



The Basics About Internet Data Exchange ("IDX")

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1. What is Internet Data Exchange – IDX (formerly called Broker Reciprocity or Internet Data Display)?

Although currently optional, N.A.R. has mandated that by January of 2002, associations and their MLSs will be required to have in place an Internet Data Exchange ("IDX") [formerly called Broker Reciprocity or Internet Data Display ("IDD")] system that allows MLS participants to display active MLS listings on individual (agent or broker) public access websites by either downloading or framing.

With IDX, a listing broker's 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). If a broker refuses on a blanket basis to permit the display of its listings, then that broker may not download or frame the aggregated MLS data of other brokers.

2. To be in compliance with IDX, must an MLS provide both a data download feed and a frameable website capability or just one or the other?

MLSs must, if requested by a Participant or Subscriber, promptly provide a basic "downloading" of current listing information. In accordance with N.A.R., for the purposes of the IDX policy, "downloading" means electronic transmission of data from MLS servers to Participants' servers. An MLS can also offer display options including framing the MLS' public access website, if such site exists, or framing other publicly accessible websites displaying the Participants' listings with the permission of the framed site. However, the IDX policy does not require an MLS to establish a publicly accessible website displaying Participants' listings.

3. Do I have to allow other Participants and Subscribers to display my listings on their websites?

No. You are free to withhold authority for such display either on a blanket or on a listing-by-listing basis.

4. What happens if I won't allow other Participants and Subscribers to display my listings on their websites?

If you prohibit the display of your listings by other Participants and Subscribers, you may not display their listings on your website pursuant to the IDX program. Other Participants may give you permission to display their listings but that permission would have to be sought and obtained separately from each Participant.

5. What happens if a Participant doesn't blanketly prohibit other Participants and Subscribers from displaying his listings but instead indicates, each time he submits a new listing to the MLS, that his authorization to display that listing is being withheld. Since he is, in effect, incrementally establishing a blanket opt out, is he entitled to display other Participant's listings?

No. A Participant cannot do indirectly what he cannot do directly. Since any Participant can opt out of IDD on a blanket basis, it can be presumed that those Participants who don't opt out are willing to allow other Participants to display their listings, except in what should be those infrequent instances where a seller specifically prohibits the listing broker from allowing the listing to be displayed by other Participants and Subscribers.

6. A Participant in our MLS has not blanketly prohibited display of his listings but over half of his new listings cannot be displayed by other Participants and Subscribers. Can the MLS make a rule that a Participant cannot display other Participants' listings pursuant to the IDX program unless that Participant authorizes display of, say, 80% or 90% of their own listings?

No. If a Participant doesn't opt out of IDX (by issuing a blanket prohibition of display by other Participants) he is presumed to be authorizing display of his listings by other Participants except in those instances where a seller specifically prohibits such display. However, if an inordinate number of listings cannot be displayed by other Participants and Subscribers, an MLS could establish a rule requiring listing brokers to certify that the benefits of having their property displayed on other Participants' and Subscribers' sites have been explained to the seller but that the seller refuses to permit such display.

7. If a Participant has blanketly prohibited display of her listings, can the MLS require her to certify that she has explained the benefits of display by other Participants and Subscribers and the seller had nonetheless refused to allow such display?

No. If a Participant elects not to take advantage of IDX display, then they cannot be required to explain its advantages to their clients. Such a rule would apply only to Participants who have opted into the program for those listings for which display is not authorized.

8. If I want to authorize other Participants and Subscribers to display my listings under IDX, how do I do it?

Once your MLS implements the IDX program you don't need to do anything. The consent of each Participant to permit display of their listings is assumed. If you choose not to permit display of your listings by other Participants and Subscribers, you will be required to notify your MLS that your consent is being withheld.

9. Could an MLS refuse to transfer my listings to REALTOR.COM or to another aggregator of real property ads if I do not permit other Participants to display them on their websites?

This is possible. IDX is distinguishable from listing aggregations on third-party websites, however, as a local option, an MLS could require Participants to consent to display their listings under IDX as a condition of having their listings transmitted to aggregators/publishers of real property ads.

10. Can I authorize some, but not all, Participants to display my listings on the Internet?

If you consent to the display of your listings by other Participants and Subscribers under the IDX program, then all of the other Participants and Subscribers in the MLS may display your listings. If you choose to authorize some, but not all, Participants and Subscribers to display your listings, this can be accomplished-though not under the IDX "all or nothing" program. Separate consents would have to be granted to each Participant and Subscriber authorized to display your listings.

11. Can MLSs charge the costs of adding or enhancing their "downloading" capacity to Participants and Subscribers who will download listing information?

Yes. N.A.R.'s IDX policy does not affect the right of associations and MLSs to assess fees and charges for services provided to Participants and Subscribers. Assessment of such costs should reasonably relate to the actual costs incurred by the MLS. This remains a matter of local determination.

12. Must the listing firm and listing agent be identified when I display other Participants' listings on my website?

As currently set forth in the C.A.R. Model MLS Rules, it is required that the listings identify the name of the listing broker and agent. However, as this requirement is not an N.A.R. mandate, local MLSs have discretion to change or remove this requirement. If so, Participants and Subscribers will want to keep the requirement of license law and the Code of Ethics (particularly Article 12) in mind when engaging in such displays.

13. Can listing information be modified when it is displayed on other Participants' websites?

As currently set forth in the C.A.R. Model MLS Rules, modification of any of the information displayed is prohibited. However, as this requirement is not an N.A.R. mandate, local MLSs have discretion to change or remove this requirement, and if so, any authorized modification must comply with the "true picture" mandate of Article 12 of the Code of Ethics.

14. Won't buyers (or individuals posing as buyers) be able to extract the entire MLS database and do whatever they want with it?

MLSs can, as a matter of local determination, establish reasonable limits on the amount of data and/or the number of listings consumers can retrieve in a particular query of Participants' of Subscribers' websites.

15. Won't IDX enable national and regional firms to aggregate listing information from many MLSs and create "super-MLSs"?

The ability to aggregate listing information from several MLSs remains subject to local MLS rules. Under IDX, MLSs may strictly limit the right to display other Participants' listings to those offices holding participatory rights in that MLS. Additionally, MLSs, as a matter of local option, may require that the listings obtained through IDX be searched separately from listings obtained from other sources, including other MLSs.

16. Why should we let our listings be displayed on our competitors' website?

Letting other Participants display listings on the Internet is a business decision each Participant must make, taking into account their duty to promote the best interests of their clients; to cooperate with other REALTORS; and the opportunity to use the Internet to better serve their clients and customers.

17. Where can I obtain additional information on this subject?

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