

Providing members with the resources to practice real estate ethically, proficiently and successfully in the Berkshires.

## IDX Display Checklist

Brokerage Name: \_\_\_\_\_

Website Address: \_\_\_\_\_

Type of Data Site: \_\_\_\_\_

### Requirements for General Website Display

<p><b>EXECUTED IDX AGREEMENT</b></p> <p><input type="checkbox"/> In Compliance</p> <p><input type="checkbox"/> Not In Compliance</p>	<p>Section 18.2.1: Participants must notify the MLS of their intention to display IDX information and must give the MLS direct access for purposes of monitoring/ensuring compliance with applicable rules and policies. (Amended 5/12)</p>
<p><b>BROKERAGE NAME</b></p> <p><input type="checkbox"/> In Compliance</p> <p><input type="checkbox"/> Not In Compliance</p>	<p>Section 18.2.7 When displaying listing content, a participant's or user's IDX site must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface. (note: This is a requirement on all displays containing listing data)</p> <ul style="list-style-type: none"> <li>• <i>Display is also a requirement of MA Real Estate License Law</i></li> <li>• <i>Display of Firm Name is also a requirement of the Code of Ethics</i></li> </ul> <p>Code of Ethics Standard of Practice 12-5: Realtors® shall not advertise nor permit any person employed by or affiliated with them to advertise real estate services or listed property in any medium (e.g., electronically, print, radio, television, etc.) without disclosing the name of that Realtor®'s firm in a reasonable and readily apparent manner. This Standard of Practice acknowledges that disclosing the name of the firm may not be practical in electronic displays of limited information (e.g., "thumbnails", text messages, "tweets", etc.). Such displays are exempt from the disclosure requirement established in this Standard of Practice, but only when linked to a display that includes all required disclosures. (Adopted 11/86, Amended 1/11)</p>
<p><b>COMMENTS, REVIEWS,</b></p> <p><input type="checkbox"/> In Compliance</p> <p><input type="checkbox"/> Not In Compliance</p>	<p>Section 18.2.8: Any IDX site that 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 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 MLS that the seller has elected to have one or both of these features disabled or discontinued on all participants' websites. Except for the foregoing and subject to Section 18.2.9, a participant's 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. (Adopted 11/09)</p>



<p><b>CONTACT INFORMATION</b></p> <p><input type="checkbox"/> In Compliance</p> <p><input type="checkbox"/> Not In Compliance</p>	<p>Section 18.2.9 Data Accuracy Adherence: Participants shall maintain a means (e.g., e-mail address, telephone number) to receive comments about the accuracy of any data or information that is added by or on behalf of the participant beyond that supplied by the MLS and that relates to a specific property displayed on the IDX site. Participants 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 shall not be obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or professional judgment. (Adopted 11/09)</p>
<p><b>DISCLAIMER</b></p> <p><input type="checkbox"/> In Compliance</p> <p><input type="checkbox"/> Not In Compliance</p>	<p>Section 18.3.8: Participants (and their affiliated licensees, if applicable) 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 deemed reliable but is not guaranteed accurate by the MLS. The MLS may, at its discretion, require use of other disclaimers as necessary to protect participants and/or the MLS from liability.</p>
<p><b>CO-BRANDING</b></p> <p><input type="checkbox"/> In Compliance</p> <p><input type="checkbox"/> Not In Compliance</p>	<p>Section 18.3.16: Deceptive or misleading advertising (including co-branding) on pages displaying IDX-provided listings is prohibited. For purposes of these rules, co-branding will be presumed not to be deceptive or misleading if the participant's logo and contact information is larger than that of any third party. (Adopted 11/09)</p>

