

**Broker Reciprocity/ Internet Data Display (IDX) Rules
Effective January 1, 2011**

Definitions:

Broker Reciprocity – Broker Reciprocity affords MLS Participants the option of authorizing display of their listings on other Participants’ Internet websites.

Broker Reciprocity Database - the current aggregate compilation of all listings of all Broker Reciprocity Subscribers except those listings where the property seller has opted out of Internet publication by so indicating on the listing contract and on the Listing Data Input Form by entering “NO” in the Public Viewable “YES/NO” field.

Broker Reciprocity Subscriber (hereafter called a BRS) – an MLS Participant that participates in the Broker Reciprocity program with their listings.

Broker Reciprocity Subscriber’s Agent (hereafter called a BRSA) - is a BRS’s non-principal broker or sales licensee who has written authorization from the BRS to use the BR Database on their web site or frame their BRS’s web site.

SWMRIC - The Southwestern Michigan Regional Information Center, LLC which is an organization that provides MLS computer services and a real property database to the Members of the SWMRIC Member Associations and MLSs.

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 frame the aggregated MLS data of other participants. Even where participants have given blanket authority for other participants to display their listings on BRS or BRSA sites, such consent may be withdrawn on a listing-by-listing basis as instructed by the seller.

Republication of Broker Reciprocity Database on Internet Permitted.

- a. A BRS or BRSA may republish all or a portion of the Broker Reciprocity Database on the Internet in accordance with the following provisions and any policies that MLS may adopt from time to time. A BRS or BRSA may select the listings they choose to display on their BRS or BRSA 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 BRS or BRSA site must be independently made by each BRS or BRSA. If you plan to display only a subset of the BR Database, you shall have one of the following disclosures on your web site that explains the situation to consumers:

“(Your firm’s name) does not display the entire MLS (or SWMRIC) Broker Reciprocity database on this web site.” And, if applicable, the following statement: “The listings of some real estate brokerage firms have been excluded.”

- b. A BRS or BRSA must notify the MLS of their intention to establish a Broker Reciprocity site and make their site directly accessible to the MLS for purposes of monitoring/ensuring compliance with the applicable rules and policies.
- c. Display of expired, withdrawn, pending, and sold listings is prohibited.
- d. An internet republication of another BRS’s listing shall not contain more (but may contain less) information than is authorized to be displayed by SWMRIC’s policy governing the display of the BR data. You may display any information relating to your own listings. Confidential information intended only for the other BRSs and BRSAAs (e.g., cooperative compensation offers, showing instructions, property security information, etc.) may not be displayed on Broker Reciprocity sites.
- e. Participation in Broker Reciprocity 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.
- f. The BRS or BRSA must refresh all SWMRIC downloads and refresh all SWMRIC data at least once every three (3) days. The MLS requires you to display on your web site the last update date. (i.e. Updated: xx/xx/xx)
- g. A BRS or BRSA may not modify the actual data relating to another BRS’s listing. A computer generated written description of the listing using the actual data from the BRS’s listing is permissible. For your own listings, you can do anything you want to as long as it is in compliance with applicable laws and the Code of Ethics. If you are displaying other data that is tied to another BRS’s Listing, you shall distinguish the data you have supplied from the data from the BR Database and it shall be located outside the “body” of the BR’s listing as defined in subparagraph “m”.
- h. 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 Web sites or VOWs) shall not be accessible via Broker Reciprocity sites. If the property address is withheld, the property shall not appear on any maps.
- i. Display of seller’s(s’) and/or occupant’s (s’) name(s), phone number(s), and email address(es) is prohibited.

