

IDX USER AGREEMENT

For Members of the Hudson County Multiple Listing Service

THIS AGREEMENT IS made effective on this _____ day of _____ 2016, between Realty Multiple Listing System, Inc ("HCMLS"), a New Jersey Corporation and

_____ HCMLS Designated Broker Member or a Salesperson from a Members office ("IDX USER"), as follows:

1. The IDX USER desires limited access to the Data Set available through the HCMLS for the purpose of obtaining active property listing information.
2. IDX access shall be provided to HCMLS Members, whether for the purpose of framing or usage without framing, for an initial fee of \$100, which shall be due and payable at the time of the execution of the IDX User Agreement.
3. There shall be an annual fee for IDX USER access, due and payable on the anniversary of the effective date. The fee is presently \$100 for the office and \$150 for each additional user in an office yearly. The fee may be increased from time to time at the discretion of the Board of Directors of the HCMLS.
4. All IDX USERS shall be bound by the requirements of the New Jersey Real Estate License Act in general and R. 11:5-6.1 (advertising) in particular as well as by the HCMLS Rules and Regulations, as amended from time to time
5. If HCMLS notifies the IDX USER of a breach of any user rules and if the IDX USER fails to immediately cure the breach, then and in that event the IDX USER agrees that the HCMLS may terminate this agreement and may further pursue any and all remedies against the IDX USER as outlined in the HCMLS Rules and Regulations.
6. IDX USER hereby certifies that he/she has received SECTION 10-Internet Data Exchange (IDX) of the HCMLS RULES AND REGULATIONS.

IN WITNESS WHEREOF, the parties have executed and delivered this Agreement as of the date above first written above.

ENTERED INTO ON BEHALF OF IDX USER: (MEMBER OR MEMBERS' SALESPERSON)

Office ID: _____

E-mail address: _____
(You *must* supply an e-mail address here. This address will be HCMLS's principal means of communicating with you for notices under this Agreement.)

Phone: _____

Signature: _____

Date: _____

HUDSON COUNTY MLS USE ONLY

Signature: _____

Print name of HCMLS Representative: Alida Vasquez

Title: IDX Administrator

Date: _____

Office #: _____ Agent #: _____ Hidden ID #: _____ IDX Type: _____

RULES AND REGULATIONS OF THE
HUDSON COUNTY MULTIPLE LISTING SERVICE

SECTION 10 Internet Data Exchange (IDX)

SECTION 10.1 IDX affords HCMLS Designated Brokers the option of authorizing display of their active listings on other Designated Brokers' or their sales staffs' Internet Web sites.

SECTION 10.2 Designated Brokers' consent for display of their active listings by other members pursuant to these rules and regulations is required. If a Designated Broker refuses the display of any or all of any Designated Broker's listings, that Designated Broker and his/her sales staff may not download or frame the aggregated MLS data of other Designated Brokers.

Section 10.3 Participation in IDX is available to all HCMLS Designated Brokers who consent to display of their listings that are marked for Internet display by other Designated Brokers.

Section 10.4 Designated Brokers must notify the HCMLS of their intention to display IDX data on their web site and must make their site directly accessible to the HCMLS for purposes of monitoring/ensuring compliance with applicable rules and policies.

Section 10.5 Designated Brokers must protect IDX information from misappropriation by employing reasonable efforts to monitor and prevent "scraping" or other unauthorized accessing, reproduction, or use of the HCMLS database.

Section 10.6 Listings of sellers who have directed their listing brokers to withhold their listing or property address from display on the Internet (including, but not limited to, publicly-accessible Web sites) shall not be accessible via IDX sites. Notwithstanding this prohibition, listing brokers may display on their IDX sites or their other Web site(s) the listing of consenting sellers.

Section 10.7 Designated Brokers and their sales staff may filter the listings they choose to display from the HCMLS IDX data or framing 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, multi-family, etc.) 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 being provided by

the listing firm. Selection of listings displayed on any IDX site (IDX Data or Framing) must be independently made by each Designated Broker.

Section 10.8 Designated Brokers and their sales staff must refresh all HCMLS data in accordance with rules established by the New Jersey Real Estate Commission and N.J.A.C. 11:5.

Section 10.9 Except as provided in these rules, an IDX site or a Designated Broker or user operating an IDX site may not distribute, provide, or make any portion of the HCMLS database available to any person or entity without prior approval from HCMLS.

Section 10.10 When displaying listing content, an IDX site must clearly identify the name of the listing brokerage firm and the company telephone number as supplied by the HCMLS, in a readily visible color, typeface and each brokerage firm name and phone number shall appear in wording as large as the predominant size wording on the web page. This policy acknowledges that certain required disclosures may not be possible in displays of minimal information (e.g. “thumbnails”, text messages, “tweets”, etc., of 200 characters or less). Such displays are exempt from the disclosure requirements established in this policy but only when linked directly to a display that includes all required disclosures.

Additional, all brokerage firm names and telephone number shall be of the same size print and typeface. When displaying a listing it is required to display the listing brokerage firm’s name and telephone number as is provided by the HCMLS. Notwithstanding the HCMLS rules and regulations all information displayed on a web site must meet all requirements of N.J.A.C. 11:5

Section 10.11 Listings displayed pursuant to IDX shall contain only those fields of data designated by the HCMLS. Display of all other fields (as determined by the HCMLS) is prohibited. Confidential fields intended only for other HCMLS members and users (e.g., cooperative compensation offers, showing instructions, property security information, etc.) may not be displayed on IDX sites.

Section 10.12 Designated Broker’s shall not modify or manipulate information relating to other Designated Brokers’ listings. (This is not a limitation on site design but refers to changes to actual listing data.) HCMLS data may be augmented with additional data not otherwise prohibited from display so long as HCMLS data is clearly identified. This requirement does not restrict the format of HCMLS data display or display of fewer than all of the available listings or fewer authorized data fields.

Section 10.13 Non-principal brokers and sales licensees affiliated with IDX Designated Brokers may display information available through IDX on their own Web sites subject to their Designated Broker’s consent and control. All web sites that display IDX listings

shall meet all requirements of the New Jersey Real Estate Regulations and the Hudson County Multiple Listing Service's Rules and Regulations, in effect and as amended.

Section 10.14 A disclosure must appear on each page explaining the nature of the IDX and that the HCMLS is the source (or a source) of the IDX data on the website. The following disclosure will satisfy this requirement.

"The data relating to real estate for sale or rent on this web site comes in part from the IDX program of the HCMLS. Real estate listings held by brokerage firms other than <name of the firm or company> are marked with the HCIDX mark and the information about them includes the name of the listing broker."

Section 10.15 Designated Brokers (and their affiliated licensees, if applicable) shall indicate on each page of their Web sites 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 HCMLS. The HCMLS requires use of other disclaimers as necessary to protect members and/or the HCMLS from liability. The following disclosure will satisfy this requirement.

"The information provided by this website is for the personal, non-commercial use of consumers and may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing or renting"

Section 10.16 The right to display other Designated Brokers' listings pursuant to IDX shall be limited to a member's office(s) holding participatory rights in this MLS.

Section 10.17 Display of expired, withdrawn, and pending IDX listings is prohibited.

Section 10.18 Display of seller's(s') and/or occupant's(s') name(s), phone number(s), and email address(s) of any IDX data is prohibited.

Section 10.19 Designated Brokers are required to employ appropriate security protection such as firewalls, provided that any security measures required may not be greater than those employed by HCMLS provider.

Section 10.20 Service Fees and Charges Service fees and charges for participation in IDX shall be as established by the Board of Directors. Violation of Section 10 may result in the suspension of IDX services.