



# Nasdaq | NASDAQ FUTURES

## A. Applicant Information

Full legal name of Applicant ("Applicant") (**must be an organization**):

Main office address:

Contact (for questions concerning this application):

Email address:

Phone:

## B. Qualification

Is Applicant actively engaged in a futures business?                      No                      Yes

Is Applicant registered with the National Futures Association ("NFA")?

No                      Yes

NFA registration # \_\_\_\_\_

Is Applicant registered with the Financial Industry Regulatory Authority ("FINRA")?

No                      Yes

CRD registration # \_\_\_\_\_

Is Applicant a Futures Commission Merchant ("FCM")?                      No                      Yes

**NOTE: Applicants handling US customer business must be registered with NFA as an FCM. Pursuant to Exchange Rules (See Chapter II, Sec. 1(b)(iii)(2)), FCMs must maintain a clearing account directly with The Options Clearing Corporation ("OCC").**

Provide name of Applicant's Designated Self-Regulatory Organization ("DSRO"):

\_\_\_\_\_

## C. Clearing Futures Participant Information

Is Applicant a direct member of OCC?

Yes – Please complete the Authorized Risk Officer Designation Form attached as **Appendix B**.

No – Your clearing firm must be an approved Clearing Futures Participant and must submit an executed Clearing Guarantee and Authorized Risk Officer Designation Form attached as **Appendix A** and **Appendix B**.

Name of Clearing Futures Participant:

\*\*OCC Clearing Account(s):

Clearing Contact:

Phone:

Email:

**\*\*NOTE: OCC clearing account numbers provided above will be utilized for purposes of direct debit pursuant to NFX Rules.**

## D. Access – Check all that apply

Direct Access

An applicant who is a Clearing Futures Participant must indicate whether it intends to provide direct access to the Exchange for its Authorized Customers. Direct Access is defined in Chapter V, Section 4 of NFX Rules as connecting directly to the Exchange, whereby Orders do not pass through the order management system ("OMS") of a Futures Participant. Please check the box for Direct Access if you intend to provide such access to an Authorized Customer. Please note that a Direct Access Agreement must be completed by the Clearing Futures Participant and the Authorized Customer and an NFX Services Agreement must be completed by the Authorized Customer. Any new Direct Access arrangements require the completion of a Direct Access Agreement and an NFX Services Agreement prior to granting access to an Authorized Customer. FCM is obligated to notify the Exchange of the termination of any Direct Access arrangement.

Indirect Access

An applicant who is a Clearing Futures Participant must indicate whether it intends to provide indirect access to the Exchange for its Authorized Customers. Indirect Access is defined in Chapter V, Section 4 of NFX Rules as utilizing an approved and authorized Independent Software Vendor ("ISV") and/or utilizing an OMS owned and/or controlled by a Futures Participant to access the Exchange's Trading System. A Futures Participant or Authorized Customer that accesses the Trading System by such Indirect Access is subject to all of the Rules of the Exchange, including, without limitation, use of a Trader ID, audit trail requirements and the requirement that any such Futures Participant or Authorized Customer be guaranteed by a Clearing Futures Participant. Connectivity to the Trading System established by an ISV may not be used by the ISV itself for its own trading activities. Futures Participants or Authorized Customers utilizing Indirect Access shall be required to provide information of such relationships to the Exchange in a form as prescribed by the Exchange. Please check the box for Indirect Access if you intend to provide such access to an Authorized Customer.

By checking the Indirect Access box you are certifying that the access you are providing for those Authorized Customers does not qualify as Direct Access to the Exchange. The Clearing Futures Participant remains responsible for the actions of its Authorized Customers as described in Chapter V, Section 4 of NFX Rules for such Indirect Access.

Not Applicable

Applicant is seeking Futures Participant status solely for its own direct access to NFX's Trading System and will not be facilitating access to the NFX Trading System for any third party, either through Indirect Access or Direct Access.

**E. Executive Representative (Chapter II, Sec. 6)**

Futures Participants are required to appoint and certify to the Membership Department one Executive Representative who shall represent and act for the Futures Participant in all the affairs of the Exchange. A Futures Participant may change its Executive Representative or appoint a substitute for its Executive Representative upon notification to the Membership Department as provided in Exchange Rules. An Executive Representative shall be authorized to act on behalf of the Futures Participant. Each Executive Representative shall maintain an email account for communication with the Exchange and shall update contact information as prescribed by the Exchange.

