

# Top Trader Responsible Trading Rules

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## 1 SCOPE AND FUNCTION OF THESE RULES

These “Top Trader Responsible Trading Rules” (“TTRTR”) shall form part of the “Top Trader Terms and Conditions” in respect of the trading activities of Top Traders who are active on the ayondo platform. These TTRTR illustrate the kind of conduct which ayondo requires the Top Trader to follow in his activity on the platform. The Rules of conduct as set down in these TTRTR shall set the standard for a responsible use of the platform, its functionalities and the relationship between Top Trader and Follower.

These TTRTR shall be the basis of any publication of trading signals and shall be binding. Any breach of these TTRTR could give rise to severe consequences and action by ayondo as set out in the Top Trader Terms and Conditions.

By accepting these TTRTR the Top Trader, before publishing any trading signals, agrees to these TTRTR and will comply with them at all times.

## 2 HOW SHALL A TOP TRADER TRADE?

The Top Trader shall only publish trading signals which are based on a trading strategy (see Clause 3 for a definition of the term “trading strategy”) and can be explained by that strategy.

In all trading activities, a Top Trader must act responsibly with regard to his Followers. That includes that he must monitor his open positions at all times, employ adequate risk management and money management and refrain from taking excessive risks. The Top Trader’s trading activity must not demonstrate any pattern resulting from or being comparable with market abuse, churning, scalping, front running or any illegal or abusive strategy. Any such demonstration shall result in immediate cessation of payment of any remuneration.

## 3 IS IT COMPULSORY FOR THE TOP TRADER TO HAVE A TRADING STRATEGY?

Yes. The Top Trader undertakes to take decisions only on the basis of a trading strategy defined in advance.

Trading Strategy is defined as a set of rules forming the foundation of investment decisions. The assumptions on which a trading strategy is based shall be coherent, transparent and plausible. The Top Trader must be able to describe the system and methods applied and his activities must be reconcilable with those methods.

The Top Trader undertakes to act in good faith and in compliance with these TTRTR and take trading decisions only on the basis of a trading strategy which is not subject to another third party’s strategy.

#### **4 IS THE TOP TRADER OBLIGED TO DESCRIBE HIS TRADING STRATEGY IN HIS PROFILE AND COMPLY WITH THE STRATEGY DESCRIBED?**

The Top Trader may describe his trading strategy in his profile but is not obliged to do so. If the Top Trader chooses to indicate his trading strategy in his profile, he is obliged to provide an accurate description and adhere to the strategy indicated. If he wishes to adopt a different strategy, he may set up a different account for that purpose, provided that he complies with ayondo's terms of the permissible number of accounts. Ayondo shall have the right to demand suitable substantiations for the details provided in the description. If the Top Trader does not provide substantiations on ayondo's request or the details provided by the Top Trader are not correct, ayondo shall have the rights indicated in clause 13 of the „Top Trader Terms and Conditions“ and clause 5.6 of the „Top Trader Payment Rules“ .

#### **5 TO WHOM IS AYONDO'S OFFER TO PUBLISH TRADING SIGNALS ADDRESSED?**

ayondo's offer to use the online platform for the publication of trading signals is addressed to persons with an affinity to stock and financial markets, who have vast experience in dealing with investment products and who are able to establish this by their trading activity, knowledge and experience. The publication of trading signals presupposes that the investment decisions meet the requirements of Clauses 2 and 3.

Anyone who publishes trading signals on ayondo's platform must be familiar with the functioning and characteristics of the financial instruments which can be traded on the platform. Furthermore, a Top Trader must understand the details of the functioning and operation of ayondo's auto execution. The Top Trader must be aware of the fact that when users of ayondo auto execution (Followers) subscribe to trading strategies, trading signals will be routed to the brokerage accounts of these Followers. The Top Trader thus has a special responsibility which he shall be aware of and satisfy at any time.

## 6 WHAT ARE THE REQUIREMENTS FOR A TOP TRADER'S PROFILE NAME?

The Top Trader's profile name must not violate rights of any third parties (e.g. copyright and image rights). It is prohibited to choose a name which is the same as, or similar to, the name of any celebrity, public person, or a person with an already existing profile, if such choice of name, in ayondo's opinion, could be misleading for Followers.

## 7 MAY A TOP TRADER HAVE SEVERAL ACCOUNTS WITH AYONDO?

Yes. However, ayondo reserves the right to restrict the permissible number of accounts at any time. ayondo's current restriction for the admissible number of accounts is published on the platform. Alternatively, the information can be obtained by contacting ayondo's customer services department.

If a Top Trader has several profiles he shall not pursue the same strategy with different profiles. Multiple Top Trader profiles are only allowed for diversification.

## **8 IS THE TOP TRADER PERSONALLY REQUIRED TO TRADE?**

Yes. ayondo may permit in certain cases that a representative trades for the Top Trader but the Top Trader must obtain ayondo's prior written consent and provide a power of attorney authorising the third party to trade on his behalf.

## **9 WHAT ACTION MUST THE TOP TRADER TAKE IN THE EVENT OF AN UNFORESEEN DEFECT IN AYONDO'S SYSTEM ?**

It is prohibited for a Top Trader to deliberately exploit or misuse any unforeseen defects arising in ayondo's system (platform, software, trading environment etc.). Furthermore, the Top Trader is obliged to inform ayondo immediately of any such defects if he becomes aware of, or suspects, their existence.

