



**Application for Corporate Membership  
NYMEX Rule 106.J. Member Firm  
Agreement for Membership**

1. Applicant \_\_\_\_\_
2. Indicate if the memberships and CME Group Inc. shares will be purchased, assigned, or a combination.

Memberships will be:

- ☐ Purchased  
☐ Assigned  
☐ Combination Purchased/Assigned  
(check one)

Shares will be:

- ☐ Purchased  
☐ Assigned  
☐ Combination Purchased/Assigned  
(check one)

Completed applications along with the supporting documentation and the Application for Corporate Membership – Corporate Information should be submitted to:

CME Group Inc.  
Audit Department  
20 S. Wacker Drive  
Chicago, IL 60606



### **Attestation, Authorization and Agreement for Membership**

On behalf of my organization, I make this application for NYMEX Rule 106.J. Member Firm corporate membership on New York Mercantile Exchange, Inc. ("NYMEX"). I represent that my organization meets all of the requirements for NYMEX Rule 106.J. Member Firm corporate membership which is applied for.

I do hereby agree that, if my organization is accepted as a corporate member of NYMEX, it will comply with and agrees to be bound by the Bylaws, Certificate of Incorporation, Rules and Regulations of NYMEX and all amendments thereto.

I further acknowledge and agree to abide by the requirements for such corporate membership including the requirements regarding Member Firm Trading Activity of NYMEX Rule 106.J. Member Firms and to abide by CME Group Inc.'s Fee Policy Bulletins located on CME Group Inc.'s website at <http://www.cmegroup.com/tools-information/fee-policy-bulletins.html> regarding Member Firm Trading Policies. I further represent that all current and future member firm trading activity of my organization will conform to the requirements for such trading activity established by CME Group Inc.

I authorize CME Group Inc. to obtain information from sources that CME Group Inc. deems appropriate in order to adequately evaluate and process this application. I understand that any person or firm that obtains a NYMEX membership by fraudulent representations or concealment, or by any material misstatement, shall be subject to suspension or expulsion pursuant to NYMEX Rules and Regulations, as applicable.

I understand that Applicants applying for membership hereby consents to use by CME Group and its affiliates of proprietary data or other personal information regarding the Member Firm received by CME Group and its affiliates from time to time through the conduct of their businesses, including any data submitted to them to fulfill regulatory obligations, for commercial, business and marketing purposes. Without the prior consent of the applicant, CME Group and its affiliates will not reveal to non-affiliated third-parties on a non-aggregated, non-anonymized basis any of the following information that is obtained from the Member Firm to fulfill regulatory obligations: (i) personally identifiable information, (ii) detailed transaction data, (iii) position data, (iv) investigative materials, or (v) financial source documents, except (w) as necessary to fulfill its regulatory obligations, (x) as permitted by law, (y) as required or requested by regulatory authority or (z) pursuant to a valid court order, subpoena or equivalent legal instrument.

Further, I understand that in order to be eligible for membership with any of the following DCMs (Chicago Mercantile Exchange, Inc., Chicago Board of Trade, Inc., New York Mercantile Exchange, Inc., and Commodity Exchange, Inc.) applicants must ensure that their request for membership is lawfully made in accordance with the laws of the jurisdiction in which they are located. Should such a request be made unlawfully, each of the DCMs shall have the right to terminate said membership. In this situation, the sale of membership process currently described under Rule 132 of the rulebook of the Relevant DCM shall be followed.



I attest that the information provided in this Application and the Application for Corporate Membership - Corporate Information is accurate and complete. I further acknowledge that confirming inaccurate and/or incomplete information may subject me to CME Group Inc. disciplinary action and/or penalties.

Signed and accepted by a duly authorized representative of \_\_\_\_\_.  
(Applicant)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

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**Member Firm Trading Attestation**

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(NYMEX Rule 106.J. Member Firm)

The trades of a NYMEX Rule 106.J. Member Firm (“NYMEX Rule 106.J.”) may receive preferential fee rates – less than charged to non-member customers. Only the entity holding the NYMEX Rule 106.J. membership is entitled to the preferential fees on its member firm trades. The reduced fee benefit does not flow downward to 100% owned subsidiaries or to affiliates of the NYMEX Rule 106.J.