Name:	Phone:
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Title:	Email address:
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**F. Compliance Contact (Enter the individual to whom all compliance inquiries are to be directed)**

Name:	Phone:
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Title:	Email address:
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**G. Emergency Contact(s)**

Please list at least one emergency contact:

Name:	Name:
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Title:	Title:
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Phone:	Phone:
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Email address:	Email address:
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**H. Disclosures (Chapter II, Sec. 4 and Sections 8a(2), (3), (4) and (11) of the Commodity Exchange Act)**

**IF YOU RESPONDED "YES" TO ANY QUESTION 1 THROUGH 9,  
PLEASE PROVIDE SUPPORTING DOCUMENTATION.**

*For purposes of responding to these questions, the term "person affiliated with" when applied to any person shall mean, as applicable, any general partner, officer, or director of such person, any holder or beneficial owner of ten percent or more of the outstanding shares of any class of stock of such person, any person who has contributed ten percent or more of the capital of such person or any person directly or indirectly controlling such person.*

1. Has the organization or any person affiliated with the organization had a registration suspended or revoked? Yes No

2. In any case brought by a domestic or foreign governmental body, has the organization or any person affiliated with the organization ever been permanently or temporarily enjoined, either after a hearing or in a settlement, from engaging in or continuing any activity involving: (i) any transaction in or advice concerning futures, options on futures, leverage transactions or securities; or (ii) embezzlement, theft, extortion, fraud, fraudulent conversion, forgery, counterfeiting, false pretenses, bribery, gambling, racketeering or misappropriation of funds, securities or property? Yes No

3. Has the organization or any person affiliated with the organization ever pled guilty or nolo contendere ("no contest") to or been convicted or found guilty of any felony in any domestic, foreign or military court? Yes No

4. Has the organization or any person affiliated with the organization ever pled guilty to or been convicted or found guilty of any misdemeanor in any domestic, foreign or military court which involves: (i) embezzlement, theft, extortion, fraud, fraudulent conversion, forgery, counterfeiting, false pretenses, bribery, gambling, racketeering or misappropriation of funds, securities or property; (ii) violation of sections 7203, 7204, 7205 or 7207 of the Internal Revenue Code of 1986; (iii) violation of sections 152, 1341, 1342 or 1343 or chapters 25, 47, 95 or 96 of the United States Criminal Code; or (iv) any transaction in or advice concerning futures, options on futures, leverage transactions or securities? Yes No

5. In any proceeding brought by a domestic or foreign governmental body, has the organization or any person affiliated with the organization ever been found, either after a hearing or in a settlement, to: (i) have violated any provision of an investment-related statute or regulation; or (ii) have violated any statute, rule, regulation or order which involves embezzlement, theft, extortion, fraud, fraudulent conversion, forgery, counterfeiting, false pretenses, bribery, gambling, racketeering or misappropriation of funds, securities or property; or (iii) have willfully aided, abetted, counseled, commanded, induced or procured such violation by any other person? Yes No

6. Has the organization or any person affiliated with the organization ever been debarred by an agency of the United States from contracting with the United States? Yes No

7. Has the organization or any person affiliated with the organization ever been the subject of any order issued by a domestic or foreign regulatory authority or self-regulatory organization that prevented or restricted the organization's ability to engage in any business in the financial services industry? Yes No

8. Are any of the orders described in Question 7 currently in effect against the organization or any person affiliated with the organization? Yes No

9. Is the organization or any person affiliated with the organization a party to any action, or is there a charge pending, the resolution of which could result in a "Yes" answer to the previous questions? Yes No

### I. Fees, Fines, Dues and Penalties

Each Futures Participant shall be liable for such fees, fines, dues, penalties and other amounts imposed by the Exchange in connection with its permit and activities conducted in connection therewith by such Futures Participant, whether or not any such obligation was incurred on behalf of or for the account of the Futures Participant or on behalf of or for the account of an associated Futures Participant.

Name:	Phone:
Title:	Email address:

### J. Signatures

We hereby represent that, we have read and understand the above information and that the answers and attachments are, to the best of our knowledge and belief, true and correct. We hereby pledge ourselves to submit to and abide by the governing documents, By-Laws, Rules and operating procedures of the Exchange, as now existing and as hereafter duly amended from time to time.

The organization authorizes any governmental agency, futures exchange, securities exchange, national securities association, national futures association or other entity to furnish to the Exchange, upon its request, any information they may have concerning the organization, and the organization hereby releases each such entity from any and all liability of whatsoever nature by reason of furnishing such information to the Exchange.

The organization authorizes the Exchange to make available to any governmental agency, futures exchange, securities exchange, national securities association, national futures association or other entity (upon such entity's showing of proper authority and need) any information it may have concerning the organization, and the organization hereby releases the Exchange from any and all liability of whatsoever nature by reason of furnishing such information.

