

DATA DISTRIBUTION FACILITY (DDF®) POLICY AND RULES

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Data Distribution Facility (DDF®) Overview

CREA has created a Data Distribution Facility (DDF®) to enable CREA's members to easily disseminate MLS® listing content to multiple websites, and to ensure that MLS® listing content that is displayed on these websites is accurate, up to date, and uses CREA's trademarks correctly.

The DDF® is permission based and consists of three modules: a National Shared Pool Module; a Member Feed Module; and a Third Party Module. Participating brokerages and salespeople can access a dashboard on REALTOR Link® to indicate where they want to send their listing information and how much information they want to send.

Structure of the Data Distribution Facility (DDF®)

1. National Shared Pool Module - Participants can contribute their listings to a national data pool and receive a feed from that pool to display all other participants' listings on their websites. Participants can filter the data feed they receive based on objective criteria. Participants can also choose to contribute their listings to a data feed made available for display on participating franchisors' websites.
2. Member Feed Module—Participants can use this module to receive a data feed of their listings to display on their own website in order to track the success of their website as a marketing tool.
3. Third Party Module – Participants can choose to send listing content to a number of third party websites.

Participation

1. Board Participation
 - a) Participation in the National Shared Pool Module is mandatory for all Boards/Associations. Boards/Associations must:
 - i) Provide or authorize a feed of the listings of their members who are participating in the DDF® to CREA; and
 - ii) Adopt and enforce the DDF® rules established by CREA.
 - b) Boards must participate in the Member Feed Module and the Third Party Module unless they provide a facility to their members that CREA determines to be comparable.

- i) In general, a comparable facility for the Member Feed Module is one that enables members to retrieve their listings.
- ii) In general, a comparable facility for the Third Party Module is one that enables members to have their listing content distributed to third party websites.

2. Brokerage Participation

- a) Brokerages have the option to participate or not to participate in the DDF®.
- b) In the National Shared Pool Module:
 - i) Brokerages have the option to participate or not to participate in the national data pool.
 - ii) Brokerages may also opt to contribute to the franchisor pool if they have opted to participate in the national data pool.
- c) Brokerages have the option to participate or not to participate in either or both of the Member Feed Module and the Third Party Module.

3. Salesperson Participation

- a) Salespeople have the option to participate in the CREA DDF® independent of their brokerages if:
 - i) The salesperson's brokerage is participating in the CREA DDF® and has given the salesperson permission to participate in the CREA DDF®; or
 - ii) The salesperson's brokerage is not itself participating in the CREA DDF but has opted in for the purpose of giving its salesperson(s) permission to participate in the CREA DDF®.

Enforcement

1. Boards and Associations that operate MLS® Systems must adopt and enforce the DDF® Rules established by CREA.
2. A Board/Association or CREA may suspend or terminate a participant's access to the CREA DDF® or disable DDF® functions and features for that participant if it is determined that there is a violation of any rule, regulation, or policy of the Board/Association or CREA.

DATA DISTRIBUTION FACILITY (DDF®) RULES

All Boards and Associations will be required to adopt and enforce the following rules. Any changes to the rules must be approved by CREA.

1. Definitions

- a. CREA DDF® – a permission based data distribution facility provided by CREA to facilitate the distribution of its participating members' listing information to National Pool Websites, Member Feed Websites, Franchisor Websites, and Third Party Websites.
- b. Franchisor – a company that owns the overall rights and trademarks of the company and enters into franchise agreements with another entity (a franchisee) to allow them to use these rights and trademarks to do business.
- c. Franchisor Website – a Website operated by a Franchisor who has entered into a contract with CREA to receive a data feed provided by the CREA DDF®.
- d. Listing Content – the MLS® listing information, including photographs and images, which a Participant chooses to send to National Pool Websites, Franchisor Websites, Member Feed Websites, and Third Party Websites based on data templates that contain a number of fields set by CREA.
- e. Listing Marketing and Permissions Management – an application provided by CREA used to opt-in to the CREA DDF® and define which destinations are to receive the Participant's listings.
- f. National Pool Website – a Website owned and operated by a Participant that displays the listings of other Participants, populated using a data feed provided by the National Shared Pool Module, which can be filtered based on defined and objective criteria.
- g. Participants – all Participating Brokerages and Participating Salespersons.
- h. Participating Brokerage – a member brokerage that is actively engaged in providing real estate brokerage services to buyers or sellers in real estate transactions and who consents to display of its listings on Websites through the CREA DDF®.
- i. Participating Salesperson – a REALTOR® that is registered with a Participating Brokerage who also chooses to participate in the CREA DDF® with the consent of his or her brokerage.
- j. Member Feed Websites – a Website owned and operated by a Participant that displays just the Participant's own listings, populated using a data feed provided by the Member Feed Module.
- k. Recognized Search Engines – a search engine that is on the CREA maintained list of Recognized Search Engines.
- l. Scraping – use of a software program or other method to extract Listing Content, such as photographs and/or text, from a Website.

