

ARTICLE 20: BROKER RECIPROCITY PROGRAM

SECTION 20.1: GENERAL INFORMATION ON THE BROKER RECIPRO CITY ("BR") PROGRAM

NOTE ON THE RULES: The following rules have been developed to protect the integrity of the MLS system, its Participants, and to ensure that the consumer is not misled. By following the rules, Participants better inform the consumer, uphold the integrity of the MLS system, and minimize their liability as they conduct business.

FINES: A fine will be assessed to the Agent or to the Broker, depending on who violated the rule, for violating a rule of the Broker Reciprocity Program subject to Article 7; however, the Agent or Broker shall have 15 Business Days to make the correction.

PROGRAM DEFINITION: IDX affords MLS participants the ability to authorize limited electronic display and delivery of their listings by other participants via the following authorized mediums under the participant's control: websites, mobile apps, and audio devices. As used throughout these rules, "display" includes "delivery" of such listings. 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, conspicuous, written or verbal 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 05/17)

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 starting from January 1, 2012, non-confidential pending sale listing data, and other listings authorized under applicable MLS rules. MLSs and may not exclude any listings from the information which can be downloaded or displayed under IDX except those listings for which a seller has affirmatively directed that their listing or their property address not appear on the Internet or other electronic forms of display or distribution, 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 11/15)

*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 starting January 1, 2012. (Amended 05/15)

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. (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)

Policies Applicable to Participants’ IDX Websites and Displays:

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

3. Listings or property addresses 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 websites or VOWs) shall not be accessible via IDX display. (Amended 05/12)
4. Participants may select the IDX listings they choose 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 or exclusive agency), or the level of service provided by the listing firm. Selection of IDX listings to be displayed must be independently made by each participant. (Amended 05/12)
5. Participants must refresh all MLS downloads and displays automatically fed by those downloads not less frequently than every twelve (12) hours. (Amended 11/14)
6. Except as provided elsewhere in this policy or elsewhere in an MLS’s rules and regulations, an IDX display or participant engaging in IDX display may not distribute, provide, or make any portion of the MLS database available to any person or entity. (Amended 05/12)
7. When displaying listing content, a participant’s or user’s IDX display must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface. This policy acknowledges that certain required disclosures may not be possible in displays of minimal information (e.g., “thumbnails”, text messages, and “tweets”, etc., of 200 characters or less) or for audio delivery of listing content. Such minimal displays are exempt from the disclosure requirements established in this policy but only when linked directly to a display that includes all required disclosures. Audio delivery of listing content is exempt from the disclosure requirements only when all required disclosures are subsequently delivered electronically to the registered consumer performing the property search or linked to through the device's application. (Amended 05/12)
8. With respect to any participant’s IDX display 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 with respect to 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 by all participants. Except for the foregoing and subject to paragraph 9, a participant’s IDX display may communicate the participant’s professional judgment concerning any listing. Nothing shall prevent an IDX display from notifying customers that a particular feature has been disabled at the request of the seller. (Amended 05/12)
9. 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. The participant 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 that 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)
10. 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)

11. Participants shall not modify or manipulate information relating to other participants’ listings. MLS participants may augment their IDX displays of MLS data with applicable property information from other sources to appear on the same webpage or display, clearly separated from 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. (Adopted 05/15)
12. An MLS participant’s IDX display must identify the listing firm 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. (Amended 11/17) M Policies Applicable to Multiple Listing Services
The following guidelines are recommended but not required to conform to National Association policy. MLSs may: 1. prohibit display of expired, withdrawn, or sold listings* (Amended 11/15)
*Note: If “sold” information is publicly accessible, display of “sold” listings may not be prohibited. (Adopted 11/14)

BROKER/AGENT LIMITED ELECTRONIC DISPLAYS MUST DISCLOSE FIRM’S NAME AND STATE OF LICENSURE

The “Broker Reciprocity Program Database” (BR Database) is the current aggregate compilation of all Active (A) and Closed Sale (CS) listings, including Open Houses, of all BR Participants except those listings that a BR Participant does not permit to be included in the Broker Reciprocity Program (“BR Program”), with the exception of Closed Sales (CS) listings, do not need permission of the Listing Broker for display on their Internet limited electronic displays (see below for further explanation of withholding listings). The display of listing statuses applies to Agent limited electronic displays. (6/1/2011) (2/1/2013)

PARTICIPATION IN BR PROGRAM. MLS Rules assume that all Participants who are eligible to be BR Participants shall participate in the BR Program, and that all BR Participants consent to the display of their listings in the Broker Reciprocity Program; however, where participants have given blanket authority for other participants to display their listings on BR sites, such consent may be withdrawn on a listing- by-listing basis where the Seller has prohibited all Internet display. The Participant can stop participating in the BR Program at any time by following the procedures adopted by MLS. BR Participants can also prohibit the display of one or more of their listings by checking the appropriate field in the MLS computer system. In the MLS computer system there will be a field(s) indicating whether the listing may be displayed in the Broker Reciprocity Program. The default is that the listing will be displayed in the Program. By changing the default to a negative indicator, the BR Participant prohibits the display of the listing in the Broker Reciprocity Program with the exception of Closed Sale (CS) listings.

