

CFTC Responds to Questions Regarding CPO and CTA Registration and Compliance

August 16, 2012

On August 14, the Commodity Futures Trading Commission's (CFTC) Division of Swap Dealer and Intermediary Oversight issued a response to [frequently asked questions \(FAQs\)](#) concerning registration and compliance by commodity pool operators (CPOs) and commodity trading advisors (CTAs). The FAQs focus on questions raised by market participants as a result of recent amendments to CFTC rules including the narrowing of CFTC Rule 4.5, the exclusion from CPO status for operators of registered investment companies that invest in commodity interests, the repeal of CFTC Rule 4.13(a)(4), which is the so-called "sophisticated investor" exemption from CPO registration, and correlative impacts on CTA registration. In particular, the FAQs provide guidance on key areas such as timing for claiming an alternate exemption and transitioning, registering with the CFTC, when guidance on Forms CPO-PQR and CTA-PR will be available (potentially after large entities' initial filing), complying with certain CFTC requirements and whether certain relief, such as Commission Advisory 18-96, remains available (it does).



If you have any questions about this Legal Alert, please feel free to contact any of the attorneys listed below or the Sutherland attorney with whom you regularly work.

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