (25)
ListType, varchar (25)
LotDesc, varchar (75)
MlsNum, int
Modified, datetime
NewConstruction, varchar (1)
OfficeList, varchar (8)
OwnerAgent, varchar (1)
Parking, varchar (255)
PhotoCount, int
PropSubType, varchar (255)
PropType, varchar (5)
Remarks, varchar (400)
* SalesPrice, int
SchoolElem, varchar (255)
SchoolHigh, varchar (255)
SchoolJunior, varchar (255)
SqFtTotal, int (not for display)
State, varchar (25)
StreetDir, varchar (40)
StreetName, varchar (30)
StreetNum, int
StreetNumDisplay, varchar (6)
StreetType, varchar (40)
SubArea, varchar (255)
Subdivision, varchar (30)
UnitNum, varchar (5)
Water, varchar (255)
YearBuilt, int

ZipCode, varchar (10)
Zoning, varchar (7)
Zoning2, varchar (7)

BathsFull, int
BathsFullBasement, int
BathsFullLower, int
BathsFullMain, int
BathsFullUpper, int
BathsHalf, int
BathsHalfBasement, int
BathsHalfLower, int
BathsHalfMain, int
BathsHalfUpper, int
BuildingFloor, varchar (6)
ComplexName, varchar (30)
DoorsWindows, varchar (50)
FireplaceDesc, varchar (75)
FloorNum, varchar (15)
Floors, varchar (255)
Interior, varchar (255)
LandIncluded, varchar (1)
Model, varchar (50)
RoomBasement, varchar (75)
RoomEntryLevel, varchar (1)
RoomLower, varchar (75)
RoomMain, varchar (75)
RoomUpper, varchar (75)
Siding, varchar (255)
SqFtAdditional, int (not for display)
SqFtBasement, int (not for display)
SqFtLower, int (not for display)
SqFtMain, int (not for display)
SqFtUnheated, int (not for display)
SqFtUnheatedBasement, int (not for display)
SqFtUnheatedLower, int (not for display)
SqFtUnheatedMain, int (not for display)
SqFtUnheatedUpper, int (not for display)
SqFtUpper, int (not for display)
Style, varchar (255)
UIDPrp, int
WaterHeater, varchar (255)
Latitude, varchar (25)
Longitude, varchar (25)
VirtualTour, varchar (255)
SqFtTotalRange, varchar(20)
SqFtAdditionalRange, varchar(20)
SqFtBasementRange, varchar(20)
SqFtLowerRange, varchar(20)
SqFtMainRange, varchar(20)
SqFtUnheatedRange, varchar(20)
SqFtUnheatedBasementRange, varchar(20)
SqFtUnheatedLowerRange, varchar(20)
SqFtUnheatedMainRange, varchar(20)
SqFtUnheatedUpperRange, varchar(20)
SqFtUpperRange, varchar(20)

PRPMUL (Multi-Family)

Acres, float
AgentCoList, varchar (20)
     (not for display)
AgentList, varchar (8)
     (not for display)
* AppointmentPhone, varchar (15)
Area, varchar (25)
AssocFee, int
AssocFeePaid, varchar (12)
BathsTotal, float
Beds, int
Builder, varchar (50)
City, varchar (40)
CommonArea, varchar (255)
CompletionDate, datetime
County, varchar (25)
* DaysOnMarket, int
DeedRef, varchar (10)
Driveway, varchar (255)
Equipment, varchar (255)
Exterior, varchar (255)
FireplaceYN, varchar (1)
Foundation, varchar (255)
HVAC, varchar (255)
LaundryLocation, varchar (255)
* ListDate, datetime
ListPrice, int
ListStatus, varchar (25)
ListType, varchar (25)
LotDesc, varchar (75)
MlsNum, int
Modified, datetime
NewConstruction, varchar (1)
OfficeList, varchar (8)
OwnerAgent, varchar (1)
Parking, varchar (255)
PhotoCount, int
PropSubType, varchar (255)
PropType, varchar (5)
Remarks, varchar (400)
SalesPrice, int
SchoolElem, varchar (255)
SchoolHigh, varchar (255)
SchoolJunior, varchar (255)
SqFtTotal, int (not for display)
State, varchar (25)

