

GFC CMLS IDX Rules & Regulations (version 3.1, effective 8/3/09)

To the extent that this document supplements the GFC CMLS' Rules and Regulations relating to IDX, it is a statement of the GFC CMLS' policy regarding such matters.

Access to the IDX Database will be provided via an "FTP" file. This is described more fully in the Technical Documentation. Any IDXs intending to use any other method for downloading and updating the IDX Database must seek approval of its method from the GFC CMLS. This approval will not be denied unless the method proposed is likely to result or does in fact result in violations of the IDX rules and regulations will weaken system security or result in degradation of the performance of any of the GFC CMLS' systems. The use of any other method also requires payment to the GFC CMLS of any costs it incurs to provide and maintain the access method, including reasonable fees for GFC CMLS staff time.

Rules and Regulations: Sections 8.1 – 8.18 of GFC CMLS' Rules and Regulations contain provisions relating to IDX. These provisions are reproduced in their entirety here. In many cases, explanatory remarks appear to the right of the rule provision:

RULE	EXPLANATION
<p><u>Section 8.1 Definition - Internet Data Exchange.</u> "Internet Data Exchange" or "IDX" is a means by which each GFC CMLS Participant subscribing to the program (the "Internet Data Exchange Subscriber" or "IDXs") permits the display of its active and sold listings and optionally upcoming open house notices, appearing in the GFC CMLS on each other's Internet website.</p>	<p><i>Provided their owner/broker has not opted-out of the IDX program and the owner/broker has given their written permission agents may include IDX data from any IDX vendor approved by the GFC CMLS, including, but not limited to the rDesk IDX system, which the GFC CMLS provides as a free member service.</i></p>
<p><u>Section 8.2 Definition - Internet Data Exchange Database.</u> The "Internet Data Exchange Database" is the current aggregate compilation of: (a) all active exclusive listings; (b) exclusive listings sold and closed during the preceding 365 days; and (c) information regarding public open houses scheduled during the next ten (10) calendar days, for all Internet Data Exchange Subscribers, excluding Listings where the seller has opted-out of Internet publication by so indicating on the Listing Agreement.</p>	<p><i>All active and recently sold listings of all IDXs and only listings of IDXs are included in the Internet Data Display Database.</i></p> <p><i>Any seller who prefers, may have their listing excluded from the IDX program. The listing agent must simply indicate "N" in the "Internet Y/N" field when entering the listing in the GFC CMLS. The property will then be excluded from the IDX, Open House and national Internet data feeds.</i></p>

RULE	EXPLANATION
<p><u>Section 8.3 Presumption of Participation.</u> Every GFC CMLS Participant is automatically an IDX unless the Participant chooses to “Opt-Out” by completing and submitting the “Election Not To Participate in the Internet Data Exchange Program” form. The right to receive and display IDX Data is limited to Participants holding active participatory rights in the GFC CMLS.</p> <p><u>Section 8.3.1 Participants Right to Withhold Address.</u> An IDX may direct address information, including street number, street name and unit number, not be displayed on IDX sites.</p> <p><u>Section 8.3.2 Participants Right to Withhold Open House Data.</u> An IDX may direct data pertaining to the Participant’s upcoming open houses not be displayed on IDX sites.</p> <p><u>Section 8.3.3 Sellers Right to Opt-Out of IDX or Withhold Address.</u> Sellers may direct their Listing Agent/Broker to withhold their Listing in its entirety or their property address from IDX Display.</p>	<p><i>You need not take any action to become an IDX. All active GFC CMLS Participants are automatically enrolled. If you do not wish to become an IDX just complete and submit the form, “Election not to participate in the Internet Data Exchange program,” attached at the back of the packet.</i></p> <p><i>An IDX must notify the GFC CMLS in writing if they wish to disallow other IDXs from including either, or both, their listings addresses or their open houses in other brokers IDX enabled websites. Such a decision affects all listings from all offices within the IDXs’ company. The decision can be made or reversed at any time.</i></p> <p><i>A seller who wishes to disallow the publication of their listing’s address or their open houses on IDX enabled websites must so indicate on their listings property data sheet.</i></p>
<p><u>Section 8.4 Permission to Publish the Internet Data Exchange Database on the Internet.</u> An IDX may publish all or a portion of the IDX Database on the Internet in accordance with all provisions of these Rules and Regulations. No GFC CMLS Participant shall display or publish GFC CMLS Listings, or any other GFC CMLS Data, in an electronic format in any manner that does not conform to the requirements the GFC CMLS Rules and Regulations. Unless expressly superseded by the provisions of Article 8, all other Rules and Regulations remain in full force and effect.</p> <p>If an IDX website displays a subset of the IDX Database the choice of Listings to be displayed must be based on objective criteria, including but not limited to, factors such as geography, property type, list price, type of listing agreement or level of service provided by the Listing Agent/Broker. The selection of Listings to be displayed on an IDX website must be independently made by each Participant.</p>	<p><i>You need not display the whole IDX Database. You may choose to display only a subset of the IDX Data such as; listings in a particular price range, geographical area, or property type. You may also choose not to display the listings of certain of your competitors.</i></p> <p><i>If you plan to display only a subset of the IDX Database, see Section 8.1.5 in this document regarding required disclosures.</i></p>

