



## **Membership Application Form**

## 1. Introduction

This standard application form is for those Applicants that are not Members of the Chicago Board of Trade or the Chicago Mercantile and, therefore, are not permitted to file a fast track application for membership in NYSE Liffe, LLC (“NYSE Liffe”).<sup>1</sup>

Please complete this form and return it to NYSE Liffe.

<b>NYSE Liffe, LLC</b>
Attn: Lynn Martin 20 Broad Street 10 <sup>th</sup> Floor New York NY 10005 Tel. (212) 656-4300 Fax (212) 482-1100 E-mail: lynn.martin@liffe.com

## 2. Details of Applicant

Applicant's name and form of organization	
Commercial name (if different)	
Main business address (PO Box not acceptable)	
Mailing address (if different)	
Main telephone no.	
Website address, if any	
Contact name (for processing this application)	
Job title/position	
Telephone no. (including extension)	
E-mail address	

<sup>1</sup> NYSE Liffe has filed an application for designation as a contract market with the Commodity Futures Trading Commission, which application is pending.

### 3. Trading Activity

Name of Applicant's Clearing Firm: \_\_\_\_\_

Please indicate the type of trading activity Applicant intends to perform on NYSE Liffe:

Proposed activity (check all that apply)	
Trading for own account	
Market making	
Execution of orders for other Members of NYSE Liffe	
Execution of orders for third parties that are not Members NYSE Liffe	

### 4. Applicant's Profile

Is Applicant currently a member of any other futures and/or options, securities, or commodities exchange (other than a Euronext Market)? If yes, please provide details:

Member since (date)	Name of entity holding membership	Exchange	Membership capacity held

**5. Regulation**

Is Applicant registered with or authorized by any regulatory authority (e.g., Commodity Futures Trading Commission, Financial Services Authority)?

If yes, please provide details below (i.e., type of registration, date registration granted).

**6. Disciplinary History and Related Matters**

This question relates to the activities of not only Applicant (including relevant persons) itself, but also of other entities within the group. The response should include all material events that have occurred in the last 5 years. If an Applicant is uncertain about the materiality of a specific disciplinary proceeding or event the matter should be disclosed.

Has Applicant or any other relevant parties within the group:

		Yes	No
(i)	been found guilty in a criminal court		
(ii)	been the subject of an adverse finding in a civil or administrative court or tribunal		
(iii)	been found in contravention of any provision of financial services legislation (including but not limited to the Commodity Exchange Act, federal and state securities laws and any similar foreign laws), or the rules, regulations or statements of principle of any regulatory authority thereunder		
(iv)	been the subject of disciplinary procedures by any government agency, self-regulatory organization or exchange		
(v)	been subject to a refusal or restriction to carry on a trade/business/profession or to disqualification from acting as a director		
(vi)	failed in business, made a compromise with or assignment of assets for the benefit of creditors, or been a party to any voluntary or involuntary proceeding under any relevant Bankruptcy Law, taken advantage of any Exemption Law or pleaded the Statute of Limitations to any claim of creditors		
(vii)	been under investigation, or currently under investigation, by any government agency, self-regulatory organization, exchange, taxation, auditor, or other authority?		

If yes to any of the above, please provide details on a separate page and attach copies of all relevant court, administrative agency or self-regulatory organization proceedings. NYSE Liffe may request Applicant to provide additional information with respect to any matter for which Applicant has provided a yes answer.

In accordance with NYSE Liffe Rules, Applicant is required to update this application promptly if any of the information provided herein becomes inaccurate or incomplete after the date of submission and prior to any approval of the application.

## 7. Key personnel

Please identify the key personnel that will be responsible for the business on NYSE Liffe. NYSE Liffe, either directly or through its agents, retains the right to request background information (*e.g.*, employment, registration or authorization) with respect to such individuals where it deems it appropriate to do so.

### Director/Senior Executive

Full Name:	
Telephone No:	Fax No:
E-mail:	Date of Birth:

### Compliance Officer.

Full Name:	
Telephone No:	Fax No:
E-mail:	Date of Birth:

### Management of Trading

Full Name:	
Telephone No:	Fax No:
E-mail:	Date of Birth:

### Back Office Manager

Full Name:	
Telephone No:	Fax No:
E-mail:	Date of Birth:

## **8. Declaration of Applicant**

This Declaration and application for Membership is made by Applicant to NYSE Liffe (Applicant and NYSE Liffe are collectively referred to as “the Parties”).

In consideration of (i) NYSE Liffe examining and processing this application and (ii) Applicant co-operating with NYSE Liffe and furnishing it with all the necessary information in support of this application, the Parties hereby agree that this Declaration shall be legally binding upon the Parties.

### **Interpretation**

The terms used in this Declaration shall have the meanings ascribed to them by NYSE Liffe Rules. The masculine gender shall include the feminine and the singular number shall include the plural and vice versa.

### **Admission as a Member**

Applicant understands that its Membership in NYSE Liffe will not commence until (i) Applicant has completed this application form to the satisfaction of NYSE Liffe and has provided such additional information as is, and entered into such agreements as are, required by NYSE Liffe; (ii) Applicant’s application has been approved by NYSE Liffe; and (iii) NYSE Liffe has notified Applicant of its decision in writing.

Applicant understands that Membership or any trading or other privileges arising from such Membership may not be transferred, assigned or encumbered by or on behalf of the Member except with the prior written approval of NYSE Liffe where such transfer, assignment or encumbrance is expressly provided for in the NYSE Liffe Rules.

