

# **AFFILIATE PROGRAM: MARKETING AND DISTRIBUTION GUIDELINES AND RULES**

---

Capital Com Australia Limited  
AFSL: 513393

## 1. Introduction

Capital Com Australia Limited ('we', 'our', 'us', "CCAU") is a company registered in Australia and regulated by the Australian Securities and Investments Commission (ASIC) as an Australian Financial Services Licensee (AFSL: 513393). Our contact details are as follows:

<b>Website:</b>	www.capital.com
<b>Address:</b>	Level 34, 120 Collins Street, Melbourne, 3000

## 2. Purpose

These Marketing and Distribution Rules ("Rules") have been prepared to ensure that all our Affiliates are made aware of our regulatory obligations and adhere to the laws and regulations that apply to us. As an AFS Licensee, we have a general obligation to act *efficiently, honestly, and fairly*. These Rules should be read in conjunction with the Affiliate Agreement.

**Non-compliance with these Rules will be considered a material breach of your contractual obligation under the Affiliate Agreement and will not be tolerated under any circumstances.** We reserve the right, amongst other recourse we might have, to immediately suspend your participation in the Affiliate Program if you are found to be in breach of these Rules.

## 3. Target Market

From 5 October 2021, Affiliates will need to be familiar with our Target Market Determination ("TMD") which is available on our website. This TMD applies to **retail clients** only.

## 4. Countries

Capital Australia does not offer its services to residents outside of Australia or to residents of the US for tax purposes.

## 5. Monitoring

Affiliates will be subject to ongoing monitoring. This may include ad hoc reviews of your website and/or platforms and/or quarterly or annual reviews (as determined by us) with or without notice to you. If we detect any breach of these Rules, we will immediately instruct you to rectify the breach and take further steps as may be deemed necessary.

# MARKETING AND RULES

Please also take note that regulatory bodies have staff who monitor financial promotions and any use of the CCAU trading name by a partner. The regulators may contact us and demand immediate withdrawal of certain material to which we have no alternative but to comply. Furthermore, regulatory bodies may present additional requirements or rules to those set out herein and in such a case, these Rules will be updated, and Affiliates will need to always comply with the updated Rules.

### **Additional information collecting and reporting requirements**

As part of the process of monitoring and reviewing we will send you a letter to request and ask you to provide the following or to confirm the following information to us on a quarterly basis, within 10 business days of the end of each calendar quarter – i.e., on 31 March, 30 June, 30 September and 31 December, each year:

- Complaints data – information about any complaints you may have received relating to Capital Com Australia including the number of complaints received (where applicable);
- Updates of marketing material that is still in circulation (we will record this internally and get you to confirm);
- Consumer feedback (including regarding performance of the product);
- Requests for information about us that you may have received from clients;
- Percentage of leads who are not in the target market (we will record this and get you to confirm);
- Volume of sales (if applicable); and
- Web analytics.

### **6. Platforms**

You are only permitted to promote our business via platforms or other sources which have been reviewed and pre-approved by us.

**This is important because when you receive approval, it is granted on the basis that your distribution is in line with our distribution conditions and is reasonably likely to reach our target market.**

If you would like to introduce additional platforms, you must submit a request in writing which we will require our prior review and approval. Please note that you are obligated to notify us about any changes that you intend to make in marketing on your platform(s) i.e., if your content is no longer likely to attract consumers who are within our target market, you may be required to remove content that relates to us.

## 6. Marketing Guidelines

CFD trading is a regulated activity and consequently, all your promotional content must be **fair, clear, not misleading**, and must comply with all associated requirements mentioned in these Rules. For your convenience, below is a guideline of the main rules that any marketing on your channel(s) should adhere to:

