



DATA DISTRIBUTION FACILITY (DDF®) POLICY AND RULES

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Policy:

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 several listing distribution channels: a National Shared Pool channel; a National Franchisor Pool channel; a Member Feed channel; a Real Estate Advertising Website channel; a Partner channel; and a Franchisor Direct Feed channel. 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. The listing distribution channels are as follows:
 - a) National Shared Pool channel – 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.
 - b) National Franchisor Pool channel – Participants can contribute their listings to a national data pool that is displayed on a number of franchisor websites.
 - c) Member Website Feed channel – Participants can receive a data feed of their listings, or a data feed of all their brokerage's listings, to display on their own website and to create marketing materials.
 - d) Real Estate Advertising Website channel – Participants can choose to send listing content to a number of real estate advertising websites.
 - e) Partner channel - Participants can make their listing content available to CREA partners, which may then be displayed on the partner's website or tool.
 - f) Franchisor Direct Feed channel – Participants that are franchisees can choose to send listing content to their franchisor.

Participation

2. Board Participation

- a) Participation in the National Shared Pool channel, National Franchisor Pool channel, the Partner channel, and the Franchisor Direct Feed channel 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 Website Feed channel and the Real Estate Advertising Website channel unless they provide a facility to their members that CREA determines to be comparable.
 - i) In general, a comparable facility for the Member Website Feed channel is one that enables members to retrieve their listings.
 - ii) In general, a comparable facility for the Real Estate Advertising Website channel is one that enables members to have their listing content distributed to real estate advertising websites.

3. Brokerage Participation

- a) Brokerages have the option to participate or not to participate in any listing distribution channels in the DDF®.
- b) Brokerages that have opted in to any of the listing distribution channels will also be able to set permissions for the salespeople working in their offices.

4. Salesperson Participation

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

Listing Content included in the DDF®

- 5. The listing content in the DDF® will consist of only the fields provided by Boards/Associations for display on REALTOR.ca or a subset of those fields as determined by CREA.
- 6. Geocodes will only be included in the DDF® listing content if Boards/Associations have the right to sublicense the use of their geocodes to CREA and they opt-in to providing the geocodes for this purpose through the DDF® Dashboard.

Enforcement

7. Boards and Associations that operate MLS® Systems must adopt and enforce the DDF® Rules established by CREA.
8. A Board/Association or CREA may suspend or terminate a participant's access to the 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) DDF® – a permission based data distribution facility provided by CREA to facilitate the distribution of its participating members’ listing information to several listing distribution channels: a National Shared Pool Channel; a National Franchisor Pool Channel; a Franchisor Direct Feed Channel; a Member Website Feed Channel; a Real Estate Advertising Website Channel; and a Partner Channel.
- b) DDF® Dashboard – an application provided by CREA used to opt-in to the DDF® and define which listing distribution channels are to receive the Participant’s Listing Content.
- c) 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.
- d) Franchisor Direct Feed Channel – a feed of Listing Content from a Franchisor’s franchisees that is made available to the Franchisor for display on their Website.
- e) Franchisor Website – a Website operated by a Franchisor who has entered into a contract with CREA to receive a data feed provided by the DDF®.
- f) Listing Content – the MLS® listing information, including photographs and images, which a Participant chooses to send to any of the listing distribution channels, based on data templates that contain a number of fields set by CREA.
- g) Member Feed Website – a Website controlled by a Participant that displays the Participant’s own listings or a data feed of all their Participating Brokerage’s listings populated using a data feed provided by the Member Website Feed Channel.
- h) National Franchisor Pool Channel – a pool of Listing Content that is made available to all participating Franchisors for display on their Websites.
- i) National Pool Website – a Website controlled by a Participant that displays the listings of other Participants, populated using a data feed provided by the National Shared Pool Channel, which can be filtered based on defined and objective criteria.
- j) Participants – all Participating Brokerages and Participating Salespersons.
- k) 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 DDF®.
- l) Participating Salesperson – a REALTOR® that is registered with a Participating Brokerage who also chooses to participate in the DDF® with the consent of his or her brokerage.

- m) Partner – a non-member company that has entered into an agreement with CREA to display DDF® listing content on their website or tool.
- n) Real Estate Advertising Websites - Websites designed to advertise real estate listings and who have entered into a contract with CREA to receive a data feed of Participants' Listing Content from the Real Estate Advertising Website Channel.
- o) Recognized Search Engine – a search engine that is on the CREA maintained list of Recognized Search Engines.
- p) Scraping – use of a software program or other method to extract Listing Content, such as photographs and/or text, from a Website.
- q) 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 Participant.
- r) 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 DDF® on National Pool Websites and Member Feed Websites.

4. Authorization

- a) Participating Brokerage Consents
 - i) Participating Brokerages' consent for use of their Listing Content in any listing distribution channel is provided by opting-in to these channels through the DDF® Dashboard.
 - ii) A Participating Brokerage that has opted-in to any or all of the listing distribution channels may give permission to its salespeople to also participate in any or all of these channels through the DDF® Dashboard.
 - iii) If a brokerage chooses not to opt-in to the DDF® (even for the limited purpose of permitting its salespeople to participate), its salespeople cannot participate in the DDF®.