RULE	EXPLANATION
<p><u>Section 8.5 Data Which May be Published Under IDX.</u> IDX websites shall not contain more (but may contain less) MLS information than contained in the data fields listed in “Appendix C of the IDX Broker Informational Packet & Technical Documentation.” This does not limit the right of both the IDXS and Seller to disallow display of a Listing’s address or open house information as detailed in Sections 8.3.1, 8.3.2 and 8.3.3.</p>	<p><i>The limited fields allowed in the display of IDX listings are set forth in Appendix C of this document. Addresses may be displayed provided neither the Listing Broker nor the property owner has refused to allow its display and Open House information may be displayed unless the Listing Broker and/or the property owner has refused to allow its display. Note that this limitation applies only to listings in the IDX Data that are not your own. Participants may display ALL information relating to your own listings.</i></p>
<p><u>Section 8.6 Participant’s Qualification to be an IDXS.</u> To qualify as an IDXS, a Participant must be actively engaged in providing real estate brokerage services to buyers or sellers of residential real estate.</p>	
<p><u>Section 8.6.1 A Participant May Authorize Affiliated Subscribers to Display IDX Data on Their Websites.</u> Subscribers who have obtained their Participant’s written permission and provided a copy of that permission to the GFC CMLS may display IDX Data on their personal websites subject to the following conditions:</p> <ul style="list-style-type: none"> a) Both the Subscriber and his/her Participant are fully responsible to insure the Subscriber’s IDX website complies with these Rules and Regulations. b) A Subscriber must use an IDX vendor included on the GFC CMLS list of approved vendors, which is available in the “IDX Broker Informational Packet & Technical Documentation” at www.ct-mls.com. c) A Subscriber may display IDX Data available by “framing” his/her Participant’s IDX website on their own website, subject to their Participants consent and compliance with all applicable of State laws and regulations. d) A Subscriber may use the free “rDesk” IDX program provide by the GFC CMLS. Further information is available at www.ct-mls.com. 	<p><i>As of August 3, 2009 GFC CMLS Subscribers may, subject to the terms outlined in this Section 8.6.1 may display IDX Data on their personal websites.</i></p>

RULE	EXPLANATION
<p><u>Section 8.7 IDX Data Must be Kept Current.</u> While daily updates are encouraged, the IDX Data on every IDX website must be updated at least once every seventy-two (72) hours. An IDX who chooses to update less frequently than daily must place a disclaimer on his/her/its website's search page indicating the update frequency. Additionally, all IDX websites must include a statement indicating the date of the last update similar to, "Data last updated: xx/xx/xx" on the first page displaying search results.</p>	<p><i>The GFC CMLS strongly encourages you to update your website with fresh IDX Data DAILY. Connecticut Department of Consumer Protection rules require IDX data be updated at least every three calendar days. In the event you choose to update less frequently than daily, you must place a disclaimer on your website indicating the frequency of update and the last update date. See Section 8.1.6 in this document for a sample disclosure of this type.</i></p>
<p><u>Section 8.8 Prohibition on Modification of IDX Data.</u> An IDX may not modify or manipulate the Data contained in another IDX's Listing. (This is not a limitation on the design of the site but refers to the actual data.) An IDX may augment the IDX Data with additional non-Listing Data and information not otherwise prohibited from being displayed so long as the source of the additional data or information is clearly identified.</p>	<p><i>While you can do anything you want (consistent with the Code of Ethics and applicable law) to data relating to your own company's listings, you can only do with other brokers' listings what these rules permit you to do. You are strictly prohibited from modifying the IDX Data from another IDX. This could conceivably include displaying other data alongside the other IDX's data. For example, if you geo-code the listings on your site, and then tie demographic or other data to them, you will want to be cautious about displaying such data on the same screen as another IDX's listing. You should make efforts to distinguish the data you have supplied from the IDX Data. Segregating such data "geographically" on the screen or including a credit on the non-IDX data (such as "Demographic data courtesy of ABC Title Company") would be ways to accomplish this.</i></p>

