

Corporations

1. Securities Regulation

C. Federal Regulation Continued

• *The Securities Act of 1933 – Registration Statement*

| | Prohibited or Required Activities | Permitted Activities |
|-----------------------------|---|--|
| Prefiling Period | Issuer must not sell or offer for sale a security before registration statement is filed. | Issuer may plan with underwriters the distribution of the security. |
| Waiting Period | No final sale of a security permitted during this period. | Preliminary prospectus* containing information from the registration statement being reviewed by the SEC may be distributed to investors, who may make offers. Advertisements may be placed in financial publications, identifying particulars of the security, from whom a prospectus can be obtained, and by whom orders will be executed.** |
| Posteffective Period | Must provide a copy of final prospectus with every written offer, confirmation of sale, or delivery of security. Must update prospectus whenever important new developments occur or after nine months. | Sales of the security may be completed. |

* The preliminary prospectus is commonly called the "red herring" prospectus because of the red ink caption required by the SEC, informing the public that a registration statement has been filed but is not yet effective, and that no final sale can be made until after the effective date.

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Securities Regulation 003

R Barnett



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