a) Returns, features, benefits and risk	<p>All statements made must be balanced, therefore if you mention potential profits, you must also mention potential losses.</p> <p><b>Do not create the impression that the product has little to no risk.</b></p>
b) Risk warnings, disclaimers, qualifications and fine print	<p>Always add a risk warning for e.g:</p> <p>"Trading on margin is high risk. Refer to Capital Com Australia Limited's PDS and Target Market Determination for more details"</p> <p>or</p> <p>"CFD trading is high risk. Refer to Capital Com Australia Limited's PDS and Target Market Determination for more details.</p> <p>If your channel is not in English, the risk warning must be translated accordingly. Please note: the risk warning should be prominent i.e.; it must be at least the size of the predominant font on the page. Predominant is defined as the font that appears the most times on your page and is readable.</p> <p>If you are including an 'Open Account' or 'Sign Up' or 'Register' button on your page or review to invite users to open an account with us, then a risk warning must be present.</p>
c) Fees and costs	<p>Do not use the terms 'No fees' or 'No trading fees' or 'No transaction fees' since there are overnight fees. Instead, you should use the term <b>'No commissions, low spreads'</b>.</p>

d) Past performance, forecasts and profits	Do not make unwarranted claims of financial success by traders. It must be clear that past performance is not a guarantee of future performance and that profits are not guaranteed.
e) Products	<p>CFDs are the only products that we offer. We are <b>not</b> authorised to provide real stock trading, spread betting or binary options.</p> <p>Where applicable, please state <i>"You do not own or have any rights to the underlying assets. Please refer to the Disclosure documents available [insert a link to our website]."</i></p>
f) Advice and information	<p>You may only give educational information about CFDs or market commentaries in general. Avoid giving product specific information. Where applicable, general disclaimers such as the one below should be used:</p> <p><i>"The information on this website has been prepared for educational purposes only and is not intended to imply any recommendation or opinion about a financial product."</i></p> <p>In Australia, advice providers require a financial services licence to provide financial advice to clients.</p> <p><b>Do not under any circumstances give general or personal financial or investment advice.</b></p>
g) Leverage	<p>When referring to leverage, please note you can only mention the "maximum leverage". No other information about the leverage can be provided. You can always refer traders to our website for more information.</p> <p>For information, the leverage limits that apply to retail consumers in Australia following ASIC's Product Intervention Order are disclosed in our Target Market Determination.</p>

h) Licence details and representation	<p>Where applicable, please mention that <i>“Capital Com Australia is licenced by ASIC and carries on a financial services business in Australia.”</i></p> <p><b>Do not under any circumstances give the impression that you are an employee, officer or representative of Capital Australia.</b></p>
i) Platforms	<p>You can only advertise CCAU on a platform that offers standard information on trading, financial markets, news or other financial related services/products. Do not advertise CCAU on a platform or on a channel or webpage that is unrelated to CFD trading and is likely to attract consumers who are not in our Target Market. Do not advertise CCAU on platforms with inappropriate content such as pornography, violence, or offensive language or those that exclusively offer signal trading, social trading, copy-trading, investment/financial advice or asset management services as you will not receive any payment for accounts introduced in connection with such trading strategies.</p> <p><b>CCAU is not authorised to provide Asset Management services, Investment Advice or any recommendation for trading.</b></p>
j) Reviews	<p>You may not use false reviews. You may only use reviews with the consent of the person providing it.</p>
k) Pictures, images and diagrams	<p>Pictures, images and diagrams must not be misleading, contradictory to the text used or reduce the prominence of risk warnings and disclaimers.</p>
l) Regulator’s logo	<p>Do not under any circumstances use the ASIC logo on your platform or on the marketing material.</p>

m) Inducements and incentives	<p><b>This is strictly prohibited.</b></p> <p>Do not offer any cash, gifts or any other inducements. CCAU does not offer bonus promotions including referral bonuses or bonuses on deposits and trading volume.</p>
n) Restricted terms and phrases	<p>Do not use the words "free", "secure", "promise(d)" or "guaranteed" which could potentially create the wrong / misleading impression.</p> <p><b>Content overall should not be misleading or deceptive.</b></p>
o) Audience	<p>Do not target people who do not meet our Target Market. Please read our Target Market Determination and ensure that you only target persons as defined therein.</p>

**If you have any questions or require clarity on what you may or may not do, please contact us.**

If you can't amend any of the promotional content in your channel in accordance with the above guidelines, you will be required to remove it.

**IMPORTANT NOTICE:**

No party may engage in the distribution of our CFDs unless they have entered into an agreement with us. This includes the commercial sharing or release of marketing materials without obtaining our prior written consent.