StreetDir, varchar (40)
StreetName, varchar (30)
StreetNum, int
StreetNumDisplay, varchar (6)
StreetType, varchar (40)
SubArea, varchar (255)
Subdivision, varchar (30)
UnitNum, varchar (5)
Water, varchar (255)
YearBuilt, int
ZipCode, varchar (10)
Zoning, varchar (7)
Zoning2, varchar (7)
BathsFull, int
BathsHalf, int
CompletedUnits, int
DoorsWindows, char (255)
FireplaceDesc, varchar (75)
Floors, varchar (255)
LesseePays, varchar (255)
LessorPays, varchar (255)
Model, varchar (50)
NumUnits, int
ProjectedUnits, int
RoomOther, varchar (15)
Siding, varchar (255)
SqFtAdditional, int (not for display)
SqFtBasement, int (not for display)
Style, varchar (255)
UIDPrp, int
Unit1Baths, int
Unit1BathsFull, int
Unit1BathsHalf, int
Unit1Beds, int
Unit1Breakfast, varchar (1)
Unit1Den, varchar (1)
Unit1DiningRoom, varchar (1)
Unit1Kitchen, varchar (1)
Unit1LivingRoom, varchar (1)
Unit1Rent, int
Unit1Rooms, varchar (35)
Unit1SqFt, int (not for display)
Unit2Baths, int
Unit2BathsFull, int
Unit2BathsHalf, int
Unit2Beds, int

Unit2Breakfast, varchar (1)
Unit2Den, varchar (1)
Unit2DiningRoom, varchar (1)
Unit2Kitchen, varchar (1)
Unit2LivingRoom, varchar (1)
Unit2Rent, int
Unit2Rooms, varchar (35)
Unit2SqFt, int (not for display)
Unit3Baths, int
Unit3BathsFull, int
Unit3BathsHalf, int
Unit3Beds, int
Unit3Breakfast, varchar (1)
Unit3Den, varchar (1)
Unit3DiningRoom, varchar (1)
Unit3Kitchen, varchar (1)
Unit3LivingRoom, varchar (1)
Unit3Rent, int
Unit3Rooms, varchar (35)
Unit3SqFt, int (not for display)
Unit4Baths, int
Unit4BathsFull, int
Unit4BathsHalf, int
Unit4Beds, int
Unit4Breakfast, varchar (1)
Unit4Den, varchar (1)
Unit4DiningRoom, varchar (1)
Unit4Kitchen, varchar (1)
Unit4LivingRoom, varchar (1)
Unit4Rent, int
Unit4Rooms, varchar (35)
Unit4SqFt, int (not for display)
UnitFeatures, varchar (155)
WaterHeater, varchar (255)
Latitude, varchar (25)
Longitude, varchar (25)
VirtualTour, varchar (255)
SqFtTotalRange, varchar(20)
SqFtAdditionalRange, varchar(20)
SqFtBasementRange, varchar(20)
Unit1SqFtRange, varchar(20)
Unit2SqFtRange, varchar(20)
Unit3SqFtRange, varchar(20)
Unit4SqFtRange, varchar(20)

PRPLND (Lots/Acres/Farms)

Acres, float
AgentCoList, varchar (20) (not for display)
AgentList, varchar (8) (not for display)
* AppointmentPhone, varchar (15)
Area, varchar (25)
AssocFee, int
AssocFeePaid, varchar (12)
BathsTotal, float
Beds, int
Builder, varchar (50)
City, varchar (40)
CommonArea, varchar (255)
CompletionDate, datetime
County, varchar (25)
* DaysOnMarket, int
DeedRef, varchar (10)
Driveway, varchar (255)
Equipment, varchar (255)
Exterior, varchar (255)
FireplaceYN, varchar (1)
Foundation, varchar (255)
HVAC, varchar (255)
LaundryLocation, varchar (255)
* ListDate, datetime
ListPrice, int
ListStatus, varchar (25)
ListType, varchar (25)
LotDesc, varchar (75)
MlsNum, int
Modified, datetime
NewConstruction, varchar (1)
OfficeList, varchar (8)
OwnerAgent, varchar (1)
Parking, varchar (255)
PhotoCount, int
PropSubType, varchar (255)