Other Regulations and Display Guidelines

<p><b>STATE OF LICENSURE</b></p> <p><input type="checkbox"/> Further Review is Suggested</p>	<p>Code of Ethics Standard of Practice 12-9: Realtor® firm websites shall disclose the firm's name and state(s) of licensure in a reasonable and readily apparent manner.</p>
<p><b>FAIR HOUSING SYMBOL</b></p> <p><input type="checkbox"/> Further Review is Suggested</p>	<p>Housing and Urban Development / Some E&amp;O Carriers</p> <p>Suggested to Link the Logo to HUD.gov or to a page with Fair Housing Declaration</p>
<p><b>PROPER USE OF THE TERM REALTOR</b></p> <p><input type="checkbox"/> Further Review is Suggested</p>	<p>Must refer to a member or a member's firm and the term REALTOR® may not be used with descriptive words or phrases. NAR Copyright Trademark Agreement</p>
<p><b>PRIVACY POLICY</b></p> <p><input type="checkbox"/> Further Review is Suggested</p>	<p>Code of Ethics: Standard of Practice 12-11: Realtors® intending to share or sell consumer information gathered via the Internet shall disclose that possibility in a reasonable and readily apparent manner. (Adopted 1/07)</p>



<p><b>PRESENTS TRUE PICTURE</b></p> <p><input type="checkbox"/> Further Review is Suggested</p>	<p>Commonwealth of Massachusetts Real Estate Brokerage Licensure Regulation: (9) Advertising. A broker shall not advertise in any way that is false or misleading.</p> <p>Code of Ethics Article 12: Realtors® shall be honest and truthful in their real estate communications and shall present a true picture in their advertising, marketing, and other representations. Realtors® shall ensure that their status as real estate professionals is readily apparent in their advertising, marketing, and other representations, and that the recipients of all real estate communications are, or have been, notified that those communications are from a real estate professional. (Amended 1/08)</p> <p>Code of Ethics Standard of Practice 12-8: The obligation to present a true picture in representations to the public includes information presented, provided, or displayed on Realtors®' websites. Realtors® shall use reasonable efforts to ensure that information on their websites is current. When it becomes apparent that information on a Realtor®'s website is no longer current or accurate, Realtors® shall promptly take corrective action. (Adopted 1/07)</p> <p>Code of Ethics Standard of Practice 12-10: Realtors®' obligation to present a true picture in their advertising and representations to the public includes Internet content posted, and the URLs and domain names they use, and prohibits Realtors® from:</p> <ol style="list-style-type: none"> <li>1) engaging in deceptive or unauthorized framing of real estate brokerage websites;</li> <li>2) manipulating (e.g., presenting content developed by others) listing and other content in any way that produces a deceptive or misleading result;</li> <li>3) deceptively using metatags, keywords or other devices/methods to direct, drive, or divert Internet traffic; or</li> <li>4) presenting content developed by others without either attribution or without permission, or</li> <li>5) to otherwise mislead consumers. (Adopted 1/07, Amended 1/13)</li> </ol> <p>Code of Ethics Standard of Practice 12-13: The obligation to present a true picture in advertising, marketing, and representations allows Realtors® to use and display only professional designations, certifications, and other credentials to which they are legitimately entitled. (Adopted 1/08)</p>
<p><input type="checkbox"/> Further Review is Suggested</p>	<p>Other:</p>



