

MARKETING AND COMMUNICATION GUIDELINES

These Marketing and Communication Guidelines form an integral part of the AvaTrade Affiliate Agreement and may be amended from time to time.

The Marketing and Communication Guidelines are designed to provide guidance to Affiliates when promoting AvaTrade in any kinds of Marketing Communication.

“Marketing Communication” is defined as all and any advertising materials in any medium of communication, including but not limited to any electronic or online communication, marketing materials, publications and all marketing operation related issues which the affiliate is using to introduce clients to AvaTrade.

“Affiliate” means any affiliate who is a party to the AvaTrade Affiliate Agreement. The activities of the Affiliates must comply at all times with the provisions of the AvaTrade Affiliate Agreement and be directed solely at introducing potential clients. Affiliates are not permitted to offer investment advice, legal advice, inducement, recommendation or portfolio management to clients and/or potential clients or to handle any of their funds or cash.

1. WEBSITES

1.1 ✓ You can advertise AvaTrade only on websites or webpages related to financial markets, news or other financial related services/products that offer trading information.

1.2 ✗ You cannot advertise Avatrade.com on websites or webpages or other sources which include content that promotes sexually explicit materials, violence, discrimination based on race, sex, religion, nationality, disability and/or any other kind of website forbidden.

2. MARKETING TOOLS

2.1 You are only allowed to use the official Avatrade.com marketing tools which can be found in the Advertising material section of your avapartner.com account.

3. RISK WARNING

3.1 Always notify the potential client of the risk associated with the services offered in the Marketing Communication.

3.2 Whenever you mention AvaTrade, you must include a risk warning:

“Forex/CFD, Spread-betting & FX Options trading involves substantial risk of loss and is not suitable for all investors.”.

OR in case of limitation of space the risk warning can be:

“Trading carries risk”.

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3.3 **ESMA Risk Warning for EU retail clients.** Article 2(e) of ESMA’s decision in relation to contracts for differences provides that any direct or indirect communication to or published information accessible by **retail clients** must include one of the following appropriate risk warning:

Section B – Standard Risk Warning for Durable Medium and Webpage

CFDs are complex instruments and come with a high risk of losing money rapidly due to leverage. **[insert percentage per provider]% of retail investor accounts lose money when trading CFDs with this provider.** You should consider whether you understand how CFDs work and whether you can afford to take the high risk of losing your money.

Section C – Abbreviated Risk Warning for a medium other than Durable Medium and Webpage

[insert percentage per provider]% of retail investor accounts lose money when trading CFDs with this provider. You should consider whether you can afford to take the high risk of losing your money.

Section D – Reduced-Character Risk Warning

[insert percentage per provider]% of retail CFD accounts lose money.

3.4 Examples of where and when to use appropriate ESMA risk warning:

- **Section B standard risk warning** must be used for letters/emails/PDFs/mobile and tablet apps and webpages. A durable medium is defined as:
 - Paper, or any media which contains information addressed personally to the recipient;
 - The medium enables the recipient to store information in a way that is accessible for future reference and for a period of time adequate for the purposes of the information (storability); and
 - The medium allows the information to be reproduced in an unchanged format (reproduction).
- **Section C abbreviated risk warning** must be used for a medium other than a durable medium and webpage such as banners etc.
- **Section D reduced character risk warning** can only be used when the standard and abbreviated risk warning exceeds the character limit permitted in the standard terms of the third-party marketing provider. In addition, the communication or published information shall also include a direct link to our webpage that has the section B standard risk warning.

3.5 Note that the sentence with the percentage of retail clients that loss money must be in **bold** and the percentage for risk warning changes each quarter. It is critical that material is updated to reflect change.

3.6 Format of risk warning: clearly readable, in a prominent place and with visible colors.

3.7 Even if you are using a promotional “button” which redirects a potential client to Avatrade.com, then the risk warning must be positioned below or close to such button and be clearly visible to the potential clients.

3.8 Where appropriate you must refer the potential client to the ‘Risk Disclosure Statement’ on Avatrade.com website here: <https://origin.avatrades.net/legal-docs/intl/risk-disclosure/en.pdf>.

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4. DO NOT GUARANTEE OR PROMISE PROFITS OR GUARANTEE AGAINST LOSSES

4.1 Trading CFDs, Spread betting or FX Options does not always result in profits and involves a significant risk of loss of all of clients' funds invested, therefore no profits can be guaranteed. Do not imply that trading can be a way of guaranteed returns and do not guarantee that no losses shall be incurred by the potential clients. In addition, do not guarantee that you are able to assist clients who have suffered losing trades in recovering losing positions.

