

## **Digital Asset and Digital Asset Futures Disclosures and Disclaimers**

### **General**

- The information provided is for general education and information purposes only. No statement provided should be construed as a recommendation to buy or sell a security, future, financial instrument, investment fund, or other investment product (collectively, a “financial product”), or to provide investment advice.

### **Licenses and Registrations**

- Digital asset futures are offered through Eris Exchange, LLC (“Eris Exchange”) and Eris Clearing, LLC (“Eris Clearing”) (collectively, “ErisX”), which are both Cboe companies. Eris Exchange is registered with the Commodity Futures Trading Commission (“CFTC”) as a Designated Contract Market (“DCM”) and Eris Clearing is registered with the CFTC as a Derivatives Clearing Organization (“DCO”).
- Digital asset spot markets, like ErisX, are not licensed, approved, registered, or regulated by the CFTC, and transactions on the ErisX spot market are not subject to CFTC rules, regulations, or regulatory oversight.
- The ErisX spot market may be subject to certain state licensing requirements and operates in New York pursuant to Eris Clearing’s license to engage in digital asset business activity by the New York State Department of Financial Services.
- The ErisX spot market has or is in the process of obtaining a money-transmitter license or similar license application with various states.

### **Futures**

- Futures trading is not suitable for all market participants and involves the risk of loss, which can be substantial and can exceed the amount of money deposited for a futures position. You should, therefore, carefully consider whether futures trading is suitable for you in light of your circumstances and financial resources. You should put at risk only funds that you can afford to lose without affecting your lifestyle.
- For additional information regarding the risks associated with trading futures, see the [Risk Disclosure Statement set forth in Appendix A to CFTC Regulation 1.55\(c\)](#).

### **Digital Assets**

- Digital asset trading is not suitable for all market participants and involves the risk of loss, which can equal a total loss of funds you deposit for the purposes of trading digital assets. You should, therefore, carefully consider whether digital asset trading is suitable for you in light of your circumstances and financial resources. You should put at risk only funds that you can afford to lose without affecting your lifestyle.
- The volatility and unpredictability of the price of digital assets relative to fiat currency may result in significant loss over a short period of time. Certain digital assets have experienced daily price volatility of more than 20%.
- Digital assets are not legal tender, are not backed by the U.S. government, and accounts and value balances are not subject to Federal Deposit Insurance Corporation or Securities Investor Protection Corporation protections.
- Legislative and regulatory changes or actions at the state, federal, or international level may adversely affect the use, transfer, exchange, and value of digital assets.

- Transactions in digital assets may be irreversible, and, accordingly, losses due to fraudulent or accidental transactions may not be recoverable.
- Some digital asset transactions shall be deemed to be made when recorded on a public ledger, which is not necessarily the date or time that the market participant initiates the transaction.
- The value of digital assets may be derived from the continued willingness of market participants to exchange fiat currency for digital assets, which may result in the potential for permanent and total loss of value of a particular digital asset should the market for that digital asset diminishes or disappear.
- There is no assurance that a person who accepts a digital asset as payment today will continue to do so in the future.
- The nature of digital assets may lead to an increased risk of fraud or a cybersecurity event. A cybersecurity event could result in a substantial, immediate, and irreversible loss for market participants that trade digital assets. Even a minor cybersecurity event in a digital asset is likely to result in downward price pressure on that product and potentially other digital assets.
- The ability to participate in forks could also have implications. For example, if you hold digital asset positions through ErisX you may be adversely impacted if ErisX does not participate in a fork that creates a new digital asset.
- The nature of digital assets means that any technological difficulties experienced by ErisX may prevent the access or use of a market participant's digital assets.
- Any bond or trust account maintained by ErisX for the benefit of its market participants may not be sufficient to cover all losses incurred by market participants.

