**Data Recipient Application and Terms and Conditions**

*Please provide below information in connection with your application for supply of Data from Omega Securities Inc. Where there is insufficient space for your response, please include a separate attachment. Receipt and delivery of data by Omega to you is governed by the Standard Terms and Conditions which can be found at* [*http://omegaats.com/wp-content/uploads/2019/09/Omega-Data-Supply-Agreement110458273.14.pdf*](http://omegaats.com/wp-content/uploads/2019/09/Omega-Data-Supply-Agreement110458273.14.pdf)

*(“Standard Terms”). The Standard Terms may be amended from time to time by Omega.*

***Where Data Recipient’s registered address is in Canada, as set out below, the fees are denominated in Canadian dollars; for all other Data Recipients, the amounts below are denominated in US dollars. Similarly, the fees payable by Data Recipient to Omega in respect of Data Recipient’s Subscribers domiciled in Canada are denominated in Canadian dollars and, in respect of other Subscribers, are denominated in US dollars****.*

*Part I—General*

1. **Legal Name, Address and Contact Details:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Name | Email | Address | Phone |
| Primary Contact |  |  |  |  |
| Billing Contact |  |  |  |  |
| Reporting Contact |  |  |  |  |
| Signing Authority |  |  |  |  |

1. **Will Data be distributed to your Affiliates:**

**“Affiliate” means any person or entity that controls, is controlled by or under common control with another person or entity provided that such person or entity is also listed below.**

No  Yes

If Yes, please list the Affiliates:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Type of data subscribed for (all subsequent references to “Data” in this application form and the *Standard Terms and Conditions set out in Exhibit A (Standard Terms) means the data subscribed for below)*:**

Level 1 Omega Data

Level 2 Omega Data (includes Level 1 Omega Data)

Level 1 Lynx Data

Level 2 Lynx Data (includes Level 1 Lynx Data)

1. **How will the Data feed be accessed by Data Recipient? (Select all that apply)**

TMX Information Processor

Directly from Omega

Other distributor- please specify: ­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Data Feed Access Fee (fees applicable by location)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *Per location* | *Omega Level 1* | *Omega Level 2 \** | *Lynx Level 1* | *Lynx Level 2* |
| *Primary Data Feed* | $450 | Fee Holiday | Fee Holiday | Fee Holiday |
| *Additional Data Feed* | $150 | Fee Holiday | Fee Holiday | Fee Holiday |

\* Fee holiday for Omega Level 2 Data only applies if Omega Level 1 Data is subscribed for.

1. **Will any Service Facilitators be used?**

Yes

If Yes, please identify the Service Facilitators to be used:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

No

***“Services Facilitator” means a third party that is utilized by Data Recipient to connect and transmit Data by way of market data feed distribution. E.g. network connectivity provider***

1. **Description of Data use by Data Recipient (including, if applicable, its Affiliates).**  (*Please include both a text description and a diagram indicating data flows, systems description and data entitlement systems (as separate attachments if required). Please indicate locations where data feed is received, if applicable.)*:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**System Diagram:**

*Part II - Data Use*

1. **Distribution of Data by Data Recipient: (*check all that apply)***

Data Recipient is required to report all usage of Data (see attached sample report) in accordance with the Standard Terms.

1. Internal

No  Yes

***“Internal” means receipt of Data and subsequent distribution of such Data by the recipient only within such recipient’s organization and its Affiliates.***

1. External  
     
    No  Yes

If Yes, will Data Recipient engage in:

Controlled Distribution – Data Recipient provides Data to a person or entity (including through any device, machine, system, equipment, computer or application) and controls the entitlements and display of the information to such person or entity.

Uncontrolled Distribution—Data Recipient provides Data to a person or entity (including through any device, machine, system, equipment, computer or application) other than by way of Controlled Data Distribution, including via data feeds. Each recipient of Data by way of External Uncontrolled Distribution is considered a “Data Recipient” and must have entered into an agreement with Omega such that it shall have all of the obligations of a Data Recipient under the Standard Terms upon entering into an agreement directly with Omega.