Listings, including property addresses, can be included in BR displays except where a Seller has directed their listing brokers to withhold their listing or the listing’s property address from all display on the Internet (including, but not limited to, publicly-accessible limited electronic displays or VOWs). Participants may select the listings they choose to display on their BR limited electronic displays 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 displayed on any IDX site must be independently made by each participant.

If a Participant refuses to permit his listings to be displayed in the Broker Reciprocity Program, then that Participant may not download, frame or display the aggregated MLS data of other Participants. A BR Participant may refuse to allow some listings to be displayed in the Broker Reciprocity Program; however, if the BR Participant does not allow a substantial number of his/her listings to be displayed by other BR Participants, the BR Participant, at the MLS Committee's or MLS Staff's request, must certify to the MLS Committee that the benefits of having their property displayed on other BR Participants' limited electronic displays had been explained to the Seller but that the Seller had refused to permit such display. Failure of the BR Participant to provide such certification within 5 Business Days of the MLS Committee's or MLS Staff's request, will result in the immediate termination of the data feed to the BR Participant's limited electronic display. (6/1/2011) (2/1/2013)

DISPLAY OF LISTING CONTENT. Any BR display controlled by a participant must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface. For purposes of the BR policy and these rules, "control" means the ability to add, delete, modify and update information as required by the IDX policy and MLS rules. (1/1/2007) (6/1/2011) (2/1/2013)

HOW MUCH OF BR DATABASE TO DISPLAY. A BR Participant may republish all or a portion of the BR Database on the BR Participant's limited electronic display in accordance with the following provisions and in keeping with any policies that MLS may adopt from time to time. Unless expressly contravened by the provisions of the sections on the Broker Reciprocity Program, all other MLS rules and regulations remain in full force and effect. BR Participants need not display the whole BR Database. (2/1/2013) **ELIGIBILITY.** In order to be a BR Participant, a Participant must have an active Florida real estate broker's license. (6/1/2011)

SERVICE CLASSIFICATION: The Broker Reciprocity Program is a Basic service as defined in Section 7.57 Of the "Handbook on Multiple Listing Policy" of the National Association of REALTORS®, latest edition.

ICONS. There are two MLS-approved icons: The BR Program Icon and the BR House Icon. The BR Program Icon has the trademarked "Broker Reciprocity" logo and a house icon. The BR House Icon may or may not include the trademarked "Broker Reciprocity" logo, but will include the house icon—this may be determined by space requirements. The MLS approved BR Program Icon shall be at least 95 pixels by 35 pixels. The BR House Icon shall be at least 35 pixels by 35 pixels. If the MLS-approved BR House Icon is used, the disclosure required under Section 20.3, 4 (a) must indicate that both the BR Program Icon and the BR House Icon refer to listings of other BR Participants.

AGGREGATION OF LISTING INFORMATION. If a BR Participant's firm participates in more MLS(s) than NABOR's MLS, the firm can aggregate NABOR's BR Program listings with those of the other MLS(s) in which the firm participates, even though the firm's Naples office does not participate in the other MLS(s). Example: The firm ABC Realty, has one office that participates in NABOR's MLS and one office that participates in Tampa's MLS. NABOR's MLS permits ABC Realty to aggregate and display its NABOR MLS listings with its Tampa listings on ABC's BR site, even though the firm's Tampa office's listings do not appear in NABOR's MLS. Notwithstanding the above, a BR Participant's firm can aggregate NABOR's BR Program listings with those of the other MLS(s) in the Southwest Florida MLS or in any MLS with which NABOR's MLS data shares whether the firm participates in those MLSs or not. The BR Participant's limited electronic display may also aggregate NABOR's BR Program listings with those of other MLSs with which the M.L.S. Corporation has a contractual arrangement to do so and with any MLS that participates in Southwest Florida MLS if that MLS allows its listings to be aggregated with NABOR's BR Program listings. The BR Participant's limited electronic display may also frame the Florida Association of REALTORS® limited electronic display that aggregates listings from participating MLSs. (2/1/2013)

BR PARTICIPANT CONTRACT. Participants agree to complete and sign any contracts, forms, and documents that MLS requires for the Broker Reciprocity Program. This requirement binds the

Participant to ensure that any third parties that a BR Participant uses for the purposes of the Broker Reciprocity Program completes and signs all required contracts, forms, and documents. (4/8/2005) (2/1/2006) (1/1/2007) (4/1/2008) (8/1/2013)

SECTION 20.2: REGISTRATION OF LIMITED ELECTRONIC DISPLAY WITH MLS

Participants must notify the MLS of their intention to display BR information and must give the MLS direct access for purposes of monitoring/ensuring compliance with applicable rules and policies. All Brokers and Agents with limited electronic displays displaying any portion of BR Program Data must register the domain name(s) of their limited electronic display(s) with MLS within 5 Business Days following the initial display of the BR Program Data. (2/1/2006) (1/1/2007) (2/1/2013)

SECTION 20.3 A: BR PARTICIPANT DISPLAYS LISTINGS ON BR PARTICIPANT'S LIMITED ELECTRONIC DISPLAY

A BR Participant may republish all or a portion of the BR Database on the BR Participant's limited electronic display in accordance with the following provisions and in keeping with any policies that MLS may adopt from time to time. Unless expressly contravened by the provisions of this section, all other MLS rules and regulations remain in full force and effect.

