

Internet Data Exchange (IDX)

A. Advertising of Another Participant's Listing. No Participant of the SCWMLS, or sales agent licensed with the Participant, shall, without first obtaining the listing Participant's permission, advertise a property listed by another Participant in any manner, including but not limited to display, reader board, newspaper, flyer or other publication, except that a Participant or sales agent licensed with the Participant may republish another Participant's listings on the internet in a manner consistent with the SCWLS Rules and policies so long as the listing is approved for internet publication by the owner and Participant.

B. Replication of SCWMLS Database by Participants or Sales Agents licensed with Participants on Internet Permitted. IDX affords MLS participants the option of authorizing display of their listings on other participants' Internet websites.

Participants' consent for display of their listings by other Participants pursuant to these rules and regulations is presumed unless a Participant affirmatively notifies the MLS that the Participant refuses to permit display (either on a blanket or on a listing-by-listing basis). If a Participant refuses on a blanket basis to permit the display of that Participant's listings, that Participant or sales agents licensed with the Participant may not download or frame the aggregated MLS data of other Participants. Even where Participants have given blanket authority for other Participants to display their listings on IDX sites, such consent may be withdrawn on a listing-by-listing basis as instructed by the property owner.

1) Participation in IDX is available to all MLS Participants and sales agents licensed with the Participant who are REALTORS® who are engaged in real estate brokerage and provided the Participant consents to display of their listings by other Participants.

2) Participant and sales agent licensed with the Participant 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.

3) Participant and sales agents licensed with the Participant may not use IDX-provided listings for any purpose other than display on their websites. This does not require Participants or sales agent licensed with the Participant to prevent indexing of IDX listings by recognized search engines.

4) Listings or property addresses of sellers who have directed their listing brokers to withhold their listing or property address from display on the Internet (including, but not limited to, publicly-accessible websites or VOWs) shall not be accessible via IDX sites.

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5) Participant and sales agents licensed with the Participant may select the listings they choose to display on their IDX sites based only on objective criteria including, but not limited to, factors such as geography or location ("uptown," "downtown," etc.), list price, type of property (e.g., condominiums, cooperatives, single-family detached, multi-family), cooperative compensation offered by listing brokers, type of listing (e.g., exclusive right-to-sell, or exclusive agency), or the level of service being provided by the listing firm. Selection of listings displayed on any IDX site must be independently made by each participant.

6) Participant and sales agents licensed with the Participant must refresh all SCWMLS downloads and refresh all SCWMLS data at least once every 24 hours.

7) Except as provided in these rules, an IDX site of a Participant or sales agent licensed with the Participant operating an IDX site may not distribute, provide, or make any portion of the MLS database available to any person or entity.

8) When displaying listing content, a Participant's or sales agent licensed with the Participant's IDX site must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface on every page.

9) Any IDX site that:

- a. allows third-parties to write comments or reviews about particular listings or displays a hyperlink to such comments or reviews in immediate conjunction with particular listings, or
- b. displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate conjunction with the listing,

shall disable or discontinue either or both of those features as to the seller's listings at the request of the seller. The listing broker or agent shall communicate to the SCWMLS that the seller has elected to have one or both of these features disabled or discontinued on all Participants' websites and websites of sales agents licensed with a Participant. Except for the foregoing and subject to below, a Participant's or sales agent licensed with the Participant IDX site may communicate the Participant's professional judgment concerning any listing. Nothing shall prevent an IDX site from notifying its customers that a particular feature has been disabled at the request of the seller.

10) Participant and sales agents licensed with the Participant shall maintain a means (e.g., e-mail address, telephone number) to receive comments about the accuracy of any data or information that is added by or on behalf of the Participant beyond that supplied by the SCWMLS and that relates to a specific property displayed on the IDX site. Participants and sales agents

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licensed with the Participant shall correct or remove any false data or information relating to a specific property upon receipt of a communication from the listing broker or listing agent for the property explaining why the data or information is false. However, Participants or sales agents licensed with the Participant shall not be obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or professional judgment.

11) Participants may provide IDX information to their respective real estate franchise organizations ("franchisors") to be indexed for display on such franchisors' websites, subject to the following requirements and limitations. Failure of a franchisor to comply with the following requirements and limitations can, at the discretion of the SCWMLS, result in suspension or termination of the Participant's(s') authority to provide IDX information to the franchisor.

- a. Initial search results that provide minimal information (e.g., "thumbnails") are exempt from SCWMLS-required disclosures (e.g., listing firm, listing agent, source of information, notice that information is deemed reliable but is not guaranteed accurate) provided that a direct link to a detailed ("full view") display that includes all required disclosures is provided.
- b. Consumers can link directly to a detailed ("full view") display that complies with disclosure/display rules of the SCWMLS.
- c. IDX information cannot be used for any unauthorized purpose.
- d. Inaccurate or incomplete information related to any listing must be promptly corrected by the franchisor at the request of the SCWMLS.
- e. No advertising may appear on pages displaying IDX information.
- f. IDX listing information cannot be modified, manipulated, or permanently retained.

Note: For purposes of this policy, "real estate franchisor" is defined as a company granting real estate brokerage franchises under the franchisor's trademarks pursuant to a franchise disclosure document meeting applicable Federal Trade Commission rules.

