
CREA DDF® FAQ

Note: New questions and answers added in November 2012 are shown in red.

Q: What is the CREA DDF®?

A: The CREA DDF® is a data distribution facility that CREA created to enable its 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.

Q: Will creating this facility lead to another investigation from the Competition Bureau?

A: The DDF® could result in greater dissemination of MLS® listing content to a variety of websites, which would be considered pro-competitive. That said, there is always risk that the Competition Bureau may have concerns over the details of the implementation of the DDF®. For that reason, CREA has been extremely diligent in briefing the Competition Bureau on the DDF® structure and in consulting with outside competition counsel on the proposed structure and implementation of the DDF® in order to minimize the potential for competition concerns.

Q: Advertising real estate listings is covered by the licensing legislation in each province. Has CREA checked with Regulators to see if the proposed DDF® complies with provincial and territorial legislation?

A: CREA has written to all the provincial and territorial regulators asking for feedback in response to the proposed DDF®. We are currently communicating with the regulators and reviewing the DDF® policy and rules to ensure any concerns that are mentioned are addressed. It is likely that the actual display requirements on member DDF® websites will vary in certain provinces. CREA will provide more information when it becomes available.

Q: What do I need to display to comply with provincial regulation?

A: At this time, there are a few jurisdictions that have not told us what is specifically required to comply with their licensing legislation. That said, there are a couple of regulators that have provided us with rulings that are very important for **ALL** Participants to be aware of.

Saskatchewan and Manitoba

The Saskatchewan and Manitoba regulators have informed us that it would be a violation of their licensing legislation if a broker or salesperson displayed listings for properties in those provinces on their websites without a license to trade in real estate in Saskatchewan and Manitoba. Therefore, all Participants in the National Shared Pool that are not licensed in Saskatchewan and Manitoba will not be able to display properties from those provinces on their National Pool Websites. Participants that are licensed in Saskatchewan and Manitoba, on the other hand, will be able to display the properties of all other Participants on their National Pool Websites.

The CREA DDF® does not currently have the functionality necessary to automatically filter out properties from certain provinces from the feed of Listing Content that Participants in the National Shared Pool receive. Therefore, in order to comply with the Saskatchewan and Manitoba regulator's rulings, all Participants in the National Shared Pool would have to filter out Saskatchewan and Manitoba properties from the feed of Listing Content they receive from the CREA DDF® before publishing Listing Content on their National Pool Websites.

We feel that these responses from the Saskatchewan and Manitoba regulators give Participants that are licensed in the provinces an unfair advantage over all other Participants. Further, we recognize that putting the onus on Participants to ensure that they filter out the required listings is a less than desirable solution. For these reasons, we will temporarily not be allowing any Saskatchewan or Manitoba licensees to contribute their listings to the National Shared Pool or receive a feed of Listing Content from that pool until a technical solution to this issue can be implemented. That way all Participants in the National Shared Pool will be able to display all the Listing Content they receive through the CREA DDF® on their websites.

Alberta

The Real Estate Council of Alberta (RECA) has advised CREA that in order for Alberta brokers or salespersons to participate in CREA's DDF® facility, they must satisfy certain minimum requirements on their DDF® websites. In essence RECA requires that:

- the websites must make the distinction clear between Alberta listings and those listings from other jurisdictions;
- a statement must be displayed making it clear to consumers that the Alberta broker/salesperson can only "trade" in Alberta listings, and is therefore simply "publishing" the other listings; and
- consumers should only contact the Alberta licensee when dealing with an Alberta listing. For all other listings, they must be advised to contact the listing agent directly.

It is important to understand that CREA's DDF® facility simply provides participating REALTORS® with a feed of the listings of other participants. CREA is not involved in any way with the design, or the look and feel of the websites of any of the participants. **Therefore, it is incumbent on each participant to ensure that their own websites comply with all regulatory requirements.**

In order to meet the Alberta regulator's requirements, Alberta participants should do the following:

1. Design their webpages in a way to distinguish their listings from the listings of other DDF® Participants. See the screenshot below as an example of how such a website could be designed.



2. Include the following statement on every webpage of their National Pool Websites:

I am authorized to trade in real estate in Alberta pursuant to the Alberta Real Estate Act. I am publishing a list of out-of-province listings for purchase and sale on this site and this does not constitute a trade in real estate or any offer of services for those listings. Please contact listing agents directly for out-of-province listings.