Applicant agrees to pay the fees and charges applicable to its Membership in accordance with the terms determined and published by NYSE Liffe.

The clauses of this Declaration shall apply only to the period up to Applicant’s admission as a Member, except for the clauses relating to Admission as a Member and Compliance with NYSE Liffe Rules, which shall continue beyond that date.

### **Compliance with NYSE Liffe Rules**

If Applicant is approved as a Member, Applicant agrees to comply with and be bound by the NYSE Liffe Rules from time to time in force, and any obligations imposed by NYSE Liffe pursuant to those Rules.

### **Authorization to Disclose Information**

Applicant hereby authorizes and directs (i) any regulatory authority that has or has had jurisdiction over Applicant and (ii) any commodity and/or securities exchange of which Applicant is or has been a member to release to NYSE Liffe all information concerning disciplinary information taken against Applicant or any principal of Applicant.

### **Confidentiality of Data**

Applicant understands that any information provided by or on behalf of Applicant during the application for Membership shall be kept confidential by NYSE Liffe for an indefinite period (whether or not its application for Membership is successful) and shall not be disclosed to any third party without Applicant’s prior written approval except where permitted by the NYSE Liffe Rules or required by applicable law or regulation.

### **Data Protection Provisions**

Notwithstanding the Confidentiality clause above, NYSE Liffe is required to make public the names of Members and details of their Membership capacities. Applicant acknowledges and agrees that NYSE Liffe shall publish by any appropriate means such information in respect of Applicant.

NYSE Liffe may also use other information contained in the membership database in respect of the Member for marketing purposes.<sup>2</sup> Please tick the box if you do *not* agree to NYSE Liffe using the information contained in the membership database for marketing purposes.

**Settlement of Disputes**

Applicant agrees that any dispute between Applicant (or Member as the case may be) and NYSE Liffe in respect of membership issues or anything else under this Declaration and application for membership which is not resolved by an amicable settlement between the Parties shall be dealt with by the Courts applicable to NYSE Liffe. Notwithstanding the foregoing, the Parties may agree to refer such dispute to arbitration.

**Limitation of Liability**

Applicant acknowledges that, without prejudice to any liability arising between the Parties under the NYSE Liffe Rules or any agreement entered into between the Parties pursuant to the NYSE Liffe Rules, NYSE Liffe shall be under no liability under this Declaration and application for Membership to Applicant for any loss, damage or injury direct or indirect howsoever arising whether or not caused by the negligence of NYSE Liffe, its officers, employees, agents or representatives, except that NYSE Liffe shall accept liability for death, personal injury, fraud, and for gross negligence or willful misconduct where there is a finding of such against NYSE Liffe by a court of competent jurisdiction.

Applicant hereby certifies that the statements in this application for membership and in this Declaration are true and complete.

***KNOWING FALSIFICATION, MISREPRESENTATION, OR OMISSION OF ANY MATERIAL FACT REQUIRED TO BE STATED MAY CONSTITUTE CAUSE FOR DENIAL, SUSPENSION, OR REVOCATION OF MEMBERSHIP AND, FURTHER, MAY CONSTITUTE A VIOLATION OF SECTION 9(a)(3) OF THE COMMODITY EXCHANGE ACT.***

Applicant's Statutory Name		
Signature of Applicant	Job title	Date
	Print full name	

<sup>2</sup> The information used by NYSE Liffe shall be subject to the privacy policy, which may be obtained on the NYSE website: [www.nyse.com/about/publication/1176200552327.html#privacy](http://www.nyse.com/about/publication/1176200552327.html#privacy).

## Appendix A: Supporting documents

The relevant supporting documents should be submitted together with this application form.

Please use the checklist below to indicate which supporting documents Applicant is submitting with its application.

Yes / NA (not applicable)	<i>Information to be sent with the completed application form, where relevant</i>
	<b>Legal incorporation documentation</b> e.g. Certificate of Incorporation and Bylaws, Certificate of Formation and Limited Liability Company Agreement, or equivalent document(s) depending on country and form of organization
	<b>Group structure diagram</b> showing the ownership of the Applicant and where relevant the whole group structure, including percentage sizes of holdings and stakeholders' nationalities. The mandatory threshold for inclusion of stakeholders is an interest of 5% or more
	<b>Details of any disciplinary history</b> (as per Q.6)
	<b>List of the Applicant's authorized signatories</b>
	<ul style="list-style-type: none"> <li data-bbox="370 814 1443 877">(i) <b>Evidence of authorization</b> indicating the permitted investment activities and financial instruments (where available)</li> <li data-bbox="370 884 1443 947">(ii) <b>Employment history for the preceding five (5) years of the two individuals who effectively direct the business</b> (e.g. Chief Executive Officer and Managing Director)</li> </ul>

## Appendix B:

To be completed by all Applicants for NYSE Liffe Membership

### EMERGENCY CONTACTS

It is necessary to provide the following details to NYSE Liffe so that it is possible for the Exchange to contact a coordinator in the case of an emergency. The details of emergency contacts are kept in strict confidence.

<b>Main Emergency Contact (name)</b>	
Office Telephone No.	
Fax No.	
Home No./Mobile Telephone No.	
Pager Bureau No./Pager No.	

<b>Deputy Emergency Contact (name)</b>	
Office Telephone No.	
Fax No.	
Home Telephone No./Mobile Telephone No.	
Pager Bureau No./Pager No.	

Generic e-mail address to receive updates relating to serious incidents on LIFFE CONNECT®	
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