RULE	EXPLANATION
<p><u>Section 8.9 Identifying IDX Listings.</u> Any website containing IDX Data must prominently display, on the first page containing any Listing Data: (a) a clear explanation that certain Listings are provided courtesy of the GFC CMLS IDX Program; and (b) how such IDX Listings will be identified. This requirement is designed to insure that anyone visiting an IDX website is clearly informed that the host of the IDX website is not the Listing Broker for all of the displayed properties. The IDX is allowed reasonable latitude to determine the wording, format and manner in which this required disclosure is displayed, but GFC CMLS retains full authority to determine if the disclosure is sufficient to accomplish its intended purpose. As a “safe harbor,” the following disclosure language, in a font size at least as large as the Listing Data, placed adjacent to an “IDX Detail Logo” (at least 105 pixels wide by 35 pixels high) which, in turn, is immediately adjacent to the property Listing Data satisfies the required disclosure:</p> <p style="padding-left: 40px;">“The data relating to real estate for sale on this website comes in part from the GFC CMLS IDX Program. Real estate listings held by brokerage firms other than [insert your firm’s name here] are marked with an “IDX Logo” (a little black house surrounding the letters “IDX”) and detailed information about those listings includes the name of the listing broker.”</p>	<p>See Appendix D of this document for a reproduction of the “IDX Detail Logo”, a sample of an appropriate usage of the logo and a disclosure statement that meets the requirement of this section.</p> <p>Note that this disclosure must appear on the FIRST page on which any listing Data is displayed.</p> <p><i>Note: Digital versions of both the “IDX Detail Logo” and the “IDX Thumbnail Logo” are available for download from GFC CMLS website at www.ct-mls.com.</i></p>

RULE	EXPLANATION
<p><u>Section 8.10 Identifying IDX Listings on Thumbnail Displays.</u> Any search result which displays a Listing controlled by another IDX in a brief or "thumbnail" format shall clearly disclose that each such Listing is displayed as an IDX Listing and not as a Listing controlled by the IDX hosting the website. An IDX is allowed reasonable latitude to determine the manner in which this disclosure is made, but the GFC CMLS retains full authority to determine if the required disclosure complies with the intent of this Section 8.10. As a “safe harbor,” including either the “IDX Thumbnail Logo” or the phrase “Courtesy of the GFC CMLS IDX Program” in a visible font size and color at least as large as the font used to display the Listing Data, placed immediately adjacent to the property information, will satisfy this requirement.</p>	<p>See Appendix D of this document for a sample of a brief or thumbnail listing using the “IDX Thumbnail Logo” that meets “safe harbor” requirements.</p>
<p><u>Section 8.11 Limitation on Data Allowed in Thumbnail Displays.</u> (a) A thumbnail display of a Listing controlled by another IDX may include no more than five (5) horizontal lines of text and/or a single photograph no more than 150 pixels high along with buttons or hyperlinks providing links for additional information; (b) A thumbnail display of a Listing controlled by another IDX may not include any contact information or branding of the IDX hosting the website, or any agent affiliated with that IDX; and (c) A thumbnail display of a Listing controlled by another IDX listing must also meet the requirements of Section 8.10 of these Rules and Regulations.</p>	<p><i>The GFC CMLS interprets a thumbnail display as being no more than five (5) horizontal lines of text and/or a single photograph no more than 150 pixels high. Displays of more text, larger photos or multiple photos are considered “Detailed” displays and must meet the requirements of Section 8.12 of the Rules and Regulations.</i></p> <p><i>The provision relating to “contact information or branding” prevents office and agent information of the web-site-owning IDX from appearing on another IDX’ listings.</i></p> <p><i>“Branding” refers to any marks or language referring to the web-site-owning IDX repeated in the thumbnail display of another IDX’ listing. Any association of such information or branding with the listing data is a violation of this rule.</i></p>