3. If the website includes a 'contact me' page or a statement those statements should also make it clear that the Alberta participant can only be contacted about properties in the province/territory where they are licensed.

It is suggested, but not required, that all other Participants use a similar approach to that of Alberta participants on their National Pool Websites, modifying the following statement as appropriate:

I am authorized to trade in real estate in [insert province/territory] pursuant to the [insert Act name]. I am publishing a list of out-of-province listings for purchase and sale on this site and this does not constitute a trade in real estate or any offer of services for those listings. Please contact listing agents directly for out-of-province listings.

CREA will continue to update this FAQ with any additional information it receives from the regulators that Participants should take into consideration.

Q: Why does CREA want to give my data away?

A: The CREA DDF® will not be used to give away members' data. The proposed DDF® would be a member service that would enable brokerages and REALTORS® to more easily disseminate their own MLS® listing content, which they are already doing today. Only the listing content that members instruct CREA to send out will be distributed through the DDF®.

Participation

Q: Why is Board and Association participation in the National Share Pool Module mandatory?

A: It is our view that brokerages should have the choice whether or not they want to contribute their listings to the National Shared Pool. Making Board participation in the first module mandatory ensures that every brokerage has the same opportunity to participate, and no-one is excluded.

Q: Why should a brokerage have to participate in the National Shared Pool in order to provide a feed to the franchisor pool?

A: CREA structured the facility this way so that independent brokerage members (with no franchise affiliation) of CREA would have the potential to receive the same amount of listing content, if not more, than the franchisors. If a brokerage of a franchise does not want to participate in the National Shared Pool, they can still provide their own listings to their franchisor in the same way that they do today, which is not through the DDF®.

Q: Will independent brokerages that have several offices be considered a Franchisor that could receive a feed of listing content from the Franchisor Pool?

A: No, independent brokerages by definition do not qualify as Franchisors. That said, being able to receive a feed of listing content through the Franchisor Pool would not be a benefit to independent brokerages. Independent brokerages, unlike Franchisors, are members of CREA and therefore can choose to receive a feed of listing content through the National Shared Pool. This pool will contain the same amount of listing content, if not more, than that in the Franchisor Pool.

Q: What does "actively engaged in providing real estate brokerage services" mean in the definition of participating brokerage?

A: This means that mere possession of a brokerage's license is not sufficient to qualify for participation in the DDF®. A Participating Brokerage must actively endeavor during the operation of its real estate business to list real property on a Board's MLS® System and/or to accept offers of cooperation and compensation made by listing brokerages. "Actively" means on a continual and on-going basis during the operation of the Participating Brokerage's real estate business. The requirement to be active is not intended to preclude participation by a participant or potential participant that operates a real estate business on a part time, seasonal, or similarly time-limited basis or that has its business interrupted by

periods of relative inactivity occasioned by market conditions. Similarly the requirement is not intended to deny participation to a participant or potential participant who has not achieved a minimum number of transactions despite good faith efforts. Nor is it intended to deny participation based on the level of service provided by the participant or potential participant as long as the level of service satisfies provincial and federal law.

Q: Is CREA going to automatically send out all our data when the DDF® is implemented?

A: No. The CREA DDF® operates on an opt-in basis. What this means is that brokerages will be opted out of all three modules as a default position. They will have to go into a dashboard on REALTOR Link® (or the Board/Association MLS® System) and choose which modules they want to participate in, which data templates they want to use, and what third parties are to receive their listing content if they are participating in the Third Party Module. CREA will not send a member's listing content to any website through the DDF® until this has been done.

Q: Do we have to use this facility to send listing content to third parties?

A: No. Brokerages and REALTORS® can choose not to participate in the Third Party Module. Members may choose not to send their listing content to any third party website or to continue distributing listing content through facilities they are already using instead of using the CREA DDF®. This will not change. All the DDF® will do is provide members with the option that CREA can handle the dissemination of listing content for them.

DDF® Rules

Q: Will Boards have to have two sets of IDX rules?

A: Possibly. Boards and Associations will be required to adopt the DDF® rules established by CREA. These rules have been drafted to govern brokerage and REALTOR® participation in all three modules of the DDF®. However, Boards and Associations are able to opt-out of the Member Feed Module and the Third Party Module if they provide a comparable facility to their members. If a Board chooses to opt-out of the Member Feed Module and/or Third Party Module they will still have to adopt the CREA DDF® rules for their members' participation in the National Shared Pool Module. Further, they would likely have rules for their own facility that enabled them to opt-out of the part of the CREA DDF®. In these cases, those Boards would have to maintain and enforce two sets of IDX rules.

