

NOTICE – DMCA SAFE HARBOR

Please note that Midwest Real Estate Data (“MRED”) has revised its Rules and Regulations (“Rules”) to include a 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.)

Under new U.S. Copyright Office regulations, MRED is not readily able to renew the designation of MRED as the DMCA takedown agent for our customers on your behalf as we did in 2015. Instead, each of you (or your company) must complete a separate registration online and pay a \$6 fee.

If you’ve chosen MRED to be your takedown agent, once registered with the U.S. Copyright Office the only action required of Participants and Subscribers 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. 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 has provided 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.