- iv) Participating Brokerages that opt-in to any of the listing distribution channels hereby grant CREA a royalty-free, perpetual license to use, reproduce, transmit, distribute, and exhibit the Listing Content for the purposes of the 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 Channel and/or the Member Website Feed Channel, which will enable them to receive a feed of data for display on their National Pool Website and/or their Member Feed Websites.
 - ii) Participating Salespeople that have the permission of their Participating Brokerage may consent to participate in the Real Estate Advertising Website Channel and/or the Partner Channel, which will enable them to send Listing Content to Real Estate Advertising Websites and/or to CREA Partner websites or tools.
 - iii) Participating Salesperson consent is provided by opting-in through the DDF® Dashboard.
 - c) Participating Franchisor Consents
 - i) Participating Franchisors may opt-in their franchisees to the Franchisor Direct Feed Channel, provided the Franchisor obtains prior acknowledgement and consent from all franchisees in writing.
 - ii) Where a Participating Franchisor opts-in to the Franchisor Direct Feed Channel on behalf of their franchisees, the Participating Franchisor must provide to each of their franchisees and Participating Salesperson's the information, opportunity and ability to opt-out of the Franchisor Direct Feed Channel. This ability to opt-out of the Franchisor Direct Feed Channel must be available at all times and a Participating Franchisor shall not make participation mandatory.
 - d) Consent to Display Listings
 - i) Participants must consent to contribute all their MLS® listings to the National Shared Pool Channel 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 listing distribution channel of the DDF®, that property will be included in the applicable data feed(s).
5. Use of DDF® Data Feed
- a) No use of Listing Content until Permissions Set
 - i) Participants may not pull a feed of Listing Content for a National Pool Website until after they have opted in to the National Shared Pool Channel through the DDF® Dashboard.
 - ii) Participants may not pull a feed of Listing Content for a Member Feed Website until they have opted in to the Member Website Feed Channel through the DDF® Dashboard.

- b) 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. All Listing Content that is no longer current after a refresh must be removed from the National Pool or Member Feed Website.
- c) Traffic Monitoring API
 - i) Participants must integrate with CREA's web traffic monitoring API for recording listing activity on all National Pool Websites, which must allow CREA to collect that information.
 - ii) Participants may integrate with CREA's web traffic monitoring API for recording listing activity on Member Feed Websites.
- d) Participants may not use the Listing Content they receive through the 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 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.

- e) Participants may not operate more than five (5) Websites using the Listing Content they receive through the DDF®.
- f) Participants shall not use the Listing Content they receive through the DDF® in the operation of a Website through which a member provides online brokerage services to consumers.
- g) 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.
- h) 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.
- i) 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.
- j) Use of a Technology Provider
 - i) 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.
 - ii) Participants must opt-in to the National Shared Pool Channel and/or Member Website Feed Channel through the DDF® Dashboard before retaining the services of a Technology Provider.

- k) Participants may provide their Listing Content to companies other than Technology Providers who are designing their websites or creating marketing materials for them as long as the Participant has entered into a contract with the company that binds the company to the same restrictions found in these rules and the Participants take responsibility for the conduct of any company they use.
- l) 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.
- m) Participants shall immediately advise CREA or their Board/Association whenever they suspect that Scraping has occurred.
- n) Nothing in these rules 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 DDF®.

6. Display Requirements

- a) All Listing Content displayed on a National Pool Website or a Member Feed Website must:
 - i) Display the “Powered by REALTOR.ca” logo (the “Logo”), which shall link directly to the corresponding Listing Content on REALTOR.ca;
 - 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:
 - i) An MLS® and REALTOR® trademark statement, such as the ones set out in CREA’s Trademark Policy; and
 - ii) The name of the Participating Brokerage or Participating Salesperson that controls the Website, the logo of the Participant’s brokerage, and any additional information that is required by provincial law/regulation, which must be displayed in a prominent manner to convey to consumers that a Participant is responsible for the Website.

- d) All National Pool Websites must require consumers to agree to the terms of use before accessing the Listing Content through a click-wrap agreement or enhanced browse-wrap agreement.
 - i) If the National Pool Website is using a click-wrap agreement, it must contain, at a minimum:
 - a. 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.”;
 - b. 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”;
 - c. Text that states the website is operated by a brokerage or salesperson who is a member of The Canadian Real Estate Association; and
 - d. 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.”
 - ii) If the National Pool Website is using an enhanced browse-wrap agreement, whereby the consumer is prompted with a notification that their use of the National Pool Website constitutes acceptance of the terms of use, it must contain, at a minimum:
 - a. A link to the terms of use which shall include all text detailed in section 6(d)(i); and
 - b. A positive action requirement that the consumer must accept or dismiss the notification.

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., waterfront).
- c) The decision as to what filters are applied to National Pool Websites must be independently made by each Participant.

8. Enforcement

- 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 (3) 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 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 DDF® or disable DDF® functions and features for that Participant, or direct CREA to immediately terminate or suspend the Participant's access to the DDF® or disable DDF® functions and features for that Participant.
- d) If a Participant ceases to participate in the 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 DDF® and must destroy any local copies of the Listing Content.