



# Internet Data Exchange™ Rules and Regs

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## INTERNET DATA EXCHANGE

### SECTION 17 DEFINITIONS:

- (a) **“IDX,”** or Internet Data Exchange, is a tool that allows IDX Participants, as defined below, to display the listings of other IDX Participants. IDX refers strictly to Participants displaying other Participants listings with express permission.
- (b) **“IDX Database”** is the current aggregate compilation of:
- (i) all Active, Pending and Contingent listings, as defined in these rules, of Triangle MLS, Inc. and
  - (ii) the preceding 3 years of Closed (sold) listings for the approved property type(s),  
  
except those listings where the Seller or listing broker has opted out of all display on the Internet by indicating on the listing contract or otherwise in the MLS system. Listings, including property addresses of sellers who have directed their listing brokers to withhold their listing or the listing’s property address from display on the Internet (including, but not limited to, publicly-accessible Web sites or VOWs) shall not be included in an IDX display of listing information. Display of listings is subject to any applicable state law. (For example, North Carolina law presently requires disclosure of the existence of a contingent purchase agreement on an active listing.)
- (c) **“IDX Participant”** is an authorized Participant of Triangle MLS that permits the display of its listings by other IDX Participants subject to these Rules. An IDX Participant is identified as the authorized firm, i.e., the entity, regardless of whether the Participant is identified as a firm or an individual. The term “Participant” refers to persons and firms satisfying the definition of that term in the Triangle MLS Rules and Regulations and the Triangle MLS By-laws.
- (d) **“IDX Subscribers”** are those non-principal brokers or licensees affiliated with the IDX Participant.
- (e) **“Firm”** is the office of the Participant.

### SECTION 17.1 PARTICIPATION PRESUMED:

Participant’s 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 or other electronic forms of display or distribution.

### SECTION 17.2 PUBLICATION PERMITTED:

An IDX Participant may republish all or a portion of the IDX Database in accordance with the following provisions and in keeping with any policies that TMLS may adopt from time to time. Unless expressly contravened by the provisions of this section, all other rules and regulations remain in full force and

effect. Use of the IDX Database is subject to these Rules, to the Code of Ethics of the National Association of REALTORS<sup>®</sup>, to the extent it regulates the display of other Participant's listings and to applicable state laws of North Carolina and other states to the extent the same may apply.

### **SECTION 17.3 ELIGIBILITY TO DISPLAY IDX DATABASE:**

Participation in IDX is available to all Triangle MLS, Inc. Participants who are REALTORS<sup>®</sup>, engaged in real estate brokerage and who consent to display of their listings by other IDX Participants. An IDX Participant must be at all times compliant with applicable rules and regulations of any applicable regulatory body, including, but not limited to, the rules and regulations of the North Carolina Real Estate Commission for brokers licensed in North Carolina.

### **SECTION 17.4 REQUIRED AND PROHIBITED FIELDS AND RECORDS:**

A republication of another IDX Participant's listing shall contain only those fields of data of property statuses designated by the MLS. Display of all other fields is prohibited. A republication of another IDX Participant's listing must contain those fields defined, from time to time, as required for IDX. The required fields on Active, Pending and Contingent listings are listing office name, email or phone number as provided by the listing participant, listing number, status and the IDX icon. The required fields on Closed listings are listing number, status, sold price, and sold date. Vendors may request a list of fields and their allowed usage from Triangle MLS.

### **SECTION 17.5 IDX PARTICIPANT NEED NOT DISPLAY ALL LISTINGS:**

An IDX Participant may select the listings of other IDX Participants it chooses to display through IDX based only on objective criteria including, but not limited to, geography or location ("uptown," "downtown," etc.), list price or type of property (e.g., condominiums, cooperatives, single-family detached, multi-family), or, type of listing (e.g., exclusive right to sell or exclusive agency). Selection of listings displayed through IDX must be independently made by each Participant. If an IDX Participant displays less than all the records in the IDX Database, the IDX Participant's display must include a disclosure to consumers stating, "Some IDX listings have been excluded from this IDX display" or may describe the criteria for selecting a subset of the IDX Database available for searching.

### **SECTION 17.6 SELLER INSTRUCTIONS HONORED:**

Any IDX that; (a) allows third-parties to write comments or reviews about particular listings or displays a link to such comments or reviews in immediate conjunction with particular listings, or (b) displays an automated estimate of the market value of the listing (or link to such estimate) in immediate conjunction with the listing, shall disable or discontinue either or both of those features as to the seller's listing 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 IDX displays. Except for the foregoing and subject to Section 17.7, an IDX Participant's display may communicate the participant's professional judgment concerning any listing. Nothing shall prevent an IDX from notifying its customers that a particular feature has been disabled at the request of the seller.

