

Okay, Mr. Reffkin, you got some people's attention. You may feel like you've got us pinned, but the thing is, you've yet again ignored or refused to be bothered by some important facts.

I typically don't get into the reeds regarding every defamatory claim about CRMLS that comes up on social media, but the misinformation you've spread is worth addressing and clarifying. Let's just put things in clear terms right from the jump; CRMLS's EULA doesn't endorse taking control of listings away from agents or brokers or improperly profiting from them. Instead, it's goal is to provide benefits back to the brokerage community for the listing content provided.

To begin, the most recent changes to our EULA were about two things and two things only:

- Multifactor authentication: Our front-end vendors wanted this security enhancement and we're happy to install it as it optimizes our data security.
- Appeal rights: We added a provision to ensure brokers have the right to correct issues that may arise during arbitration.
- And that's it.

The specific language that you recently pointed out on social media about listing control and display in the EULA has been there for years. Why that language exists requires a bit of a history lesson, so humor me as I explain how what we provide is a good thing to all parties.

Systemwide Copyright and Data Protection

For many years, CRMLS (along with many other large MLSs) made quarterly filings with the US Copyright Office to protect the MLS database and safeguard intellectual property.

However, the Copyright Office denied protection, claiming that MLS data was just a directory, meaning the information could not be copyrighted. In response, CRMLS and other MLSs worked together to educate the Copyright Office on the creative elements within MLS listings.

To prove our claim, CRMLS submitted Operations Committee meeting minutes, where dozens of our participating agents and brokers debated the necessity and purpose of every MLS data field. This illustrated the creative decision making and coordination involved in building the MLS system as the MLS determines what is part of the official listing record.

As a result, the Copyright Office has since recognized MLS listings as eligible for protection, allowing us to better protect agents' work from unauthorized use.

Which brings us to REdistribute...

REdistribute and Data Control

Now that the MLS had a say on its database, we went to work trying to make new ways for the data to work for our users. For years, we had seen grey market activity by people who have access to the MLS selling its data to those who didn't, which meant brokers and agents weren't being compensated for the valuable information they provided. Conservative estimates for how much money was being made this way started at around \$5 million per year, with the potential to have gone as high as \$100 million. So, we saw an opportunity to monetize the data in a way that puts money back in the pockets of those who provided it. Thus, REdistribute was born, and language to support it was included in the EULA several years ago.

REdistribute is an independent company born as a joint venture between MLSs. It packages MLS data for institutional use, so entities like mortgage lenders or banks can get a better concept of the real estate market. Those entities pay to license the data, and the MLS can then allocate those payments back to the brokerages who provided the data.

This system recognizes that the value of the listing belongs to the agents and brokers who created it. It doesn't mean that the MLS "owns" the data. If every agent were to have individual ownership of their listing, then every use of the data outside the MLS (think AVMs or IDX feeds) would require approval from all the thousands of CRMLS brokers. That's unfeasible. The MLS manages the data in ways that benefit our users, but that data is only valuable as a set, not as a bunch of individual fragments.

In short, CRMLS worked to protect listing data under copyright and helped create REdistribute to legally share and monetize brokerage data, allowing MLSs to bring that value back to brokers.

What This Means for Today's Market

Now that the history lesson is over, let's talk about what this means for agents and brokers operating today. We're facing a shrinking market with tighter margins, so CRMLS is always looking for new ways to return value to our brokerage community.

Have we asked for certain elements of control over listing data? Yes. Have we done it to enrich ourselves? Absolutely not.

The systems we have in place stand to benefit all our users, regardless of brokerage size, and create an even spread of opportunities for everyone. I wish to see more of this spirit of collaboration in our industry, but that requires trust and honesty from all parties, not random jabs that are devoid of context.

Before I conclude, Mr. Reffkin, here's one more piece of history. In September 2023, while at the RISMedia CEO and Leadership Conference, you asked to meet with myself and CRMLS VP Ed Zorn. We were prepared for a conversation on CCP and No Cooperation Listings (aka Office Exclusives). Instead, you spent the better part of an hour discussing topics related to data distribution and the use of listing data. You asked us how we could get the rest of the country to adopt the CRMLS

way of handling listings. You praised our ease of access and terms of use. You were frustrated that other MLS entities did things differently and that you had challenges getting complete listing data. CRMLS could deliver what Compass needed in the way of data due to the MLS owning the MLS listing record and only because we had the terms in our EULA that you identified in your post. That ownership allows the MLS to open up the use of the data by all members of the MLS in a consistent and fair manner.

CRMLS remains committed to transparency, accountability, and service to agents, brokers, and consumers. We will continue to focus on providing accurate information and delivering value to the real estate community we proudly represent. Rather than allowing misinformation to divide us, let's focus on working together to build a stronger and more informed professional community.