

# **ITEMS FOR DISCUSSION 1/22/18**

## **NAR**

### **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.

## **MMLS (No equivalent rule)**

## **GPMLS**

**Section 14.25** Display of seller's(s') and/or occupant's(s') name(s), phone number(s), and email address(es) is prohibited. 5/07 (NAR-18.3.13)

**NAR – (No equivalent rules)**

**MMLS – (No equivalent rules)**

**GPMLS**

**Section 14.26** Participants must disclose a copyright notice of the MLS on each page where listing data is displayed. 5/07

**Section 14.27** Only information about the listed property is to appear in the remarks section. Agents name and phone are not to appear in this section. 5/07

**May not be necessary since that information is not permitted in Public Remarks per Rules.**

**Section 14.29** Participants IDX websites may also provide other features, information and services (including Virtual Office Website functions) which are not subject to this policy. 4/10

## **NAR – (No equivalent rule)**

### **MMLS**

Unless consent has been withheld, Participants are conclusively presumed to give consent and a license for the use, reproduction, display and distribution on their website to other cooperating Participants and their affiliated Subscribers, for the Internet Data Exchange (IDX) display of all of Participant's Listings, in the Database. Any withholding of consent shall be in writing to the MLS. A Participant shall not have the ability to use, reproduce, display or distribute Listings of other Participants during any time when a Participant has withheld such consent. **14.1.3 Covered in NAR & MMLS 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, frame 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) **18.1**

A Participant may cease participation in IDX at any time and re-start participation in IDX at any time by giving written notification to MLS. **14.1.4 See above**

A Participant may withhold consent on an individual listing basis, provided the seller/landlord has indicated in writing that the seller/landlord does not wish the listed property to be advertised on the Internet. Withholding consent on individual Listings shall not affect the Participant's right to use reproduce, display or distribute the Listings of other Participants. **14.1.5 Covered in NAR 18.2.3 & MMLS 14.2.3**

Listings, including property addresses, can be included in IDX displays except where a seller has directed their listing broker to withhold their listing or the listing's property address from all display on the internet. 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 Web sites or VOWs). (Amended 5/12) **14.2.3**

## **GPMLS– (No equivalent rule)**

## **NAR – (No equivalent rules)**

### **MMLS**


Display of listing information pursuant to IDX is subject to the following rules. **14.2.10**

A Participant may display its Listings on the Internet in a legal and ethical manner, independent of and unrelated to an IDX display. **14.2.11 A Participant always has the right to display their own listings**

All IDX displays shall be accessed only from the Internet sites of Participants and their Subscribers where the site owner is clearly identified as a REALTOR® engaged in the real estate brokerage business. **14.2.12 NAR 18.3.5 (Consensus to adopt GPRMLS version of rule at 1/10/18 meeting)**

### **NAR**

#### **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. 

### **MMLS (No equivalent rule)**

### **GPMLS**

**Section 14.17** 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. 5/07 (NAR-18.3.5)

### **1/10/18 – Consensus to adopt GPRMLS rule**

Any hyperlink connected directly to a Listing must be from an Internet page where the Participant or Subscriber is clearly identified as a REALTOR® engaged in the real estate brokerage business and holds a Nebraska broker, associate broker or salesperson's license. **14.2.13 What kind of a link would an IDX site be displaying?**

Each Participant may determine the fields of data to be searched upon and displayed on their company's Internet site, however, only publicly viewable fields of data as approved from time-to-time by the Board of Directors may be displayed or searched upon. **14.2.14 NAR 18.3.1 (Consensus to adopt GPRMLS version of rule at 1/10/18 meeting)**

Participants may display Listings by either (a) a "smart-framing" function of the Rapattoni MLS system; or (b) by a data extraction process that will be established when a request is made by a Participant. **14.2.15 – RETS, Web API, rDesk Smartframing, Paragon Smartframing – Does the MLS want to limit users to smartframing or RETS as new technology evolves? Remember FTP? Does 'data extraction' include exporting the database to Excel and then displaying it on a site?**

Participants and IDX Subscribers shall indicate on their websites that the information being provided is for consumers' personal, non-commercial use. **14.2.16 NAR 18.3.8 (Consensus to adopt NAR Rule at 1/10/18 meeting)**

Unauthorized distribution of Listings which are obtained through the smart- framing process or data extraction process may result in substantial penalties, including termination of membership in the MLS. **14.2.18 NAR 18.2.6, MMLS 14.2.6, GPRMLS 14.9 Mandatory NAR rule covers this. Enforcement of rules covers fines, termination, etc.**

