

# NONPROFESSIONAL SUBSCRIBER POLICY

## (New York Stock Exchange Nonprofessional Subscriber Agreement)

This document is intended to clarify the conditions under which an individual may qualify for the Nonprofessional Subscriber rates for NYSE Market Data products.

DEFINITION	
<p>“Nonprofessional Subscriber” refers to any natural person who receives market data solely for his/her personal, non-business use and who is not a “Securities Professional,” meaning that the person is:</p>	
a	not registered or qualified with the Securities and Exchange Commission, the Commodities Futures Trading Commission, any state securities agency, any securities exchange/association, or any commodities/futures contract market/association; and
b	not engaged as an “investment advisor,” as that term is defined in Section 202(a)(11) of the Investment Advisers Act of 1940 (whether or not registered or qualified under that Act); and
c	not employed by a bank or other organization exempt from registration under Federal and/or state securities laws to perform functions that would require him/her to be so registered or qualified if he/she were to perform such functions for an organization not so exempt.
<p>A person who works outside of the United States will be considered a “Securities Professional” if he or she performs the same functions as someone who would be considered a “Securities Professional” in the United States.</p>	

QUESTION	POLICY DECLARATION
<p><b>A) CLARIFICATION OF “NON-PROFESSIONAL SUBSCRIBER” AND “SECURITIES PROFESSIONAL” DEFINITIONS</b></p>	
<p>Is a natural person receiving market data solely for her personal, non-business use through an account in an organization’s name classified as a Nonprofessional Subscriber?</p>	<p>No, even though an individual natural person may be receiving market data only for her personal, non-business use, if the market data is received through an organization’s account, this individual is classified as a Professional Subscriber. This is because the account through which the market data is received is not registered to a natural person.</p> <ul style="list-style-type: none"> <li>For example, if an individual who owns a business called Joe’s Gas Station receives market data for personal, non-business use through a market data account that has Joe’s Gas Station as the account holder, the vendor must report the individual as a Professional Subscriber because the account is not in a natural person’s name.</li> <li>However, if the same individual opened an account in his own name, the individual may apply as a Nonprofessional Subscriber (as long as he is receiving the market data solely for personal, non-business use and is not a Securities Professional).</li> </ul>
<p>Are all bank employees “Securities Professionals”?</p>	<p>No, an individual is not classified as a Securities Professional simply because she is employed by a bank. Bank employees would be considered Securities Professionals under the following circumstances:</p> <ol style="list-style-type: none"> <li>If the bank is registered under Federal and/or state securities laws, the employee is a Securities Professional if such employee (a) is required to</li> </ol>

**IMPORTANT:** If the Subscriber is found to have incorrectly declared the details submitted herein which are required for Vendor to determine if the Subscriber falls under professional or nonprofessional category, the Subscriber will be liable for the full retroactive fees billed by NYSE for the Subscriber at the professional rate.

	<p>be registered or qualified with the SEC, the CFTC, any state securities agency, any securities exchange/association, or any commodities/futures contract market/association or (b) is engaged as an “investment advisor,” as that term is defined in Section 202(a)(11) of the Investment Advisers Act of 1940 (whether or not registered or qualified under that Act).</p> <ul style="list-style-type: none"> <li>• Therefore, a bank teller would not be a Securities Professional if she did not fall under (a) or (b) above and would qualify as a Nonprofessional Subscriber if the account was in her individual name and she received the market data solely for her personal, non-business use.</li> </ul> <p>2. If the bank is exempt from registration under Federal and/or state securities laws, the employee is a Securities Professional if (x) the employee performs functions that would otherwise require her to be registered or qualified with the SEC, the CFTC, any state securities agency, any securities exchange/association, or any commodities/futures contract market/association, but (y) she is not required to be so registered or qualified because the bank is not registered under Federal and/or state securities laws (but the employee would otherwise have to be so registered or qualified if she worked for a registered bank).</p>
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<b>B) TRUST POLICY DECLARATION</b>	
May the <b>Trust</b> itself qualify as a Nonprofessional?	No, the Trust is an organization, and by definition only natural persons can qualify as Nonprofessionals. A single, unpaid natural person associated with the Trust, who qualifies as a Nonprofessional Subscriber, may be reported as a Nonprofessional Subscriber if the reporting includes the name of the person. The name of the Trust may also be reported, but a report that includes only the name of the Trust would be qualified as a Professional.
May a <b>Trustee</b> qualify as a Nonprofessional?	Yes, if the Trustee is an unpaid natural person who qualifies as a Nonprofessional Subscriber.
May the Trust have more than one <b>Trustee</b> ?	Yes. A trust may have up to four Trustees and each of them may qualify as a Nonprofessional Subscriber, but only if all of them are unpaid persons who qualify as Nonprofessional Subscribers.
May a <b>Beneficiary</b> of the Trust qualify as a Nonprofessional?	Yes, if the Beneficiary is an unpaid natural person who qualifies as a Nonprofessional Subscriber.
May multiple <b>Beneficiaries</b> qualify as Nonprofessional?	Yes, if the Beneficiaries are unpaid natural persons who qualify as Nonprofessional Subscribers.
May <b>Trustees</b> that receive compensation qualify as Nonprofessionals?	No.
May <b>Trustees</b> that receive professional assistance qualify as	Yes, if the Trustee is an unpaid natural person who qualifies as a Nonprofessional Subscriber and the professional assistance is not