- j. When displaying listing content, a BRS's or BRSA's Broker Reciprocity site must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface.
- k. A brief or thumbnail display is defined as being no more than 120 characters of listing data text. A thumbnail display of another BRS's listing may not include any contact information or branding of the BRS who owns the web site or any of its agents. A thumbnail display may only include the following: text data about the listed property, a image of the listed property, the logo of the listing broker and "buttons" or hot links for a detailed listing display. The provision relating to "contact information or branding" is designed to prevent the web-site-owning BRS's or BRSA's contact information, contact links, and branding, and that of its agents, from appearing on other BRS's listings. "Branding" refers to any marks or language referring to the web-site-owning BRS repeated in the thumbnail display of another BRS's listing. Any association of such information or branding with the listing data is a violation of this rule.
- l. A search result producing a detailed display of another BRS's listing shall bear that BRS's name, Listing Agent's name and office telephone number within the property information 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. SWMRIC's copyright notice shall be displayed immediately following the property information. The copyright notice shall be at least a 10 point font size and appear exactly as follows: " Copyright nnnn SWMRIC, LLC. All rights reserved. "[Where nnnn is the current year.] The copyright symbol can be used in place of the word "copyright". MLS interprets any display containing more than 120 characters of listing data text as being a detailed display. A detailed display of another BRS's listing may not include any contact information, links to, or branding of the MLS Participant who owns the web site or any of it's agents within the "body" of the listing data. The "body" is defined as the rectangular space whose borders are delimited by the utmost extent in each direction of the listing text and photo data. The prohibition on branding or contact information within the "body" of the listing data is intended to prevent any possible confusion on the part of the consumer as to the source of the listing.
- m. Any result identifying another BRS's listing shall include the disclaimer "Information Deemed Reliable But Not Guaranteed." This disclaimer shall be at least a 10 point font size. You will probably want to display this disclaimer on your own listings as well, unless your legal counsel advises otherwise.
- n. Any Internet web site used for publication of the Broker Reciprocity Database or any portion thereof must be controlled by a BRS or a BRSA and advertised as that BRS's or BRSA's Internet web site. In order to participate in Broker Reciprocity™, a site must be marketed and branded or cobranded as a broker's site.
- o. A BRS, at their option, may give written authorization to their non-principal

brokers and sales licensees to use the BR database to populate their own web sites or frame the BR data on the BRS's web site. If written authorization is obtained by a non-principal broker or sales licensee to use the BR database to populate their web site, the BRS, licensee and any third party vendor shall sign an agreement with the MLS setting forth the permissible uses of the BRS Database, agreeing to comply with the MLS Rules and Regulations governing the BR Database, and agreeing to comply with all state laws and regulations.

- p. Any BRS or BRSA site that:
1. 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
 2. 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 paragraph q below, a participant's BRS site may communicate the participant's professional judgment concerning any listing. Nothing shall prevent an BRS or BRSA site from notifying its customers that a particular feature has been disabled at the request of the seller.

- q. BRSs and BRSAAs 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 BRS or BRSA site. BRSs and BRSAAs 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, BRSs and BRSAAs shall not be obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or professional judgment.
- r. BRSs and BRSAAs may not use Broker Reciprocity provided listings for any purpose other than display on their websites. This does not require a BRS or BRSA to prevent indexing of Broker Reciprocity listings by recognized search engines.
- s. A BRS or BRSA must make changes to an Internet site necessary to cure a violation of the MLS's Rules and Regulations within five business days of notice from the MLS of the violation. MLS reserves the right to discontinue the data feed you receive if you do not comply with this requirement. You may also be subject to fines from the MLS. The recipient of a sanction may request a hearing before the Professional Standards Committee of the Association of REALTORS in accordance with the Bylaws and Rules and

Regulations of the Association within 20 days following receipt of the notice of violation.

- t. Except as provided in these rules, a Broker Reciprocity site or a BRS or BRSA operating a Broker Reciprocity site may not distribute, provide, or make any portion of the SWMRIC database available to any person or entity. In addition, a brokerage firm cannot sell access to the Broker Reciprocity Data to other brokers or any other businesses, whether or not they are participants in MLS.
- u. No portion of the Broker Reciprocity Database shall be co-mingled with any non-MLS listings on the BRS's or BRSA's Internet web site. If you take listings from consumers but do not put them into an MLS system, they cannot appear on any thumb-nail display or as part of any search results with BR Database data. If the property in question appears in any other MLS, then the property may be co-mingled.

If you serve a market area without an MLS, you must either enter such listings into an MLS in a market that has one, or you must not co-mingle those listings with the BR Database listings.

- v. Any BRS and BRSA using a third party to develop and /or design its web site shall have a written agreement with that third party in the form prescribed by the MLS. MLS requires that third parties gaining access to the BR Database sign the standard contract as approved by the MLS. Providing an MLS password to an unauthorized recipient is a serious violation of the MLS Rules and Regulations punishable by a fine as established by the individual SWMRIC Member Associations for their MLS.