PropType, varchar (5)
Remarks, varchar (400)
* SalesPrice, int
SchoolElem, varchar (255)
SchoolHigh, varchar (255)
SchoolJunior, varchar (255)
SqFtTotal, int (not for display)
State, varchar (25)
StreetDir, varchar (40)
StreetName, varchar (30)
StreetNum, int
StreetNumDisplay, varchar (6)
StreetType, varchar (40)
SubArea, varchar (255)
Subdivision, varchar (30)
UnitNum, varchar (5)
Water, varchar (255)
YearBuilt, int
ZipCode, varchar (10)
Zoning, varchar (7)
Zoning2, varchar (7)
AcrePrice, int
AdditionalInfo, varchar (255)
CanBeDivided, varchar (1)
Dwelling, varchar (1)
OutBuildings, varchar (1)
PropertyType, varchar (255)
Restrictions, varchar (160)
RestrictionsDesc, varchar (255)
RestrictionsYN, varchar (1)
SqFtMinBuild, int
UIDPrp, int
Latitude, varchar (25)
Longitude, varchar (25)
VirtualTour, varchar (255)
SqFtTotalRange, varchar(20)

PRPCOM (Commercial)

Acres, float
AgentCoList, varchar (20)
     (not for display)
AgentList, varchar (8)
     (not for display)
* AppointmentPhone, varchar (15)
Area, varchar (25)
AssocFee, int
AssocFeePaid, varchar (12)
BathsTotal, float
Beds, int
Builder, varchar (50)
City, varchar (40)
CommonArea, varchar (255)
CompletionDate, datetime
County, varchar (25)
* DaysOnMarket, int
DeedRef, varchar (10)
Driveway, varchar (255)
Equipment, varchar (255)
Exterior, varchar (255)
FireplaceYN, varchar (1)
Foundation, varchar (255)
HVAC, varchar (255)
LaundryLocation, varchar (255)
* ListDate, datetime
ListPrice, int
ListStatus, varchar (25)
ListType, varchar (25)
LotDesc, varchar (75)
MlsNum, int
Modified, datetime
NewConstruction, varchar (1)
OfficeList, varchar (8)
OwnerAgent, varchar (1)
Parking, varchar (255)
PhotoCount, int
PropSubType, varchar (255)
PropType, varchar (5)

Remarks, varchar (400)
* SalesPrice, int
SchoolElem, varchar (255)
SchoolHigh, varchar (255)
SchoolJunior, varchar (255)
SqFtTotal, int
State, varchar (25)
StreetDir, varchar (40)
StreetName, varchar (30)
StreetNum, int
StreetNumDisplay, varchar (6)
StreetType, varchar (40)
SubArea, varchar (255)
Subdivision, varchar (30)
UnitNum, varchar (5)
Water, varchar (255)
YearBuilt, int
ZipCode, varchar (10)
Zoning, varchar (7)
Zoning2, varchar (7)
AcrePrice, int
CeilingHeightFt, int
CeilingHeightIn, int
ComplexName, varchar (30)
Construction, varchar (255)
CoolSystem, varchar (255)
CrossStreet, varchar (15)
Documents, varchar (255)
Easements, varchar (255)
ExpenseOperating, int
FinancingInfo, varchar (59)
FloodPlain, varchar (255)
ForLease, varchar (1)
ForSale, varchar (1)
HeatSystem, varchar (255)
IncomeGrossOperating, int
IncomeNetOperating, int
IncomeOther, int
IncomePotential, int

IncomeSchedAnnual, int
InsideCity, varchar (1)
LoanTerms, varchar (255)
Miscellaneous, varchar (255)
NumBldgs, int
NumDocks, int
NumDriveIn, int
NumParking, int
NumRentals, int
NumUnits, int
RailService, varchar (255)
Restrictions, varchar (160)
RestrictionsDesc, varchar (255)
RestrictionsYN, varchar (1)
RoadFrontage, int
Roof, varchar (255)
SaleIncludes, varchar (255)
Sprinkler, varchar (255)
SqFtMaxAvail, int
SqFtMaxLease, int
SqFtMinAvail, int
SqFtMinLease, float
Stories, int
TypeSecondary, varchar (255)
UIDPrp, int
Utilities, varchar (255)
VacancyRate, int
ValueCeiling, int
ValueFloor, int
ValueWall, int
WaterfrontYN, varchar (1) Latitude,
varchar (25)
Longitude, varchar (25)
VirtualTour, varchar (255)
SqFtTotalRange, varchar(20)
(unused)

PRPRNT (Rentals)