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Nonprofessionals?	discretionary management of the Trustee’s account.
<b>C) INVESTMENT CLUB POLICY CLARIFICATION</b>	
May <b>Investment Club members</b> qualify as Nonprofessionals?	Yes, if the Investment Club member is an unpaid natural person who qualifies as a Nonprofessional Subscriber.
Must all <b>Investment Club members</b> qualify as Nonprofessionals for the Nonprofessional rates to apply?	No. Each unpaid natural person associated with the Investment Club, who qualifies as a Nonprofessional Subscriber, may be reported as a Nonprofessional Subscriber.
If the <b>Investment Club member</b> qualifies as a Nonprofessional, may its Nonprofessional members receive market data under the Investment Club’s account?	The Investment Club is an organization, and by definition only natural persons can qualify as Nonprofessionals. Each unpaid natural person associated with the Investment Club, who qualifies as a Nonprofessional Subscriber, may be reported as a Nonprofessional Subscriber.
May <b>Investment Club members</b> that receive compensation qualify as Nonprofessionals?	No. In addition, compensation would disqualify the Investment Club as a Nonprofessional.
May the <b>Investment Club members</b> that receive professional assistance qualify as Nonprofessionals?	Yes, if, the Investment Club member is an unpaid natural person who qualifies as a Nonprofessional Subscriber and the professional assistance is not discretionary management of the Investment Club’s account.
<b>D) RETIRED &amp; INACTIVE PROFESSIONALS POLICY CLARIFICATION</b>	
Do <b>Retired Professionals</b> qualify as Nonprofessionals?	Yes, Retired Professionals no longer providing services in a Professional capacity may qualify as Nonprofessionals if listed as Not-Registered with FINRA. To continue to receive the Nonprofessional rates, Subscribers must re-verify their Nonprofessional status semi-annually.
Do <b>Non-working or Inactive Professionals</b> qualify as Nonprofessionals?	Yes, Professionals no longer providing services may qualify as Nonprofessionals if listed as Not-Registered with FINRA. To continue to receive the Nonprofessional rates, Subscribers must re-verify their Nonprofessional status semi-annually
<b>E) LARGE TRADERS</b>	
Are Large Traders always qualified as Professionals?	If a large trader otherwise meets the definition of “Nonprofessional Subscriber,” the large trader does not lose his or her “Nonprofessional Subscriber” status merely because he or she falls within SEC Rule 13h-1(a)’s definition of “large trader”.
<b>F) DAY TRADERS POLICY CLARIFICATION</b>	
Can a <b>day-trader</b> qualify as a Nonprofessional?	A day-trader can qualify as a Nonprofessional if he/she is managing his/her own money AND: <ul style="list-style-type: none"> <li>• Does not assist any other person with investment decisions, nor he/she share profits; and is not a “Securities Professional.”</li> <li>• Is NOT receiving office space and equipment in exchange for her/his work as a financial consultant to a firm</li> <li>• Has NOT entered into a profit sharing agreement with an organization</li> </ul>

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# AGREEMENT FOR MARKET DATA DISPLAY SERVICES

(New York Stock Exchange Nonprofessional Subscriber Agreement)

**UOB KAY HIAN SECURITIES (M) SDN BHD** ("Vendor") agrees to make "Market Data" available to you pursuant to the terms and conditions set forth in this agreement. By executing this Agreement in the space indicated below, you ("Subscriber") agree to comply with those terms and conditions. Section 1 sets forth terms and conditions of general applicability. Section 2 applies insofar as Subscriber receives and uses Market Data made available pursuant to this Agreement as a Nonprofessional Subscriber.

## SECTION 1:

### TERMS AND CONDITIONS OF GENERAL APPLICABILITY

**1. MARKET DATA DEFINITION** – For all purposes of this Agreement, "Market Data" means (a) last sale information and quotation information relating to securities that are admitted to dealings on the New York Stock Exchange ("NYSE"), (b) such bond and other equity last sale and quotation information, and such index and other market information, as United States-registered national securities exchanges and national securities associations (each, an "Authorizing SRO") may make available and as the NYSE may from time to time designate as "Market Data"; and (c) all information that derives from any such information.