**Requirements in the Display of Other Participant's Listings**

<p><b>PROPERTY ADDRESS</b></p> <p><input type="checkbox"/> In Compliance</p> <p><input type="checkbox"/> Not In Compliance</p>	<p>Section 18.2.3: 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. (Amended 11/09)</p>
<p><b>REFRESHED DATA</b></p> <p><input type="checkbox"/> In Compliance</p> <p><input type="checkbox"/> Not In Compliance</p>	<p>Section 18.2.5: Participants must refresh all MLS downloads and refresh all MLS data at least once every three (3) days. (Amended 11/09)</p>
<p><b>NO CONFIDENTIAL FIELDS</b></p> <p><input type="checkbox"/> In Compliance</p> <p><input type="checkbox"/> Not In Compliance</p>	<p>Section 18.3.1: Listings displayed pursuant to IDX shall contain only those fields of data designated by the MLS. Display of all other fields (as determined by the MLS) is prohibited. Confidential fields intended only for other MLS participants and users (e.g., cooperative compensation offers, showing instructions, property security information, etc.) may not be displayed on IDX sites.</p>
<p><b>NO MODIFICATIONS</b></p> <p><input type="checkbox"/> In Compliance</p> <p><input type="checkbox"/> Not In Compliance</p>	<p>Section 18.3.2: Participants 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.) MLS 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 MLS data display or display of fewer than all of the available listings or fewer authorized data fields.</p>
<p><b>LISTING FIRM</b></p> <p><input type="checkbox"/> In Compliance</p> <p><input type="checkbox"/> Not In Compliance</p>	<p>Section 18.3.3: All listings displayed pursuant to IDX shall identify the listing firm in a reasonably prominent location and in a readily visible color and typeface not smaller than the median used in the display of listing data. (Amended 11/09) (note: This is a requirement on all displays of any / all listing data) A reasonably prominent location means in the same location as the photo without additional clicks. (Amended 12/14) Displays of minimal information (e.g. "thumbnails", text messages, "tweets", etc., of two hundred (200) characters or less are exempt from this requirement but only when linked directly to a display that includes all required disclosures. (Amended 5/12)</p>
<p><b>LISTING AGENT</b></p> <p><input type="checkbox"/> In Compliance</p> <p><input type="checkbox"/> Not In Compliance</p>	<p>Section 18.3.4: All listings displayed pursuant to IDX shall identify the listing agent</p> <p>MLS Policy: As outlined in paragraph 18 of the MLS Rules and Regulations, the requirement to include the listing firm and listing agent identifications encompass every occurrence where IDX listing information is display, including but not limited to, search results pages with listing information displayed in limited format and detail pages. Mandatory display of Listing Member is required on detail / non-thumbnail page only</p>



Full Rules and Regulations for RETS / IDX Display of other Participant Listings of the Berkshire MLS

## SECTION 18 - INTERNET DATA EXCHANGE ("IDX")

### **Section 18 IDX Defined**

IDX affords MLS participants the ability to authorize limited electronic display of their listings by other participants. (Amended 5/12)

### **Section 18.1 Authorization**

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 may not download or display 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 where the seller has prohibited all Internet display. (Amended 5/12)

### **Section 18.2 Participation**

Participation in IDX is available to all MLS participants who are REALTORS® who are engaged in real estate brokerage and who consent to display of their listings by other participants. (Amended 11/09)

#### **Section 18.2.1**

Participants must notify the MLS of their intention to display IDX information and must give the MLS direct\_access for purposes of monitoring/ensuring compliance with applicable rules and policies. (Amended 5/12)

#### **Section 18.2.2**

MLS participants may not use IDX-provided listings for any purpose other than display on their websites as provided for in these rules. This does not require participants to prevent indexing of IDX listings by recognized search engines. (Amended 5/12)

#### **Section 18.2.3**

Listings, including property addresses, can be included in IDX displays except where a seller has directed their listing brokers to withhold their listing or the listing's property address from all display on the Internet (including, but not limited to, publicly-accessible websites or VOWs) (Amended 5/12)

#### **Section 18.2.4**

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 ("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. (Amended 11/06)

#### **Section 18.2.5**



Participants must refresh all MLS downloads and IDX displays automatically fed by those downloads at least once every twelve (12) hours.

### **Section 18.2.6**

Except as provided in the IDX policy and these rules, an IDX site or a participant or user operating an IDX site or displaying IDX information as otherwise permitted may not distribute, provide, or make any portion of the MLS database available to any person or entity. (Amended 5/12)

### **Section 18.2.7**

Any IDX display controlled by a participant must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface. For purposes of the IDX policy and these rules, “control” means the ability to add, delete, modify and update information as required by the IDX policy and MLS rules. (Amended 5/12)

### **Section 18.2.8**

Any IDX display controlled by a participant or subscriber 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,

either or both of those features shall be disabled or discontinued for the seller’s listings at the request of the seller. The listing broker or agent shall communicate to the MLS that the seller has elected to have one or both of these features disabled or discontinued on all displays controlled by participants. Except for the foregoing and subject to Section 18.2.9, a participant’s IDX display may communicate the participant’s professional judgment concerning any listing. Nothing shall prevent an IDX display from notifying its customers that a particular feature has been disabled at the request of the seller. (Amended 5/12)

