

## 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](http://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](http://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.

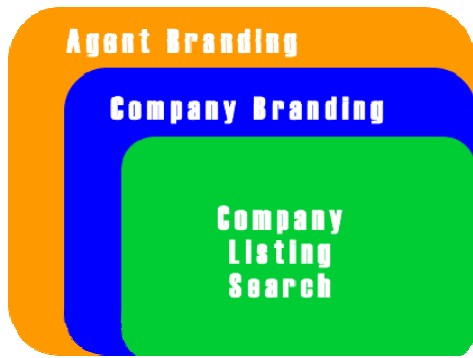
The following graphics serve as examples of acceptable approaches in which secondary sites may frame the IDX Participant's Web site, but are not exhaustive of the options available, with the condition the secondary site complies with this Section and Section 17.1.15.

#### **Internet Data Exchange Web Site Standards**



#### **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.



#### **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.



#### **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](http://www.abcrealty.com/johnsmith) or [www.johnsmith.abcrealty.com](http://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 FIRST 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)