### **SECTION 17.7 FALSE DATA OR INFORMATION:**

IDX participants 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 IDX display. IDX participants 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, IDX participants shall not be obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or professional judgment.

#### **SECTION 17.8            DISPLAYS:**

- (a) A display of another IDX Participant’s listing(s) may not include in the body of the listing any contact information or branding of the IDX Participant who owns the IDX site, any of its Subscribers, or any third party. The body of the listing is defined as a rectangular space the borders of which are delimited by the utmost extent in each direction of the listing text and photo data.
- (b) Except as provided in Section (d), every display of another Participant’s Active, Pending or Contingent listing must bear the approved IDX icon, the listing office name, email or phone number provided by the listing participant, the listing number, and the status immediately adjacent to the property information. Each of these required items must be a readily visible color and legible to a site visitor, for example, no tiny text or gray text on gray background. Text must appear in a type size equal to or greater than the median size used for listing data on the page.
- (c) Every Closed listing must bear the approved IDX icon, the listing number, the selling price and the sold date. These items must be reasonably visible and legible to a site visitor.
- (d) In the event that an IDX displays a map showing the locations of listings matching a consumer’s search with icons or push-pins, and a site visitor may display a pop-up or balloon over the icon or push-pin by clicking or holding the mouse over it, the elements required in Section (b) need not be displayed in the pop-up or balloon, provided one of the following is true: (i) the consumer can click on the pop-up or balloon and view a page including the listing information and the required elements; or (ii) there is a display elsewhere on the page on which the map appears that includes the listing information and the required elements for all such listings on the map.
- (e) In the event that an IDX displays search results in a “thumbnail format,” the display of another Participant’s listing may only include: text data about the listed property, a photo of the listed property, links to more detailed information and shall display the TMLS approved icon.
- (f) No display of another Participant’s listing may include the listings or property addresses of sellers who have chosen to withhold their listings or addresses from display on other Participant’s IDX. Notwithstanding this prohibition, listing brokers may display on their own sites the listings and property addresses of consenting sellers.

#### **SECTION 17.9            MODIFICATION OF LISTINGS:**

A IDX Participant shall not modify or manipulate information relating to other IDX Participant listings. MLS Participants may augment their IDX display of MLS data will applicable property information from other sources to appear on the same webpage or display, clearly separated by the data supplied by the MLS. The source(s) of the information must be clearly identified in the immediate proximity to such data. This requirement does not restrict the format of MLS data display or display of fewer than all of the available listings or fewer authorized fields.

**SECTION 17.10 DISCLOSURE/DISCLAIMER REQUIRED:**

- (a) Any display, including another Participant’s Active, Pending or Contingent listing must display the following disclosure/disclaimers:
  - (i) “Information Not Guaranteed” *or*
  - (ii) “Brokers make an effort to deliver accurate information, but buyers should independently verify any information on which they will rely in a transaction. The listing broker shall not be responsible for any typographical errors, misinformation, or misprints, and they shall be held totally harmless from any damages arising from reliance upon this data. This data is provided exclusively for consumers’ personal, non-commercial use.” *and*
  - (iii) “Listings marked with an icon are provided courtesy of the Triangle MLS, Inc. of North Carolina, Internet Data Exchange Database.” *and*
  - (iv) The Triangle MLS, Inc. copyright notice in the format specified in Section 12.5 of the rules.
- (b) Any display of Closed (sold) data must display the additional disclosure/disclaimer: “Closed (sold) listings may have been listed and/or sold by a real estate firm other than the firm(s) featured on this website. Closed data is not available until the sale of the property is recorded in the MLS. Home sale data is not an appraisal, CMA, competitive or comparative market analysis, or home valuation of any property.”

**SECTION 17.11 ADDITIONAL FUNCTIONS AND CONTENT:**

An IDX Participant may, subject to the requirement of these rules, display generic links or “buttons” (such as “map” or “tax info”) on listings of other IDX Participants. If the IDX Participant displays data from other sources, such as property tax records, sales histories from public records, etc., such data must be segregated on the page from the other IDX Participant’s listings and the source of such data clearly identified.

**SECTION 17.12 PARTICIPANT CONTROL AND BRANDING:**

- (a) Any IDX or display that displays any portion of the IDX Database must be under the actual and apparent control of a single Participant who is an IDX Participant, and must be advertised as that IDX Participant’s display. Actual control means that the IDX Participant has either built the display for its own use with internal resources, or obtained technology under an agreement with a third party that provides the IDX Participant final control over the operations of the IDX display. Apparent control means that a reasonable consumer viewing the display would conclude that it is under the control of the IDX Participant. The following are currently conclusively deemed to be evidence of apparent control: that the IDX Participant’s branding is more prominent than that of any other entity, and that the domain name and branding on the display distinguish the IDX Participant from non-participating firms, e.g., from other franchisees of the same franchise, if applicable.
- (b) The IDX Participant shall include brokerage branding on any display of the IDX Database, or where visitors can initiate a search that displays any portion of the IDX Database, including pages framed by an IDX Subscriber. The IDX Participant’s branding shall appear at the top of the page and shall consist, at a minimum, of the brokerage firm’s full name with

all text displayed in such a manner as to clearly communicate that the brokerage is the source of the data. The display will be as clearly legible as the listing data on the same page.