**GPMLS– (No equivalent rules)**

## **SMARTFRAMING RULES**

### **NAR & GPRMLS – (No equivalent rule)**

#### **MMLS**

“Smart-framing” of Listings from the Rapattoni MLS system will be available without cost to Participants and their Subscribers. **14.3.1**

A Subscriber of a Participant may also utilize the “smart-framing” process available with the Rapattoni MLS system, to use, reproduce, display or distribute Listings on their Internet site, provided that their Participant grants a license to the Subscriber for such use and the data is displayed in a legal and ethical manner that is acceptable to the Participant providing the license. At all times, a Subscriber’s Internet site shall prominently display the name of the Participant with whom the Subscriber is associated as well as the information contained in Paragraph 14.2.17. **14.3.2**

**Smart-framing is of accessing data for IDX display so it would be subject to all of the other IDX rules. Does the MLS want to lock into always providing IDX at no cost through the Rules?**

### **GPRMLS – (No equivalent rule)**

## **DATA EXTRACTION PROCESS RULES**

### **NAR & GPRMLS – (No equivalent rule)**

#### **MMLS**

Each Participant electing to participate in IDX by utilizing the data extraction process shall first sign a separate contract with Midlands regarding the use and distribution of the data. **14.4.1**

Participants electing to participate in IDX by utilizing the data extraction process shall sign an agreement with Midlands regarding the data extraction process, which may contain a provision requiring the Participant to pay the costs that reasonably relate to the actual costs incurred by Midlands in providing such service. Service fees and charges for participation in IDX shall be as established annually by the Board of Directors. (Amended 5/05) **14.4.2**

Listings obtained by a Participant through the data extraction process shall have displayed on the websites where it is used that the information being provided is for consumers' personal, non-commercial use. 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) **14.4.3**

The Listing of a Participant utilizing the data extraction process, may be framed by a Subscriber with the Participant's permission. Subscribers are not permitted under these rules to possess or control copies of the extracted data. **14.4.4**

Participants using the data extraction process, and their Subscribers framing the Listings as described above, shall indicate the source and copyright ownership of the Listing as described in Paragraph 14.2.17. **14.4.5**

Participants electing to participate in IDX by utilizing the data extraction process shall not display Listings in a manner other than is possible when utilizing the "smart-framing" function of the Rapattoni MLS System. **14.4.6**

Nothing herein shall prohibit a Participant allowing a subscriber under the supervision of such Participant to have a website populated by the data allowed to such Participant provided such website is under the supervision of such Participant and all other rules regarding display of information for a Participant under this section are followed. **14.4.7**

**RETS is a means of accessing data for IDX display so it would be subject to all of the other IDX rules.**

**Should how these accounts are set up be decided by the MLS BOM?**

**GPRMLS process differs slightly from the above. Needs discussion if included in Rules**

## NAR

### Section 19.15

A participant's VOW may not make available for search by or display to Registrants any of the following information:

a. expired and withdrawn listings

**Note:** Due to the 2015 changes in IDX policy and the requirement that participants be permitted to make MLS listing information available to Registrants of VOW sites where such information may be made available via other delivery mechanisms, MLSs can no longer prohibit the display of pending ("under contract") listings on VOW sites.

b. the compensation offered to other MLS participants

c. the type of listing agreement, i.e., exclusive right-to-sell or exclusive agency

d. the seller's and occupant's name(s), phone number(s), or e-mail address(es)

e. instructions or remarks intended for cooperating brokers only, such as those regarding showings or security of listed property

f. sold information

**Note:** If sold information is publicly accessible in the jurisdiction of the MLS, Subsection 19.15f. must be omitted. (Revised 11/15)

## MMLS

**RESTRICTION OF SEARCH OR DISPLAY.** A Participant's VOW may only make available for search by, or display to, Registrants publicly viewable fields of data as approved from time to time by the Board of Directors and available to members from the MLS Database. **15.15**

**Anything that is searchable in the MLS must be allowed for display on a VOW site with the limitations set in NAR 19.15 above.**

## GPRMLS

**Section 15.15:** A Participant's VOW may not make available for search by, or display to, Registrants any of the following information:

a. Expired or withdrawn listings.

b. The compensation offered to other MLS Participants.

c. The type of listing agreement, i.e., exclusive right to sell or exclusive agency.

d. The seller's and occupant's name(s), phone number(s), or e-mail address(es).

e. Instructions or remarks intended for cooperating brokers only, such as those regarding showings or security of listed property. 11/15 (NAR 19.15)



## NAR

### **Section 19.18**

A participant shall cause any listing that is displayed on his or her VOW to identify the name of the listing firm and the listing broker or agent in a readily visible color, in a reasonably prominent location, and in typeface not smaller than the median typeface used in the display of listing data. **O**

