



Virtual Office Website (VOW) Frequently Asked Questions

The following information should help you understand more about VOWs in general, but if you are contemplating developing a Virtual Office Website, you will want to review the [Internet Display Guidelines](#) for more details. Also, see the end of the document for additional resources.

Q: What is a “VOW,” and who can have one?

A: Virtual Office Websites (“VOWs”) are Internet sites operated by MLS Participant Brokers through which they establish relationships and work with clients and customers in cyberspace in ways similar to how real estate professionals interact with clients and customers in a “brick and mortar” environment. A consumer accessing VOWs can search and view listing data after registering and providing his/her name and a valid email address, and accepting certain Terms of Use.

MLS participants are eligible to operate VOWs. Non-principal brokers and sales licensees/agents may also operate VOWs with the consent of the Participant Broker.

Important Note about Participants:

The definition of a Participant Broker has changed. Previously, MLS Rules stated that a Participant Broker must be “capable of offering and accepting compensation in the capacity of a real estate broker.” This requirement has been changed to state that a Participant Broker must “actively endeavor to make or accept offers of cooperation and compensation with respect to properties of the type that are listed on the MLS.”

Q: How does a VOW operator determine if someone who registers is a client?

A: The MLS Rules (Section 2.1) define a client as follows: A “customer” or “client” means a seller client of a participant/subscriber or a person who has expressed to a participant/subscriber an interest in purchasing real property, and who has described the type, features or location of the property in which he or she has an interest. This may include those with whom a prior business relationship exists.

Q: What are VOW Terms of Use, why are they needed, and what are clients agreeing to when they accept them?

A: “Terms of Use” are the requirements to which Registrants must actively agree in order to obtain the right to view and/or download MLS information. VOW operators are required to establish Terms of Use agreements with registrants to ensure that registrants use MLS information only as provided for in the VOW policy and under VOW-related MLS rules and regulations.

Terms of Use agreements must establish, at a minimum, that:

- the Registrant acknowledges entering into a lawful consumer-broker relationship with the brokerage firm operating (or authorizing the operation of) the VOW;
- all data obtained from the VOW is intended only for the Registrant's personal, non-commercial use;
- the Registrant has a bona fide interest in the purchase, sale, or lease of real estate of the type being offered through the VOW;

- the Registrant will not copy, redistribute, or retransmit any of the data or information provided;
- the Registrant acknowledges MLSListings's ownership of, and the validity of MLSListings's copyright in the MLS database.

Q: Is any website that has an MLS search now considered a VOW?

A: Not necessarily. In fact, current websites operated by MLSListings' subscribers are not VOWs. They are considered IDX websites and they can continue to operate just as they do today.

VOWs are Internet websites that must satisfy all the various requirements of the VOW policy, including strict client registration and Terms of Use. IDX sites are websites that can be accessed by any member of the public (even if a password is required) where MLS data can be accessed, searched and viewed, but that do not create a client relationship.

Q: How do I make my listings available to other participants for their VOWs? Do I have to “opt in”? If I don’t want other participants making my listings accessible on their VOW, can I “opt out”?

A: There are no broker or agent level “opt out” provisions in the NAR VOW policy. The only time a listing, or the address of a listing, can be withheld from VOW websites is if the seller signs a [Seller Opt Out Form](#). If the seller withholds the listing, this listing will not be distributed to ANY public website (including MLSListings.com, REALTOR.com, and IDX sites).

Seller opt out choices can be selected when entering a listing into Listing Management on MLSListings Pro.

Q: How do I get MLS data for my VOW website?

A: There are two ways to populate MLS data on your website: by downloading bulk MLS data directly from the MLS, or by hiring a third party for this purpose. In either case, you must inform MLSListings whenever a VOW is going to be used, so that the MLS can insure that proper guidelines are being followed.

To download data, the participant broker must have a data license from the MLS permitting the use of MLS database content for a VOW. Third party data providers must also be licensed for MLS bulk data use. There are companies already licensed and approved by the MLS that you can choose from, or you can choose your own technical consultant/company and ask them to become licensed. (*Write to data@mlslistings.com for information on obtaining a data licence or a permission form.*)

Q: There’s been considerable discussion about “parity” between “virtual” offices and traditional “bricks and mortar” offices under the VOW policy. What does this mean, and why is it important?

A: The “parity principle” acknowledges that in some respects VOWs are analogous to traditional “brick and mortar” offices. Thus, in certain key areas, participants have equivalent rights, responsibilities and obligations with respect to both their “physical” and their “virtual” offices.

The concept underlying the VOW policy is that operation of a VOW is a method by which participants use MLS listing data in connection with offering online brokerage services to established clients and customers. Because such services involve the use of MLS listing data, it is appropriate for the MLS to establish various requirements on the use and display of that data. But it would not be appropriate to disadvantage one method of offering brokerage services, such as VOWs, by imposing requirements that are not equally applicable to other ways in which participants provide brokerage services, such as when clients and customers visit a broker's office in person, or when the broker provides information and service to clients and customers via telephone, fax, or email.

Requirements may be imposed on operation of a VOW and not applied in other contexts only where they address issues or concerns that are unique to providing brokerage services in the Internet context, such as by requiring the VOW operator to employ security measures designed to protect the MLS listing data from unauthorized access and use.

Q: Can listings from other sources (e.g., non-participant brokers, "FSBOs," etc.) be displayed in response to a single search on a VOW?

A: VOW operators may display listings obtained from sources other than the MLS; however, MLSListings requires VOW operators to identify the source of such listings.

Q: Our firm has several offices. Each office participates in a different MLS. Can we have a single VOW that "commingles" listings from all of the MLS's in response to a single search?

A: No. If a firm has different MLS participants in different MLSs, they cannot "share" MLS data to populate a common VOW. VOW operators only have authority to display listings made available to them by the MLS (or MLSs if a participant belongs to more than one MLS) in which they have participatory rights. If a firm desires a "master" website, search results from a particular MLS can only be displayed on pages that are branded by the firm, broker or agent who has participatory rights in that MLS. ("Branding" includes office name, address/location, contact information, agent names, etc.). Leads or requests for information resulting from the search can only be directed back to the broker or agent with participatory rights in the MLS providing the data.

Q: Where can I find more information about VOWs?

A: For more information about VOWs:

- All official NAR documents can be found at: http://www.realtor.org/law_and_policy/doj/nar_doj
- View additional documents in the MLSListings Pro Reference Library, particularly the [Internet Display Guidelines](#)
- Call the MLSListings Compliance Department at 408-874-0200, Option 5
- Write to data@mlslistings.com for VOW datafeed questions