

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106153; File No. SR-GEMX-2026-30]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend the Exchange’s Connectivity Schedule and Discontinue a Previously Proposed Offering

August 18, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on August 17, 2026, Nasdaq GEMX, LLC (“GEMX” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. 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

The Exchange proposes to (1) amend Rule General 8, Section 1(b) to remove certain fiber optic-delivered market data offerings and certain discontinued wireless connectivity services, and (2) discontinue a certain Proximity-On-Demand (“POD”) offering that was previously proposed but not implemented. The text of the proposed rule change is available on the Exchange’s Website at <https://listingcenter.nasdaq.com/rulebook/gemx/rulefilings>, and at the principal office of the Exchange.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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 (1) amend Rule General 8, Section 1(b) to remove certain fiber optic-delivered market data offerings and certain discontinued wireless connectivity services, and (2) discontinue a certain Proximity-On-Demand (“POD”) offering³ that was previously proposed but not implemented.

First, the Exchange proposes to remove certain fiber optic-delivered market data connectivity offerings set forth in Rule General 8, Section 1(b), including their associated fees and explanatory language. These offerings consist of market data connectivity to the Nasdaq Data Center for SIAC, CTS/CQS, OpenBook Ultra, and ArcaBook Multicast delivered via a fiber optic network. The Exchange is terminating these offerings effective September 30, 2026, because they are subscribed to by fewer than three customers, these offerings are available from vendors other than the Exchange, and the Exchange has provided existing customers with 90-days’ notice that the offerings will terminate on that date. The Exchange also proposes to remove the related explanatory language providing, in general, that pricing is for connectivity only, is

³ See Securities Exchange Act Release No. 100485 (July 10, 2024), 89 FR 57971 (July 16, 2024) (SR-GEMX-2024-16).

similar to connectivity fees imposed by other vendors, is generally based on the amount of bandwidth needed to accommodate a particular feed, and that the Exchange is not the exclusive method to obtain market data connectivity.⁴ The Exchange believes that it is appropriate to remove these offerings and associated fees and related provisions from its rules as the Exchange is terminating these offerings effective September 30, 2026, and removal of these offerings as proposed would thus enhance the accuracy of the Exchange's rulebook and facilitate its use.

Second, the Exchange proposes to further amend Rule General 8, Section 1(b) to remove the multicast market data feeds delivered to the Nasdaq Data Center via a wireless network, including microwave or millimeter wave connectivity. The specific wireless connectivity offerings being removed are NYSE Equities (Arca Integrated), NYSE Equities (NYSE Integrated), BATS Multicast PITCH for BZX and BYX, Direct EDGE Depth of Book for EDGA and EDGX, CME Multicast Total, CME Equities Futures Data Only, CME Fixed Income Futures Data Only, and CME Metals Futures Data Only. The Exchange also proposes to remove from subparagraph (b) of Rule General 8 the associated installation fees, recurring monthly fees, as well as the associated volume-based discount language applicable to microwave or millimeter wave wireless subscriptions.⁵ The Exchange believes that it is appropriate to remove these offerings as these market data feed offerings were terminated effective August 31, 2025, and customers were provided with more than 90 days' notice of their termination prior to the offerings' effective termination date.

Finally, the Exchange proposes to discontinue the POD offering described in SR-GEMX-2024-16. In that filing, the Exchange proposed to launch POD as a managed colocation solution

⁴ See proposed Rule General 8, Section 1(b).

⁵ See Proposed Rule General 8, Section 1(b).

under which applications would be deployed on managed infrastructure in the form of virtual or dedicated servers in the colocation space. The Exchange stated in SR-GEMX-2024-16 that implementation of the POD offering would coincide with a subsequent fee filing establishing applicable fees. The Exchange did not file fees for POD and did not otherwise offer the POD services proposed in SR-GEMX-2024-16. The offering did not attract sufficient demand and therefore never fully materialized. The Exchange now proposes to discontinue the offering and not proceed with implementation of POD as described in SR-GEMX-2024-16.

