

February 5, 2014

VIA E-MAIL

Ms. Melissa Jurgens
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, DC 20581

**RE: CFTC Regulation 40.6(a) Certification: Adoption of Rule 537 (“Trade Data Submitted to the Exchange”).
CME/CBOT/NYMEX/COMEX Submission No. 14-030**

Dear Ms. Jurgens:

Chicago Mercantile Exchange Inc. (“CME”), The Board of Trade of the City of Chicago, Inc. (“CBOT”), New York Mercantile Exchange, Inc. (“NYMEX”), and Commodity Exchange, Inc. (“COMEX”) (collectively, the “Exchanges”) are notifying the Commodity Futures Trading Commission (“CFTC” or “Commission”) that they are each self-certifying the adoption of new Rule 537 (“Trade Data Submitted to the Exchange”) which will become effective on February 21, 2014.

New Rule 537 is being adopted to codify the ability of the CME Group Inc. Exchanges to use, distribute, and license non-regulatory trade data (e.g., bids, offers) and related information that is submitted to the Exchanges, and provide for market participants’ consent for our Exchanges to use regulatory data submitted by customers for commercial or marketing purposes.

The adoption of Rule 537 will work in conjunction with the existing Confidentiality Policy that has been publicly posted on the CME Group website. The adoption of Rule 537 will not change the current restriction in place that restricts the Exchanges’ business teams from accessing position and detailed transaction level profit and loss information. The Rule contains a provision that will allow market participants that refuse to consent to the use of their data for business and marketing purposes to notify the Exchange of such refusal. This opt-out provision simply requires either a written notice to be sent to the General Counsel or for the market participant to dial a toll-free number for purposes of opting-out.

Rule 537 appears in Exhibit A, with additions underscored and deletions ~~overstruck~~.

The Market Regulation Department and the Legal Department collectively reviewed the designated contract market core principles (“Core Principles”) as set forth in the Commodity Exchange Act (“Act”). During the review, we identified that the adoption of Rule 537 may have some bearing on the following Core Principle and CFTC Regulation:

Availability of General Information: As required by this Core Principle, the Exchanges will advise market participants of the adoption of Rule 537 via the issuance of CME Group Special Executive Report S-6963 (“S-6963”) on Monday, February 10, 2014. S-6963 will explain the new Rule and will provide information on the manner in which market participants may opt-out of consenting to the CME Group Exchanges’ use of trade data and related information submitted for purposes of fulfilling regulatory obligations for business or marketing purposes.

Regulation 38.7 (Prohibited use of data collected for regulatory purposes): New Rule 537 contains an explicit provision that will allow market participants that refuse to consent to the use of their data for business and marketing purposes to notify the Exchange of such refusal. This opt-out provision will simply require that a market participant either provide a written notice to the General Counsel or call a toll-free number, which will eliminate the need for the CME Group Exchanges to require each of its clearing member firms to obtain explicit written consent from each of their customers transacting in products offered by the CME Group Exchanges.

The Exchanges certify that the adoption of Rule 537 complies with the Act and regulations thereunder. There were no opposing views to this proposal.

The Exchanges certify that this submission has been concurrently posted on the CME Group website at <http://www.cmegroup.com/market-regulation/rule-filings.html>.

If you have any questions regarding this submission, please contact Joseph Adamczyk, Legal Department, at 312-648-3854 or via e-mail at Joseph.Adamczyk@cmegroup.com. Alternatively, you may contact me at 212-299-2200 or via e-mail at Christopher.Bowen@cmegroup.com. Please reference CME/CBOT/NYMEX/COMEX Submission No. 14-030 in any related correspondence.

Sincerely,

/s/ Christopher Bowen
Managing Director and Chief Regulatory Counsel

Attachment: Exhibit A – Rule 537

EXHIBIT A

537. [RESERVED] TRADE DATA SUBMITTED TO THE EXCHANGE

(a) Subject to each market participant's rights with respect to its own data, the Exchange shall own all rights, title and interest, database rights and trade secret rights in and to all trade data and related information submitted in connection with trading on the Exchange, and which is not collected or received for the purpose of fulfilling regulatory obligations. The Exchange has the exclusive right to use, distribute, sub-license, disclose and sell anonymized trade data and derivative works in any manner, media and jurisdiction. Market participants shall not redistribute trade data or derivative works based thereon unless licensed by the Exchange. The restriction on redistribution shall not apply to a market participant's own data.

(b) Trade data and related information that is submitted to the Exchange for the purpose of fulfilling regulatory obligations may be used by the Exchange for business or marketing purposes, unless the market participant has refused consent to such use, and either provides written notice to the General Counsel of the Exchange at 20 South Wacker Drive, Chicago, Illinois 60606 ("Attn: Data Opt Out Request"), or provides notice by calling (855) 219-1580. Data collected or received for the purpose of fulfilling regulatory obligations shall not be disclosed publicly other than on an aggregated or anonymized basis, or in a manner that does not directly or indirectly identify any market participant who has submitted such data. Access to the Exchange will not be conditioned upon a market participant's consent to data collected or received for the purpose of fulfilling regulatory obligations being used for business or marketing purposes. Nothing in this Rule shall preclude the Exchange from disclosing data pursuant to a valid subpoena or court order, or as otherwise required by law.