

## IDX DISPLAY GUIDELINES

All IDX displays must conform to the following guidelines:

- A. IDX displays must comply with all applicable Real Estate laws and regulations, including all laws and regulations relating to advertising by real estate licensees.
- B. IDX displays must comply with all GSMLS Rules and Regulations, including its IDX Program Rules and Regulations, as may be amended from time to time.
- C. Additional Rules applicable to the IDX Download Solution: (NOTE: GSMLS no longer provides an IDX Framing Solution.)

IDX Download Solution (for use with IDX displays on websites, through applications for mobile devices, and by delivery through the use of audio devices):

- If a listing broker includes identifying information (i.e., name of listing broker/listing agent, address, telephone number, email address, etc.) with the listing broker's IDX Listing, at least (i) the listing broker's name and (ii) the listing broker's designated telephone number or designated email address must be displayed in conjunction with the IDX Listing in a legible manner and in print that is at least as large as the print used to display the other listing information associated with the listing or must be included in the delivery if using an audio device. The Authorized IDX User shall not display his/her own identifying information, or deliver his/her own identifying information if using audio devices, in such a way as to suggest that the IDX Listing of another listing broker is the Authorized IDX User's own listing.
  - The IDX Logo (a stylized GSMLX) may be used by the Authorized IDX User in conjunction with the display of IDX Listings from the GSMLS IDX System.
- D. Sold Data: The IDX Data Feed includes sold data. If an Authorized IDX User elects to include this sold data on his/her IDX displays the following rules must be followed:
- Attribution is required through the display or delivery of the listing and selling broker information included in the IDX Data Feed.
  - When the status of a listing that had previously been included in the IDX Data Feed is changed from "active" to "sold", the listing broker will select whether to include the primary listing photo or no listing photo at all in the IDX Data Feed as sold data for display with the sold listing on IDX sites. This initial selection may be subsequently revised by the listing broker.
  - Use of MLS Data is prohibited. The display or delivery of sold data is limited to the sold data included in the IDX Data Feed. Additional listing data from the MLS System, including listing data included in a prior IDX Data Feed, may not be used to supplement an IDX display of a sold listing without the express written consent of the listing broker.
  - NOTE: Continuing to display listing photos of a sold listing (other than the primary photo, if selected by the listing broker) may result in the termination of your IDX Data Feed.
  - NOTE: Failure to update the display of IDX Data as required by GSMLS' Rules and Regulations (not less frequently than every twelve (12) hours) may result in the termination of your IDX Data Feed.

- E. Open House Data: The IDX Feed includes open house information. The following additional rules apply to the display of open house information:
- An Office (i.e., Licensed Broker) that is an Authorized IDX User, and its Subscribers who are Authorized IDX Users, may not display open house information on their IDX displays if that Office has not authorized the inclusion of its own open house information in the IDX Data Feed.
  - An Office (i.e., Licensed Broker) that is an Authorized IDX User, and its Subscribers who are Authorized IDX Users, may limit the display of open house information to that Office's own open house information.
- F. The display of third-party comments or reviews about an Authorized IDX User's listings, or the display of a hyperlink to such comments or reviews, in immediate conjunction with an IDX display of the Authorized IDX User's listings is only permitted if the Authorized IDX User has authorized such displays.
- G. The display of automated estimates of the market value (AVM's) of an Authorized IDX User's listings, or the display of a hyperlink to such AVM's, in immediate conjunction with an IDX display of the Authorized IDX User's listing is only permitted if the Authorized IDX User has authorized such displays.
- H. Authorized IDX Users must ensure the following mandatory disclosure statements are included on all displays of IDX Listings.

#### **MANDATORY DISCLOSURES – THE USE OF THE FOLLOWING DISCLOSURES ARE MANDATORY**

**(If you are going to use the IDX download solution or intend to provide IDX displays through applications for mobile devices, you must display the following mandatory disclosures so as to be viewable in conjunction with any IDX listings that are displayed. If you are going to be delivering IDX displays to recipients through the use of audio devices, you must establish a procedure to deliver the following mandatory disclosures to recipients.)**

#### **Explanation of data source:**

All IDX displays must include a disclosure indicating the source of the IDX data. The following disclosure must be included:

The data displayed relating to real estate for sale comes in part from the IDX Program of Garden State Multiple Listing Service, L.L.C. Real estate listings held by other brokerage firms are marked as IDX Listing.

#### **MLS Copyright Notice**

The following copyright notice must be posted on all IDX displays containing data provided via GSMLS IDX Data Feed:

Information deemed reliable but not guaranteed.  
Copyright © year Garden State Multiple Listing Service, L.L.C. All rights reserved.

**Accuracy disclaimer on other Authorized IDX Users' listings:**

All IDX displays must include a disclosure indicating that data from other Authorized IDX Users is “deemed reliable but not guaranteed.” Any similar language indicating both that the listing broker believes the data provided to be accurate but that it does not guarantee the data will be acceptable as an alternative.

**N.J.A.C. 11:5.6.1 Disclosure:**

All IDX displays must include the following disclosure with the display of any other Authorized IDX User’s listing:

Notice: The dissemination of listings displayed herein does not constitute the consent required by N.J.A.C. 11:5.6.1 (n) for the advertisement of listings exclusively for sale by another broker. Any such consent must be obtained in writing from the listing broker.

**Consumer Disclaimer:**

All IDX displays must include the following consumer disclosure:

This information is being provided for Consumers’ personal, non-commercial use and may not be used for any purpose other than to identify prospective properties Consumers may be interested in purchasing.

**RECOMMENDED DISCLOSURE – THE USE OF THE DISCLOSURE OUTLINED BELOW IS SUGGESTED.**

**Less than all the IDX Database:**

If you choose to display less than the entire IDX Database, it is probably wise to disclose this fact to consumers. For example, an Authorized IDX User may choose to display only those listings from a particular geographic area, in a particular price range, in a particular property type, etc. A disclosure is advisable because: 1) The Authorized IDX User may be advertising an IDX display as “the most complete compilation of houses for sale on the Internet”; if the Authorized IDX User is intentionally excluding listings from this “most complete” of compilations, he/she should disclose that to consumers to avoid claims that this advertising is not giving a true picture. 2) If the Authorized IDX User excludes listings without disclosing to consumers, savvy consumers will note discrepancies between Authorized IDX User displays and may begin to distrust your IDX display. A disclosure might look like either of these:

“[Your firm’s name here] participates in GSMLS’s IDX program, allowing us to display other broker’s listings. However, [firm name] displays only [listings in \_\_\_\_\_ County][only condominium listings][exceptional properties (with list prices above \$500,000)].”

“[Your firm name] does not display the entire GSMLS IDX database. The listings of some real estate brokerage firms have been excluded.”