

Promotional Material Filing System Webinar
August 14, 2018
11:00 AM EDT

Christie Hillsman: Good morning, everyone. Welcome to the launch of NFA's new Promotional Material Filing System. My name is Christie Hillsman, Communications Manager at NFA.

Derek Janik: And I'm Derek Janik, Compliance Manager at NFA.

Christie Hillsman: This morning, NFA launched its new Promotional Material Filing System, which will streamline the process of submitting promotional material for NFA's review. Before we begin talking about the Promotional Material Filing System, I want to share a few notes.

First, although you are able to hear us today, you will not be able to ask questions verbally. To ask a question, locate the box labeled "Ask a Question" on the left side of your webinar screen. Please type the question you would like to ask into the box and press send. We are able to see questions as they are submitted. You can submit your questions now or at any time during this webinar. We will begin answering questions at the end of our remarks.

Additionally, a recording of this webinar, along with a written transcript, will be on NFA's website in the coming weeks. So no need to take detailed notes throughout this presentation.

And now, I'll turn it over to Derek to give background on this project and introduce the system.

Derek Janik: Thanks, Christie. As Christie said, today we launched NFA's new Promotional Material Filing System. As you may know, previously, firms submitting promotional material for review to NFA were required to submit via email or regular mail. With the new Promotional Material Filing System, firms will now be able to file their submissions electronically on NFA's website.

In addition to providing ease of electronic submission, the new filing system will allow firms the ability to seamlessly track their promotional material submissions through the entire review process. Firms will have the ability to access correspondence and communicate with reviewers through the system. Finally, firms will have the ability to access previously filed promotional material for reference.

And now, I'll walk you through how to use the Promotional Material Filing System. To access the Promotional Material Filing System, click the Electronic Filing Systems link at the top of any page of NFA's website. You will arrive on the Electronic Filing Systems page. To access a list of systems, click on your firm's member category and then in the list that appears, click "Promotional Material Filing System." For the sake of demonstration, I'll select a CTA Member category. The system landing page for the Promotional Material Filing System includes information about the purpose of the system, as well as information about system requirements.

To enter the system, click the "Access the System" button. You'll then be taken to a login page where you will enter your EasyFile credentials. Once you've entered your username and password, click "Log In" to enter the system. Please note that in order to access the Promotional Material Filing System, your firm's security manager must provide you the necessary permissions to file promotional material. If you attempt to log into the system

but do not have the necessary permissions, you'll receive a message requesting that you contact your firm's security manager. Upon entry, you'll arrive at this page, which offers details about using the system. To continue, click "Next."

This is the Promotional Material Filing Index. Note that the Filing Index will be blank when you enter the system for the first time. Going forward, all filings made through the system during the previous three years will appear in the Filing Index. From here, you will be able to submit a filing, submit revisions to previous filings, delete in-progress filings, continue submission of incomplete filings and track the status of previously submitted filings.

Please note that any submissions that were filed via email prior to the launch of this system will not appear in this index and will continue to be handled via email through completion. Going forward, all new submissions must be made through the system.

Now, I'll walk you through how to submit a filing. Before beginning a filing, be sure to have a copy of all promotional material being filed on hand as you'll need to reference it throughout the filing process. To submit a new filing to NFA, click the "File Promotional Material" button.

You'll then see a popup requesting that you confirm you're submitting a new filing. If this is not the case, and instead you're submitting a revision to a previous filing, you'll have the option to click "Return to Filing Index." Once back at the Filing Index, you will be able to select the option to file a revision. Here I'm going to file a new submission. To move forward, click "Continue."

Next, you will be presented with a series of reasons for filing promotional material: voluntary pre-preview, post-review, Rule 2-29(h) or 2-36(h) review, or a Rule 2-29(j) review. In the system, you'll find a brief description of these different types of filing options for easy reference. For additional details on each of these types of filings, click the question mark icons next to each button.

For the sake of demonstration, I will select the voluntary pre-review filing type, which should be used if the promotional being submitted for review has never been used previously. Upon selecting the type of promotional material you are submitting, you'll arrive at the Contact Information form. Contact information should be provided for the individual who will be the primary firm contact during the review process. This form will be automatically populated with the contact information of the person submitting the filing, but it can be changed to someone else if you prefer. Fields marked with an asterisk are required. Complete this form and click "Next."

