

Participant Request for IDX Display on Websites

This Participant Request is made pursuant to the license agreement (License Agreement) between the Vendor identified below and Santa Fe Association of REALTORS®, Inc. (SFAR). Terms not otherwise defined in this Participant Request shall have the meaning set forth in the License Agreement. This Participant Request represents a request by a Broker, which request has been approved by the Broker’s Qualifying Broker, or a request by a Qualifying Broker, that the website having the domain name or names identified below (collectively: Website) be included as a Participant Website under the License Agreement. The undersigned hereby consent to the grant of the License to Vendor for the Website, subject to and in accordance with the terms of the License Agreement. The domain name for the Website is subject to the approval of SFAR.

The undersigned represents and warrants to SFAR that (a) the undersigned is a Qualifying Broker or a Broker, licensed in accordance with the laws of New Mexico, (b) the undersigned is a member in good standing with access to SFAR’s multiple listing service and a participant in SFAR’s Internet Data Exchange (IDX) program as described in the Rules and Regulations, and (c) the undersigned is not in default under the Rules and Regulations. The undersigned represents and warrants that development and operation of the Website will at all times be under the undersigned’s direct supervision and control.

The undersigned further represents and warrants to SFAR that the undersigned has read and understand the terms and conditions of the License Agreement, and further, that the License granted to Vendor by SFAR under the License Agreement is an accommodation to the undersigned. The undersigned is unconditionally, irrevocably, and personally jointly and severally liable and responsible for the performance by Vendor of all of Vendor’s obligations under the License Agreement and the compliance with all terms and conditions of the License Agreement with respect to the Website. The undersigned is responsible for the display of all Licensed Listings strictly in compliance with the Rules and Regulations and the License Agreement, and with the applicable state rules and regulations regarding advertising and the display of listings. Relevant provisions governing the display of Licensed Listings are attached as Schedule A and Schedule B.

The undersigned Qualifying Broker hereby approves participation by the undersigned Broker, and further agrees and acknowledges that the undersigned Qualifying Broker is unconditionally, irrevocably, and personally jointly and severally liable and responsible for the performance by Vendor of all of Vendor’s obligations under the License Agreement and the compliance with all terms and conditions of the License Agreement with respect to the Websites of the Broker. The undersigned Qualifying Broker is responsible for the display of Licensed Listings on the Websites of the Broker strictly in compliance with the Rules and Regulations and the License Agreement, and with the applicable state rules and regulations regarding advertising and the display of listings.

The undersigned hereby waives any and all claims against SFAR, now existing or hereafter arising, relating to the License Agreement, including the License granted to Vendor with respect to the Website. The License may continue until the suspension or termination of the License Agreement, or suspension or termination of the License with respect to the Website, in accordance with the terms of the License Agreement. In consideration for the License granted by SFAR to Vendor with respect to the Website, the undersigned agree to pay to SFAR the license fees, if any, as set forth in the License Agreement.

Domain Name: _____

Vendor: Constellation Web Solutions _____

Name of Requesting Broker: _____

Name of Qualifying Broker: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

Section 16.0 Internet Data Exchange (IDX) (Policy Statement 7.58)

The IDX policy gives MLS participants the ability to authorize limited electronic display of their listings by other participants. (Adopted 05/12)

Associations of REALTORS® and their Multiple Listing Services must enable MLS Participants to display aggregated MLS listing information by specified electronic means in accordance with this policy. Requests for IDX feeds/downloads must be acted on by the MLS within five (5) business days from receipt, barring extenuating circumstances related to an individual's qualification for MLS participation, and review of the participant's and vendor's use of the IDX information consistent with the MLS rules, in which case an estimated time of approval or denial must be issued. Electronic display subject to this policy means displays on participants' public websites and displays using applications for mobile devices that participants' control. For purposes of this policy "control" means participants must have the ability to add, delete, modify and update information as required by this policy. All displays of IDX listings must also be under the actual and apparent control of the participant, and must be presented to the public as being the participant's display. Actual control requires that the participant has developed the display, or caused the display to be developed for the participant pursuant to an agreement giving the participant authority to determine what listings will be displayed, and how those listings will be displayed. Apparent control requires that a reasonable consumer viewing the participant's display will understand the display is the participant's, and that the display is controlled by the participant. Factors evidencing control include, but are not limited to, clear identification of the name of the brokerage firm under which the participant operates in a readily visible color and typeface, except as otherwise provided for in this policy (e.g., displays of minimal information). All electronic display of IDX information conducted pursuant to this policy must comply with state law and regulations, and MLS rules. Any display of IDX information must be controlled by the participant, including the ability to comply with this policy and applicable MLS rules. *(Amended 05/12)*