1. LISTING FIELDS DISPLAY. An Internet republication of another BR Participant's listing shall not contain more (but may contain less) information than is contained in the fields authorized for display by MLS.
2. LISTING FIELDS: REQUIRED TO DISPLAY. See Chart below.
Required fields to display: Listing Price, Listing Broker, Closed Sale Date, Date Rented, Potential Short Sale Y/N, Selling Price, Status: Active, Sold, and MLS Number. (8/1/2013)
3. LISTING FIELDS THAT CANNOT BE DISPLAYED. 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 BR, IDX, sites. The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not be displayed. See Chart below. (1/1/2007) (6/1/2011) (8/1/2013) (11/1/2015)
4. CHART OF REQUIRED FIELDS TO DISPLAY

CHART OF REQUIRED FIELDS TO DISPLAY	
<u>FIELDS REQUIRED TO DISPLAY</u>	<u>PROPERTY TYPES</u>
Listing Price	RES, COMM, LOT , RES INC, RES RENTAL, BOAT DOCK
Listing Broker	RES, COMM, LOT , RES INC, RES RENTAL, BOAT DOCK
Closed Sale Date	RES, COMM, LOT , RES INC, BOAT DOCK
Date Rented	RES RENTAL
Selling Price	RES, COMM, LOT , RES INC, RES RENTAL, BOAT DOCK
Status: Active	RES, COMM, LOT , RES INC, RES RENTAL, BOAT DOCK
Status: Pending	RES, COMM, LOT , RES INC, RES RENTAL, BOAT DOCK
Status: Pending with Contingency	RES, COMM, LOT , RES INC, RES RENTAL, BOAT DOCK
Status: Rented	RES RENTAL

Potential Short Sale Y/N	RES, COMM, LOT , RES INC, RES RENTAL, BOAT DOCK
MLS Number	RES, COMM, LOT , RES INC, RES RENTAL, BOAT DOCK

5. CHART OF FIELDS THAT CANNOT BE DISPLAYED

CHART OF REQUIRED FIELDS THAT CANNOT BE DISPLAYED	
<u>FIELDS NOT TO DISPLAY</u>	<u>PROPERTY TYPES</u>
Appointment Required	RES, COMM, LOT , RES INC, RES RENTAL, BOAT DOCK
Appointment Phone	RES, COMM, LOT , RES INC, RES RENTAL, BOAT DOCK
AVM DO NOT DISPLAY IF SELLER SO INSTRUCTS	RES, COMM, LOT , RES INC, RES RENTAL, BOAT DOCK
Blogging	RES, COMM, LOT , RES INC, RES RENTAL, BOAT DOCK
Bonus Amount	RES, COMM, LOT , RES INC, RES RENTAL, BOAT DOCK
Business Name	COMM
Buyer Agent Compensation	RES, COMM, LOT , RES INC, BOAT DOCK
Co-List Agent ID	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Confidential Comments	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Contact Listing Broker for Showing	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Driving Directions	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Expiration Date	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Internet Sites	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Is there a sign on the property with Seller contact information? Contact Seller for showing? Listing Broker will be available on contract presentation and negotiations? Listing Broker will perform post contract services: (Follows-up contract to closing)?	RES, LOT, RES INC, BOAT DOCK
Joint Agency Listing	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Lease End	COMM
Limited Services Y/N	RES, LOT, RES INC, BOAT DOCK
Listing Agent ID	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK

CHART OF REQUIRED FIELDS THAT CANNOT BE DISPLAYED	
Listing Date	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Listing Type	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Non-Representative Compensation	RES, COMM, LOT, RES INC, BOAT DOCK
Owner Name	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Pending Date	RES, COMM, LOT, RES INC, BOAT DOCK
Pending with Contingencies Date	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Price/Sq. Ft.	RES, COMM, LOT, RES INC
Property Address on Internet	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Property on Internet	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Rental Office Compensation	RES RENTAL
Security	RES
Selling Agent ID	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Short Sale Compensation	RES, COMM, LOT, RES INC, BOAT DOCK
Showing Instructions	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Sold Financing Type	RES, COMM, LOT, RES INC, BOAT DOCK
Status: Expired	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Status: Terminated	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Status: Withdrawn	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Target Marketing	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK
Tenant Name	COMM
Terms	RES, LOT, RES INC, BOAT DOCK
Transaction Broker Compensation	RES, COMM, LOT, RES INC, BOAT DOCK
Variable Rate Commission	RES, COMM, LOT, RES INC, RES RENTAL, BOAT DOCK