- m. Technology Provider – a company that has entered into a data access agreement developed by CREA to operate a National Pool Website or a Member Feed Website on behalf of a Participating Brokerage or Participating Salesperson.
- n. Third Party Websites – Websites other than National Pool Websites, Member Feed Websites, or Franchisor Websites that are provided a data feed of Participants’ listing information from the Third Party Module.
- o. Website – any electronic display of or access to content in any manner including mobile applications.

2. General Application of Rules

All Participants must adhere to the following rules, all other MLS® rules and regulations, guidelines and policies that may be adopted by the Board/Association or CREA in relation to the DDF® from time to time, and to all applicable provincial or federal legislation and regulation.

3. Alteration and Addition of Data

- a) Participants shall not modify or manipulate information relating to other Participants’ listings.
- b) Participants may augment their own Listing Content on their National Pool Website or Member Feed Website with additional data not otherwise prohibited from display, but they shall not add data to other Participants’ Listing Content.
- c) Participants may co-mingle exclusive listings with the Listing Content they receive through the CREA DDF® on National Pool Websites and Member Feed Websites.

4. Authorization

a) Participating Brokerage Consents

- i) Participating Brokerages’ consent for display of their Listing Content on National Pool Websites, Member Feed Websites, and/or Third Party Websites is provided by opting-in to these modules through the Listing Marketing and Permissions Management application.
- ii) A Participating Brokerage that has opted-in to the National Shared Pool Module may also consent to having its Listing Content sent to the Franchisor Websites by opting into this portion of the CREA DDF® through the Listing Marketing and Permissions Management application.
- iii) A Participating Brokerage that has opted-in to any or all of the National Shared Pool Module, Member Feed Module, and Third Party Module may give permission to its salespeople to also participate in any or all of these modules through the Listing Marketing and Permissions Management application.
- iv) If a brokerage chooses not to opt-in to the CREA DDF® (even for the limited purpose of permitting its salespeople to participate), its salespeople cannot participate in the CREA DDF®.

v) Participating Brokerages that opt-in to any of the CREA DDF® modules hereby grant CREA a royalty-free, perpetual license to use, reproduce, transmit, distribute, and exhibit the Listing Content for the purposes of the CREA DDF®.

b) Participating Salespersons' Consents

i) Participating Salespeople that have the permission of their Participating Brokerage may choose to participate in the National Shared Pool Module and/or the Member Feed Module, which will enable them to receive a feed of data for display on their websites.

ii) Participating Salespeople that have the permission of their Participating Brokerage may consent to participate in the Third Party Module, which will enable them to send Listing Content to Third Party Websites.

iii) Participating Salesperson consent is provided by opting-in through the Listing Marketing and Permissions Management application.

c) Consent to Display Listings

i) Participants must consent to contribute all their MLS® listings to the National Shared Pool Module unless they have been instructed by a seller not to include a particular listing in the DDF®.

ii) Where a property is listed by more than one brokerage or salesperson and any one of those brokerages or salespersons is participating in any data feeds of the CREA DDF® that property will be included in the applicable data feed(s).

5. Use of CREA DDF® Data Feed

a. Participants operating National Pool Websites and Member Feed Websites must refresh their Websites at least once every 24 hours but no more frequently than once an hour.

b. Participants may not use the Listing Content they receive through the CREA DDF® for any purpose other than:

i) display on their National Pool Websites and Member Feed Websites;

ii) to create a mobile app, the sole purpose of which would be to advertise the listing content they receive through the CREA DDF® in accordance with these rules; and

iii) to create marketing materials for their own listing content only.

This does not require participants to prevent indexing of the Listing Content by Recognized Search Engines.

c. Participants may not operate more than five Websites using the Listing Content they receive through the CREA DDF®.

d. Participants shall not use the Listing Content they receive through the CREA DDF® in the operation of a Website through which a member provides online brokerage services to consumers.