Data Recipient is required to report all usage of Data (see attached sample report) in accordance with the Standard Terms.

***“External” means the delivery or distribution of Data that is not Internal*.**

|  |  |
| --- | --- |
| Uncontrolled Distribution Fee (The fee applies to each Omega market data feed delivered, by location, to the redistributor): | |
| *First Instance* | *Each Additional Instance* |
| $225 | $125 |

1. **What are all the expected uses of Data by Data Recipient and/or its Affiliates: (*check all that apply)***
2. Display only

Display

|  |  |  |
| --- | --- | --- |
| *Display fee* | *Omega* | *Lynx* |
| *Level 1* | $8.00 | Fee Holiday\* |
| *Level 2* | Fee Holiday \* | Fee Holiday\* |

\*Fee Holiday for Omega Trading Usage Level 2 only applicable if subscribing for Omega Trading Usage Level 1.

***“Display” use refers to where Data is displayed visually on a device (e.g. a data desktop application, desktop trading application, etc.) for a human user.***

1. Non-Display use: (*check all that apply)*

N/A

Trading usage (use in applications that generate order or order recommendations in an automated or semi-automated manner including, without limitation, smart order routers, execution algorithms, arbitrage strategies and market making strategies).

|  |  |  |
| --- | --- | --- |
| *Non-display use fee (per legal entity)* | *Omega* | *Lynx* |
| *Trading Usage Level 1* | $650 | Fee Holiday |
| *Trading Usage Level 2* | Fee Holiday\* | Fee Holiday |

\*Fee Holiday for Omega Trading Usage Level 2 only applicable if subscribing for Omega Trading Usage Level 1.

Analysis usage (use in analysis programs or applications that may lead to or contribute to purchases, sales or other trading decisions including, without limitation, risk management systems, storage of Data for historical data testing purposes and calculation of derived Data and includes access or use by machines or automated devices that are not solely for display to human users)

|  |  |  |
| --- | --- | --- |
| *Non-display use fee (per legal entity)* | *Omega* | *Lynx* |
| *Analysis Usage Level 1 or 2* | $300 | Fee Holiday |

***“Non-display” use refers to all use other than Display use, including by an application that is not primarily for display use and is used for trading or analysis purposes.***

***You do not need to answer question 9 below if Data distribution by Data Recipient is only Internal.***

1. **Identify those who receive or are proposed to receive Data from Data Recipient by way of External Uncontrolled Distribution:**

|  |  |
| --- | --- |
| **Name:** | **Contact name and information** |
|  |  |
|  |  |
|  |  |
|  |  |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The signatories of Data Recipient below, certify for and on behalf of Data Recipient, that the information provided above is true, correct, accurate and complete in all material respects. Data Recipient hereby submits such application for receipt of Data and agrees that (i) it is bound by the Standard Terms and Conditions set out at <http://omegaats.com/wp-content/uploads/2019/09/Omega-Data-Supply-Agreement110458273.14.pdf> (ii) it will comply with such terms and conditions upon acceptance of such application by Omega; and (iii) it is liable for the applicable fees set out above.

**DATE**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

|  |  |
| --- | --- |
| DATA RECIPIENT: | |
| By: |  |
|  | Name: |
|  | Title: |
|  |  |
| By: |  |
|  | Name: |
|  | Title: |

The application by Data Recipient is accepted subject to the Standard Terms and Conditions set out **in**  <http://omegaats.com/wp-content/uploads/2019/09/Omega-Data-Supply-Agreement110458273.14.pdf>

on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

|  |  |
| --- | --- |
| OMEGA SECURITIES INC. | |
| By: |  |
|  | Name: |
|  | Title: |
|  |  |

Exhibit A:

Sample reporting template