6. DISCLOSURES. The complete disclosure that pertains to displayed property information must be displayed on the same page that the information to which it pertains is displayed. The type must be easy to read and at least as large as the largest type size used for the property data. (2/1/2013)
7. SEARCH RESULTS PAGE(S). The "Search Results Page(s)" must have the following:
 - (a) DISCLOSURE. The MLS-approved BR Program Icon or BR House Icon, as appropriate, and the following disclaimer that those properties marked with the BR Program Icon and/or BR House Icon are provided courtesy of the M.L.S. of Naples, Inc.'s BR Database, must appear on each "Search Results Page" of listing data and must meet the disclosure requirements in this Section. Note that such a disclosure must appear on the FIRST page where any BR Program data are displayed.
 DISCLOSURE FOR SEARCH RESULTS PAGE: **"The data relating to real estate for sale displayed on this Website comes in part from the Broker Reciprocity Program (BR Program) of M.L.S. of Naples, Inc., under License No. [Insert LICENSEE's License Number]. Properties listed with brokerage firms other than [insert name of Participant's firm] are marked with the "BR House" logo. Detailed information about such properties includes the name of the brokerage firm with which the seller has listed the property. The properties displayed may not be all the properties listed with brokerage firms participating in the M.L.S. of Naples, Inc. BR Program, or contained in the database compilation of the M.L.S. of Naples, Inc."** (2/1/2013) (11/1/2015)
 FAR IDX DISCLOSURE: The BR Participant may use the current disclosure that is provided by the Florida Association of REALTORS®, or as amended from time to time, in lieu of the above disclosure for the "Search Results Page," which meet the disclosure requirements in Section 20.3.
 - (b) DISPLAY OF SEARCH RESULTS. Any search result identifying another BR Participant's listing in a brief or "thumbnail" format shall bear the BR House Icon immediately adjacent to the property information to identify the listing as an MLS listing. In other words, the consumer must have no doubt as to the fact that the listing is not the Broker's listing on whose limited electronic display it is displayed. A thumbnail display of another BR Participant's listing may not include any contact information or branding of the BR Participant who owns the limited electronic display or any of its Agents. This provision relating to "contact information or branding" is designed to prevent the web-site-owning BR Participant's contact information and branding, and that of its Agents, from appearing on other BR Participants' listings. "Branding" refers to any marks or language referring to the web-site-owning BR Participant repeated in the thumbnail display of another BR Participant's listing. Any association of such information or branding with the listing data is a violation of this rule. A thumbnail display may only include the following: text data about the listing property, a photo of the listing property, the logo of the Listing Broker whose BR limited electronic display it is, or BR House Icon, if the listing is another Broker's listing, whichever is appropriate, and links to other information. A thumbnail display is defined as being no more than two horizontal lines of text and/or an image, e.g., photograph, no more than 150 pixels high. Displays of more text or larger photos are covered under "Detailed Display Page(s) of a Listing." (2/1/2013)
10. DETAILED DISPLAY PAGE(S) OF A LISTING. The "Detailed Display Page(s)" of a listing must have the following:

(a) **PLACEMENT:** At the bottom of the “page” **IMMEDIATELY** following the property information of a search result that produces a detailed display of another BR Participant’s listing, **AND WITH NO INTERVENING DATA, IMAGES, ETC.**, shall appear in the following order:

(1) When displaying listing content, a participant’s or user’s IDX display must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface. This policy acknowledges that certain required disclosures may not be possible in displays of minimal information (e.g., “thumbnails”, text messages, and “tweets”, etc., of 200 characters or less) or for audio delivery of listing content. Such minimal displays are exempt from the disclosure requirements established in this policy but only when linked directly to a display that includes all required (1/1/2007) (2/1/2013)(5/2017)

(2) The BR Program Icon; and

(3) **MLS’s copyright notice. "The source of this real property information is the copyrighted and proprietary database compilation of the Southwest Florida MLS organizations Copyright [current year] Southwest Florida MLS organizations. All rights reserved. The accuracy of this information is not warranted or guaranteed. This information should be independently verified if any person intends to engage in a transaction in reliance upon it."**

The licensed name of the listing brokerage firm and MLS copyright notice shall be at least as large as the largest type size used to display the listing data, and the licensed name of the listing brokerage firm must be easy to read and in at least the same size as the property data. A detailed display of another BR Participant’s listing may not include any contact information or branding of the BR Participant who owns the limited electronic display or any of its Agents within the “body” of the listing data. The “body” is defined as that space whose borders are delimited by the utmost extent in each direction of the listing text and photo data. This provision relating to “contact information or branding” is designed to prevent the web-site-owning BR Participant’s contact information and branding, and that of its Agents, from appearing on other BR Participants’ listings. “Branding” refers to any marks or language referring to the limited electronic display-owning BR Participant repeated within the Detailed Display of another BR Participant’s listing. Any association of such information or branding with the listing data is a violation of this rule. The prohibition on branding or contact information within the “body” of the listing data is intended to prevent any possible confusion on the part of the consumer as to the source of the listing. (2/1/2013)

(b) **DISCLAIMER.** Any detailed display page identifying another BR Participant’s listing shall include the disclaimer **“The accuracy of this information is not warranted or guaranteed. This information should be independently verified if any person intends to engage in a transaction in reliance upon it.”** This disclaimer must meet the disclosure requirements in Section 20.3.