### **Section 18.2.9 Data Accuracy Adherence**

Participants shall maintain a means (e.g., e-mail address, telephone number) to receive comments about the accuracy of any data or information that is added by or on behalf of the participant beyond that supplied by the MLS and that relates to a specific property. Participants 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 shall not be obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or professional judgment. (Amended 5/12)

### **Section 18.3 Display**

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

#### **Section 18.3.1**

Listings displayed pursuant to IDX shall contain only those fields of data designated by the MLS. Display of all other fields (as determined by the MLS) is prohibited. Confidential fields intended only for other MLS participants and users (e.g., cooperative compensation offers, showing instructions, property security information, etc.) may not be displayed.

#### **Section 18.3.1.1**



The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not be displayed (Amended 5/12)

### **Section 18.3.2**

Participants 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.) MLS 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 MLS data display or display of fewer than all of the available listings or fewer authorized data fields.

### **Section 18.3.3**

All listings displayed pursuant to IDX shall identify the listing firm in a reasonably prominent location and in a readily visible color and typeface not smaller than the median used in the display of listing data. (Amended 11/09) (note: This is a requirement on all displays of any / all listing data) A reasonably prominent location means in the same location as the photo without clicks or scrolls. (Amended 5/13) Displays of minimal information (e.g. "thumbnails", text messages, "tweets", etc., of two hundred (200) characters or less are exempt from this requirement but only when linked directly to a display that includes all required disclosures. (Amended 5/12)

### **Section 18.3.4**

All listings displayed pursuant to IDX shall identify the listing agent

### **Section 18.3.5**

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

### **Section 18.3.7**

All listings displayed pursuant to IDX shall show the MLS as the source of the information. Displays of minimal information (e.g. "thumbnails", text messages, "tweets", etc., of two hundred (200) characters or less are exempt from this requirement but only when linked directly to a display that includes all required disclosures. (Amended 5/12)

### **Section 18.3.8**

Participants (and their affiliated licensees, if applicable) shall indicate on their websites 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 deemed reliable but is not guaranteed accurate by the MLS. The MLS may, at its discretion, require use of other disclaimers as necessary to protect participants and/or the MLS from liability. Displays of minimal information (e.g. "thumbnails", text messages, "tweets", etc., of two hundred (200) characters or less are exempt from this requirement but only when linked directly to a display that includes all required disclosures. (Amended 5/12)

### **Section 18.3.9**

The data consumers can retrieve or download in response to an inquiry shall be determined by the MLS but in no instance shall be limited to fewer than one hundred (100) listings or five percent (5%) of the listings available for IDX display, whichever is fewer. (Amended 11/09)

### **Section 18.3.10**

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



### **Section 18.3.11**

Listings obtained through IDX must be displayed separately from listings obtained from other sources, including information provided by other MLSs. Listings obtained from other sources (e.g., from other MLSs, from non-participating brokers, etc.) must display the source from which each such listing was obtained. Displays of minimal information (e.g. “thumbnails”, text messages, “tweets”, etc., of two hundred (200) characters or less are exempt from this requirement but only when linked directly to a display that includes all required disclosures. (Amended 5/12)

### **Section 18.3.12**

Display of expired, withdrawn, pending, and sold listings is prohibited. (Amended 11/09)

### **Section 18.3.13**

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

Note: The following Sections 18.3.14 and 18.3.15 may be adopted by MLSs that provide participants with a “persistent” download (i.e., where the MLS database resides on participants’ servers) of the MLS database.