In order for NYMEX Rule 106.J. members to receive preferential fees on NYMEX trades, all member firm trading must be conducted in accordance with CME Group Inc.’s Fee Policy Bulletins on CME Group Inc.’s website at <http://www.cmegroup.com/tools-information/fee-policy-bulletins.html> for Member Firm Trading Policies.

**Requirements (Absolutes)**

A member firm trading account is evidenced through:

- The financial benefit and risk shall be solely of the member firm – only firm capital is at risk of loss.
- No non-owner traders may make any contributions or payments to the member firm or member firm trading account nor have any capital at risk in connection with their trading of the member firm account.
- All contributions by owners of the member firm are subject to risk of loss from any and all trading and business activities of the firm.
- All profits and losses of the member firm account are written off to the income of the member firm and are taxed to the member firm in accordance with IRS regulations.
- All trading must be done in member firm trading accounts held in the name of the NYMEX Rule 106.J.

Further, NYMEX Rule 106.J. trading activity must be conducted by traders including operators/administrators of Automated Trading Systems (“ATS”) that are:

- Bona-fide W-2 employees (or equivalent W-2 of a foreign jurisdiction) of the NYMEX Rule 106.J.; or
- Independent contractors and other self-employed individuals who maintain at least \$250,000 in holdbacks whose total compensation (that is, all compensation) is reported on a IRS Form 1099-MISC (“1099-MISC”) (or equivalent document of a foreign jurisdiction) and/or on an IRS Form 1099-B (“1099-B”) of the NYMEX Rule 106.J.; or
- Owners who maintain at least \$250,000 in bona-fide capital and holdbacks; or
- Individual equity members of NYMEX trading within their division of membership; or
- Registered Commodity Trading Advisors (“CTAs”), exempt CTAs under CFTC Regulations 4.14(a)(4), 4.14(a)(8)(i)(D) or 4.14(a)(10), and Investment Managers authorized by the Financial Conduct Authority (“FCA”).

All NYMEX Rule 106.J. traders must be assigned unique trader IDs, those IDs and the associated NYMEX Rule 106.J. trader must be appropriately registered in CME Group Inc.’s Exchange Fee System and all Globex trades (orders) must be identified with the registered ID of the trader executing the trade.

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In addition, NYMEX Rule 106.J. trading must meet the following requirements:

- Traders cannot be responsible for losses beyond their share of profits earned and maintained in the account which have not yet been distributed to the trader.
- The firm must be allocated both a portion of the profits and losses of the member firm account.
- The profit split on agreements with any trader, including owners acting as traders, may not exceed 80/20 (i.e. 80% to the trader/20% to the firm).
  - For member firm trading conducted by a team of traders, the profit split to the team in total may not exceed 80/20 (i.e. 80% to the trader team/20% to the firm).
  - Further the 80% limit on profit splits to a trader or team of traders includes any individual who has a specific interest in its profitability including those involved in the training/supervision of the account(s) and/or trader(s).
- Non-owner traders cannot leave their share of profits in the firm for greater than 24 months without becoming an equity owner.
  - Non-owner trader's share of capital in an account may not exceed the trader's share of net profit/loss in the previous 24 month period.
  - If a trader leaves their share of any profits in the account for greater than 24 months, they must become an equity owner.
- The firm is prohibited from:
  - Setting minimum account balances for its traders.
  - Charging margin on positions to traders.
  - Charging fees on draws taken by traders.
  - Requiring or accepting security deposits from its traders

**Best Practices**

CME Group Inc. recognizes that certain business practices may be utilized when conducting customer business as well as member firm trading activities. The Best Practices were established to allow member firms to utilize certain business practices (most not allowed in the past) which are generally prohibited. In order to do so, the member firm must clearly demonstrate to CME Group Inc. their application of these non-compliant practices is not inconsistent with CME Group Inc.'s goal of providing member fees only for member firm trading activity. Such practices will be reviewed individually and in the aggregate in relation to the firm's entire trading activities and operation.

