

Internet Data Exchange (IDX) Sites

History and Intent:

Members of the National Association of REALTORS® (NAR) began developing the IDX concept in 2000. The intent is to use the MLS system to grant blanket permission to other Brokers to advertise other Brokers' listings on the Internet. Brokers must "opt-in" or "opt-out" of the plan. When a Broker "opts-in" to the plan they are simply granting the written permission required by the Rules to other Brokers through the MLS system to place the listings on the Internet. A Broker that has opted out of the IDX program may not display any IDX listings or listings of other Brokers without written permission.

The BAREIS MLS Board adopted the concept in January of 2002. The "NAR mandate" to make IDX solutions available to Brokers by January of 2002 stated that all Brokers should be assumed as "opting-in" unless they specifically "opt-out." Approximately 30% of our members are not affiliated with NAR or a local Association of REALTORS®. **Our legal counsel recommended all Brokers either "opt-in" or "opt out" in writing.** If a Broker does not respond, they are considered to have opted-out. We could not assume our "non-NAR" members were informed of the pros and cons of the IDX program.

Brokers may still secure permission from other Brokers directly to share or display data. The MLS Rules state these agreements should be in writing. An example would be a Broker that participates in a referral pool through an agreement with other pool members that listings of the Brokers in the pool will be available to other referral pool customers.

Please Note: IDX only applies to Internet advertising, and does not include print, or electronic media, etc.

General Comments:

NAR introduced the IDX program to offer new opportunities to use the MLS system to grant blanket permission to permit other Brokers to display your listings on their Internet sites...the ultimate result being the generation of additional exposure for your sellers listing. This is new to all of us, but if managed properly offers new and greater exposure for the sale of your listings. A free IDX frameable web page is available to members that have opted in to the IDX program.

General Rules:

1. The Broker must sign an agreement to opt-in to the plan. If the Broker does not opt in to the plan, they will automatically be opted out. The agreement is available on bareis.com and is titled "IDX/Reciprocal/Cooperative Advertising Form".
2. Only listings of Brokers that have agreed to participate in to the plan may be displayed on IDX Internet sites.
3. Agents of Brokers that have not agreed to participate may not have an IDX site. Violation of this provision is a violation of rule 13.3 and subject to a \$100 per listing fine.
4. Only active and contingent listings may be displayed on an IDX site.
5. The Internet site must be updated at least weekly. The most recent date the data was updated must be displayed.
6. May include only listings with the "pass to Internet" flag (entered in listing input) set to yes.
7. May only include listings with the "IDX" flag set to yes (done by MLS staff when agreement is received by MLS staff from the Broker).
8. Vendor preparing the site and/or Broker developing the site must respect "address on Internet (full/partial)" flags on the listing.
9. Only includes data permitted for public access.

10. Property display includes the Listing Agent/Broker name and Company name. Contact information (phone number, address, email, etc.) is not required.
11. Ownership of the data and copyrights remains with BAREIS MLS. BAREIS' copyright statement must be displayed with the data. Members must also indicate that the info is for the consumers' personal non-commercial use.
12. All data must be removed from the IDX Internet site upon termination of membership.
13. Members must not modify the information.

General Prohibitions:

1. No Broker may participate unless they have "opted-in" to the program. Failure to do so is a violation of Rule 13.3 and subject to a \$100 per listing fine.
2. Agents may not participate unless their Broker has signed a written agreement to participate. Listings belong by law to the Broker. Displaying listings of a Listing Broker without their written permission is a violation of Rule 13.3 and subject to a \$100 per listing fine.
3. Only active listings may be displayed. Sold information is prohibited (with the exception of the Listing Broker's own listing that is sold).
4. The member must follow all Rules and Regulations, and the vendor employed by the member (if any) must also follow the Rules.
5. Retransmission of data is prohibited.
6. Selling the data is prohibited.
7. Any vendor employed by a Broker to develop an IDX site must sign an agreement with BAREIS for access to the database. The Broker must acknowledge the agreement. Failure of the vendor to follow the rules and regulations (in the contract) may result in the termination of the agreement for access with BAREIS. It is the responsibility of the Broker to "oversee" the vendor's access. BAREIS does not accept any responsibility for the loss of business to the Broker resulting from the termination of a vendor's access to the database as a result of violation of the Rules and Regulation.
8. Vendor and Broker must protect BAREIS MLS copyrights and adhere to the Rules.
9. BAREIS Rapattoni MLS site may not be framed or linked to under any circumstances.
10. Each vendor provided access to the MLS system or ftp sites must sign an agreement with BAREIS for access (see item 7 above). Providing your password and login to a vendor to access BAREIS data is a violation of Rule 12.1 and subject to a \$1,000 fine.