4.2 Present opportunities and risks in a balanced manner.

✘ Do not use: 'easy' or 'simple' in relation to trading.	✔ Use: 'Easy' in relation to the platform usage or tools.
✘ Do not use: 'secure trading', 'providing traders with the ability to safely trade'.	✔ Use: 'Security' if you refer to the IT security of AvaTrade systems or trading platforms.
✘ Do not use: 'use your spare time to earn money', 'you can become a profitable trader', 'profit anytime and anywhere', 'more income', 'risk free trading', or pictures of money.	✔ Use: 'Risk free' if you refer to the demo account only.

4.3 Do not use absolute or unqualified statements.

✘ Do not use: 'best', 'highest'.	✔ Use: 'one of the best', 'one of the highest'.
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5. CONTRACTS FOR DIFFERENCE (CFDS)

5.1 AvaTrade offers CFDs trading, therefore it needs to be clear in any Marketing Communication that the potential clients will trade CFDs and not the related underlying financial instrument, and that at no time shall a delivery of or transfer of title to the underlying financial instruments shall be made to the potential clients.

✘ Do not use: Trade shares, forex, commodities, indices and ETFs with AvaTrade.	✔ Use: AvaTrade offers CFDs on shares, forex, commodities, indices and ETFs.
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6. AUDIENCE

6.1 AvaTrade services and products traded, are only available to individuals who are at least 18 years old.

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6.2 CFDs, Spread bets and FX Options are complex financial instruments and can only be marketed to people who would possess the necessary level of knowledge and experience.

✘ Do not use:
'no experience needed', 'you do not need any experience or understanding in order to be successful and trade profitably', or any similar language.

7. NO INVESTMENT ADVICE OR PORTFOLIO MANAGEMENT

7.1 AvaTrade is NOT authorized to provide the investment service of investment advice or portfolio management.

7.2 Affiliates must NOT provide any investment and/or financial advice and/or portfolio management services to the potential clients, including money management.

8. TRANSPARENCY

8.1 Always use your correct personal information. Do not use false personal information that could mislead clients and/or potential clients, such as false names, postal and email addresses.

8.2 Do not contact the same client using different email addresses or phone numbers.

8.3 Ensure you have clients' prior consent when sending Marketing Communication concerning AvaTrade.

8.4 The Affiliate shall under no circumstances present itself as being operated and/or representing and/or being the agent and/or employee of AvaTrade. The relationship between AvaTrade and the Affiliate shall be that of independent parties. To that extent, it shall not use the AvaTrade name in a way as to give to the public and/or any regulator the impression of the above. The Affiliate shall refrain from using AvaTrade name in communication with the potential clients such as in email communication in a way that it appears that the communication is being sent by the AvaTrade and/or on behalf of AvaTrade.

9. MONITORING

9.1 AvaTrade monitors all of its Affiliates' websites on an on-going-basis to ensure compliance with these guidelines. You may therefore be contacted at any time by your affiliate manager to amend and/or remove material as AvaTrade may deem appropriate. If that is the case, you must comply within 24 hours. If you face any issues with the timely compliance, this should be immediately communicated to your affiliate manager who will ensure to communicate this to AvaTrade, for extension of the timeframe.

9.2 These guidelines may be updated at any time, as regulatory bodies may change legislation and/or interpretation of legislation, and consequently you will need to comply with the updated guidelines at all times.

10. SUMMARY OF MARKETING MATERIAL AND COMMUNICATIONS GUIDELINES

10.1 Marketing Communication must:

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- Be accurate, fair, clear and not misleading;
- Only be published on websites or webpages related to financial markets, news or other financial related services/products that offer trading information;
- Have appropriate ESMA risk warning for material to EU retail clients (see details on ESMA Risk Warning above);
- Ensure format of risk warning is clearly readable, in a prominent place and with visible colours;
- Not guarantee or promise profits or guarantee against losses;
- Present opportunities and risks in a balanced manner;
- Not use absolute or unqualified statements;
- Ensure information is sufficient for and is presented so that it is likely to be understood by, the average member of the public to whom the information is directed, or the person likely to receive the information;
- Not disguise, diminish or obscure important items, statements or warnings;
- If material refers to a particular tax treatment, the information prominently states that the tax treatment depends on the individual circumstances of each client and may be subject to change in the future;
- Not use the name of the Central Bank of Ireland/any other regulator in a way that would indicate or suggest endorsement or approval by the Central Bank of Ireland of the products or services of AvaTrade.