RULE	EXPLANATION
<p><u>Section 8.12 Limitation on Data Allowed in Detailed Displays.</u></p> <p>(a) A search result producing a detailed display of Data regarding a Listing controlled by another IDX shall disclose the name of the controlling IDX; the "IDX Detail Logo"; and the GFC CMLS Copyright Notice (either Option A or B) immediately following the property information.</p> <p>Option A: "Copyright nnnn Greater Fairfield County CMLS, Inc. All rights reserved." [Where nnnn is the current year.]</p> <p>Option B: "© nnnn Greater Fairfield County CMLS, Inc. All rights reserved." [Where nnnn is the current year.]</p> <p>Note, you may not substitute a "c" in parentheses – "(c)" – for the copyright symbol – "©." If your website cannot display the copyright symbol, you must use Option A and spell out the word "Copyright."</p> <p>(b) A detailed display of a Listing controlled by another IDX may not include any contact information or branding for the IDX hosting the website or for an agent affiliated with the hosting IDX, within the "body" of the listing data. The "body" is defined as an imaginary rectangular box whose borders are delimited by the utmost extent in each direction of the listing text and photo data.</p> <p>(c) Any detailed display of a Listing controlled by another IDX shall include a disclaimer that conveys the essence of the following terminology: "Information Deemed Reliable But Not Guaranteed."</p> <p>(d) The name of the IDX who controls the Listing and the GFC CMLS Copyright Notice shall be at least as large as the largest type size used to display the body of the Listing Data. The GFC CMLS Copyright Notice must appear exactly as it is shown in Section 8.12(a), above.</p>	<p><i>The GFC CMLS interprets any display containing more than five (5) horizontal lines of text display or displaying more than a single photo of more than 150 pixels height as being a detailed display.</i></p> <p><i>A Digital version of the "IDX Detail Logo" is available for download from GFC CMLS' website at www.ct-mls.com.</i></p> <p><i>(2.) 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.</i></p> <p><i>(3.) In practice, you may want to display this type of disclaimer on your own listings as well, unless your legal counsel advises otherwise. See Section 8.1.2 of this document for samples of acceptable alternative disclaimers.</i></p>

RULE	EXPLANATION
<p><u>Section 8.13 Identification and Control of IDX Websites.</u> Any Internet website used for the publication of any IDX Data, or any portion thereof, must be controlled by a single IDX and clearly identified as that IDX's Internet website.</p>	<p><i>This is an important limitation on third parties who develop, build, host or maintain IDX sites for brokers and agents. In order to participate in IDX, a site must be marketed and branded as a broker or the brokers sales agent's site. Consider this scenario: A company, "GopherRealtyOnline.com" (GRO) provides promotional services for brokers. You and two other brokers are IDXs and you all want GRO to build your websites. It does so. So long as the websites are most prominently identified with the individual brokerage firms, it's fine for GRO to have a notice at the bottom of every page that says "Powered by GopherRealtyOnline.com." But GRO must not "brand" any of these websites in such a way as to suggest that GRO controls it.</i></p> <p><i>Obviously websites containing IDX Data should never jeopardize the goodwill of the GFC CMLS or other IDXs. For example, advertising an obscene website on a website containing IDX Data would cause the termination of the IDX Data feed.</i></p>

