

## **VOWs (Virtual Office Websites) and Sellers' Rights**

**1. Can sellers “opt-out” of display of their property listings on VOWs?**

Sellers may “opt-out” of having their property listing displayed on any Internet sites or, alternatively sellers can “opt-out” of having their property address displayed on any Internet sites. Sellers may not opt out of having their listings shown on some, but not all, VOW sites. This means that if a seller opts out of having his listing or property address displayed on VOWs, the listing (or property address) cannot be displayed on IDX sites, third-party aggregators’ sites or elsewhere on the Internet. (Revised 12.24.08)

**2. Can sellers direct that their listings appear on third-party aggregators’ websites (e.g. Realtor.com) but not on other Participants’ VOWs?**

No. If sellers withhold consent for display of their property or display of their property address on the Internet, display on VOW, IDX and on third-party aggregators’ sites is likewise precluded. (Revised 12.24.08)

**3. Can a seller require that any VOW displaying their property not show an automated valuation of the property in connection with the listing? What about blogging - that is, showing comments of third parties about the property in connection with the display of the property listing on VOW?**

**4. Sellers can direct that automated valuation and/or blogging features of VOWs be disabled or discontinued with respect to their properties.**

**5. If a seller wants a VOW to turn off automated valuation or blogging of their property, how do they make the VOW do that?**

Sellers who wish to have automated valuation and/or blogging features of VOWs disabled or discontinued with respect to their properties should communicate that request to their listing broker, who will in turn transmit that request to the MLS.

**6. Can the listing input process include “yes/no” “checkboxes” regarding the seller’s right to withhold consent for AVM or blogging on his listing shown on a VOW (e.g. “AVM - yes/no”, “Blogging - yes/no”)?**

Yes.

**7. Can MLSs adopt rules to ensure sellers’ requests that automated valuation features or blogging on VOWs be turned off are met on a timely basis?**

Yes.

**8. Can sellers require that false information about their property be deleted from VOWs? How?**

If a seller believes that information appearing on a VOW about his property is false, he should share that concern with the listing broker who, in turn, will bring the false information to the attention of the VOW operator, with an explanation as to why the information is false. The VOW operator will then have an obligation to remove any false information.

**9. If a seller won't permit information about his property to be displayed on other Participants' VOWs but wants it marketed on the listing firm's website, can a Participant accept the listing? Can it be submitted for inclusion in the MLS?**

If a seller withholds consent for Internet display on all VOW sites except the listing broker's, the listing broker may take the listing but it would not be eligible for inclusion in MLS.

**10. May a seller prohibit display of her property address, AVMs, and blogging related to her property on VOWs while permitting those functionalities on non-VOW Internet advertising?**

With respect to display of the seller's property address, VOW model rule Section 19.6 (see appendix) bars display of the seller's property or property address (or both) where the seller has "affirmatively directed the listing broker to withhold the listing or property address from display on the Internet". "Display on the Internet" includes "non-VOW Internet advertising," such as IDX display and third-party aggregator sites. This is reinforced in the wording of the "Seller Opt-Out Form."

With respect to AVMs and blogging features, Section 19.7 (b) of the model VOW rules deals with sellers who have "elected to have one or both of these features disabled or discontinued on Participants' websites". While not as broad as the prohibition established in Section 19.6 (see appendix), it applies to all websites of participants including their IDX sites. (Added 1.27.09)

## Appendix

### Model VOW rules, Section 19.6 and 19.7

**Section 19.6 (a):** A Participant's VOW shall not display listings or property addresses of any seller who has affirmatively directed the listing broker to withhold the seller's listing or property address from display on the Internet. The listing broker shall communicate to the MLS that the seller has elected not to permit display of the listing or property address on the Internet. Notwithstanding the foregoing, a Participant who operates a VOW may provide to consumers via other delivery mechanisms, such as email, fax, or otherwise, the listings of sellers who have determined not to have the listing for their property displayed on the Internet.

**(b)** A Participant who lists a property for a seller who has elected not to have the property listing or the property address displayed on the Internet shall cause the seller to execute a document that includes the following (or a substantially similar) provision:

#### Seller Opt-Out Form

1. Please check either Option a or Option b

a.  I have advised my broker or sales agent that I do not want the listed property to be displayed on the Internet.

OR

b.  I have advised my broker or sales agent that I do not want the address of the listed property to be displayed on the Internet.

2. I understand and acknowledge that, if I have selected option a, consumers who conduct searches for listings on the Internet will not see information about the listed property in response to their search.

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initials of seller

**(c)** The Participant shall retain such forms for at least one year from the date they are signed, or one year from the date the listing goes off the market, whichever is greater.

**Section 19.7 (a):** Subject to subsection (b), a Participant's VOW may allow third-parties (i) to write comments or reviews about particular listings or display a hyperlink to such comments or reviews in immediate conjunction with particular

listings, or (ii) display an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate conjunction with the listing.

(b) Notwithstanding the foregoing, at the request of a seller the Participant shall disable or discontinue either or both of those features described in subsection (a) as to any listing of the seller. The listing broker or agent shall communicate to the MLS that the seller has elected to have one or both of these features disabled or discontinued on all Participants' websites. Subject to the foregoing and to Section 19.8, a Participant's VOW may communicate the Participant's professional judgment concerning any listing. A Participant's VOW may notify its customers that a particular feature has been disabled "at the request of the seller."