Review of such non-compliant practices will reflect the following key principles of CME Group Inc.'s member firm trading policies. First and foremost, the trading activity eligible for member fees must be conducted for the account and sole benefit of the member firm itself. The trading activity of individual customers/traders conducted in the name of the firm is not eligible for discounted member firm fees in order to prevent arcade type trading under the guise of member firm trading and to prevent the "selling" of member firm rates. Further, a member firm may only profit/benefit from the member firm trading activity through the performance of the trade and not from any other source such as a commission or charge for trade execution.

Non-compliance with the Best Practices below is generally prohibited as it is indicative of arcade type trading, the selling of rates, and/or profiting from sources other than the performance of the member firm trade. As such, while the Best Practices are not absolutes as the Requirements are, any non-compliance of the Best Practices will be carefully reviewed with

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the burden of responsibility on the NYMEX Rule 106.J. to clearly support and demonstrate to CME Group Inc.'s satisfaction that the trading is of the NYMEX Rule 106.J. itself. Under limited circumstances in reviewing the totality of the NYMEX Rule 106.J.'s trading operations and the violative practice(s), CME Group Inc. may deem the NYMEX Rule 106.J.'s trading activities in accordance with CME Group Inc.'s policies for NYMEX Rule 106.J. trading activity that is eligible for equity member fees. **Please check the box next to each practice which you do not comply with regarding your member firm trading:**

- ☐ The firm may not charge interest on debit balances to traders nor may it pay interest on credit balances to traders except where an options trading strategy is utilized in which interest on the premium is a key component of the overall profitability of the strategy.
- ☐ The firm may not pay interest on holdbacks where holdbacks are permitted.
- ☐ The firm may not pay interest on capital contributions.
- ☐ The firm may not allocate expenses to trades or traders in excess of actual direct and indirect expenses of the individual member firm trades or traders. Only actual expenses incurred may be allocated – a mark up on expenses is not permitted. Further, opportunity costs may not be allocated. NYMEX Rule 106.J. must maintain and provide adequate supporting calculations and documentation of such allocated expenses and their reasonableness.
- ☐ A firm may not charge a fee for capital usage to individual traders of the member firm's accounts.
- ☐ A firm may not charge a fee for the cost of capitalizing the firm (and thus the member firm's trading accounts) to individual traders.
- ☐ Individual owners and investing LLCs (as permitted) of a NYMEX Rule 106.J. may not have a specific interest in the profitability of a NYMEX Rule 106.J. account or group of accounts other than a NYMEX Rule 106.J. account that the individual owners or owners of the investing LLC trade or provide direct supervision/training to.

I represent that all current and future member firm trading activity of the NYMEX Rule 106.J. receiving preferential clearing fee rates will conform to the requirements for such trading activity established by CME Group Inc.

I attest that the above information is true and correct. I further acknowledge that confirming incorrect information may subject me to CME Group Inc. disciplinary action and/or penalties.

Signed and accepted by a duly authorized representative of my organization.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



**MEMBER FIRM**  
**DESIGNATED SPOKESPERSON AND AUTHORIZED SIGNOR ACKNOWLEDGEMENT**

CME Group Inc. requires that member firms designate a representative who shall be authorized to deal with the Exchanges with respect to the membership owned or leased by the firm and who shall be authorized to represent the member firm before the Exchanges. Such authorized representative shall be responsible to the Exchanges as if such person was a member as defined by Rule 400.

Member Firm Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Country \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Tax I.D. # \_\_\_\_\_

Email Address\* \_\_\_\_\_

**Name and Signature of Officers Authorized to act on behalf of the firm:**

Name (please print)	Signature	Designated Spokesperson	Authorized Signor
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\*General Correspondence will be sent electronically.