<p><u>Section 8.14 Protections Against "Scraping".</u> The IDX who controls any website which displays IDX Data, or any portion thereof, shall take, or cause his/her/its vendor to take, reasonable efforts to prevent "scraping" or other unauthorized access, use or reproduction of the IDX Data by third parties or the unauthorized display of IDX Data on any other website. Reasonable efforts shall include but, are not necessarily limited to:</p> <p>(a) Monitoring the website for signs that a third party is "scraping" data; and</p> <p>(b) Prominently posting on the website a notice that any use of the site's search capabilities and/or of the data displayed on the site, by anyone other than a consumer looking to purchase real state, is prohibited.</p> <p>If an IDX or his/her/its vendor suspects that "scraping" or any other unauthorized access, use or reproduction of the IDX Data has occurred, the suspicion and any evidence to support it must be reported to the GFC CMLS immediately for investigation and action.</p>	<p><i>"Scraping" is a term used to describe the unauthorized obtaining of significant amounts of data from a website.</i></p> <p><i>This section places a burden on you and your website host to monitor your website. If it appears that a large number of hits is coming from a particular domain on the web and that these hits may be the result of an automated process designed to gather or "scrape" data from your website for use somewhere else, you must notify the GFC CMLS.</i></p>
<p>RULE</p>	<p>EXPLANATION</p>
<p><u>Section 8.15 Required Data Security.</u> Participants, vendors and hosting facilities who are allowed access to GFC CMLS IDX Data shall employ appropriate security procedures and devices, including firewalls, that are at least equivalent to the security measures and devices employed by the GFC CMLS.</p>	
<p><u>Section 8.16 Limitation on the Use of the Internet Data Exchange Database.</u> No portion of the IDX Data shall be used by, or provided to, anyone other than consumers desiring to purchase or lease real estate. This restriction, together with a restriction on the reproduction of IDX Data, shall be included in the "Terms and Conditions of Use Agreement" for all IDX websites.</p>	<p><i>This section expressly prohibits distribution of the IDX Data or any portion of it for ANY purpose other than those expressly permitted by the GFC CMLS Rules and Regulations. This includes distribution to other IDXs. In other words, anyone operating an IDX website cannot sell or give access to the IDX Data to other brokers or any other businesses, whether or not they are participants in the GFC CMLS.</i></p>

<p><u>Section 8.17 Displaying a “Terms and Conditions of Use Agreement.”</u> Any Internet website which displays IDX Data, or any portion thereof, must include a “Terms and Conditions of Use Agreement” accessible either directly on or as a hyperlink from the first page on which IDX Data is displayed. As a minimum, the “Terms and Conditions of Use Agreement” shall incorporate the language included in the sample “Terms and Conditions of Use Agreement” in Section 8.1.4 of the “IDX Broker Informational Packet & Technical Documentation”.</p>	<p>The “Terms and Conditions of Use Agreement” helps insure use of IDX data is limited to its intended purposes.</p>
<p><u>Section 8.18 All Agreements With Third Party Website Consultants, Designers, Developers and Hosting Services Must be in Writing.</u> All third parties who develop, design, host or maintain a website for an IDX must fully execute the standard “Agreement to Access the Internet Data Exchange Data Feed” contract as provided by the GFC CMLS before such third party is provided access to any IDX Data.</p>	<p><i>The GFC CMLS requires that third parties desiring to gain access to the IDX Data sign the standard “Agreement to Access the Internet Data Exchange Data Feed” contract attached to this document. Providing a GFC CMLS password to an unauthorized recipient is a serious violation of the GFC CMLS’ Rules and Regulations, punishable by a fine and possible interruption of MLS privileges.</i></p>
<p><u>Section 8.19 Requirement to Cure Violations.</u> An IDX must make any and all changes to their Internet website necessary to cure any violation of GFC CMLS Rules and Regulations within five (5) business days of notice from GFC CMLS of a violation. If an IDX fails to correct any violation in the time provided, GFC CMLS reserves the right to discontinue the IDX’s IDX Data feed, without any further notice. Any IDX that fails to correct a violation of Section 8.19 within the allotted time is subject to the automatic imposition of a “Fourth Tier” fine as set forth in Section 5 of Schedule C.</p>	<p><i>You must make corrections to your website if GFC CMLS determines that it is in violation on some point. The GFC CMLS reserves the right to discontinue the data feed you receive without further notice if you do not comply with this requirement. You may also be subject to fines from the GFC CMLS.</i></p>
<p><u>Section 8.20 IDX Fees.</u> The Board of Directors may establish appropriate Fees for IDX participation to offset the costs of providing this service.</p>	