



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: the National Shared Pool; National Franchisor Pool; Franchisor Direct Feed; Member Website Feed; Real Estate Advertising Websites; and Partner Websites. Participating brokerages and salespeople can access the DDF® dashboard 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 – 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 – Participants can contribute their listings to a national data pool that is displayed on a number of franchisor websites.
 - c) Member Website Feed – 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 Websites – Participants can choose to send listing content to a number of real estate advertising websites.
 - e) Partner Websites - Participants can make their listing content available to DDF® partners, which may then be displayed on the partner's website or tool.

- f) Franchisor Direct Feed – Participants that are franchisees can choose to send listing content to their Franchisor.

Participation

2. Board Participation

- a) Participation in the National Shared Pool, National Franchisor Pool, Franchisor Direct Feed, and Partner Websites 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 REALTOR.ca Canada Inc.; and
 - ii) Adopt and enforce the DDF® rules established by CREA.
- b) Boards must participate in the Member Website Feed and Real Estate Advertising Websites unless they provide a facility to their members that REALTOR.ca Canada Inc. determines to be comparable.
 - i) In general, a comparable facility for the Member Website Feed is one that enables members to retrieve their listings.
 - ii) In general, a comparable facility for the Real Estate Advertising Websites 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 REALTOR.ca Canada Inc.
- 6. Geocodes from Boards/Associations will only be included in the DDF® listing content if the Board/Association has the right to sublicense the use of their geocodes to REALTOR.ca

Canada Inc. 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 REALTOR.ca Canada Inc. 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, CREA or REALTOR.ca Canada Inc.

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) Augmentation – means any technological process that applies visual, informational, or interactive enhancements to Listing Content, including but not limited to artificial intelligence generated modifications, augmented reality overlays, or virtual staging, where the underlying Listing Content remains unaltered. For greater certainty, any Augmentation does not create or confer, to any person, any ownership interest, license, sublicense, distribution right, or other right with respect to the Listing Content.
- b) DDF® – a permission based data distribution facility provided by REALTOR.ca Canada Inc. to facilitate the distribution of its participating members' listing information to several listing distribution channels: the National Shared Pool; National Franchisor Pool; Franchisor Direct Feed; Member Website Feed; Real Estate Advertising Websites; and Partner Websites.
- c) DDF® Dashboard – an application provided by REALTOR.ca Canada Inc. used to opt-in to the DDF® and define which listing distribution channels are to receive the Participant's Listing Content.
- d) 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.
- e) Franchisor Direct Feed – a feed of Listing Content from a Franchisor's franchisees that is made available to the Franchisor for display on their Website.
- f) Listing Content – the MLS® System 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 REALTOR.ca Canada Inc.
- g) Member 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.
- h) Member Website Feed – a data feed of only a Participating Salesperson's and/or their Participating Brokerage's Listing Content made available for display on their own Member Website.
- i) National Franchisor Pool – a pool of Listing Content that is made available to all Participating Franchisors for display on their Websites.
- j) National Pool Website – a Website controlled by a Participant that displays the Listing Content of other Participants, populated using a data feed provided by the National Shared Pool, which can be filtered based on defined and objective criteria.

- k) National Shared Pool – a pool of Listing Content made available to all Participants who contribute their Listing Content to the pool for display on a National Pool Website.
- l) Participants – all Participating Brokerages, Participating Salespersons and Participating Franchisors.
- m) 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®.
- n) Participating Franchisor - a Franchisor who has entered into an agreement with REALTOR.ca Canada Inc. to receive a data feed provided by DDF® on behalf of itself and its franchisees, and consents to display of Listing Content from the Franchisor Direct Feed and/or the National Franchisor Pool on its Website.
- 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 REALTOR.ca Canada Inc. to display DDF® Listing Content on their website(s) or tool(s).
- n) Real Estate Advertising Websites - Websites designed to advertise real estate listings and who have entered into an agreement with REALTOR.ca Canada Inc. to receive a data feed of Participants' Listing Content from the Real Estate Advertising Website feed.
- o) Recognized Search Engine – a search engine that is on the REALTOR.ca Canada Inc. 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 with REALTOR.ca Canada Inc. to operate a National Pool Website or a Member 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, CREA or REALTOR.ca Canada Inc., 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 Listing Content. Notwithstanding the foregoing, Participants may permit Augmentation of Listing Content provided that:
 - i) the original, unmodified Listing Content is displayed to the user by default and prior to the display of any Augmentation;

- ii) the original, unmodified Listing Content remains continuously available, clearly identifiable, and readily accessible to the user on the same Website;
 - iii) a Participant may make Augmentation functionality available to the user, but any Augmentation may only be applied following an affirmative selection or activation by the user;
 - iv) any Augmentation is clearly, prominently, and contemporaneously disclosed to the user in proximity to the augmented content;
 - v) any Augmentation must not obscure, remove, alter, misrepresent, or impair the visibility, accuracy, or attribution of any watermark, brokerage information, required disclosure, or other information required by REALTOR.ca Canada Inc. or CREA; and
 - vi) any Augmentation complies with these Rules and all applicable laws and regulations.
- b) Participants may supplement the Listing Content on their National Pool Website or Member Website with additional data not otherwise prohibited from display, provided the additional data does not interfere with or alter the original, unmodified Listing Content itself.
- c) Participants may co-mingle other listings with the Listing Content they receive through the DDF® on National Pool Websites and Member Websites.
- d) Participants may add navigational elements to the Listing Content (e.g., small overlays and/or arrows on images) to enhance the functionality of the Listing Content, but they shall not add navigational elements that interfere with or obstruct the visibility of any part of the Listing Content.
- e) Nothing in these Rules provides any person the right to use Listing Content for the purpose of training artificial intelligence systems.
- f) Any third-party service used to perform Augmentation acts solely as a technical service provider and may only use Listing Content to the extent necessary to provide the Augmentation.