Q: What would happen to permissions management and what would Boards have to do with the existing permission management rules?

A: Right now, CREA does not have any plans to discontinue the framing that it offers through Permissions Management. If a Board has incorporated CREA's Permission Management rules into their Board rules, whether or not they have to keep those rules will depend on they continue using CREA's Permission Management solutions. Theoretically, a Board may choose to use the DDF® instead of the Permission Management IDX solution. If this is the case, that Board would have to adopt the DDF® rules

but could then remove the Permission Management IDX rules from their Board rules. The business case for continuing to offer these services will be reassessed in time.

Q: Do the Board rules allow Participants to use the Listing Content they receive through the CREA DDF® in print materials?

A: Yes, the rules provide that members may use their own listing content that they receive through the DDF® to create marketing materials. Those materials may be in print form or digital. If a Participant is going to use a marketing company to create the materials, they must enter into a contract with the marketing company and will be responsible for the conduct of that company. Participants may not use the listing content of other Participants to create marketing materials, or for any other purpose other than display on their DDF® websites or mobile apps.

Q: Can I replace the pictures in my listings with higher quality pictures?

A: Yes. Rule 3(a) provides that Participants must not modify or manipulate information relating to *other* Participants' listings. However, they are able to modify or manipulate their own listing content. This means you could choose to replace the pictures from your listings only with higher resolution pictures on your National Shared Pool or Member Feed Website provided that the alterations in no way erode the accuracy of the listing content.

Q: Can I use any domain name for a National Shared Pool or Member Feed Website?

A: You can use any domain name you choose; however, if the domain name contains any of CREA's trademarks, it must comply with CREA's policy for use of its trademarks on the Internet. In short, this policy provides that individuals and firm members are not permitted to use MLS® in any domain name. REALTOR® may be used in a domain name if it is used in conjunction with the member's name or firm's name, preferably with the word REALTOR® separated from any other text by punctuation. For example, a Participant could use the domain name www.JohnJones-REALTOR.ca or www.ABCRealty-REALTORS.ca for their National Shared Pool or Member Feed Website. Failure to comply with CREA's trademark requirements may result in suspension or termination of the Participant's access to the CREA DDF®.

Q: Will displaying all the information provided in the data feed I receive ensure that I comply with all federal and provincial legislation as required in section 2 of the DDF® Rules?

A: No. Displaying all of the information provided in the data feed you receive will ensure that you comply with the minimum amount of information required by provincial law (e.g., brokerage name and listing agent name, etc.). However, there may be a specific way in which the information must be displayed in order to comply with all provincial/territorial legislation. For example, as trading in real estate without a license would violate provincial legislation, Participants should make it very clear in which provinces/territories they are licensed. See Q and A on page 1 of this FAQ.

Q: Why do the rules prevent use of the CREA DDF® to provide online brokerage services?

A: The purpose of creating the DDF[®] is to enable CREA's members to easily disseminate MLS[®] listing content to advertise listings and ensure that online advertisements of listing content are accurate, up to date, and use CREA's trademarks correctly. The CREA DDF[®] was not created to facilitate the provision of online brokerage services, which would require additional polices and rules and further analysis of all provincial/territorial licensing legislation.

Q: The rules require participants operating National Shared Pool websites to display a click-wrap agreement that users must agree to before entering their websites. How will brokerages know what to include in those click-wrap agreements?

A: The following paragraphs contain template language that participants can use for the click-wrap agreements. The template language is sufficient to comply with the DDF[®] rules, but participants may want to add additional terms to address other concerns, such as compliance with federal and provincial legislation or liability.

TEMPLATE TERMS OF USE AGREEMENT

Terms of Use

This website is operated by **[insert brokerage/REALTOR[®] name]**, a **[insert the word brokerage or the word salesperson]** who is a member of The Canadian Real Estate Association (CREA). The content on this website is owned or controlled by CREA. By accessing this website, the user agrees to be bound by these terms of use as amended from time to time, and agrees that these terms of use constitute a binding contract between the user, **[insert brokerage/REALTOR[®] name]**, and CREA.

