

Legal Updates & News

Bulletins

NASDAQ-Listed Companies to be Required to Submit Material News to NASDAQ MarketWatch Using Electronic Disclosure Submission System

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On June 26, 2007, NASDAQ released an issuer alert announcing a change in the method by which material news must be delivered to NASDAQ MarketWatch. NASDAQ-listed companies will be required to submit any material news to NASDAQ MarketWatch using the electronic disclosure submission system, rather than submitting by facsimile or telephone as is currently the practice. In addition to the requirement to make prompt disclosure of material information to the public through any Regulation FD compliant method, NASDAQ rules have historically required NASDAQ-listed companies to provide notice of certain material disclosures to NASDAQ's MarketWatch Department prior to the disclosure of the news to the public, even if outside normal business hours. The SEC recently approved a proposed NASDAQ rule change requiring NASDAQ-listed companies to submit material news to NASDAQ MarketWatch using the electronic disclosure submission system.

Effective September 4, 2007, NASDAQ MarketWatch will no longer accept material disclosures by facsimile or phone, except in emergency situations (such as technical problems, lack of computer or Internet access, or lack of a draft disclosure document). Repeated failure by a NASDAQ-listed company to notify NASDAQ using the electronic disclosure submission system prior to the distribution of material disclosure to the public will result in a violation of NASDAQ's listing requirements.

Access to the electronic disclosure submission system is available at www.nasdaq.net. The link to the system can be found on the right-hand side of NASDAQ's home page.