*Please note that Futures Participants are under a continuing obligation to inform the Exchange of any changes to the information provided herein as well as noncompliance with any of the registration requirements set forth above.*

\_\_\_\_\_ (Futures Participant) certifies that the statements made herein and materials furnished to the Exchange are true, complete and accurate and executes as follows:

Authorized Applicant signature:	Print name:
Date:	Title:

### K. Supplemental Material

All applicants **must** provide the following documents:

- Executed Clearing Letter of Guarantee (Appendix A)
- Executed NASDAQ Futures, Inc. Services Agreement
- Authorized Risk Officer Designation Form (Appendix B)
- Summary of Applicant's business plan
- A copy of Applicant's Written Supervisory Procedures with respect to its futures business activities
- A copy of Applicant's Pre-trade Risk Controls
- A copy of Applicant's business continuity plan
- A copy of Applicant's Anti Money Laundering policy
- Statement of financial condition as of a date not greater than 45 days from the date of application
- Provide a written explanation detailing the events for any matter that caused a "Yes" answer in Section I of this Application
- A complete set of applicable formation documents
  - Corporation include the following:
    - Articles of Incorporation or Formation
    - By-Laws
  - Partnership include the following:
    - Partnership Agreement
  - Limited Liability Company include the following:
    - Operating Agreement
    - Articles of Organization or Certificate of Formation

### L. Submission

Questions regarding this application may be directed to NASDAQ Membership at 215.496.5322 or 215.496.5159. Completed applications and **all** required supplemental material should be submitted by email to: [membership@nasdaq.com](mailto:membership@nasdaq.com).

**APPENDIX A - Clearing Letter of Guarantee**

To: **NASDAQ Futures, Inc. (“NFX”) Membership Department**

From: \_\_\_\_\_(Futures Participant)

\_\_\_\_\_(Clearing Futures Participant)

Re: **Futures Participant Clearing Letter of Guarantee**

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The Futures Participant noted above has represented to the undersigned Clearing Participant, a member of The Options Clearing Corporation (“OCC”), that it will clear trades executed on NFX through the Clearing Futures Participant’s OCC account. Pursuant to NFX Rules, Clearing Futures Participants must provide NFX with a copy of each written agreement (“Clearing Letter of Guarantee” or “Guarantee”) guaranteeing the performance of a Non-Clearing Participant. This letter shall be deemed to be a Guarantee with respect to all transactions made by the above-referenced Non-Clearing Participant through the undersigned Clearing Futures Participant on NFX. Pursuant to NFX Rules, the Clearing Futures Participant affirms the following:

- Clearing Futures Participant guarantees the performance of Non-Clearing Participant for all Contracts executed on NFX by Non-Clearing Participant, and shall indemnify NFX for any and all losses incurred in respect of failures in such performance.
- The Clearing Futures Participant permits NFX to debit any transaction fees, permit fees, regulatory fees or other charges referenced on NFX’s Fee Schedule due and owing to NFX that were incurred by the above named Non-Clearing Participant.

This Clearing Letter of Guarantee shall remain in effect until written notice of revocation has been filed with and acknowledged by the NFX Membership Department. Any such revocation shall in no way relieve the undersigned Clearing Futures Participant of responsibility for transactions guaranteed prior to the effective date of the revocation or terminated pursuant to NFX Rules. The Clearing Futures Participant must immediately notify NFX of termination of this Guarantee.

Accepted and agreed to this date:	Clearing Futures Participant OCC Number:
Clearing Futures Participant Representative Signature:	Print Name/Title:
Phone:	Email:

**APPENDIX B**

**Authorized Risk Officer (“ARO”)  
Designation Form**

<b>A. Clearing Futures Participant</b>	
Full legal name of Clearing Futures Participant (“Participant”):	
<b>B. Authorized Risk Officer Information</b>	
Information requested in this section is <b>mandatory</b> . Clearing Futures Participants must designate at least two Authorized Risk Officers for each NASDAQ Futures, Inc. (“NFX”) Participant or Authorized Customer for which the Clearing Futures Participant will clear accounts. If the required information is not provided, the form will be returned for completion.	
Authorized Risk Officer :	
Department/Title:	
Office Phone:	Cell Phone:
Email address:	
Futures Participant Exchange Accounts for which ARO is responsible pursuant to Exchange Rules:	
Authorized Risk Officer :	
Department/Title:	
Office Phone:	Cell Phone:
Email address:	
Futures Participant Exchange Accounts for which ARO is responsible pursuant to Exchange Rules:	
Authorized Risk Officer :	
Department/Title:	
Office Phone:	Cell Phone:
Email address:	
Futures Participant Exchange Accounts for which ARO is responsible pursuant to Exchange Rules:	
<b>C. Submission</b>	
Questions regarding this Designation Form may be directed to the NFX Membership Department at 215.496.5322 or 215.496.5159.	
Completed forms should be submitted by email to: <a href="mailto:membership@nasdaq.com">membership@nasdaq.com</a> .	