**2. PROPRIETARY NATURE OF DATA** – Subscriber understands and acknowledges that each Authorizing SRO and Other Data Disseminator has a proprietary interest in the Market Data that originates on or derives from it or its market(s).

**3. ENFORCEMENT** – Subscriber understands and acknowledges that (a) the Authorizing SROs are third-party beneficiaries under this Agreement and (b) the Authorizing SROs or their authorized representative(s) may enforce this Agreement, by legal proceedings or otherwise, against Subscriber or any person that obtains Market Data that is made available pursuant to this Agreement other than as this Agreement contemplates. Subscriber shall pay the reasonable attorney's fees that any Authorizing SRO incurs in enforcing this Agreement against Subscriber.

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**4. DATA NOT GUARANTEED** – Subscriber understands that no Authorizing SRO, no other entity whose information is made available over the Authorizing SROs' facilities (an "Other Data Disseminator") and no information processor that assists any Authorizing SRO or Other Data Disseminator in making Market Data available (collectively, the "Disseminating Parties") guarantees the timeliness, sequence, accuracy or completeness of Market Data or of other market information or messages disseminated by any Disseminating Party. Neither Subscriber nor any other person shall hold any Disseminating Party liable in any way for (a) any inaccuracy, error or delay in, or omission of, (i) any such data, information or message or (ii) the transmission or delivery of any such data, information or message, or (b) any loss or damage arising from or occasioned by (i) any such inaccuracy, error, delay or omission, (ii) non-performance or (iii) interruption in any such data, information or message, due either to any negligent act or omission by any Disseminating Party, to any "force majeure" (e.g., flood, extraordinary weather conditions, earthquake or other act of God, fire, war, insurrection, riot, labor dispute, accident, action of government, communications or power failure, equipment or software malfunction) or to any other cause beyond the reasonable control of any Disseminating Party.

**5. PERMITTED USE** – Subscriber shall not furnish Market Data to any other person or entity. If Subscriber receives Market Data other than as a Nonprofessional Subscriber, it shall use Market Data only for its individual use in its business.

**6. DISSEMINATION DISCONTINUANCE OR MODIFICATION** – Subscriber understands and acknowledges that, at any time, the Authorizing SROs may discontinue disseminating any category of Market Data, may change or eliminate any transmission method and may change transmission speeds or other signal characteristics. The Authorizing SROs shall not be liable for any resulting liability, loss or damages that may arise therefrom.

**7. DURATION; SURVIVAL** – This Agreement remains in effect for so long as Subscriber has the ability to receive Market Data as contemplated by this Agreement. In addition, Vendor may terminate this Agreement at any time, whether at the direction of the Authorizing SROs or otherwise. Paragraphs 2, 3 and 4, and the first two sentences of Paragraph 8, survive any termination of this Agreement.

**8. MISCELLANEOUS** – The laws of the State of New York shall govern this Agreement and it shall be interpreted in accordance with those laws. This Agreement is subject to the Securities Exchange Act of 1934, the rules

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promulgated under that act, and the joint-industry plans entered into pursuant to that act. This writing contains the entire agreement between the parties in respect of its subject matter. Subscriber may not assign all or any part of this Agreement to any other person. The person executing this Agreement below represents and warrants that he or she has legal capacity to contract and, if that person is executing this Agreement on behalf of a proprietorship or a business, partnership or other organization, represents and warrants that he or she has actual authority to bind the organization.

## SECTION 2:

### **NONPROFESSIONAL SUBSCRIBER**

**9. NONPROFESSIONAL SUBSCRIBER DEFINITION** -"Nonprofessional Subscriber" means any natural person who receives market data solely for his/her personal, non-business use and who is not a "Securities Professional." A "Securities Professional" includes an individual who, if working in the United States, is:

(a) registered or qualified with the Securities and Exchange Commission (the "SEC"), the Commodities Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association.

(b) engaged as an "investment advisor" as that term is defined in Section 202 (a) (11) of the Investment Advisor's Act of 1940 (whether or not registered or qualified under that Act), or

(c) employed by a bank or other organization exempt from registration under Federal and/or state securities laws to perform functions that would require him or her to be so registered or qualified if he or she were to perform such functions for an organization not so exempt.

A person who works outside of the United States will be considered a "Securities Professional" if he or she performs the same functions as someone who would be considered a "Securities Professional" in the United States. Subscriber may not receive Market Data as a "Nonprofessional Subscriber" unless the vendor providing that data to Subscriber first determines that the individual falls within Paragraph 9's definition of "Nonprofessional Subscriber."