Acres, float
AgentList, varchar (8) (not for display)
Area, varchar (25)
BathsTotal, float
Beds, int
Builder, varchar (50)
City, varchar (40)
CommonArea, varchar (255)
CompletionDate, datetime
County, varchar (25)
Driveway, varchar (255)
Equipment, varchar (255)
Exterior, varchar (255)
FireplaceYN, varchar (1)
Foundation, varchar (255)
HVAC, varchar (255)
LaundryLocation, varchar (255)
ListPrice, int
ListType, varchar (25)
LotDesc, varchar (75)
MlsNum, int
Modified, datetime
NewConstruction, varchar (1)
Parking, varchar (255)
PhotoCount, int
PropSubType, varchar (255)
PropType, varchar (5)
Remarks, varchar (400)

* SalesPrice, int
SchoolElem, varchar (255)
SchoolHigh, varchar (255)
SchoolJunior, varchar (255)
SqFtTotal, int (not for display)
State, varchar (25)
StreetDir, varchar (40)
StreetName, varchar (30)
StreetNum, int
StreetNumDisplay, varchar (6)
StreetType, varchar (40)
SubArea, varchar (255)
Subdivision, varchar (30)
UnitNum, varchar (5)
Water, varchar (255)
YearBuilt, int
ZipCode, varchar (10)
Zoning, varchar (7)
Zoning2, varchar (7)
BathsFullRnt, int
BathsHalfRnt, int
ComplexName, varchar (30)
DateAvail, datetime
DepositPet, int
DepositSecurity, int
LeaseTerm, varchar (25)
LeaseYN, varchar (1)
PetsYN, varchar (1)
Latitude, varchar (25)
Longitude, varchar (25)
VirtualTour, varchar (255)
SqFtTotalRange, varchar(20)

Appendix C – Access to Internet Data Exchange Data Feed Contract

Note: This form is a legally binding contract between you and CMLS. Simultaneously or prior to submitting this form/contract, you must become an Internet Data Exchange Participant (IDX Participant). See CMLS' *Internet Data Exchange: Broker Informational Packet* for further details. **This form/contract must be filled out completely and signed by an owner or employee of your firm. There are no exceptions.** Once you have filled it out and signed it, fax or mail it to CMLS at 1201 Greenwood Cliff, Suite 200, Charlotte, NC 28204 Fax: (704) 940-3120. CMLS will sign the form/contract and return a copy to you with information on how to access the data feed.

AGREEMENT

1. This **AGREEMENT** is made and entered into by and among Carolina Multiple Listing Services, Inc. ("**CMLS**"), the real estate firm whose name and contact information appear on the signature page of this Agreement designated "Firm Information and Signature" (the "**Firm**"), and the companies/individuals whose names and contact information appear on the signature pages of this Agreement designated "Consultant Information and Signature" (collectively, "**the Consultants**"), if any.

RECITALS

2. Firm wishes to obtain, and CMLS wishes to provide, data for Firm's Web site, including the listing data of other real estate brokerages participating in CMLS. Firm may wish to engage Consultants, i.e., other companies or individuals who are not employees of Firm, to perform data downloading, manipulation, and formatting, as well as programming and Web design.

DEFINITIONS

3. For purposes of this Agreement, the following terms shall have the meanings set forth below.

    Internet Data Exchange Database or **IDX data**: The current aggregate compilation of all active listings of all Internet Data Exchange Participants except those listings where the IDX Participant/Participant Firm has opted out of Internet publication by so indicating on the MLS system. CMLS owns the IDX data.

    Internet Data Exchange Participant or **IDX Participant:** A Member Participant who gives permission to other Member Participants to display its active listings on their Web sites in return for their permission to display their listings on its Web site.

    In order to be an IDX Participant, the Participant Firm must:

    a. Have agents actively representing buyers or sellers in real estate transactions through exclusive right to sell or exclusive agency listing agreements, or through exclusive or non-exclusive buyer agency agreements or any other form of written buyer agency agreement.

    b. Comply with all applicable North Carolina and South Carolina laws, rules and regulations governing real estate. As prohibited by law, an IDX Participant should not advertise listings from another state where the IDX Participant is not licensed.

    Note: There shall be only one IDX Participant per office. Companies with multiple offices must designate an IDX Participant for each office. The IDX participant (principal) may be the same broker or a different broker for each separate office location.

