



\*\*\*\*\*

## **S-E-T Call Center Announcement → TO "SET FEED (Equity) members"**

**Notification: Non-Display Usage Policy**

**11 June 2014**

**Please CC: All Staffs Concerned**

### **Highlights: To inform the Non-Display Usage policy**

Dear SET FEED (Equity) members,

SET would like to announce a new policy for Non-Display Usage of SET-Equity real-time market data. This new policy will take effect from **1 October 2014**. Under this new policy, the person who access and use SET's Equity real-time market data for non-display usage will be required to enter into a Non-Display Usage agreement (which would be available by August 2014) with SET ("**Agreement**") and subject to pay SET the Fee (if applicable). The following are the details of the new policy.

Please note that the current variable end user fee or terminal fee for display usage shall continue to be valid and not affected by this Non-Display Usage policy.

### **Details of Non-Display Usage**

#### **1. Definition**

- 1.1 **Non-Display Usage** means the use of SET's Equity real-time market data for non-display usage
- 1.2 **Subscriber** means the following person who subscribes to Non-Display Usage:
  - a) **SET's data vendor** who receive SET-Equity real-time market data directly from SET's market data system or indirectly from SET's data vendor;
  - b) **Licensed End-user** who has a contract with SET and is allowed to receive the SET-Equity real-time market data directly from SET's market data system;
  - c) **SET's data vendor's clients** who subscribe and receive the SET-Equity real-time market data service from SET's data vendor.
  - d) Any other persons other than those stipulated above, subject to approval by SET on a case by case basis
- 1.3 **Fee** means the fee payable by the Subscriber to SET for Non-Display Usage as specified in this policy or to be announced by SET from time to time

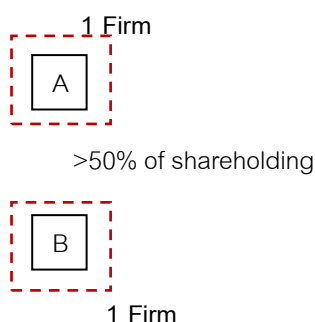
#### **2. Grant of Non-Display Usage**

Subject to section 5 below, any person who wishes to be granted to Non-Display Usage will be required to pay Fee and enter into the Agreement with SET.

### 3. Type of Subscription

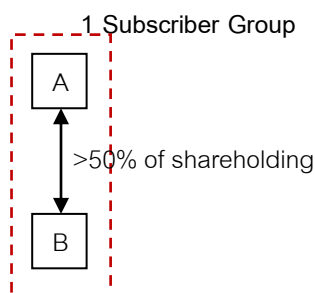
#### 3.1 Firm

Under this type of subscription, each legal entity shall be counted separately for the purpose of determining the total number of Non-Display Usage accounts. For avoidance of doubt, affiliates and subsidiaries are considered separate legal entities.



#### 3.2 Subscriber Group

Under this type of subscription, a group is considered as one account of Non-Display Usage. A group must consist of affiliate companies, and clearly detailed in this agreement as belonging to the same group.



For avoidance of doubt, the term "**Affiliate(s)**" means the company which is directly or indirectly controlled by the Subscriber, which directly or indirectly controls the Subscriber. A control is, in particular, deemed to exist in the event of a shareholding of 50 percents or more of the issued share capital, or, at SET's sole discretion.

### 4. Fee

The Fees charged for Non-Display Usage are calculated based on the type of subscription (Firm or Subscriber Group) and the categories of Non-Display Usage (either section 5.1, 5.2 or 5.3, or all of them).

### 5. Non-Display Usage Categories

5.1 **Automated Trading Application** or those applications utilized in the front office that are deemed to be revenue generating: any application that accesses SET-Equity real-time market data for automatic calculation, processing and analysis, and that application will determine the quantity,

price and timing of order execution, will be regarded as an **Automated Trading Application**, including program trading, market making application, basket trading application, order routing application, execution algorithms application, etc.

The Fees charged for the use under this category are as follows:

- a) In case of subscribing as **Firm**: The Fee is THB 80,000 per month per Firm.
- b) In case of subscribing as **Subscriber Group**: The Fee is THB 160,000 per month per Subscriber Group

Note: Effective from 1 October 2014 until 31 December 2015, such Fee will be decreased to THB 50,000 per month per Firm or THB 100,000 per month per Subscriber Group.

5.2 **Other application**: the Subscriber who subscribes to Non-Display Usage for the purpose of funds administration, risk management, portfolio valuation, or quantitative analysis will be subject to the Fee of THB 2,000 per month per Firm or THB 5,000 per month per Subscriber Group.

