

# SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-105859; File No. SR-CBOE-2026-057]

## **Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend its Fee Schedule to Clarify Language Regarding Certain Free Trials**

July 8, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 25, 2026, Cboe Exchange, Inc. filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Cboe Exchange, Inc.. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### **I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change**

Cboe Exchange, Inc. (the “Exchange” or “Cboe Options”) proposes to amend its fee schedule to clarify that the free trial period for One-Minute Interval Intraday Open-Close Historical Data and the free trial period for Ten-Minute Interval Intraday Open-Close Historical Data are separate and independent trials. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission’s website (<https://www.sec.gov/rules/sro.shtml>), the Exchange’s website

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<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

([https://www.cboe.com/us/options/regulation/rule\\_filings/cone/](https://www.cboe.com/us/options/regulation/rule_filings/cone/)), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule to clarify that the free trial period for One-Minute Interval Intraday Open-Close Historical Data (“One-Minute Intraday Open-Close Data”) and the free trial period for Ten-Minute Interval Intraday Open-Close Historical Data (“Ten-Minute Intraday Open-Close Data”) are separate and independent trials. This is a clarifying amendment and does not constitute a substantive change to the Exchange’s fee schedule.

By way of background, the Exchange currently offers End-of-Day (“EOD”) and Intraday Open-Close Data (collectively, “Open-Close Data”). EOD Open-Close Data is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), price, and transaction type (opening or closing). The customer and professional customer volume is further broken down into trade size buckets (less than 100 contracts, 100-199 contracts, greater than 199 contracts). The EOD Open-Close Data is proprietary Exchange trade data and does not

include trade data from any other exchange. It is also a historical data product and not a real-time data feed.

The Exchange also offers Intraday Open-Close Data in two different intervals: the Ten-Minute Intraday Open-Close Data (which captures options transaction data in snapshots taken every 10 minutes during the trading day) and the One-Minute Intraday Open-Close Data (which captures options transaction data in snapshots taken every 1 minute during the trading day).

The Exchange currently offers a free trial for up to six months of Intraday Open-Close Historical Data to both Trading Permit Holders (“TPHs”) and non-TPHs who have not previously subscribed to Intraday Open-Close Historical Data or previously received a free trial. However, the current fee schedule language could be read to suggest that the free trial for the Ten-Minute Intraday Open-Close Data and the free trial for the One-Minute Intraday Open-Close Data run concurrently or constitute a single combined trial for all Intraday Open-Close Data products. That is not the Exchange’s intent. The Exchange has always intended that each product’s free trial period runs independently of the other—i.e., eligibility for the One-Minute Intraday Open-Close Data free trial is determined independently of whether a subscriber has used or is using the Ten-Minute Intraday Open-Close Data free trial, and vice versa.

Accordingly, the Exchange proposes to amend its fee schedule to replace the current free trial language with clarifying, product-specific free trial language for each of the Ten-Minute Intraday Open-Close Data and the One-Minute Intraday Open-Close Data. Specifically, the Exchange proposes the following:

- For the Ten-Minute Intraday Open-Close Data: “A free trial is available for up to 6 months of Ten-Minute Intraday Open-Close Historical Data to both TPHs and non-TPHs

who have not previously subscribed to Ten-Minute Intraday Open-Close Historical Data or previously received a free trial.”

- For the One-Minute Intraday Open-Close Data: “A free trial is available for up to 6 months of One-Minute Intraday Open-Close Historical Data to both TPHs and non-TPHs who have not previously subscribed to One-Minute Intraday Open-Close Historical Data or previously received a free trial.”

The Exchange notes that its affiliated options exchanges, such as Cboe EDGX Exchange, Inc. (“Cboe EDGX”), already use this product-specific free trial language in its fee schedule to make clear that the trials for the Ten-Minute Intraday Open-Close Data and the One-Minute Intraday Open-Close Data are separate and independent.<sup>3</sup> This proposed amendment aligns the Exchange’s fee schedule language with that of its affiliated options exchanges.

The Exchange emphasizes that this is solely a clarifying change. It does not introduce any new fees, alter any existing fees, or change the economic terms of the free trial in any respect. The duration of each free trial (up to six months) remains the same. The eligibility criteria remain the same. The only change is to make explicit in the fee schedule language what has always been the Exchange’s practice: that the free trial for the One-Minute Intraday Open-Close Data and the free trial for the Ten-Minute Intraday Open-Close Data are separate and independent of each other.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the

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<sup>3</sup> See Cboe EDGX Equities Fee Schedule.

Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>4</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>5</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>6</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed clarifying change promotes transparency and removes ambiguity from the fee schedule by making explicit that the free trials for the Ten-Minute Intraday Open-Close Data and the One-Minute Intraday Open-Close Data are separate and independent. This ensures that subscribers and potential subscribers can clearly understand their eligibility for each free trial. The Exchange believes this clarity promotes just and equitable principles of trade and protects investors and the public interest by ensuring that market participants are fully informed regarding the terms of the Exchange's data products.

The Exchange further believes the proposed rule change is equitable and not unfairly discriminatory because the clarification applies equally to all TPHs and non-TPHs. It does not alter the economic terms of the free trial or introduce any differentiation between classes of market participants. The clarification merely ensures that all subscribers understand that

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<sup>4</sup> 15 U.S.C. 78f(b).

<sup>5</sup> 15 U.S.C. 78f(b)(5).

<sup>6</sup> Id.

eligibility for one product's free trial is assessed independently of the other product's free trial.

The Exchange also believes the proposed rule change is consistent with Section 6(b)(4)<sup>7</sup> of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities. The proposed clarification does not alter any fee amounts or introduce new charges; rather, it ensures that the existing free trial structure is clearly communicated so that all eligible market participants — TPHs and non-TPHs alike — can take advantage of the free trial for each data product on an equal and informed basis.

**B. Self-Regulatory Organization's Statement on Burden on Competition**

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is merely a clarifying amendment that does not alter the economic terms of any data product or introduce any new fees. It does not change the competitive landscape for market data products. The clarification ensures that the fee schedule accurately reflects the Exchange's existing practice regarding the independence of the free trials for the Ten-Minute and One-Minute Intraday Open-Close Data products, which is consistent with the approach already taken by its affiliated options exchanges.<sup>8</sup>

**C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others**

The Exchange neither solicited nor received comments on the proposed rule change.

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<sup>7</sup> 15 U.S.C. 78f(b)(4).

<sup>8</sup> Supra note 3.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>9</sup> and paragraph (f) of Rule 19b-4<sup>10</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

Comments may be submitted by any of the following methods:

#### Electronic Comments:

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-CBOE-2026-057 on the subject line.

#### Paper Comments:

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

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<sup>9</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>10</sup> 17 CFR 240.19b-4(f).

All submissions should refer to file number SR-CBOE-2026-057. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CBOE-2026-057 and should be submitted on or before [INSERT DATE 21 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>11</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

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<sup>11</sup> 17 CFR 200.30-3(a)(12).