Multiple Listing Service: A means by which Participants make unilateral offers of compensation to other Participants [acting as subagents, buyer agents, or in other agency or non-agency capacities defined by law]; by which real estate information is accumulated and disseminated to enable Participants to prepare appraisals and other valuations of real estate; by which Participants engaging in real estate appraisal contribute to common databases; and as a facility for the orderly correlation and dissemination of listing information about real property that is or has been for sale, among Participants so that they may better serve their clients and the public. Entitlement to compensation is determined by the cooperating broker's performance as a procuring cause of the sale (or lease). Multiple Listing Services may also include, without limitation, the provision of data processing, technical support, consulting, and other information technology services to real estate brokers and appraisers in connection with the sale and appraisal of real property.

Rules: The Rules and Regulations of CMLS, as amended from time to time, and any operating policies relating to the IDX data and IDX Participants promulgated by CMLS.

"CMLS Subscriber" (Subscriber) Subscribers or users of the MLS include non-principal brokers, sales associates, and licensed appraisers affiliated with Participants.

CMLS' OBLIGATIONS

4.   During the term of this Agreement, CMLS grants to Firm a license to:

   a.   display the IDX data on Firm's Web site **(or a Web site hosted or contract-hosted by the firm)**, and

   b.   make copies of the IDX data to the extent necessary to deliver the IDX data to consumers on Firm's Web site.

5.   During the term of this Agreement, CMLS agrees to provide to Firm and its Consultants:

   a.   access to the IDX data via the Internet using File Transfer Protocol (**"FTP"**), under the same terms and conditions CMLS offers to other Subscribers;

   b.   seven (7) days' advance notice of changes to the file and record formats of the IDX data; and

   c.   seven (7) days' advance notice of changes to the Rules.

FIRM'S OBLIGATIONS

6.   Firm shall comply with the Rules at all times.

7.   Firm acknowledges CMLS' ownership of the copyrights in the IDX data.

8.   Firm shall comply with the requirements relating to Confidential Information set forth below.

9.   In the event that Firm desires to make the IDX data or the Confidential Information available to any third party, Firm agrees to require such third party to execute this Agreement and become a Consultant subject to this contract and any Rules.

10. If CMLS notifies Firm of a breach of the Rules or this Agreement and Firm does not immediately cure such breach, Firm agrees that CMLS may seek cure from the Consultants, or any one of them.

11. Firm shall notify CMLS within five (5) business days of any change to the information relating to Firm on the Firm Information and Signature page below.

CONSULTANTS' OBLIGATIONS

12. If CMLS notifies Firm of a breach of the Rules or this Agreement and Firm does not immediately cure such breach, CMLS may contact Consultant to cure any such breach that is within Consultant's control. Consultant agrees to cooperate with CMLS and act immediately upon notification by CMLS of an uncured breach by Firm.

13. Each Consultant acknowledges CMLS' ownership of the copyrights in the IDX data.

14. Each Consultant shall comply with the requirements relating to Confidential Information set forth below.

15. Each Consultant shall notify CMLS within five (5) business days of any change to the information relating to it on the Consultant Information and Signature page below.

CONFIDENTIAL INFORMATION

16. **"Confidential Information"** is information or material proprietary to CMLS or designated "confidential" by CMLS and not generally known to the public, that Firm or Consultants or any one of them (the "Receiving Party") may obtain knowledge of or access to as a result of access under this Agreement. Confidential Information includes, but is not limited to, the following types of information and other information of a similar nature (whether in oral, visual, audio, written or other form):

    a. all documentation and other tangible or intangible discoveries, ideas, concepts, designs, drawings, specifications, models, information;

    b. software, source code, object code, diagrams, flow charts;

    c. techniques, procedures;

    d. IP addresses, access codes and passwords; and

    e. any information that CMLS obtains from any third party that CMLS treats as proprietary or designates as Confidential Information, whether or not owned or developed by CMLS.

17. **Exceptions**. The Confidential Information does not include information that:

    a. is in the public domain at the time of disclosure;

    b. is known to the Receiving Party at the time of disclosure;

    c. is used or disclosed by the Receiving Party with the prior written consent of CMLS, to the extent of such consent;

    d. becomes known to the Receiving Party from a source other than CMLS without breach of this Agreement by the Receiving Party and provided that such source is not known by the Receiving Party to be bound by a confidentiality agreement with CMLS; or

    e. is required to be disclosed by judicial order or other compulsion of law, provided that the Receiving Party provides to CMLS prompt notice of any such order.