To comply with this requirement MLSs must, if requested by a Participant, promptly provide basic downloading of all active listings, a minimum of three (3) years sold * listing data, non-confidential pending sale data, and other listings authorized under applicable MLS rules and may not exclude any listings from the information which can be downloaded or displayed under IDX except those listings for which a Participant has withheld consent, or listings for which the seller has prohibited Internet display. Associations and MLSs can also offer alternative display options including framing of Board, MLS, or other publicly-accessible sites displaying Participants' listings (with permission of the framed site). For purposes of this policy, "downloading" means electronic transmission of data from MLS servers to Participants' servers on a persistent or transient basis, at the discretion of the MLS. The MLS's IDX download must be refreshed to accurately reflect all updates and status changes no less frequently than every twelve (12) hours. Data transmitted must exclude the listing or property address, respectively, of any seller who affirmatively directs that the listing or the property address not appear on the Internet or other electronic forms of display or distribution. *(Amended 11/14)*

Note* If "sold" information is not publicly accessible, sold listings can be removed from the MLSs' IDX feeds/downloads. "Publicly accessible" sold information as used in IDX policy and rules, means data that is available electronically or in hard copy to the public from city, county, state and other government records. MLSs must provide for its participants' IDX displays publicly accessible sold information maintained by the MLS for at least the last three (3) years.

MLSs that allow persistent downloading of the MLS database by Participants for display or distribution on the Internet or by other electronic means may require that Participants' websites (1) utilize appropriate security protection, such as firewalls, provided that any security obligations imposed on Participants may not be greater than those employed concurrently by the MLS, and/or (2) maintain an audit trail of consumer activity on Participants' websites and make that information available to the MLS if the MLS has reason to believe that a Participant's IDX website has caused or permitted a breach in the security of the data or a violation of MLS rules related to use by consumers. This policy does not require associations or MLSs to establish publicly accessible sites displaying Participants' listings. *(Amended 05/12)*

Unless state law requires prior written consent from listing brokers, listing brokers' consent for IDX display may be presumed unless a listing broker affirmatively notifies the MLS that the listing broker 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 IDX display of that Participant's listings, then that Participant may not display the aggregated MLS data of other Participants on an IDX site.

Alternatively, MLSs may require that Participants' consent for IDX display of their listings by other Participants be affirmatively established in writing. Even where Participants have given blanket authority for other Participants' IDX display of their listings, such consent may be withdrawn on a listing-by-listing basis as instructed by the seller. *(Amended 05/12)*

Access to MLS databases or any part of such databases, may not be provided to any person or entity not expressly authorized such access under the MLS rules.

Participants' Internet websites and other authorized display mechanisms may also provide other features, information, or services in addition to IDX information (including Virtual Office Website ("VOW") functions) which are not subject to this policy. *(Amended 05/12)*

Section 16.1 Authorization

Unless state law requires prior written consent from listing brokers, listing brokers' consent for IDX display may be presumed unless a listing broker affirmatively notifies the MLS that the listing broker 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 IDX display of that participant's listings, then that participant may not display the aggregated MLS data of other participants on an IDX site AND MUST OPT OUT OF IDX and complete appropriate forms with SFAR.

