

NASDAQ Modifies Rules Related to Press Release Disclosure Requirements



Please Route To: All NASDAQ-Listed Companies

What You Need to Know:

- NASDAQ has modified its rules to permit certain disclosures through either a press release or by filing a Form 8-K, eliminating burdensome duplicative disclosure.

NASDAQ has modified its rules to permit certain disclosures through either a press release or by filing a Form 8-K. As a result, a company may satisfy NASDAQ's requirement to disclose receipt of notification that it is non-compliant with a listing standard or that it has received a Public Reprimand letter, as well as certain other required disclosures, by filing a Form 8-K, where required by SEC rules, and does not have to also issue a press release. However, companies that are late in filing a periodic report with the SEC must still issue a press release, in addition to filing any required Form 8-Ks.

NASDAQ has also eliminated the duplicative requirement that a foreign private issuer publish its interim financial statements in a press release as well as on a Form 6-K. Going forward, only the Form 6-K is required.

Finally, companies are no longer required to disclose in a press release the receipt of an audit opinion that contains a going concern qualification. NASDAQ has found this separate press release to be duplicative and confusing to investors given that the audit opinion is included in the company's annual report, which must be distributed to investors.

These modifications are designed to facilitate compliance with NASDAQ rules by aligning NASDAQ's disclosure requirement with those of the SEC. In addition, these modifications will eliminate duplicative disclosures that were previously required in some instances, without reducing the information now available to investors.

Additional Information

For more detailed information, please visit the following links:

- [SEC Approval Order](#)
- [NASDAQ Listing Rules](#)

If you have any questions, please contact your NASDAQ Listing Qualifications Analyst or your NASDAQ Relationship Manager.

About the NASDAQ OMX Group

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