C. Display of listing information pursuant to IDX is subject to the following rules

1). Listings displayed pursuant to IDX shall contain only those fields of data designated by the SCWMLS. The dataset allowed to be used for sold listings includes the addition of sold date and sold price. Display of all other fields (as determined by the SCWMLS) is prohibited. Confidential fields intended only for other SCWMLS Participants and users (e.g., cooperative compensation offers, showing instructions, property security information, etc.) may not be displayed on IDX sites.

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2) The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not be displayed on IDX sites.

3) Participant or sales agents licensed with the Participant shall not modify or manipulate information relating to other Participants' listings. (This is not a limitation on site design but refers to changes to actual listing data.) SCWMLS data may be augmented with additional data not otherwise prohibited from display so long as the source of the additional data is clearly identified. This requirement does not restrict the format of SCWMLS data display or display of fewer than all of the available listings or fewer authorized data fields.

4) All listings displayed pursuant to IDX shall identify the listing firm in a readily visible color and typeface not smaller than the median used in the display of listing data, immediately above, below or adjacent to the primary listing photograph.

5) All listings displayed pursuant to IDX shall credit the SCWMLS as the source of the other Participants' listings appearing on the IDX website via a copyright statement in a form approved by the SCWMLS.

6) Any internet site used by Participant or sales agents licensed with the Participant or publication of SCWMLS data shall be controlled by the Participant and sales agents licensed with the Participant. Participant and sales agent licensed with the Participant shall indicate on their Web sites that IDX information is provided exclusively for consumers' personal, non-commercial use, that it may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing, and that the data is not guaranteed accurate by the SCWMLS.

7) The SCWMLS requires use of other disclaimers to protect Participants and/or the MLS from liability.

8) Deceptive or misleading advertising (including co-branding) on pages displaying IDX-provided listings is prohibited. For purposes of these rules, co-branding will be presumed not to be deceptive or misleading if the Participant's logo and contact information is larger than that of any third party.

9) The data consumers can retrieve or download in response to an inquiry shall be limited to a maximum one hundred (100) listings.

10) Display of expired, withdrawn, and pending listings is prohibited.

11) Display of seller's(s') and/or occupant's(s') name(s), phone number(s), and email address (es) is prohibited.

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12) Participant and sales agents licensed with the Participant are required to employ appropriate security protection such as firewalls, provided that any security measures required may not be greater than those employed by the SCWMLS.

13) IDX operators must maintain an audit trail of consumer activity on the IDX site and make that information available to the SCWMLS if the SCWMLS believes the IDX site has caused or permitted a breach in the security of the data or a violation of SCWMLS rules related to use by consumers.

14) All printed reports and email responses, containing SCWMLS data, generated from an IDX site, are subject to the same rules as the listing display on that site.

15) Office and agent rosters are provided for the purpose of linking listings to offices/agents. Participant or sales agents licensed with the Participant are not authorized to publish office and/or agent rosters obtained with the MLS dataset on their web sites.

D. Sales Agents May “Frame” Participant’s Sites. Participant may allow a sales agent licensed with the Participant to “frame” the Participant’s internet site from the sales agent’s internet site if, and only if:

1) The Participant is contributing its listings for Internet publication by other SCWMLS Participants.

2) The Participant’s Internet site is in compliance with SCWMLS Rules and policies.

3) The sales agent’s Internet site includes the Participant’s identity on every page (a Participant may allow a sales agent to “co-brand” the internet site).

4) The sales agent has signed an agreement with Participant that includes the sales agent’s commitment to abide by the SCWMLS Rules and policies to the same extent as the Participant, which agreement shall be provided to the SCWMLS on request.

5) The MLS data displayed on a sales agent’s Internet site must be identical to the MLS data displayed on the Participant’s Internet site.

E. Written Agreement Required for Participants to Download SCWMLS Database. Participant and sales agents licensed with the Participant shall not electronically transfer information (download) from the SCWMLS internet database to the Participant’s or sales agent licensed with Participant’s own database for any purpose, including republishing on the internet, without signing a SCWMLS Data Access and Use License Agreement.

F. Participants May Frame SCWMLS Public Access Site. A SCWMLS Participant or a sales agent licensed with a SCWMLS Participant who is primarily engaged in and licensed to provide real estate brokerage services to buyers and sellers may frame the SCWMLS public access site *wisconsinhomes.com with the following provisions and in keeping with any policies that the SCWMLS may adopt from time to time:

1. The Participant is contributing its listing for Internet publication by other SCWMLS Participants.
2. The method of framing does not violate either state licensing laws/regulations or the REALTOR Code of Ethics.

* A modified site at www.wisconsinhomes.com/index2.php is void of advertising and allows for easier framing.

G. Service Fees and Charges. Service fees and charges for participation in IDX shall be as established annually by the Board of Directors.

Changes to a Participant's or sales agent licensed with the Participant's IDX site necessary to cure a violation of the SCWMLS rules must be accomplished within 10 calendar days of notice from the SCWMLS of the violation. If, after 10 calendar days of notice, the IDX site remains non-compliant, the vendor will be directed to remove all SCWMLS IDX listings, and the Participant will be assessed a fee of \$100 per day until such time as the non-compliance issues are resolved or the SCWMLS IDX listings have been removed. If, on the 20th calendar day, the non-compliance issues are not resolved or the SCWMLS IDX listings have not been removed, the SCWMLS Directors may take additional action, including but not limited to, discontinuance of the data transfer (download).