Alternatively, MLSs may require that participants' consent for IDX display of their listings by other participants be affirmatively established in writing. Even where participants have given blanket authority for other participants' IDX display of their listings, such consent may be withdrawn on a listing-by-listing basis as instructed by the seller. (Amended 05/12)

Access to MLS databases of current listing information, or any part of such databases, may not be provided to any person or entity not expressly authorized such access under the MLS rules. (Amended 11/09)

Participants' Internet websites and other authorized display mechanisms may also provide other features, information, or services in addition to IDX information (including Virtual Office Website ["VOW"] functions) which are not subject to this policy. (Amended 05/12)

Section 16.2 Participation

Participation in IDX 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. IDX participation will include all participants within a participating IDX office with the written, signed consent of the Participant Broker. Any Participant in IDX, broker or participant, shall review, sign, cause their broker and web consultant to review and sign and submit to the SFAR office a copy of the IDX agreement, and shall be subject to the rules of IDX participation. Each Participant shall be issued a user name and password by the SFAR office and shall use only that user name and password to access the IDX database. This may be canceled by SFAR if a violation of the rules is determined. (Amended 11/09)

Section 16.2.1 Participants must notify the MLS of their intention to display IDX information and give the MLS direct access for purposes of monitoring/ensuring compliance with applicable rules and policies. (Amended 05/12)

Section 16.2.2 MLS participants may not use IDX-provided listings for any purpose other than IDX display as provided for in these rules. This does not require participants to prevent indexing of IDX listings by recognized search engines. (Amended 05/12)

Section 16.2.3 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 (including, but not limited to, publicly-accessible websites or VOWs) shall not be accessible via IDX display. (Amended 05/12)

Section 16.2.4 Participants may select the IDX listings they chose to display 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, exclusive agency, or open listing), or the level of service provided by the listing firm. Selection of listings to be displayed on an IDX site must be independently made by each Participant. (Amended 05/12)

Section 16.2.5 Participants must refresh all MLS downloads and IDX displays automatically fed by those downloads at least once every twelve (12) hours. (Amended 01/15)

Section 16.2.6 Except as provided in the IDX policy and these rules, an IDX site or participant or user operating an IDX site 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. (Amended 05/12)

Section 16.2.7 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. 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, the participant shall not be obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or professional judgment. (Amended 05/12)

Section 16.2.8 Any IDX display controlled by a participant or subscriber that:

- a. 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
- b. 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 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 displays controlled by participants. Except for the foregoing and subject to Section 16.2.7, a participant's IDX display may communicate the participant's professional judgment concerning any listing. Nothing

shall prevent an IDX display from notifying its customers that a particular feature has been disabled at the request of the seller. *(Amended 05/12)*

Section 16.3 IDX Defined

IDX affords MLS participants the ability to authorize limited electronic display of their listings by other participants. *(Amended 05/12)*

Section 16.3.1 Participants must notify the MLS of their intention to display IDX information and must give the MLS direct access for purposes of monitoring/ensuring compliance with applicable rules and policies. *(Amended 05/12)*

Section 16.4 Service Fees and Charges

Service fees and charges for participation in IDX shall be as established annually by the Board of Directors.

Section 16.5 Use of MLS Information in Advertising and Other Public Representations (Policy Statement 7.80)

Any print or non-print form of advertising or other public representation based in whole or in part on information supplied by the MLS must clearly disclose the source of the information and the period of time over which such claims are based.

Section 16.6 Information for Participants Only

Any listing filed with the MLS shall **not** be made available to any non-Participant without the prior consent of the listing broker. A Participant may display other Participants' listings on the Internet only with the prior consent of the listing broker or only after signing the Internet Data Exchange (IDX) Agreement, a document separate from these Rules and Regulations, and only in accordance with the provisions detailed in the IDX Agreement See Section 16.

Participation in IDX is available to all SANTA FE ASSOCIATION OF REALTORS® participants who are Realtors® who are engaged in real estate brokerage and who consent to display of their listings by other participants.

Section 16.7.0 Display

Display of listing information pursuant to IDX is subject to the following rules:

Section 16.7.1 Listings displayed pursuant to IDX shall contain only those fields of data designated by the MLS. Display of all other fields (as determined by the MLS) is prohibited. Confidential fields intended only for other MLS participants and users (e.g., cooperative compensation offers, showing instructions, property security information, etc.) may not be displayed. *(Amended 05/12)*

Section 16.7.2 Participants shall not modify or manipulate information relating to other participants listings. MLS Participants may augment their IDX display of MLS data with 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. **(2017)**

Section 16.7.3 All listings displayed pursuant to IDX shall show the MLS as the source of the information.