Next, you will be asked to provide general information about the promotional material you are submitting such as the name of the piece, the date of its intended first use, and the products that are being offered. Since we are selecting to submit promotional material for voluntary pre-review, the date of intended first use should be at least 14 days in the future. Complete the fields that appear and then click "Next."

You will then be required to provide a brief description of the promotional material you are submitting, along with the type of material such as a PowerPoint presentation or a social media posting, as well as the method of delivery such as an in-person presentation or a social media platform. Again, complete the fields that appear and then click "Next."

Next, you'll attach your promotional material files. To attach a file, click "Add" under the appropriate material type. The system accepts most commonly used text, image, audio, video and other file types. For example, if I were submitting a PowerPoint presentation, I would click "Add" under "Documents" and upload the file. If the file you

are attempting to attach is too large, click the "File is too large to attach" checkbox. NFA will contact you with further instructions on how to submit the file. If you are submitting a website or a social media profile for review, the system also provides you the ability to submit web addresses or social media usernames. Once you've uploaded your files, click "Next."

Finally, you'll arrive at a summary of your filing, which contains all the information you've input. Here you will review and confirm that the information is accurate by clicking the "Submit Filing" button at the bottom of the page. If you need to edit any information you've input, click the "Edit" icon in the right-hand column. If a red X appears in the right-hand column, this indicates that information is missing and must be addressed prior to submission. Clicking the icon to the left of the red X will take you back to the applicable section for completion.

Upon submission, you will receive a notification that your submission has been received by NFA. The notification will include a matter reference number for the filing. At this point, you may click on the "Filing Index" button to return to the Filing Index where you can see your filing reflected.

Upon submission, the filing is automatically assigned to NFA staff for review. The length of the review process depends on the type of material you have filed. For example, the material filed for pre-approval will be reviewed within 10 calendar days of receipt, and materials submitted for voluntary pre-review will be reviewed within 14 calendar days of filing. Review of material filed under the post-review option may take longer, depending on the size of the filing.

Once the material is reviewed, you will receive an email notification alerting you to check the Filing Index in the system. There, under the applicable filing, you will see either correspondence from NFA indicating that the firm can use the material or a comment letter outlining deficiencies noted by NFA that must be corrected prior to use. To access the correspondence, click the plus icon to the left of the filing status.

In order to file a revision in response to comments issued by NFA, or to amend a filing that was previously submitted, click the "File a Revision" button that appears in the index. You will then be asked to provide a reason for the revision. Upon submitting a reason and clicking "Next," you will be taken to the attachments page where you can upload any revised material and update any other information related to the filing. To submit the filing, continue to the Summary page. Once NFA receives the revision, staff will review the material.

Please note that you will not be able to delete any previously submitted material. If, after receiving notification of a comment letter, you decide to no longer use previously submitted material, you must notify NFA by clicking the "File a Revision" button and uploading a letter representing that the material will not be used. Once the letter has been reviewed by NFA staff, the Filing Index will reflect that the filing has been withdrawn.

Also note that you have the ability to send a message to NFA staff at any time during the review process by clicking the "Send Message" button, which is available in the Filing Index. By clicking "Send Message," you can enter your email address and a message for the NFA staff who are reviewing your submission. Once review of a submission is complete and correspondence has been issued, this button no longer appears.

Christie Hillsman:

This concludes the prepared portion of our webinar. Throughout this discussion, we've received a couple of questions, which we will answer now. Please note that we will answer as many questions as we can in the time remaining, and should we not get to your question, an NFA staff member will respond to you via email.

Our first question is, "In light of the new system, will target turnaround times be shortened?" Derek, can you answer that for us, please?

Derek Janik: Generally speaking, the target turnaround times would not change as a result of the new system. I think the hope is that there would be a little bit less back and forth because we'll be receiving more information through the system. But the traditional turnaround time would generally remain the same.

Christie Hillsman: Great. Thank you. And it looks like at this point we have just one more question, and that is, "Does this include websites?" So presumably, should members be submitting websites for promotional material review via this new system? Derek, can you answer that as well, please?