Copyright

The 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 prohibited. Prohibited uses include commercial use, "screen scraping", "database scraping", and any other activity intended to collect, store, reorganize or manipulate the content of this website.

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 professional real estate services provided by members of CREA.

Liability and Warranty Disclaimer

The information contained on this website is based in whole or in part on information that is provided by members of CREA, who are responsible for its accuracy. CREA reproduces and distributes this information as a service for its members, and assumes no responsibility for its completeness or accuracy.

Amendments

[insert brokerage/REALTOR® name] may at any time amend these Terms of Use by updating this posting. All users of this site are bound by these amendments should they wish to continue accessing the website, and should therefore periodically visit this page to review any and all such amendments.

Third Party Module

Q: How will CREA determine what third party websites will be available through the Third Party Module?

A: CREA is developing a number of criteria that all third parties will have to comply with in order to participate in the Third Party Module. For example, the third party's website will have to be an advertising vehicle (e.g., Yahoo Real Estate or kijiji) and the third party may not itself use the data feed to offer its own real estate services. Third parties will also be prohibited from further disseminating the listing content they receive, and from using the data feed to generate referral fees from CREA's members, they will be required to refresh the data feed at least every 24 hours, and they will be required to use CREA's trademarks properly. All third parties will have to agree to these terms in order to participate in the Third Party Module. Members continue to have the choice to provide their listings directly to third party websites without using the DDF®.

CREA is also creating a list of third parties that will be included in the Third Party Module from the onset of the DDF®. Any eligible third party that is not already included in the DDF® may be added if they make a request to CREA and they are willing to comply with the applicable third party criteria.

Q: Will CREA send listing content to FSBO websites through the Third Party Module?

A: No. FSBO websites that focus on providing real estate services would not meet all the criteria required to participate in the Third Party Module.

Q: Will the information sent to third parties involve sold information?

A: No. Participants in the CREA DDF® will be able to choose how much information they want to send to third parties using data templates. One data template will likely consist of all the fields that are currently displayed on REALTOR.ca. Another data template will be a 'shallow listing', which will consist of only a few fields and a link to additional information. That link could be a link to the brokerage website, REALTOR® website, or to REALTOR.ca. Sold information will not be a field included in any of the data templates.

Branding

Q: Will the listing content disseminated through the CREA DDF® be branded in some way?

A: Yes. Participants in the National Shared Pool Module and the Member Feed Module will be required to display the MLS® and REALTOR® marks on the listing content and to display text that states the marks are owned or controlled by CREA. The REALTOR® and MLS® trademarks will also be included in the listing content sent to third parties through the Third Party Module and third parties will be contractually obligated to properly display CREA's trademarks.

Q: Will the pictures in the listing content be watermarked?

A: Yes.

Q: Will co-mingling MLS® listings with other listings on third party sites affect the trademarks?

A: CREA's trademarks are detrimentally affected in advertising when they are associated with inaccurate information or when they are being used, or appear to be used, by non-members. The CREA DDF® will serve to protect the marks from both of these dangers. It will help ensure that listing content on third party sites is more accurate and up to date and, in that respect, could potentially strengthen the MLS® marks. Further, contracts and rules will be put in place requiring that the trademarks be only displayed within a listing, in a particular form, and in clear association with the member listing brokerage. The fact that the page may also contain a FSBO listing will not serve to weaken the marks, provided that they are used properly and the FSBO listings do not make improper use of CREA's trademarks. It is expected that these rules will substantially reduce the number of trademark infringements that currently exist on third party sites.

Enforcement

Q: What will CREA do to stop third parties from storing the data and creating a database of the listing content?

A: This will be built into the contracts that third parties enter into in order to participate in the Third Party Module. They will be prohibited from creating a database of information and from using the information for any purpose other than display on their websites.

Q: How will the listing content on member websites be protected from scraping?

A: Participants in the National Shared Pool and the Member Feed Module will be required to take reasonable measures to prevent scraping.

Q: Who is going to enforce all of this?

A: Enforcement will be a collaborative effort between CREA, Boards and Associations, and REALTORS®. Boards and Associations will be responsible for enforcing the DDF® rules they adopt. CREA will be

responsible for enforcing the contracts they enter into with third parties for the Third Party Module. CREA and Boards and Associations will rely on REALTORS® to report problems they see to them.