Section 16.7.4 All listings displayed pursuant to IDX shall identify the listing agent and listing firm under which they operate 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 [200] characters or less) are exempt from this requirement but only when linked directly to a display that includes all required disclosures. *(Amended 05/12)*

Section 16.7.5 The right to display other Participants' listings pursuant to IDX shall be limited to a Participant's office(s) holding participatory rights in this MLS.

Section 16.7.6 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. *(Adopted 11/14)*

Section 16.7.7 Participants (and their affiliated licensees, if applicable) shall indicate on their websites that IDX information is provided exclusively for consumers' personal, non-commercial use, that it may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing, and that the data is deemed reliable but is not guaranteed accurate by the SANTA FE ASSOCIATION OF REALTORS®. The SANTA FE ASSOCIATION OF REALTORS®

may, at its discretion, require use of other disclaimers as necessary to protect participants and/or the SANTA FE ASSOCIATION OF REALTORS® from liability. 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 05/12)*

Section 16.7.8 No portion of the IDX database shall be used or provided to a third party for any purpose other than those expressly provided for in these rules, unless a third party agreement has been signed by all parties

Section 16.7.9 Display of expired, temporary withdrawn or terminated listings is prohibited.

Section 16.7.10 Display of seller’s(s’) and/or occupant’s(s’) name(s), phone number(s), and email address(es) is prohibited.

Section 16.7.11 Participants are required to employ appropriate security protection such as firewalls on their websites and displays, provided that any security measures required may not be greater than those employed by the MLS. *(Amended 05/12)*

Participants’ consent for display of their listings by other participants pursuant to these rules and regulations must be established in writing. If a participant withholds consent 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 05/12)*

Participation in IDX 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.

Advertising (including co-branding) on pages displaying IDX-provided listings is prohibited. *(Adopted 2011/2012)*

Section 16.7.12 Listings displayed pursuant to IDX shall contain only those fields of data designated by the MLS. Display of all other fields (as determined by the MLS) is prohibited. Confidential fields intended only for other MLS participants and users (e.g., cooperative compensation offers, showing instructions, property security information, etc.) may not be displayed on IDX sites. *(Adopted 2010/2011)*

Section 16.7.13 The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not be displayed. *(Amended 05/12)*

Section 16.7.14 MLSs may, but are not required to, allow non-principal brokers and sales licensees affiliated with MLS participants to use information available through IDX to populate their own websites or to use in other IDX displays. *(Amended 05/12)*

Even if use of information through IDX is provided to non-principal brokers and sales licensees affiliated with MLS participants, such use is subject to the affiliated participants’ consent and control and the requirements of state law and/or regulation, and MLS rules. *(Amended 05/12)*

Section 16.7.15 All listings displayed pursuant to IDX shall show the MLS as the source of the information. 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 05/12)*

Section 16.7.16 Participants must maintain an audit trail of consumer activity on their website and make that information available to the MLS if the MLS believes the IDX site has caused or permitted a breach in the security of the data or a violation of MLS rules related to use by consumers. *(Amended 05/12)*

Section 16.7.17

1. Where MLS participatory rights are available to non-member brokers or firms as a matter of law or local determination, the right to IDX display of listing information may be limited, as a matter of local opinion, to participants who are REALTORS® *(Amended 05/12)*

2. MLSs may, but are not required to, limit the right to display listing information available pursuant to IDX to MLS participants licensed as real estate brokers.

3. MLSs may, but are not required to, limit the right to display listing information pursuant to IDX to MLS participants engaged in real estate brokerage *(Amended 11/09)*

4. MLSs may, as a matter of local option, charge the costs of adding or enhancing their downloading capacity to participants who will download listing information. Assessment of such costs should reasonably relate to the actual costs incurred by the MLS.

5. MLSs may prohibit advertising controlled by Participants (including co-branding) on any pages displaying IDX-provided

listings. *(Amended 05/12)*

6. MLSs permitting advertising (including co-branding) on pages displaying IDX-provided listings may prohibit deceptive or misleading advertising (including co-branding).

7. For purposes of this provision, 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. *(Amended 11/09)*