

EXHIBIT 5

New text is underlined; deleted text is in brackets.

NASDAQ GEMX, LLC Rules

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Options Rules

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Options 7 Pricing Schedule

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Section 5. Legal & Regulatory

GEMX [Members] will [be assessed an] waive the Options Regulatory Fee of \$0.0018 per contract side [as of February 1, 2019] from October 1, 2021 to January 31, 2022. GEMX will recommence assessing an Options Regulatory Fee of \$0.0018 per contract side as of February 1, 2022.

The Options Regulatory Fee (“ORF”) is assessed by GEMX to each GEMX Member for options transactions cleared by The Options Clearing Corporation (“OCC”) in the customer range where: (1) the execution occurs on GEMX or (2) the execution occurs on another exchange and is cleared by a GEMX Member. The ORF is collected by OCC on behalf of GEMX from (1) GEMX clearing members for all customer transactions they clear or (2) non-members for all customer transactions they clear that were executed on GEMX. GEMX uses reports from OCC when assessing and collecting ORF. The Exchange will notify Members via an Options Trader Alert of any change in the amount of the fee at least 30 calendar days prior to the effective date of the change.

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