### **SECTION 17.13 LIMITED USE STATEMENT:**

- (a) IDX Participants may not use IDX-provided listings for any purpose other than display as provided for in these rules. This does not require participants to prevent indexing of IDX listings by recognized search engines.
- (b) No display of Closed listing data may be identified as a CMA, comparable market analysis, broker price opinion, or appraisal.
- (c) A link to the IDX TMLS Smart Frame solution may be used only by the assigned recipient IDX Participant or IDX Subscriber. The link is not to be shared or given to anyone including but not limited to an MLS Participant or Subscriber. Leaving a Firm will automatically terminate a Smart Frame link. IDX TMLS Smart Frame solutions are provided through the online signup.
- (d) 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(s), such consent may be withdrawn on a listing-by-listing basis where the seller has prohibited all Internet display.

### **SECTION 17.14 CO-MINGLING:**

An MLS Participant (or where permitted locally, an MLS Subscriber) may co-mingle the listings of other brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays are consistent with the IDX rules, and the MLS Participant (or MLS Subscriber) 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 IDX data feeds resulting in the display of IDX information from each of the MLSs on a single search results page; and that Participants may display listings from each IDX feed on a single webpage or display.

Listings obtained through IDX feeds from REALTOR® Association MLSs where the MLS Participant holds participatory rights must be displayed separately from listing obtained from other sources. Listings obtained from other sources (e.g., from other MLSs, from non-participating brokers, etc.) must display the source from which each such listing was obtained. 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.

### **SECTION 17.15 FREQUENCY OF UPDATES:**

An IDX Participant must update the IDX information no less frequently than every 12 hours. The IDX display must indicate the date of the last update of data.

### **SECTION 17.16 SUBSCRIBER SITES:**

All licensed Subscriber IDX displays are subject to the IDX Participant's control (licensees subject to fee waiver under Section 6.2 are not eligible for Subscriber IDX displays). An IDX Subscriber's listings display is subject to the agreement and procedure prescribed by the MLS and subject to these Rules including, without limitation, Rules applicable to Participant control, branding and display registration

and the requirements of state law or regulation. IDX Participants may operate multiple displays of IDX data, each of which meets the requirements of these Rules applicable to Participant control and branding, but which gives the appearance of being jointly branded by the IDX Participant and one or more of its IDX Subscribers.

**SECTION 17.17      IDX DATA FOR IDX DISPLAY:**

IDX Participants may not use IDX-provided listings for any purpose other than display as provided in these rules. This does not require IDX Participants to prevent indexing of IDX listings by recognized search engines.

**SECTION 17.18      THIRD PARTY CONTRACTORS:**

Any IDX Participant using a third party to develop or design its IDX display must have a written agreement with such third party and the MLS using the online signup prescribed by the MLS.

**SECTION 17.19      INTENT TO ESTABLISH IDX:**

An IDX Participant must notify the MLS of its intention to display IDX information at or before the time the display becomes available to the public. An IDX Participant shall make its IDX display directly accessible to the MLS for purposes of monitoring/ensuring compliance with applicable rules and policies. The IDX Participant must register with the MLS the exact location of the IDX information including but not limited to a site's domain name by providing each URL of each search page on which this data appears on the Internet, and any subsequent changes to the URL through the online sign-up.

**SECTION 17.20      NO DISCLOSURE:**

Except as provided in the IDX policy and these rules, an IDX or a participant or user operating an IDX or displaying IDX information as otherwise permitted may not distribute, provide, or make any portion of the MLS database available to any person or entity.

**SECTION 17.21      COMPLIANCE WITH RULES:**

An IDX Participant must make changes to an Internet site necessary to cure a violation of these Rules within five business days of written notice from the MLS. If the violation continues five business days after the written notice, the MLS may suspend the data feed, immediately and without further notice. If the violation continues after 10 business days after the written notice, the MLS may terminate the IDX Participant's data feed. A suspended data feed will be reactivated when a violation is cured. A terminated data feed will require new registration including setup fees.

**SECTION 17.22      SERVICE FEES CHARGED:**

Service fees for IDX Participation shall be established by the Board of Directors to cover costs incurred by the MLS in providing the IDX Database and other IDX services to IDX Participants, IDX Subscribers and third party contractors.