5.3 Any person who wishes to use Non-Display Usage for Index creation, the pricing of financial products or activities such as spread betting must obtain the prior written permission of SET. For any further information, please contact SET's Information Service Department.

However, SET reserves its right to determine whether any activity constitutes "pricing of financial products"

5.4 Any person who wishes to use Non-Display Usage to create any Derived Data for any other purposes mentioned in 5.1- 5.3 above must obtain the prior written permission of SET. The Fee may be waived for the use of Non-Display Usage under this category within 31 December 2015.

Please note that the separate Agreement may be required for the use under this category.

Note: "Derived Data" means any data created by processing SET's Equity real-time market data with or without other data in such a way that the underlying SET market data cannot be identified, recreated or re-engineered from the data as processed.

## 6. On-site Audit

SET, its officer, its employee, its third party auditor or its agent has the right to audit or inspect the premises, internal system and records of the SET's Data Vendor, Licensed End user and Data Vendor's clients, in order to ensure that they do not use the Non-Display Usage without authorization.

In case SET found that SET's market data is being used, without authorization, by the above mentioned person for Non-Display Usage, SET has the right to charge such person for the Fee and interest (15% per annum), and the Audit's fee as well.

## 7. Non-Display Usage implementation

7.1 For every and all SET's Data Vendor, Licensed End user and Data Vendor's clients, please complete the Non-Display Usage Disclosure Form (as shown in appendix 1) and send it to SET-Information Services Department via email: [infoproducts@set.or.th](mailto:infoproducts@set.or.th)

7.2 SET's Data Vendor, Licensed End user, Data Vendor's clients or any other person (as stated in 1.2 d)) who wished to be granted to Non-Display Usage will be required to enter into the Agreement with SET and subject to pay Fee to SET directly.

Please note that the Agreement will be available by **August 2014**.

7.3 SET's data vendors are responsible to complete the followings:

7.3.1 notify their clients about the Non-Display Usage policy in writing;

7.3.2 ensure that their clients complete and return the Non-Display Usage Disclosure Form to SET; and

7.3.3 (if applicable), ensure that their clients enter into the Agreement with SET.

7.4 SET reserves the right to request SET's Data Vendors to stop supplying the SET's market data to their clients who fail to submit the Non-Display Usage Disclosure Form, to subscribe to Non-Display Usage, or to pay Fee for such Non-Display Usage.

## 8. Other conditions

8.1 The Fee stated in this Notification is only applicable to the use of **SET-Equity real-time data** for Non-Display Usage.

In case of the use of 15 minutes (or more) delayed data or end of day data for Index creation or pricing for Financial Products, please note that the separate Agreement and fee may be required, please contact SET-Information Services Department for the details.

8.2 For more information, please contact Information Services department  
Email: [infoproducts@set.or.th](mailto:infoproducts@set.or.th) Tel: + 662 229 2489-91

8.3 SET reserves the right to change any information in this Notification at any time with prior notice.

Please kindly be advised that any queries or information are hereby welcomed at S-E-T Call Center via E-Mail address at [SETCallCenter@set.or.th](mailto:SETCallCenter@set.or.th) or Tel: + 662 229 2222 press 2.

.....

**Appendix 1: Non-Display Usage Disclosure Form**

**Non-Display Usage Disclosure Form**

Date .....

**To: SET's Information Services Department**

We, Mr./Mrs./Miss .....  
on behalf of (company)..... ("User")  
Address.....  
.....  
Tel ..... Fax ..... E-mail .....  
would like to inform the information relating to Non-Display Usage as below:-

1. Type of User

- SET's data vendor
- Licensed End-user
- SET's data vendor's client
- Others.....

2. Source of data ( via SET FEED -Equity system or SET's data vendor, please specify each source)

- 2.1 .....
- 2.2 .....
- 2.3 .....

3. Use of Non-Display Usage:

- Yes (Please complete section 5 – 7 below)
- No

4. Type of data: **SET –Equity market data**

5. Data frequency:  Real time  Delayed 15 minutes or more  End of day

6. Non-Display Usage categories:

a) Automated Trading Application

b) Others application (For the purpose of funds administration, risk management, portfolio valuation or quantitative analysis)

(Please specify).....

c) Index creation or pricing for financial products

d) Derived Data for any purpose other than a) , b) and c)

Please specify in details.....

7. Reception point: (please provide the address of your nominated reception point

.....

**We hereby certify that the information provided in this Non-Display Usage Disclosure Form is true and correct.**

Yours faithfully,

( )

Position.....

---