FAR IDX DISCLAIMER. (BR LOGO) The BR Participant may use the current disclaimer provided by the Florida Association of REALTORS®, or as amended from time to time, in lieu of the above disclaimer for the “Detailed Display Page,” which must meet the disclosure requirements in Section 20.3.

(c) **SIZE.** MLS interprets any display containing more than two horizontal lines of text display or displaying a photo of more than 150 pixels height as being a detailed display.

11. **LIMITED ELECTRONIC DISPLAY CONTROL.** Any Internet limited electronic display used for publication of the BR Database or any portion thereof must be controlled by a BR Participant and advertised as that BR Participant’s Internet limited electronic display. This is an important

limitation on third parties building sites for Brokers. In order to participate in BR, a site must be marketed and branded as a Broker's site and any display of IDX information must be controlled by the BR Participant, including the ability to comply with applicable MLS rules. [Note 1: Consider this scenario: A company, "BeachesRealtyOnline.com" (BRO) provides promotional services for Brokers. The BR Participant and two other Brokers are BR Participants, and all want BRO to build their limited electronic displays. It does so. So long as the limited electronic displays are most prominently identified with the brokerage firms, it's fine for BRO to have a notice at the bottom of every page that says "Powered by BeachesRealtyOnline.com." But BRO must not "brand" any of these limited electronic displays in such a way as to suggest that BRO controls it. For example, a big banner across the top of the page with BRO's name is a problem, even if it identifies the BR Participant's brokerage underneath.] [Note 2: Policy Statement: For purposes of this policy "control" means BR 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 BR Participant, and must be presented to the public as being the BR Participant's display. Actual control requires that the BR Participant has developed the display, or caused the display to be developed for the BR Participant pursuant to an agreement giving the BR 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 BR Participant's display will understand the display is the BR Participant's, and that the display is controlled by the BR Participant. Factors evidencing control include, but are not limited to, clear identification of the name of the brokerage firm under which the BR 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.] (2/1/2013) (11/1/2015)

12. RESTRICTIONS ON USE OF BROKER RECIPROCITY DATA. Except as provided in the BR policy and these rules, a Broker Reciprocity site or a participant or user operating a Broker Reciprocity site or displaying BR information as otherwise permitted may not distribute, provide, or make any portion of the MLS database available to any person or entity. (1/1/2007) (2/1/2013)
13. Any Broker Reciprocity 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 listings 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 18.2.9, a Participant's Broker Reciprocity display may communicate the Participant's professional judgment concerning any listing. Nothing shall prevent a Broker Reciprocity display from notifying its customers that a particular feature has been disabled at the request of the seller. (2/1/2013)
14. 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, Participants shall not be obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or professional judgment. (6/1/2011) (2/1/2013)

15. NON-MLS LISTINGS NOT DISPLAYED WITH BR PROGRAM DATA. Listings obtained through IDX feeds from the MLS where the MLS Participant holds participatory rights must be displayed separately from listings obtained from other sources. Listings obtained from other sources (e.g., from other MLSs, from non-participating brokers, etc.) must display the source from which each such listing was obtained. 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. (6/1/2011) (2/1/2013) (11/1/2015)

Note: An MLS Participant’s Firm 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 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.

16. THIRD PARTY DESIGN AGREEMENT. Any BR Participant using a third party to develop/design its limited electronic display will have a written agreement with that third party in the form prescribed by MLS. MLS requires that third parties gaining access to the BR Database sign the standard contract. Failure to do so will result in the immediate termination of the data feed. (2/1/2013)
17. UPDATE FREQUENCY. The BR Participant’s limited electronic display must be updated and BR displays automatically fed by MLS downloads at least every 12 hours. The MLS requires that you use the following disclosure on the SEARCH RESULTS PAGE. **“Some properties that appear for sale on this limited electronic display may no longer be available. For the most current information, contact [your firm name, phone number, and e-mail address].”** (6/1/2011) (2/1/2013) (11/1/2015)
18. SITE TO COMPLY WITH RULES. In the event a BR Participant’s Internet site violates the MLS’s Rules in a manner that could threaten the integrity of the Listing Data, the MLS shall have the right to immediately terminate the data feed to the Participant’s limited electronic display until the violation is cured. Any Participant whose limited electronic display data feed is terminated pursuant to this section shall have the right to appeal such termination to the MLS Committee. (6/21/2001) (4/8/2005) (2/1/2006) (4/1/2008) (2/1/2013)

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SECTION 20.3 B: AGENTS’ BROKER RECIPROCITY LIMITED ELECTRONIC DISPLAYS

(NOTE: Those provisions of Section 20.1 GENERAL INFORMATION ON THE BROKER RECIPROCITY

(“BR”) PROGRAM that apply to Agents and Agents’ limited electronic displays govern Agent participation in the Broker Reciprocity Program and Agents’ limited electronic displays. (2/1/2013)

A BR Agent may republish all or a portion of the BR Database on the BR Agent’s limited electronic display in accordance with the following provisions and in keeping with any policies

that MLS may adopt from time to time. Unless expressly contravened by the provisions of this section, all other MLS rules and regulations remain in full force and effect. (2/1/2013)