The proposed changes are designed to update the rulebook to eliminate products or services that are no longer offered, are being terminated, or were never implemented. The proposal does not introduce any new service, fee, or obligation, and it does not affect the availability of any currently offered Exchange service. The proposal also would thus update the Exchange's rulebook, enhance its clarity, and facilitate its use.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁶ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁷ in particular, because it is designed to promote just and equitable principles of trade, 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.

The proposed rule change would protect investors and the public interest by ensuring that the Exchange's rules accurately reflect the connectivity services that are currently available. Removing obsolete rule text relating to the Rule General 8, Section 1(b) fiber optic-delivered

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

market data connectivity offerings that will terminate effective September 30, 2026, will reduce potential confusion and improve the clarity and accuracy of the Exchange's rulebook. The Exchange has provided existing customers with 90-days' notice of the termination, the offerings are used by fewer than three customers, and the relevant feeds are available from third-party vendors other than the Exchange. In addition, the proposed deletion of certain wireless offerings, including related fee and discount provisions, will further conform the rulebook to the termination of those wireless connectivity offerings, which terminated effective August 31, 2025. Similarly, confirming that the Exchange will not proceed with implementation of POD as described in SR-GEMX-2024-16 will make clear that the Exchange does not offer, and will not proceed with implementing, those services.

The proposal is also consistent with Section 6(b)(5) because it does not unfairly discriminate among market participants. The Rule General 8, Section 1(b) fiber optic-delivered market data connectivity offerings will terminate for all customers effective September 30, 2026, after 90-days' notice to existing customers, and the relevant feeds remain available from third-party vendors other than the Exchange. The proposed removal of certain wireless offerings, including related fee and discount provisions, will apply uniformly and merely conforms the rulebook to the termination of those wireless connectivity services, which terminated effective August 31, 2025. Finally, the POD offering that the Exchange proposes to discontinue was never implemented or offered to any market participant. Accordingly, the proposal would not change the terms on which any market participant may obtain any currently available Exchange service. Rather, the proposal would enhance the transparency and accuracy of the Exchange's rulebook by ensuring that the offerings reflected in the rulebook are currently available or otherwise accurately described.

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 proposal is limited to removing obsolete rule text and related fee provisions for services that have been terminated, will be terminated after notice to affected customers, or were never implemented. Specifically, the proposal would remove rule text relating to certain Rule General 8, Section 1(b) fiber optic-delivered market data connectivity offerings that will terminate effective September 30, 2026 after 90-days' notice to existing customers; certain wireless connectivity offerings and related fee and discount provisions that were terminated effective August 31, 2025; and POD, an offering that was never implemented by the Exchange. Because the proposal does not introduce any new service, fee, access requirement, or differential treatment, it will not impose any burden on intermarket or intramarket competition.

The proposal will not burden intramarket competition because it will apply uniformly to all market participants. The Rule General 8, Section 1(b) fiber optic-delivered market data connectivity offerings will terminate for all customers after 90-days' notice, are used by fewer than three customers, and the relevant feeds remain available from third-party vendors other than the Exchange. The wireless connectivity offerings and related provisions will be removed uniformly because the underlying services were previously terminated. And the POD offering was never made available to any market participant. Accordingly, the proposal would not alter the competitive position of any market participant or change the terms on which any participant may obtain any currently available Exchange service.

The proposal will not burden intermarket competition because it does not affect the ability of other exchanges, vendors, or market participants to offer, obtain, or compete with respect to market data connectivity, order entry, or colocation-related services. Rather, the

proposal merely conforms the Exchange's rulebook to the current availability of its services and removes obsolete provisions that no longer reflect operative offerings.

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

No written comments were either solicited or received.

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

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act⁸ and subparagraph (f)(6) of Rule 19b-4 thereunder.⁹

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 shall institute proceedings to determine whether the proposed rule 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:

⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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. Please include file number SR-GEMX-2026-30 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.

All submissions should refer to file number SR-GEMX-2026-30. 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-GEMX-2026-30 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.¹⁰

Sherry R. Haywood,
Assistant Secretary.

¹⁰ 17 CFR 200.30-3(a)(12).