

UTP 2018 ANNUAL NON-DISPLAY DECLARATION

This declaration is required annually for all **Real-Time** UTP Level 1 Data Feed Recipients (“Vendors”) and, prior to approval, for all new Vendors. Your organization is to promptly inform UTP Plan Administration of any possible use changes to the information given above within 15 days of the end of the month of the change.

1.VENDOR/DATA FEED RECIPIENT DETAILS (ENTER YOUR ORGANIZATION’S INFORMATION)

Vendor Name:	Date:
<input type="checkbox"/> New Vendor, or <input type="checkbox"/> Existing Vendor Invoice Account Number: _____ (Available in NORA , EIP and monthly invoices)	

2. POLICY AND DEFINITION OF NON-DISPLAY USE

Definition: Non-Display use refers to accessing, processing or consuming data, whether received via direct and/or redistributor Data Feeds, for a purpose other than solely facilitating the delivery of the data to the Data Feed Recipient’s display or for the purpose of further internally or externally redistributing the data. Further redistribution of the data refers to the transportation or dissemination to another server, location or device. In instances where the Data Feed Recipient is using the data in Non-Display to create derived data and use the derived data for the purposes of solely displaying the derived data, then the Non-Display fee schedule does not apply, but the data may be fee liable under the regular fee schedule.

Depending upon the use, a Vendor's Non-Display use of UTP data may subject the Vendor to some or all three categories of Non-Display use fee, or the regular fee schedule.

For UTP Level 1, there are three categories of Non-Display fees, and the fees apply separately for each Non-Display use. For example, an organization could be liable for a total of four Non-Display fees - two Category 1 fees (one fee is charged for each Electronic Trading System) plus Category 2 plus Category 3 fees.

For clarification regarding UTP Level 1 Non-Display usage, please see Vendor Alerts: [UTP Vendor Alert #2014-5](#) and [UTP Vendor Alert #2015-3](#) or contact admin@utpplan.com, +1 301 978 8080.

3. CONFIRMATION OF REAL-TIME UTP LEVEL 1 SERVICE

Please check one of the following:

My organization is a new Vendor and is currently awaiting approval of a Data Feed containing Real-Time UTP Level 1 Information	Yes ___ No ___
My entire organization, including affiliates, currently receives at least one Data Feed containing Real-Time UTP Level 1 Information.	Yes ___ No ___
My entire organization, including affiliates, only receives Data Feeds containing Delayed UTP Level 1 Information. <i>If “Yes”, there is no obligation for your firm to submit this Non-Display Declaration.</i>	Yes ___ No ___

4. DECLARATION OF UTP LEVEL 1 USAGE

Please check each of the following:

a. My organization uses the data in Non-Display to facilitate the delivery of the Information to the Data Feed Recipient's Display.	Example: Delivering the data to a Display Device	Yes ____ No ____
b. My organization uses the data in Non-Display to further internally or externally redistribute the data.	Example: Data Feed distribution	Yes ____ No ____
c. My organization uses the data in Non-Display to create and /or display Multiple Security Derived Data.	Example: Creation of an index	Yes ____ No ____
d. My organization uses the data in Non-Display to create and /or display Single Security Derived Data.	Example: Creation of Binary Options, CFDs	Yes ____ No ____
e. My organization uses the data in Non-Display purposes other than those listed above.	Describe other purposes:	Yes ____ No ____

5. CATEGORY 1- ELECTRONIC TRADING SYSTEM USE

Category 1 fees are applicable when your organization's Non-Display use of UTP Level 1 Information is, in whole or in part, for the purpose of internally matching buy and sell orders within an organization. Matching buy and sell orders includes matching customer orders on your organization's own behalf and/or on behalf of its customers.

Examples of the Non-Display Electronic Trading System Use include, but are not limited to:

- Any trading in any asset class
- Exchanges
- Alternative trading systems (ATSs)
- Broker crossing networks
- Broker crossing systems not filed as ATSs
- Dark pools
- Multilateral trading facilities
- Systematic internalization systems

Does your organization use the UTP Level 1 Information for the purpose of internally matching buy and sell orders or matching customer orders within your organization, including any of the systems types listed above?	Yes ____ No ____
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Note, an organization that uses data in Electronic Trading Systems must count each Electronic Trading System that uses data on a Non-Display basis and would be required to pay separately for each Electronic Trading System. If your organization has Category 1 use, please list the names of each of your organization's Electronic Trading Systems:

System Name:	
System Name:	
System Name:	

Please check the other functions of your organization's Electronic Trading Systems:

Use of data for automated order or quote generation and/or order pegging	Yes ___ No ___
Price referencing for algorithmic trading	Yes ___ No ___
Price referencing for smart order routing, operations control programs	Yes ___ No ___
Investment analysis	Yes ___ No ___
Order verification	Yes ___ No ___
Surveillance programs	Yes ___ No ___
Risk management	Yes ___ No ___
Compliance	Yes ___ No ___
Other Non-Display Usage associated with the Electronic Trading System on Firm's Behalf not listed, please describe:	

6. CATEGORY 2- NON-DISPLAY USE ON A FIRM'S OWN BEHALF

Category 2 fees apply when an Organization's **Non-Display usage is on its own behalf** (other than for purposes of an Electronic Trading System).

Does your Organization use the Real-Time UTP Level 1 Information in Non-Display on its own behalf?	Yes _____ No _____
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If "No", please indicate if your firm conducts the following activities on your firm's own behalf.

Use of data for automated order or quote generation and/or order pegging	Yes ___ No ___
Price referencing for algorithmic trading	Yes ___ No ___
Price referencing for smart order routing, operations control programs	Yes ___ No ___
Investment analysis	Yes ___ No ___
Order verification	Yes ___ No ___
Surveillance programs	Yes ___ No ___
Risk management	Yes ___ No ___
Compliance	Yes ___ No ___
Other Non-Display Usage on Firm's Behalf not listed, please describe:	

7. CATEGORY 3- NON-DISPLAY USAGE ON CUSTOMER’S BEHALF

Category 3 fees apply when an Organization’s **Non-Display usage is on behalf of its customers** (other than for purposes of an Electronic Trading System).

Does your Organization use the Real-Time UTP Level 1 Information in Non-Display on behalf of its customers?	Yes ____ No ____
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If “No”, please indicate if your firm conducts the following activities on behalf of customers

Use of data for automated order or quote generation and/or order pegging	Yes ____ No ____
Price referencing for algorithmic trading	Yes ____ No ____
Price referencing for smart order routing, operations control programs	Yes ____ No ____
Investment analysis	Yes ____ No ____
Order verification	Yes ____ No ____
Surveillance programs	Yes ____ No ____
Risk management	Yes ____ No ____
Compliance	Yes ____ No ____
Other Non-Display Usage on Customer’s Behalf not listed, please describe:	

8. ACCEPTANCE

Submission of this Declaration certifies that the information provided by your Organization is correct and in accordance with The Nasdaq Stock Market LLC Vendor Agreement for UTP Services. Nasdaq, as the UTP Administrator for the UTP Plan, is authorized to charge the applicable fees in accordance to selections made above.

Signature:	
Print Name:	
Title:	