### **Section 18.3.14**

Participants are required to employ appropriate security protection such as firewalls on their websites and displays provided that any security measures required may not be greater than those employed by the MLS. (Amended 5/12)

### **Section 18.3.15**

Participants must maintain an audit trail of consumer activity on their website and make that information available to the MLS if the MLS believes the IDX site has caused or permitted a breach in the security of the data or a violation of MLS rules related to use by consumers. (Amended 5/12)

### **Section 18.3.16**

Deceptive or misleading advertising (including co-branding) on pages displaying IDX-provided listings is prohibited. For purposes of these rules, co-branding will be presumed not to be deceptive or misleading if the participant’s logo and contact information is larger than that of any third party. (Adopted 11/09)

## **Section 18.4 Service Fees and Charges**

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

# **INTERNET DATA EXCHANGE (IDX) POLICIES**

## **Misuse of the MLS Data Feeds or Compilation**

If Staff suspects, at any time, there is misuse or fraud in relation to the data feeds delivered by the MLS, the staff is granted all rights to immediately terminate the data feed pending investigation. Staff shall notify the Participant of the termination, and the reason for the shut-off. Staff can work with the Participant to clear up any misuse concerns, but the Participant is afforded, in no more than seven (7) days, to have the allegations administratively considered by the MLS Board of Directors, as outlined and described in the bylaws and rules and regulations of the service. It is to be noted that after termination of a





data feed due to suspicious circumstances, the process will be handled according to governing documents of the organization for a violation of the regulations of the service.

**IDX Display Requirements:**

1. The Multiple Listing Service grants all Participants, and all subscribers (upon their Participant’s written approval), a right to use a smart frame IDX solution.
2. Participants and subscribers are prohibited from framing the Board IDX website display, since custom links are available to the membership for free.
3. As outlined in paragraph 18 of the MLS Rules and Regulations, the requirement to include the listing firm and listing agent identifications encompass every occurrence where IDX listing information is display, including but not limited to, search results pages with listing information displayed in limited format and detail pages.

**Fields marked as ‘mandatory’ MUST be displayed in the IDX listing details. Fields marked ‘prohibited’ can NOT be displayed anywhere in an IDX listing. All fields that are not shown in this list can be displayed at the IDX user’s discretion.**

Main Field Name	Display Policy
MLS #	Mandatory
City	Mandatory
Listing Member	Mandatory: <i>Display required on detail / non-thumbnail pages only</i>
Listing Office	Mandatory: <i>Display required on all listings unless classified as minimal text/tweet</i>
Street #*	Conditional*
Street Direction*	Conditional*
Street Ext*	Conditional*
Street Name*	Conditional*
<i>*Information can be displayed only if the listing agent checked “yes” to “Seller Consents to Show Street Name On IDX”</i>	
Contract Information	Display Policy
BAC	Prohibited
NAC	Prohibited
SAC	Prohibited
List Date	Prohibited
Exp Date	Prohibited
Limited Service	Prohibited
List Price	Mandatory
Location, Tax & Legal	Display Policy
Map Ref	Prohibited
Page	Prohibited



Book	Prohibited
Seller(s)	Prohibited
<b>General Description</b>	<b>Display Policy</b>
Directions	Prohibited
Office Remarks	Prohibited
Realtor.com Type*	Prohibited
Realtor-to-Realtor	Prohibited
Showing Instructions	Prohibited
Telephone Pole Coord	Prohibited

## Use of REALTOR® on the Internet

1. The term REALTOR®, whether used as part of a domain name or in some other fashion must refer to a member or a member's firm.
2. The term REALTOR® may not be used with descriptive words or phrases. For example, Number1realtor.com, numberone-realtor.com, chicagorealtors.org or realtorproperties.com are all incorrect.
3. For use as a domain name or e-mail address on the Internet the term REALTOR® does not need to be separated from the member's name or firm name with punctuation. For example, both johndoe-realtor.com and johndoerealtor.com would be correct uses of the term as a part of domain names and jdoe\*realtors@webnetservices.com and jdoerealtors@webnetservices.com are both correct uses of the term as part of an e-mail address.
4. The REALTOR® block R logo should not be used as hypertext links at a web site as such uses can suggest an endorsement or recommendation of the linked site by your Association. The only exception would be to establish a link to the National Association's web site, REALTOR.org, or its official property listing site, REALTOR.com.