1. AGENT PARTICIPATION IN BROKER RECIPROCITY PROGRAM. For an Agent to participate in the BR Program, the following applies:
 - (a) The Agent's brokerage firm must be contributing its listings to the BR Program.
 - (b) The Agent's brokerage firm must have a BR limited electronic display of its own.
 - (c) The Agent must have the BR Participant's permission for an Agent BR limited electronic display. (2/1/2013)
2. FOUR TYPES OF AGENT BR LIMITED ELECTRONIC DISPLAYS: The following are the four types of BR Agent limited electronic displays allowed by these rules:
 - (a) TYPE 1. Frame or Gateway Brokerage's limited electronic display.
 - (b) TYPE 2. Frame the Florida Association of REALTORS® (FAR) limited electronic display.
 - (c) TYPE 3. Brokerage Provides Agent BR limited electronic display. The Agent's limited electronic display must display on any page with BR data the following disclosure in a readily visible typeface at least as large as the largest type size used for the property data: "This Agent BR limited electronic display is provided by [Brokerage's name] on behalf of [Agent's name]."
 - (d) TYPE 4. Vendor Hosts Agent's BR limited electronic display: The agent's limited electronic display vendor receives the BR program data via BR Participant authorization. In this case the BR Participant must give the agent authorization to display the BR data in which case: (1) the Agent agrees that the Agent's limited electronic display will be in compliance with the BR Program rules, and the Agent will be responsible for paying all fines for noncompliance with the BR Program rules; and (2) that this agreement shall be made available to MLS upon request. (2/1/2013)
3. AGENT'S LIMITED ELECTRONIC DISPLAY IDENTIFIES BROKERAGE FIRM AND STATE OF LICENSURE. The Agent's limited electronic display must be prominently identified with the brokerage firm and shall disclose the firm's state(s) of licensure. In addition, the brokerage firm name should be placed adjacent to or immediately above or below all points of contact information. "Point of contact information" refers to any means by which to contact the brokerage firm or individual licensee including mailing address (es), physical street address (es), e-mail address (es), telephone number(s) or facsimile telephone number(s). (2/1/2013)
4. AGENT MUST REGISTER LIMITED ELECTRONIC DISPLAY WITH MLS. All Agents with limited electronic displays displaying any portion of BR Program Data must register the domain name(s) of their limited electronic display(s) with MLS within 5 Business Days following the initial display of the BR Program Data and must give the MLS direct access for purposes of monitoring/ensuring compliance with applicable rules and policies. (2/1/2013)
5. LISTING FIELDS. An Internet republication of another BR Participant's listing shall not contain more (but may contain less) information than is contained in the fields authorized for display by MLS. 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 BR, IDX, sites. The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not be displayed. (See Section 23.A for the list of fields that **CANNOT** be displayed.) (2/1/2013)
6. NO MODIFICATION OF DATA. Participants shall not modify or manipulate information relating to other participants' listings. MLS participants may augment their IDX displays of MLS data with applicable property information from other sources to appear on the same webpage or display, clearly separated from 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.

7. USE OF SOLD LISTINGS. Sold listings must also be available to participants for valuation purposes, including automated valuations. (11/1/2015)
8. DISCLOSURES. The complete disclosure that pertains to displayed property information must be displayed on the same page that the information to which it pertains is displayed. The type must be easy to read and at least as large as the largest type size used for the property data. (2/1/2013)
9. SEARCH RESULTS PAGE(S). The "Search Results Page(s)" must have the following:
 - (a) DISCLOSURE. The MLS-approved BR Program Icon or BR House Icon, as appropriate, and the following disclaimer that those properties marked with the BR Program Icon and/or BR House Icon are provided courtesy of the M.L.S. of Naples, Inc.'s BR Database, must appear on each "Search Results Page" of listing data and must meet the disclosure requirements in this Section. Note that such a disclosure must appear on the FIRST page where any BR Program data are displayed.

DISCLOSURE FOR SEARCH RESULTS PAGE: "The data relating to real estate for sale displayed on this Website comes in part from the Broker Reciprocity Program (BR Program) of M.L.S. of Naples, Inc., under License No. [Insert LICENSEE's License Number]. Properties listed with brokerage firms other than [insert name of Participant's firm] are marked with the "BR House" logo. Detailed information about such properties includes the name of the brokerage firm with which the seller has listed the property. The properties displayed may not be all the properties listed with brokerage firms participating in the M.L.S. of Naples, Inc. BR Program, or contained in the database compilation of the M.L.S. of Naples, Inc." (2/1/2013) (11/1/2015)