18. **Title.** The Receiving Party acknowledges that title to the Confidential Information remains at all times with CMLS or with the third parties in whom title existed prior to this Agreement or prior to disclosure by CMLS.

19. **Restrictions on Use – Scope of Use**. The Receiving Party will use or access the Confidential Information only as expressly permitted under this Agreement and the Rules and the Receiving Party will not use its access or the Confidential Information for any other purpose. The Receiving Party will employ measures to protect the Confidential Information from disclosure at least as rigorous as those it uses to protect its own trade secrets, but in no event less than reasonable care.

20. **Restrictions on Use – Unauthorized Uses**. The Receiving Party will not make copies of the Confidential Information. The Receiving Party will not directly or indirectly disclose, display, provide, transfer or otherwise make available the Confidential Information to any person or entity, unless the Receiving Party has received prior written consent of CMLS to do so. At no time and under no circumstances will the Receiving Party reverse engineer, decompile or disassemble any software constituting part of the Confidential Information. The Receiving Party will not incorporate the Confidential Information into any other work or product.

21. **Restrictions on Use – No Third Party Access**. The Receiving Party will not provide access to the Confidential Information to third parties, including but not limited to consultants or independent contractors, without prior written consent from CMLS. If CMLS grants consent, the Receiving Party will execute an agreement with the third party that imposes at least as strict a confidentiality obligation on the third party as that imposed by this Agreement on the Receiving Party.

22. **Restrictions on Use – Location restriction**. The Receiving Party will not remove the Confidential Information from its principal place of business without CMLS' prior written consent. In the event CMLS grants consent, the Receiving Party is not relieved of any of its obligations under this Agreement.

23. **Termination and Return of Materials**. Within five (5) days of the end of the term of this Agreement or receipt of notice of termination by CMLS, the Receiving Party will return to CMLS all Confidential Information and all other materials provided by CMLS to the Receiving Party. The Receiving Party will also erase, delete, or destroy any Confidential Information stored on magnetic media or other computer storage, including system backups. Upon the request of CMLS, an officer of the Receiving Party will certify in writing that all materials have been returned to CMLS and all magnetic or computer data have been destroyed.

TERM AND TERMINATION

24. **The term of this Agreement begins on the "Effective Date" set forth on the "CMLS Information and Signature Page" below. CMLS has the right at any time and in its sole discretion to terminate this Agreement. This Agreement shall terminate upon the occurrence of any of the following events:**

    a. CMLS' notice to Firm that this Agreement is terminated.

    b. Firm's notice to CMLS that it no longer intends to display IDX data on its Web site.

    c. Termination of Firm's privileges as a Participant by CMLS.

GENERAL PROVISIONS

25. **Survival of Obligations**. The obligations of Firm set forth under "Firm's Obligations" above and the obligations of Consultants under "Consultants' Obligations" above shall survive the termination or expiration of this Agreement.

26. **CMLS' Remedies**. Because of the unique nature of the Confidential Information, Firm and Consultants acknowledge that CMLS would suffer irreparable harm in the event that any of them breaches its obligation under this Agreement, and that monetary damages would be inadequate to compensate CMLS for a breach. CMLS is therefore entitled, in addition to all other forms of relief, to injunctive relief as may be necessary to restrain any continuing or further breach by Firm or Consultants or any one of them, without showing or proving any actual damages sustained by CMLS.

27. **Attorney's fees**. If CMLS prevails in any action to enforce or interpret this Agreement or any provision hereof, the party against whom enforcement or interpretation was sought will pay CMLS' reasonable attorney's fees and costs for such legal action.

28. **Limitation of Liability.** CMLS' liability to Firm and Consultants for damages under this Agreement, whether in contract or tort, shall be limited to the aggregate amounts paid by Firm and Consultants to CMLS, if any, under this Agreement. Firm's and Consultants' only other remedy shall be termination of this Agreement. CMLS shall not be liable for any incidental or consequential damages under any circumstances, even if CMLS has been advised of the possibility of such damages. CMLS shall have no liability for inaccuracies in the IDX data.

29. **Notice.** All notices to be given under this Agreement shall be mailed, sent via facsimile transmission, or electronically mailed to the parties at their respective addresses set forth below or such other address of which any party may advise the others in writing during the term of this Agreement.