Derek Janik: So, in terms of the actual submission itself, if for some reason you're required to submit a website, or you wanted to submit a website for pre-review, yes, it would still be -- or it would be conducted through the new system. And actually on the Attachments page, you have the option either of submitting it either as a document, as an actual file itself, or you now also have the option of simply submitting the website link, along with a username and password. So that would all be done through the new system, too.

Christie Hillsman: Great. Thanks, Derek. And it looks like a couple more questions just came in. So our next question is, "Has anything changed with regard to filing requirements?" So in other words, is filing promotional material still voluntary unless it's the result of some kind of disciplinary action?

Derek Janik: No, there hasn't been any changes to the requirements. The only change to the requirement is that things would be filed through the new system. But you still -- unless you're required to file, you wouldn't have to file everything with us, no.

Christie Hillsman: Great. Thanks, Derek. Our next question is, "For revised promotional material that's submitted, will a new reference number be given?"

Derek Janik: If it's a revision in response to a comment letter, no, there would not be a new reference number. We continue to use the old reference number. When we say revision, if what we're saying is sort of a new version or an updated version of an old piece, then if we had accepted a piece or issued a no comment letter for a piece, and you submitted an updated version to that piece to us, then that obviously then would have a new reference number.

Christie Hillsman: And our next question is, "Is promotional material defined as marketing materials for derivatives, futures, swaps, et cetera?" So really just can you provide a little bit of definition information about what promotional material constitutes.

Derek Janik: In terms of a definition, you'd actually want to go to NFA's rulebook to 2-29 where it actually defines promotional material. So that would actually give you a better guide as to kind of what would or would not constitute promotional material.

Christie Hillsman: So next we have kind of a follow-up question about our previous website-related question. With regard to websites, if a member is looking to submit a website that's still in preparation but needs to be kept locked to outside visitors, would it be possible to send a link to that website, as well as a password to access that under construction website, in an attachment?

Derek Janik: Yeah. Like I've said previously, so the system is set up such that if you wanted to submit a link to us, you can actually submit it with a username and password. So you can keep that locked down, but still provide us that sort of unique username and password to

provide us access to it. Or also like I said, you could always turn it into a file and submit it as a file as well, so you have the option there.

Christie Hillsman: Great. Thanks, Derek. Our next question is, "Under what registration type is a guarantor FCM to submit material that's being submitted on behalf of one of its guaranteed IBs?"

Derek Janik: In terms of submission requirements, to be honest, that's a little bit kind of outside the scope of the system. You'd want to get a little bit more specific information. Maybe you'd want to contact NFA's Information Center for your specific requirements, because different firms may have different requirements. So I think it's kind of difficult to answer here, what sort of requirements would apply to you specifically.

Christie Hillsman: Our next question is, "What type of promotional material is in scope here? So is this system limited to the use of media?" If you can just speak a little bit to that.

Derek Janik: I'm not sure I really understand the question. Can we get more detail on that?

Christie Hillsman: If the submitter would like to submit an additional question, please feel free to do that at this time. And if you don't submit it by the end of this webinar, we can follow up with you after the fact via email.

Our next question is, "Is the system available for use today?" And I can answer that. Right now, the system is actually up and available for use. So feel free to make sure that you have security to access the system and then go ahead and jump in.

Our next question is, "Will this webinar be available online?" And yes, a recording of this webinar will be online immediately following the end of this webinar, and additionally, we will have a transcript posted to our website in the next several weeks or so.

And our next question is, "Does the new system have the ability to upload mp3 and mp4 files?"

Derek Janik: Yes, it does.

Christie Hillsman: And I think at this point, all of our questions are somewhat firm-specific. So we, again, we'll go ahead and follow up with firms offline after the end of this webinar.

So at this point, I'd like to thank all of you for your participation today. And we hope that you find the material that we've provided today to be helpful, as well as the new system, we hope that you like it. If you have any questions about filing promotional material or the new system, again, please don't hesitate to contact us. Our contact information is available on the screen.

And then to close, I'd just like to remind everybody that, again, you'll be able to access a recording and a transcript of today's webinar on NFA's website. And additionally, recall that we'll follow up with you via email if we didn't get a chance to answer your question today. Thanks again for participating in today's webinar.