FAR IDX DISCLOSURE: The BR Participant may use the current disclosure that is provided by the Florida Association of REALTORS®, or as amended from time to time, in lieu of the above disclosure for the "Search Results Page," which meet the disclosure requirements in Section 20.3.
 - (b) DISPLAY OF SEARCH RESULTS. Any search result identifying another BR Participant's listing in a brief or "thumbnail" format shall bear the BR House Icon immediately adjacent to the property information to identify the listing as an MLS listing. In other words, the consumer must have no doubt as to the fact that the listing is not the Agent's Broker's listing although it is displayed on the Agent's limited electronic display. A thumbnail display of another BR Participant's listing may not include any contact information or branding of the Agent who owns the limited electronic display. This provision relating to "contact information or branding" is designed to prevent the Agent's contact information and branding from appearing on other BR Participants' listings. "Branding" refers to any marks or language referring to the web-site-owning Agent repeated in the thumbnail display of another BR Participant's listing. Any association of such information or branding with the listing data is a violation of this rule. A thumbnail display may only include the following: text data about the listing property, a photo of the listing property, the logo of the Listing Broker whose Agent's BR limited electronic display it is, or BR House Icon, if the listing is another Broker's listing, whichever is appropriate, and links to other information. A thumbnail display is defined as being no more than two horizontal lines of text and/or an image, e.g., photograph, no more than 150 pixels high. Displays of more text or larger photos are covered under "Detailed Display Page(s) of a Listing." (2/1/2013)

10. DETAILED DISPLAY PAGE(S) OF A LISTING. The "Detailed Display Page(s)" of a listing must have the following:
- (a) PLACEMENT: At the bottom of the "page" **IMMEDIATELY** following the property information of a search result that produces a detailed display of another BR Participant's listing, **AND WITH NO INTERVENING DATA, IMAGES, ETC.**, shall appear in the following order:
 - (1) The licensed name of the listing brokerage firm 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 two hundred (200) characters or less are exempt from this requirement but only when linked directly to a display that includes all required disclosures.; (1/1/2007) (2/1/2013)
 - (2) The BR Program Icon; and
 - (3) MLS's copyright notice. **"The source of this real property information is the copyrighted and proprietary database compilation of the M.L.S. of Naples, Inc. Copyright [current year] M.L.S. of Naples, Inc. All rights reserved. The accuracy of this information is not warranted or guaranteed. This information should be independently verified if any person intends to engage in a transaction in reliance upon it."**

The licensed name of the listing brokerage firm and MLS copyright notice shall be at least as large as the largest type size used to display the listing data, and the licensed name of the listing brokerage firm must be easy to read and in at least the same size as the property data. A detailed display of another BR Participant's listing may not include any contact information or branding of the Agent who owns the limited electronic display within the "body" of the listing data. The "body" is defined as that space whose borders are delimited by the utmost extent in each direction of the listing text and photo data. This provision relating to "contact information or branding" is designed to prevent the web-site-owning Agent's contact information and branding from appearing on other BR Participants' listings. "Branding" refers to any marks or language referring to the limited electronic display-owning Agent repeated within the Detailed Display of another BR Participant's listing. Any association of such information or branding with the listing data is a violation of this rule. The prohibition on branding or contact information within the "body" of the listing data is intended to prevent any possible confusion on the part of the consumer as to the source of the listing. (2/1/2013)
 - (c) DISCLAIMER. Any detailed display page identifying another BR Participant's listing shall include the disclaimer **"The accuracy of this information is not warranted or guaranteed. This information should be independently verified if any person intends to engage in a transaction in reliance upon it."** This disclaimer must meet the disclosure requirements in Section 20.3.

FAR IDX DISCLAIMER. (BR LOGO) The BR Agent may use the current disclaimer provided by the Florida Association of REALTORS®, or as amended from time to time, in lieu of the above disclaimer for the "Detailed Display Page," which must meet the disclosure requirements in Section 20.3.
 - (d) SIZE. MLS interprets any display containing more than two horizontal lines of text display or displaying a photo of more than 150 pixels height as being a detailed display.
11. THIRD PARTY DESIGN AGREEMENT. The BR Participant whose Agents use a third party to develop/design its limited electronic display will have a written agreement with that third party in the form prescribed by MLS. MLS requires that third parties gaining access to the BR Database sign the standard contract. Failure to do so will result in the immediate termination of the data feed. (2/1/2013)

12. UPDATE FREQUENCY. The BR Agent's limited electronic display must be updated and BR displays automatically fed by MLS downloads at least every 12 hours. The MLS requires that you use the following disclosure on the SEARCH RESULTS PAGE. **"Some properties that appear for sale on this limited electronic display may no longer be available. For the most current information, contact [your firm name, phone number, and e-mail address]."** (2/1/2013) (11/1/2015)
13. LIMITED ELECTRONIC DISPLAY CONTROL. Any Internet limited electronic display used for publication of the BR Database or any portion thereof must be controlled by a BR Agent and advertised as that BR Agent's Internet limited electronic display following the rules for BR Agent limited electronic displays. This is an important limitation on third parties building sites for BR Agents. (2/1/2013)
14. NO THIRD PARTY DISPLAY OF DATA. An Agent's limited electronic display may not use BR- provided listings for any purpose other than display as provided for in these rules. This does not require participants to prevent indexing of BR listings by recognized search engines. Reasonable efforts shall include but not be limited to:
RESTRICTIONS ON USE OF BROKER RECIPROCITY DATA. Except as provided in the BR policy and these rules, an Agent's Broker Reciprocity site or displaying BR information as otherwise permitted may not distribute, provide, or make any portion of the MLS database available to any person or entity. (2/1/2013)
15. Any Broker Reciprocity site 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 listings 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 Agents. Except for the foregoing and subject to Section 18.2.9, an Agent's Broker Reciprocity display may communicate the Agent's professional judgment concerning any listing. Nothing shall prevent a Broker Reciprocity display from notifying its customers that a particular feature has been disabled at the request of the seller. (2/1/2013)
16. Agents 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 Agent beyond that supplied by the MLS and that relates to a specific property. Agents 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, Agents shall not be obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or professional judgment. (2/1/2013)
17. NON-MLS LISTINGS NOT DISPLAYED WITH BR PROGRAM DATA. Listings obtained through IDX feeds from the MLS where the MLS Participant holds participatory rights must be displayed separately from listings obtained from other sources. Listings obtained from other sources (e.g., from other MLSs, from non-participating brokers, etc.) must display the source from which each such listing was obtained. 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. (2/1/2013) (11/1/2015)

