

**MODEL MICHIGAN REGIONAL INFORMATION CENTER, LLC
BROKER RECIPROCITY/INTERNET DATA DISPLAY (IDX)
MLS RULES AND REGULATIONS
January 1, 2018**

SECTION 1 - DEFINITIONS

Broker Reciprocity – Broker Reciprocity affords MLS Participants the ability to authorize limited electronic display and delivery of their listings by other participants via the following authorized mediums under the participant’s control: websites, mobile apps and audio devices. As used throughout these rules, “display” includes delivery of such listings.

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 display or other electronic forms of display or distribution 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 with a limited electronic display or frame their BRS’s limited electronic display.

MichRIC – The Michigan Regional Information Center, LLC which is an organization that provides MLS computer services and a real property database to the Members of the MichRIC 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, 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have given blanket authority for other participants to display their listings on BRS or BRSA sites, such consent may be withdrawn on a listing-by-listing basis where the seller has prohibited all Internet display or other electronic forms of display or distribution.

SECTION 2 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 a limited electronic display 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 through 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 through 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 MichRIC) 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 display Broker Reciprocity information and must give the MLS direct access for purposes of monitoring/ensuring compliance with the applicable rules and policies.
- c. Display of expired and withdrawn listings is prohibited. Because “sold” information is publically accessible in Michigan, the sold listings in the MLS since January 1, 2012 shall be provided in the Broker Reciprocity Database upon request of the BRS or BRSA and the sold listings since January 1, 2012 may be displayed on their limited electronic display subject to these Broker Reciprocity Rules.
- d. Confidential information intended only for the other BRSs and BRSA may not be displayed on Broker Reciprocity sites. The list of those fields by Property type is as follows:

Residential (and All Other Property types)

Office Id, Agent ID, Co-Office ID, Co-Agent ID, Public Viewable, Show Address to Public, Show AVM to Public, VOW Public Comments, Sub Agency Compensation, Buyer Agency Compensation, Transaction Coordinator Compensation, Variable Rate, Exclusive Agency, Reserved Prospect, Listing Date, Expiration Date, Occupant Type, Owner Name, Owner Phone, Showing Instructions, Tour Date, Tour Time, Agent Only Remarks

Vacant Land (Same as Residential) plus the following:

Listings to Commercial Source
Documents at Listing Office

Multi Family (Same as Residential) plus the following:

Annual Insurance, Annual Maintenance, Annual Utilities
Annual Maintenance Fees, Gross Operating Income, Total Expense, Net Operating Income

Commercial Sale (Same as Residential)

Commercial Lease (Same as Residential)

For All Sold Listings: Sold Sales Condition, Sold Sale Terms and Seller Concessions

- 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 MichRIC downloads and BRS and BRSA displays automatically fed by those downloads at least once every twelve (12) hours. 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. 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. The additional data shall be located outside the "body" of the BR's listing as defined in subparagraph "m".
- h. Listings, including property addresses, can be included in BR 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) or other electronic forms of display or distribution. 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. Any BR 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 BR policy and these rules, "control" means the ability to add, delete, modify and update information as required by the BR policy and MLS Rules.
- k. A brief or thumbnail display is defined as being no more than 200 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, an 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 display that BRS's name and Listing Agent's name 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.

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. For audio delivery of listing content, all required disclosures must be subsequently delivered electronically to the registered consumer performing the property search or linked to through the devices application. MichRIC'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 MichRIC, 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 200 characters of listing data text as being a detailed display. A detailed display of another BRS's listing may not include any contact information 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 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 source of the listing. Unbranded buttons that go to an unbranded popup are allowed in the "body" of the listing data such as "schedule showing", "contact us", "save as favorite", etc.
- 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. Display 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.
- n. Any limited electronic display 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 limited electronic display. In order to participate in Broker Reciprocity™, a limited electronic display must be marketed and branded or cobranded as the broker's site. For purposes of the BR policy and these rules, "control" means the ability to add, delete, modify and update information as required by the BR policy and MLS Rules.
- o. Non-principal brokers and sales licensees affiliated with a BRS may display information available through Broker Reciprocity on their own websites subject to their BRS's consent and control and their written authorization. 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 display controlled by a BRS or BRSA 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, 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 paragraph q below, a participant's BRS display may communicate the participant's professional judgment concerning any listing. Nothing shall prevent a BRS or BRSA display 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 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 as provided for in these rules. 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 display necessary to cure a violation of the MLS's Rules and Regulations within five (5) 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 the BR policy and these rules, a Broker Reciprocity site or a BRS or BRSA operating a Broker Reciprocity site or displaying BR information as otherwise permitted may not distribute, provide, or make any portion of the MichRIC 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. A BRS or BRSA may co-mingle the listings of other brokers received in a BR feed with listings available from other MLS BR feeds, provided all such displays are consistent with the BR rules, and the BRS and BRSA holds participatory rights in those MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a single property search of multiple BR data feeds resulting in the display of BR information from each of the MLSs on a single search results page; and that BRSs may display listings from each BR feed on a single webpage or display.
- v. 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 limited electronic display. 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.

- w. Any BRS and BRSA using a third party to develop and /or design its limited electronic display 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 MichRIC Member Associations for their MLS.
- x. 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