### **Anti-Money Laundering**

- To help the government fight the funding of terrorism and money laundering, ErisX must obtain, verify and record information that identifies each person who opens and maintains an account. When you establish an account, we will ask for your name, address, date of birth, and other information to allow us to identify you. We may also ask for a copy of government issued identification, such as a driver's license, passport, or other identification. ErisX takes seriously its commitment to implement a robust anti-money laundering program, and ErisX reserves the right to require you to provide us with additional information and/or require you to undergo a background check prior to being authorized to use or access ErisX systems, or at any point thereafter, in accordance with any applicable law and regulation.
- When you establish standard settlement instructions as to fiat accounts or digital asset wallets you may not be able to fund or withdraw assets from such accounts or digital wallets while ErisX conducts an investigation of the origin of such accounts or digital wallets. You agree, represent, and warrant that all funds, whether fiat or digital, that are now or in the future in your account, submitted or otherwise exchanged on or through ErisX, are not the direct or indirect proceeds of any criminal, fraudulent, or terrorist activity. ErisX reserves the right to investigate the source of any funds, fiat or digital, in your account and determine, in our sole discretion, whether to accept or reject or otherwise dispose of such funds in accordance with any applicable law and regulation, which may include sending such funds to a proper governmental authority.
- Under relevant economic sanctions programs, including the U.S. Department of Treasury's Office of Foreign Assets Control ("OFAC"), ErisX is prohibited from providing services or otherwise entering into relationships with certain individuals and institutions. If ErisX is required to block funds associated with your account in accordance with a sanctions program, or other similar government sanctions programs, ErisX may be required to, among other things, take one of the following actions: (i) suspend your account; (ii) terminate your account; (iii) return funds to the

destination of their origin or to an account specified by relevant authorities; or (iv) require you withdraw funds from your account within a certain period of time. ErisX is not responsible for any losses, whether direct or indirect, that you may incur as a result of our complying with any applicable law and regulations, the direction of any governmental or regulatory authority, or any legally binding order.

### **Electronic Communications**

- ErisX will communicate with you and you consent to receive all communications from ErisX electronically through the ErisX Member Portal, email, and/or the ErisX website and you shall be deemed to have received any such communications. It is your responsibility to check the ErisX Member Portal, your email, and the ErisX website regularly. In particular, confirmations, receipts, and statements related to all deposits, withdrawals, trades, transactions, and other activities within your clearing account will be posted to your ErisX Member Portal.
- Confirmations of activities posted to the ErisX Member Portal shall be conclusive and final. You must notify ErisX of any error within 24 hours of ErisX posting the confirmation.

### **Taxes**

- No Cboe Company is an investment adviser or tax advisor, and no representation is made regarding the advisability or tax consequences of investing in, holding, or selling any digital asset or financial product. A decision to invest in, hold, or sell any digital asset or financial product should not be made in reliance on any of the statements or information provided. Market participants are advised to make an investment in, hold, or sell any digital asset or financial product only after carefully considering the associated risks and tax consequences, including information detailed in any offering memorandum or similar document prepared by or on behalf of the issuer of a financial product, with the advice of a qualified professional investment adviser and tax advisor.
- Under section 1256 of the Tax Code, profit and loss on transactions in certain exchange-traded futures are entitled to be taxed at a rate equal to 60% long-term and 40% short-term capital gain or loss, provided that the market participants involved and the strategy employed satisfy the criteria of the Tax Code. Market participants should consult with their tax advisors to determine how the profit and loss on any particular futures strategy will be taxed. Tax laws and regulations change from time to time and may be subject to varying interpretations.

### **General**

- Past performance of a digital asset or financial product is not indicative of future results.
- Brokerage firms may require customers to post higher margins than any minimum margins specified.
- No data, values, or other content contained in this document (including without limitation, index values or information, ratings, credit-related analyses and data, research, valuations, strategies, methodologies, and models) or any part thereof may be modified, reverse-engineered, reproduced, or distributed in any form or by any means, or stored in a database or retrieval system, without the prior written permission of Cboe.
- Cboe does not guarantee the accuracy, completeness, or timeliness of the information provided. THE CONTENT IS PROVIDED "AS IS" WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ANY WARRANTY WITH RESPECT MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.
- Hypothetical scenarios are provided for illustrative purposes only. The actual performance of digital assets and financial products can differ significantly from the performance of a hypothetical

scenario due to execution timing, market disruptions, lack of liquidity, brokerage expenses, transaction costs, tax consequences, and other considerations that may not be applicable to the hypothetical scenario.

- Supporting documentation for statements, comparisons, statistics, or other technical data provided is available by contacting Cboe at [www.cboe.com/Contact](http://www.cboe.com/Contact).
- The views of any third-party speakers or third-party materials are their own and do not necessarily represent the views of any Cboe Company. That content should not be construed as an endorsement or an indication by Cboe of the value of any digital asset or non-Cboe financial product or service described.
- The inclusion of research not conducted or explicitly endorsed by Cboe should not be construed as an endorsement or indication of the value of that research.

#### **Trademarks and Intellectual Property**

- Cboe®, Cboe Global Markets®, ErisX®, and Eris Exchange® are registered trademarks of Cboe Global Markets, Inc. and its subsidiaries.

#### **Copyright**

- © 2022 Cboe Exchange, Inc. All Rights Reserved.