Note: An MLS Participant's Firm 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 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.

18. AGENT'S LIMITED ELECTRONIC DISPLAY DOES NOT SEARCH THE MLS. The Agent's BR limited electronic display may not use "Search the MLS," "Search all Listings," "Search all Properties" or similar wording. It is misleading to the public to have a "Search the MLS," or similar wording, on an Agent's limited electronic display because the public is not searching the MLS Database. (2/1/2013)
19. USE OF SOLD LISTINGS. Sold listings must also be available to participants for valuation purposes, including automated valuations. (11/1/2015)
20. COMPLY WITH MLS RULES. In the event an Agent's BR limited electronic display violates the MLS's Rules in a manner that could threaten the integrity of the Listing Data, or violates any provision of the Broker Reciprocity Program applicable to an Agent's limited electronic display, the MLS shall have the right to immediately suspend the Agent's computer access to the MLS Database and the Agent's use of the lockbox service until the Agent's BR limited electronic display violation is cured. (2/1/2013)
[NOTE: The BR Program is a Broker to Broker program. This is why an Agent cannot display listings of other participating Brokers on their limited electronic displays unless the Agent's limited electronic display complies with the BR rules governing Agent limited electronic displays.] (6/1/2011) (2/1/2013)

SECTION 20.4: USE OF BROKER RECIPROCITY LOGO/MARK

GENERAL: M.L.S. of Naples, Inc. has licensed the use of the Broker Reciprocity logo/service mark (the "Mark") from Regional Multiple Listing Service of Minnesota, Inc. ("RNMLS"). The following states the RNMLS's policy regarding use of the Mark. Participants are required to abide by this policy and as the policy may be amended from time to time. Failure to abide by this policy will result in the Participant's data feed being stopped until the failure is corrected. If the RNMLS changes their policy, Participants will be notified. This Section 20.4 applies to Agent limited electronic displays.

The RMLS Broker Reciprocity logo/service mark (the "Mark") is a service mark owned by Regional Multiple Listing Service of Minnesota, Inc., a Minnesota corporation ("RMLS"). RMLS has the sole right to authorize use of the Mark in connection with real estate brokerage and/or advertising services. Each BR Participant in the BR Program understands and agrees that a BR Participant, and only a BR Participant, in the Program is permitted to use the Mark, and such license to use the Mark is subject to compliance with the following terms and conditions:

1. The Mark may be used solely by BR Participants who are in good standing under the Program guidelines as published and amended from time to time by RMLS.
2. The Mark shall be used only in the exact form authorized by RMLS, without any alteration, addition, deletion or other modification in size, design or color. MLS will provide digital and/or camera-ready art for reproduction of the Mark in black and white.
3. The BR Participant shall from time to time, upon request of MLS, provide MLS with samples of materials bearing the Mark to verify proper use of the Mark.

4. RMLS is the owner of the Mark and shall retain all ownership rights and interests in the Mark, including without limitation any registrations and/or applications to register the Mark.
5. The BR Participant shall indemnify, defend and hold RMLS harmless from and against any loss, liability, damage, cost or expense (including without limitation attorneys' fees) arising out of or relating to any claims or suits which may be brought or made against RMLS by reason of the BR Participant's use of the Mark.
6. The BR Participant's right to use the Mark shall automatically terminate at any time the BR Participant ceases to be a BR Participant or a member in good standing of MLS, or upon written notice by MLS in the event the BR Participant shall violate any provision of this Policy Statement.
7. Upon termination of the BR Participant's right to use the Mark for any reason, the BR Participant shall immediately discontinue all use of the Mark. MLS may demand that the BR Participant recall and destroy goods and marketing materials bearing the Mark. MLS reserves the right to inform its members and the public that the BR Participant is no longer entitled to use the Mark.
8. Upon termination of the BR Participant's right to use the Mark for any reason, the BR Participant shall not thereafter adopt or use any name, mark, logo or other designation that is a colorable imitation or is likely to be confused with the Mark.
9. MLS shall be entitled to collect from the BR Participant the costs and expenses (including without limitation attorneys' fees) of enforcing this Policy Statement against the BR Participant. In addition, in the event of any violation of this Policy Statement, MLS shall, in addition to all other legal and equitable rights and remedies, have the right to an injunction (without the necessity of posting a bond or other security) against the violator enforcing this Policy Statement. (6/21/2001) (4/8/2005) (6/1/2011) (2/1/2013)