## **10 HOW ARE TOP TRADERS SUPPOSED TO INTERACT WITH THIRD PARTIES ON THE PLATFORM?**

A direct interaction between Top Traders and third parties is not part of ayondo's business model and should not take place.

The Top Trader must particularly refrain from making any recommendations regarding the purchase or sale of financial instruments, and from claiming that the services or financial

instruments available on ayondo's platform are suitable for a certain investor.

**11 IS A TOP TRADER REQUIRED TO BE AVAILABLE AT TIMES WHEN HE HAS OPEN POSITIONS IN HIS PORTFOLIO, IN ORDER THAT AYONDO IS ABLE TO CONTACT HIM?**

Yes. When maintaining open positions in his portfolio on the platform, the Top Trader must be available for ayondo at any time via telephone or email. If the Top Trader does not make himself available to ayondo, ayondo shall have the right to inform ayondo markets Ltd and ayondo portfolio management GmbH accordingly. These companies shall then have the right to take adequate measures and, where appropriate, close positions of the Top Trader and/or disconnect Followers' accounts from the Top Trader's trading signals.

**12 IS A TOP TRADER REQUIRED TO ACTIVELY TRADE EVERY ACCOUNT OPENED BY HIM?**

Yes. If a Top Trader no longer intends to pursue the trading strategy of a certain account, he shall close that account. If there is no trading activity in any account for at least six weeks, the account shall be considered to be inactive and ayondo shall have the right to terminate the contract with the Top Trader for the inactive account and to suspend or completely delete the account.

### 13 IS A TOP TRADER ALLOWED TO ENTER INTO AGREEMENTS REGARDING THE PROVISION OF SIGNALS WITH THOSE WHO ARE FOLLOWING HIM?

No. It is prohibited for Top Traders to enter into agreements, verbal or written, with third parties regarding the provision of services on the platform. The Top Trader is furthermore not allowed to enter into agreements, verbal or otherwise, which stipulate that the Top Trader will receive any payment from third parties for trading on the platform.

### 14 WHAT ARE THE RULES FOR PUBLICATIONS OR STATEMENTS ON THE PLATFORM?

Every Top Trader must comply with the following rules when giving publications or statements on the platform.

It is prohibited to:

- I. transmit any content which is illegal or advocates or supports any illegal activity. In, particular it is prohibited to publish content which violates any intellectual property rights of third parties;
- II. provide material that exploits or depicts people in a sexual or violent manner, or solicits personal information from anyone under 18;
- III. transmit any content that is patently offensive and promotes racism, bigotry, hatred or physical harm of any kind against any group or individual;



- IV. solicit passwords or personal identification information for commercial or unlawful purposes from other users;
- V. transmit any viruses, worms, defects, Trojan horses or other items of a destructive nature;
- VI. use in an unintended way or manipulate the website, the modules or functionalities, data, feeds or any other content contained therein;
- VII. transmit false or misleading statements or content;
- VIII. manipulate any content, documents or material of the website;
- IX. solicit customers for services which are not offered on ayondo's platform;
- X. include hyperlinks to other websites; and
- XI. transmit junk mail, chain letters, or unsolicited mass mailing or spamming.

ayondo reserves the right to delete content which, in the view of ayondo, violates the rules laid down in this Clause 14. In turn, ayondo is under no obligation, except as provided by applicable law, to delete any content whatsoever.

## 15 USING AYONDO CONTENT

- I. In principle, ayondo permits the publication of ayondo content within the framework of editorial use provided that the following conditions are met:
  - ayondo must be recognizable as a source of information (either by mouse-over or as a text reference);
  - each publication must include a link to the ayondo page (no follow attributes are not allowed);
  - the ayondo content must be up-to-date and must not be altered, amended nor removed from the original context.
- II. The Top Trader shall also comply with the following:
  - he shall provide sufficient information regarding the risks associated with his trading;
  - he shall not promote his strategy in such a way to suggest that the strategy is secure or guaranteed;
  - he shall not convey the impression of a particularly favourable offer.
- III. If the information published by the Top Trader does not comply with this Clause 15, ayondo shall have the right to require the Top Trader to delete the respective content.

## 16 CAN A TOP TRADER ALSO BE AN AFFILIATE OF AYONDO?

No. It is not permitted to be a Top Trader and an affiliate of ayondo at the same time. If someone is an affiliate of ayondo and wants to become a Top Trader, he must first cease his status as an affiliate by terminating the contract, and vice versa.

## 17 WHAT ARE THE OBLIGATIONS OF A TOP TRADER IN CASES OF EXISTING OR IMMINENT LEGAL INCAPACITY?

For the Top Trader to be able to comply with his obligations as set out in these Rules, he must have physical and mental capacity to perform his responsibilities as a Top Trader at all times. Therefore, if the Top Trader is subject to, or likely to be subject to, any such impairment caused by any reason, he shall immediately inform ayondo accordingly. After receiving such information, either from the Top Trader or any other source, ayondo shall have the right to inform ayondo markets Ltd and ayondo portfolio management GmbH accordingly who may take any action in relation to his account as they see fit.