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 Salespersons that have the permission of their Participating Brokerage may choose to participate in the National Shared Pool and/or the Member Website Feed, which will enable them to receive a feed of data for display on their National Pool Website and/or their Member Website.
 - ii) Participating Salespersons that have the permission of their Participating Brokerage may consent to participate in the Real Estate Advertising Website feed and/or the Partner feed, which will enable them to send Listing Content to Real Estate Advertising Websites and/or to REALTOR.ca Canada Inc. 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, 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 on behalf of their franchisees, the Participating Franchisor must provide to each of their franchisees and Participating Salespersons the information, opportunity and ability to opt-out of the Franchisor Direct Feed. This ability to opt-out of the Franchisor Direct Feed 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 of their MLS® System listings to the National Shared Pool 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 through the DDF® Dashboard.
 - ii) Participants may not pull a feed of Listing Content for a Member Website until they have opted in to the Member Website Feed through the DDF® Dashboard.
 - b) Participants operating National Pool Websites and Member Websites must refresh their Websites at least once every twenty-four (24) hours. All Listing Content that is no longer

current after a refresh must be removed from the National Pool Websites or Member Websites.

c) Analytics Web Service API

- i) Participants must integrate with REALTOR.ca Canada Inc.'s Analytics Web Service API for recording listing activity on all National Pool Websites and Member Websites, in order to provide REALTOR.ca Canada Inc. with data to create analytics on the visibility of Listing Content.

d) Participants may not use the Listing Content they receive through the DDF® for any purpose other than:

- i) To display on their National Pool Websites and Member Websites;
- ii) To create a mobile app, the sole purpose of which is 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 ten (10) 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 display 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 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 Pool Website or a Member 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 and/or Member Website Feed through the DDF® Dashboard before retaining the services of a Technology Provider.
- iii) Participants may not share or disclose their DDF® credentials, which includes usernames and passwords required to access the DDF®, to a Technology Provider or any other party.

k) Participants shall take reasonable precautions to prevent Scraping of their National Pool Websites and Member Websites, and to prevent the Listing Content from being

displayed on any Website other than a National Pool Website or a Member Website. Reasonable precautions shall include, but are not limited to:

- i) regularly monitoring their Website for signs of Scraping; and
 - ii) taking necessary steps against Scraping activity, such as blocking access.
- l) Participants shall immediately advise REALTOR.ca Canada Inc. or their Board/Association whenever they suspect that Scraping is occurring or has occurred.
- m) 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 Website must clearly and prominently:
- i) Display the “Powered by REALTOR.ca” logo (the “Logo”), which shall link directly to the corresponding Listing Content on REALTOR.ca. The Logo must meet the following size and ratio criteria when displayed: minimum 90 pixels in width and 1:1 ratio;
 - 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 (e.g., not requiring consumers to click on any hyperlinks, etc.); and
 - iii) Display, without alteration or obstruction, the watermarks provided by CREA on photographs and images.
 - iv) Display a disclosure identifying any Augmentation and distinguishing it from original, unmodified Listing Content.
- b) Listing Content must not display:
- i) Any advertising or co-branding on a National Pool Website;
- c) Every page of all National Pool Websites and Member 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 terms of use before accessing the Listing Content through either a click-wrap agreement or 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 (CREA), who are responsible for its accuracy. REALTOR.ca Canada Inc. reproduces and distributes this information as a service for its members and neither CREA nor REALTOR.ca Canada Inc. assumes 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 a browse-wrap agreement, whereby the consumer, by virtue of browsing the website, is deemed to have accepted the website’s terms of use, those terms must be clearly and prominently displayed and must contain, at a minimum all relevant text detailed in section 6(d)(i).

7. Filtering

- a) Participants may filter the Listing Content 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 Websites directly accessible to Boards, Associations and REALTOR.ca Canada Inc. for the purpose of monitoring/ensuring compliance with the applicable rules and policies.
- b) Within ten (10) business days after being requested by the Board/Association or REALTOR.ca Canada Inc. to do so, a Participant must make changes to its National Pool Website or Member Website as required by the Board/Association or REALTOR.ca Canada Inc. to resolve any violation of the Rules, regulations, or policies, during which time the Board/Association or REALTOR.ca Canada Inc. 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, CREA or REALTOR.ca Canada Inc. relating to the operation of a National Pool Website or a Member Website, the Board/Association or REALTOR.ca Canada Inc. 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 REALTOR.ca Canada Inc. 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 is in violation of any rule, regulation, or policy of a former Board/Association relating to the operation of a National Pool Website or Member Website, which occurred while the Participant was a member of the former Board/Association, the Board/Association may direct REALTOR.ca Canada Inc. to disable DDF® functions and features for that Participant related to the former Board/Association's Listing Content.
- e) If a Participant ceases to participate in the DDF® or has their access terminated or suspended by their Board/Association or REALTOR.ca Canada Inc. , they will not be able to contribute their listings to the DDF® nor receive a feed of Listing Content for display on their Website(s). The Participant shall not display any Listing Content from the DDF® and must destroy any and all local copies of the Listing Content.