- e. Participants shall not allow consumers to write comments or reviews about a particular listing or displays a link to such comments or reviews about a particular listing on their National Pool Websites.
- f. The Listing Content that Participants receive, or any portion thereof, may not be displayed on any Website except a National Pool Website or a Member Feed Website.
- g. Participants must not permit any portion of the Listing Content they receive to be used or provided to any person or corporation for any purpose other than those expressly provided for in these rules.
- h. Participants may provide the Listing Content to a Technology Provider who is operating a National Shared Pool Website or a Member Feed Website on their behalf, but Participants are responsible for the conduct of any Technology Provider they use.
- i. Participants may provide their Listing Content to a marketing company who they have entered into a contract with to receive marketing materials, but Participants are responsible for the conduct of any marketing company they use.
- j. Participants shall take reasonable precautions to prevent Scraping of their National Pool Websites and Member Feed Websites, and to prevent the Listing Content from being displayed on any internet Website other than National Pool Website or a Member Feed Website. Reasonable precautions shall include but not be limited to:
 - i) regularly monitoring their Website for signs of Scraping; and
 - ii) taking necessary steps against scrapers, such as blocking access.
- k. Participants shall immediately advise their Board/Association whenever they suspect that Scraping has occurred.
- l. Nothing in this policy prohibits Participants from providing to third parties or displaying on other Websites information concerning their own listings created by them or received independently of the CREA DDF®.

6. Display Requirements

- a. All Listing Content displayed on a National Pool Website or a Member Feed Website must:
 - i) Display the MLS® and REALTOR® logos;
 - ii) Display the listing brokerage name and any additional information that is required by provincial law/regulation, which must be prominently displayed in text large enough for a consumer to easily read, and appear with the Listing Content (not requiring consumers to click on any hyperlinks, etc.); and
 - iii) Display the watermarks provided by CREA on photographs.
- b. Listing Content must not display:
 - i) Any advertising or co-branding on a National Pool Website;
 - ii) Any confidential information including past sales prices, the cooperating commission or fee, etc. on a National Pool Website or a Member Feed Website.

- c. Every page of all National Pool Websites and Member Feed Websites must display the following text: “MLS®, REALTOR®, and the associated logos are trademarks of The Canadian Real Estate Association”.
- d. All National Pool Websites must require consumers to agree to terms of use before accessing the Listing Content through a click-wrap agreement that contains, at a minimum:
 - i) Text that states CREA is the owner of the REALTOR® and MLS® trademarks: “REALTOR®, REALTORS®, and the REALTOR® logo are certification marks that are owned by REALTOR® Canada Inc. and licensed exclusively to The Canadian Real Estate Association (CREA). These certification marks identify real estate professionals who are members of CREA and who must abide by CREA’s By-Laws, Rules, and the REALTOR® Code. The MLS® trademark and the MLS® logo are owned by CREA and identify the quality of services provided by real estate professionals who are members of CREA.”;
 - ii) Text that disclaims liability of CREA as a result of providing the data feed: “The information contained on this site is based in whole or in part on information that is provided by members of The Canadian Real Estate Association, who are responsible for its accuracy. CREA reproduces and distributes this information as a service for its members and assumes no responsibility for its accuracy”;
 - iii) Text that states the website is operated by a brokerage or salesperson who is a member of The Canadian Real Estate Association; and
 - iv) Copyright ownership text: “The listing content on this website is protected by copyright and other laws, and is intended solely for the private, non-commercial use by individuals. Any other reproduction, distribution or use of the content, in whole or in part, is specifically forbidden. The prohibited uses include commercial use, “screen scraping”, “database scraping”, and any other activity intended to collect, store, reorganize or manipulate data on the pages produced by or displayed on this website.”

7. Filtering

- a. Participants may filter the listings they choose to display on their National Pool Websites based only on objective criteria.
- b. Subject to applicable laws and regulation, the only allowed filter criteria are:
 - i) Geography or location;
 - ii) List price;
 - iii) Rentals;
 - iv) Property type (e.g., condominiums, cooperatives, single-family, multi-family).
 - v) Property features (e.g., water front).
- c. Filtering of listings displayed on any National Pool Websites must be independently made by each Participant.

8. Enforcement

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- a. Participants must make their National Pool Websites and Member Feed Websites directly accessible to Boards, Associations and CREA for the purpose of monitoring/ensuring compliance with the applicable rules and policies.
- b. Within three business days after being requested by the Board/Association or CREA to do so, a Participant must make changes to its National Pool Website or a Member Feed Website as required by the Board/Association or CREA to resolve any violation of the rules, regulations, or policies, during which time the Board/Association or CREA may suspend the Participant's access to the CREA DDF®.
- c. Notwithstanding subsection b, if a Participant is in violation of any rule, regulation, or policy of the Board/Association or CREA relating to the operation of any of a National Pool Website or a Member Feed Website, the Board/Association or CREA may, in addition to all other remedies available, immediately terminate or suspend the Participant's access to the CREA DDF® or disable DDF® functions and features for that Participant, or direct CREA to immediately terminate or suspend the Participant's access to the CREA DDF® or disable DDF® functions and features for that Participant.
- d. If a Participant ceases to participate in the CREA DDF® or has their access terminated or suspended by their Board, Association, or CREA, they will not be able to contribute their listings to the DDF® nor receive a feed of listings for display on their website(s). They shall not display any Listing Content from the CREA DDF® and must destroy any local copies of the Listing Content.