## MMLS (No equivalent rule)

## GPRMLS

**Section 15.18:** A Participant shall cause any listing that is displayed on his or her VOW to identify the name of the listing firm and the listing broker or agent in a readily visible color, in a reasonably prominent location, and in typeface not smaller than the median typeface used in the display of listing data. 1/09 (NAR 19.18)

## NAR

### **Section 19.19**

A participant shall limit the number of listings that a Registrant may view, retrieve, or download to not more than \_\_\_ current listings and not more than \_\_\_ sold listings in response to any inquiry. **O**

**Note:** The number of listings that may be viewed, retrieved, or downloaded should be specified by the MLS in the context of this rule, but may not be fewer than one hundred (100) listings or five percent (5%) of the listings in the MLS, whichever is less. **M**

**Note:** Adoption of Sections 19.20 through 19.25 is at the discretion of the MLS. It is not required that equivalent requirements be established related to other delivery mechanisms.


## MMLS (No equivalent rule)

## GPRMLS

**Section 15.19:** A Participant shall limit the number of listings that a Registrant may view, retrieve, or download to not more than 100 listings and not more than 100 sold listings in response to any inquiry. 1/09 (NAR 19.19)

## NAR

### **Section 19.21**

A participant may display advertising and the identification of other entities (“co-branding”) on any VOW the participant operates or that is operated on his or her behalf. However, a participant may not display on any such VOW deceptive or misleading advertising or co-branding. For purposes of this section, co-branding will be presumed not to be deceptive or misleading if the participant’s logo and contact information (or that of at least one participant, in the case of a VOW established and operated on behalf of more than one participant) is displayed in immediate conjunction with that of every other party, and the logo and contact information of all participants displayed on the VOW is as large as the logo of the AVP and larger than that of any third party. 

## MMLS (No equivalent rule)

## GPRMLS

**Section 15.21:** A Participant may display advertising and the identification of other entities ("co-branding") on any VOW the Participant operates or that is operated on his or her behalf. However, a Participant may not display on any such VOW deceptive or misleading advertising or co-branding. For purposes of this Section, co-branding will be presumed not to be deceptive or misleading if the Participant's logo and contact information (or that of at least one Participant, in the case of a VOW established and operated on behalf of more than one Participant) is displayed in immediate conjunction with that of every other party, and the logo and contact information of all Participants displayed on the VOW is as large as the logo of the AVP and larger than that of any third party. 1/09 (NAR 19.21)

## LICENSE AGREEMENT

### NAR (No equivalent rule)

### MMLS

**LICENSE AGREEMENT.** Participants and the AVPs operating VOWs on their behalf must execute the license agreement required by the MLS. **15.21**

**GPRMLS calls it a data use agreement since we are not giving them a license to the data. We are just giving them permission to download and display the data.**

**GPRMLS** (No equivalent rule)

## **APPLICABLE LAW**

**NAR** (No equivalent rule)

**MMLS** (No equivalent rule)

**GPRMLS**

**Section 17. APPLICABLE LAW:** Any provision of these rules and regulations prohibited by, or contrary to, applicable law, is hereby deemed amended to conform to such applicable law. 5/03

## **TRANSMISSION TO THIRD-PARTY AGGREGATORS**

**NAR** (No equivalent rule)

**MMLS** (No equivalent rule)

**GPRMLS**

**Section 18. TRANSMISSION TO THIRD-PARTY AGGREGATORS:** Upon receipt of a written complaint from a participant, substantiated with photographic evidence of a “For Sale By Owner” sign on a listed property, MLS shall cease transmitting that listed property information to third-party aggregators, and notify the listing broker that such listing information will not be sent to third-party aggregators until listing broker notifies MLS that a “For Sale By Owner” sign is no longer displayed on the subject property. On receipt of such notification by the listing broker, the data feed shall again be made to the third-party aggregators and notification shall be made to the complaining participant. 10/09

## GPRMLS

### Exhibit A

**Sold MLS Fields** (X = authorized IDX display fields)

<b>Field Name</b>	<b>Res</b>
Date Sold	X
House Number	X
Street Name	X
County	X
Zip Code	X
Subdivision	X
Sold Price	X
Style	X
# of Rooms	X
# of Bedrooms	X
# of Baths	X
# of Fireplaces	X
# of Garage Spaces	X
Garage Type	X
Year Built	X
Tax Year	X
Tax Amount	X
Square Feet	X
Basement	X
Basement %	X
Lot Dimensions	X
Fence	X
Roof Type	X
Finished Below Grade	X
Walk-Out Basement	X