

NOTICE – DMCA SAFE HARBOR

Please note that Midwest Real Estate Data (“MRED”) has revised its Rules and Regulations (“Rules”) to include a new section regarding compliance with the [Digital Millennium Copyright Act](#) (the “DMCA”) safe harbor, which is designed to help protect Participants and Subscribers from liability for certain copyright infringement claims relating to use of MRED listing data under specific circumstances.

For example, assume another MRED Participant or Subscriber inadvertently uploads a copyrighted photograph to the MRED MLS system without the proper license from the copyright holder. MRED or other Participants and Subscribers would not know that the photograph was posted without permission on Participants’ IDX websites. The Rules provide that the copyright holder will be able to provide MRED with a takedown notice and MRED will promptly investigate and remove the subject photograph, if necessary. This process will minimize the risk of potential liability for copyright infringement for all those other Participants and Subscribers who were not responsible for the posting of the subject photograph. (Please note that the DMCA safe harbor would not apply to the original party who uploaded the unauthorized photograph, even if it did so without knowledge that the photograph was copyrighted. Therefore, we urge every Participant and Subscriber to ensure that it is abiding by all copyright laws, including obtaining the necessary permission or license to post that content which it does not own rights in.)

Parties are only eligible for DMCA safe harbor protection if it has designated an agent to receive notifications of claimed infringement (known as “takedown” notices) and posts the required DMCA notice and the designated agent’s contact information on the service provider’s website. Most importantly, to be eligible for the DMCA safe harbor, infringing material must be promptly removed at the request of the lawful copyright holder.

Therefore, the revised Rules requires that all Participants and Subscribers: (1) post the required DMCA notice, [in the form provided by MRED](#), on all Participant and Subscriber websites that display MRED listing data; (2) designate MRED as their agent for receiving a takedown notice; and (3) in the event MRED is unable to remove the copyrighted content itself, Participants and/or Subscribers must act expeditiously to remove the content.

The only action required of Participants and Subscribers at this time is to post the DMCA notice on your website, which can appear in a separate section, similar to a privacy policy or terms of use. MRED will register every Participant with the copyright office – at no cost to the Participant. If and when MRED receives a “takedown” notice, MRED will either remove the subject photograph from the MRED MLS database, which will subsequently remove the photograph from all Participants and Subscribers’ websites, or if the photograph did not come from the database, MRED will inform the relevant Participant and/or Subscriber of the takedown notice, at which point you must work expeditiously to remove the content.

Please post the attached DMCA notice on your websites *as soon as possible*. MRED will provide this announcement to Participants and Subscribers’ IDX vendors to assist in this process. Participants and Subscribers that do not post the notice will be at greater risk of

copyright infringement claims and may also be subject to termination of the license to use and display MRED listing data.

We thank you for your cooperation.