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**10. PERMITTED RECEIPT** - Subscriber may not receive Market Data from Vendor, and Vendor may not provide Market Data to Subscriber, on a “Nonprofessional Subscriber” basis unless Vendor first properly determines that Subscriber qualifies as a “Nonprofessional Subscriber” as defined in Paragraph 9 and Subscriber in fact qualifies as a “Nonprofessional Subscriber.”

**11. PERMITTED USE** – If Subscriber is a Nonprofessional Subscriber, he or she shall receive Market Data solely for his or her personal, non-business use.

**12. PERSONAL AND EMPLOYMENT DATA** – As a prerequisite to qualifying as a "Nonprofessional Subscriber", Subscriber shall provide the following information:

**Subscriber's FULL NAME and ADDRESS:**

**Subscriber's Occupations**

*(List all occupations – including homemaker, student, retiree, etc.):*

**Name(s) and Address(es) of Subscriber's Employer(s):**

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**Subscriber's Job Title(s) and/or Position(s):**

**Subscriber's Employment Functions**

*(Please describe your Job Function):*

**In order to facilitate a decision as to whether Subscriber qualifies as a "Nonprofessional Subscriber," Subscriber shall answer the following questions:**

**(A). Subscriber's Job Industry:**

- |  |  |                                       |
|--|--|---------------------------------------|
| <input type="checkbox"/> Banking / Finance / Insurance   | <input type="checkbox"/> Asset Management  | <input type="checkbox"/> Stockbroking |
| <input type="checkbox"/> Construction                    | <input type="checkbox"/> F&B / Hospitality | <input type="checkbox"/> Healthcare   |
| <input type="checkbox"/> IT / Science / Technology       | <input type="checkbox"/> Manufacturing     | <input type="checkbox"/> Education    |
| <input type="checkbox"/> Transport / Logistics           | <input type="checkbox"/> Engineering       | <input type="checkbox"/> E-commerce   |
| <input type="checkbox"/> Others <i>(Please specify):</i> |  |                                       |

**(B). Do you use Market Data solely for your personal, non-business use?**

- Yes       No

**(C). Do you receive Market Data for your business or any other entity?**

- Yes       No

**(D). Are you currently registered or qualified with the SEC or the CFTC?**

- Yes       No

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**(E). Are you currently registered or qualified with any securities agency, any securities exchange, association or regulatory body, or any commodities or futures contract market, association or regulatory body, in the United States or elsewhere?**

Yes       No

**(F). Whether you are located within or outside of the United States, do you perform any functions that are similar to those that require an individual to register or qualify with the SEC, the CFTC, any other securities agency or regulatory body, any securities exchange or association, or any commodities or futures contract market, association or regulatory body?**

Yes       No

**(G). Are you engaged to provide investment advice to any individual or entity?**

Yes       No

**(H). Are you engaged as an asset manager?**

Yes       No

**(I). Do you use the capital of any other individual or entity in the conduct of your trading?**

Yes       No

**(J). Do you conduct trading for the benefit of a corporation, partnership, or other entity?**

Yes       No

**(K). Have you entered into any agreement to share the profit of your trading activities or receive compensation for your trading activities?**

Yes       No

**(L). Are you receiving office space, and equipment or other benefits in exchange for your trading or work as a financial consultant to any person, firm or business entity?**

Yes       No

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**13. CERTIFICATION** – By executing this Agreement, Subscriber hereby certifies that he or she falls within Paragraph 9's definition of "Nonprofessional Subscriber" and that the personal and employment information that he or she has included in Paragraph 12 is truthful and accurate.

**ACCEPTED AND AGREED:** I, the "Subscriber" to which the preceding terms and conditions refer, acknowledge that I have read the preceding terms and conditions of this Section 2, that I understand them and that I hereby manifest my assent to, and my agreement to comply with, those terms and conditions, and further agreed of the following:

(a) to notify the Vendor promptly in writing within 7 days of any change in my circumstances that may cause me to cease to qualify as a Nonprofessional Subscriber, or that may change my response to any of the preceding questions.

(b) that the Vendor reserves the right to impose retroactive penalties charges on me at Professional Subscriber's rate should I fail to declare accurately and truthfully.

(c) that I shall, at all times, fully and effectively indemnify and hold harmless the Vendor from and against any claim, damages, loss, liability, cost and /or expense that directly or indirectly arise from or are caused by any use by me of any of the Data, and/or any breach or violation by me of any term or conditions of the Agreement at any time arising from the subscription of the policy and the indemnification obligations to the above shall survive the closing or termination of this agreement.

**SUBSCRIBER**

\_\_\_\_\_  
*(Name of Subscriber)*

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

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