30. **No Waiver**. No waiver or modification of this Agreement or any of its terms is valid or enforceable unless reduced to writing and signed by the party who is alleged to have waived its rights or to have agreed to a modification.

31. **No Assignment**. Neither Firm nor Consultants, nor any of them, may assign or otherwise transfer any of their rights under this Agreement to any party without the prior written consent of CMLS.

32. **Entire Agreement**. This Agreement contains the full and complete understanding of the parties regarding the subject matter of this Agreement and supersedes all prior representations and understandings whether oral or written. The previous sentence notwithstanding, the Rules are expressly incorporated into this Agreement by reference.

33. **Applicable law**. This Agreement is governed by and enforced according to the laws of the State of North Carolina.

[The remainder of this page is left blank intentionally.]

CMLS Information and Signature

Entered into on behalf of CMLS by

_____

       Signature

_____

       Print Name

_____

       Effective Date

This box is for CMLS' use only. CMLS will fill out the information in it after signing this Agreement. CMLS will then return a copy of this Agreement to Firm and Consultants. The contents of this box are Confidential Information under this Agreement.

FTP URL: _____

FTP User ID: _____

FTP Password: _____

Consultant Firm Name: _____

Consultant(s) Name(s): _____

_____

_____

Listing Office ID: _____

Listing Office Name: _____

Broker or Contact Person: _____

Firm Information and Signature

Firm Name: _____Firm MLS ID: _____

Broker/Office Manager Name: _____Broker MLS ID: _____

E-mail address:
_____
(You *must* supply an e-mail address here. This address will be CMLS' principal means of communicating with you for notices under this Agreement.)

Web address: _____
(You *must* supply a Web address here.) **CMLS reserves the right to object to any company name or Web site name proposed by a current or potential Member Participant or Subscriber, which name in CMLS' sole discretion is confusingly similar to any name used in commerce by CMLS and that CMLS believes would leave the public confused. This includes use of the word Multiple Listing (s), MultiList or Listing(s), or the letters MLS or any combination thereof, anywhere in the name. This also includes use of the words Carolinahome(s) when used alone in the URL.**

Firm Street Address: _____

Firm City, ST, ZIP: _____

Firm Phone: _____Fax: _____

Signing this contract indicates that you have read and understand the CMLS Internet Data Exchange Rules and Regulations and agree to abide by them.

Entered into on behalf of Firm by

_____
     Signature

_____
     Print Name

_____
     Title

NOTE: This is to advise CMLS that the above named Firm intends to send its data to the company named below and that said Firm agrees to ensure that said company abides by this contract.

Company name:_____

Point of contact:_____

Telephone number:_____

Email address:_____

Consultant Information and Signature

**NOTE TO FIRM: Reproduce this page for each individual/company
to whom you intend to provide access to the IDX data under this Agreement.**

Consultant (company or individual) Name: _____

E-mail address: _____
(You *must* supply an e-mail address here. This address will be CMLS' principal means of communicating
with you for notices under this Agreement.)

Consultant Street Address: _____

Consultant City, ST, ZIP: _____

Phone: _____Fax:_____

**Signing this contract indicates that you have read and understand the CMLS Internet Data
Exchange Rules and Regulations and agree to abide by them.**

Entered into on behalf of Consultant by

_____

     Signature

_____

     Print Name

_____

     Title

**NOTE TO CONSULTANT: Be sure to enter into this Access to Internet Data Exchange data feed
contract with CMLS and every real estate broker to which you provide services. If you sign only
one and that Firm's access to the IDX data is terminated, you will not be able to get the data for
your other clients.**

**NOTE: This is to advise CMLS that the above named Consultant intends to provide an IDX
solution to the real estate firm named below.**

Firm name:_____

Point of contact:_____

Telephone number:_____

Email address:_____

Appendix D –Suggested Web Site Vendors

The suggested Web site vendors listed in this appendix have expressed a desire to work with our members to provide affordable Internet Data Exchange Web site solutions. CMLS supplied each vendor with technical information regarding the Internet Data Exchange Data Feed so that they could make accurate claims in their advertising. The advertisements in Appendix D were submitted by each vendor on the basis of the information supplied. CMLS has not verified the information provided and disclaims any responsibility for its accuracy. This list is provided as a convenience for CMLS members and is not an endorsement of any of these Web site vendors. CMLS is not responsible for the services rendered by any Web site vendor, listed or otherwise.