

MEMO# 22762

August 4, 2008

SEC Reopens Comment Period For Summary Prospectus Proposal; Comments Due August 29

[22762]

August 4, 2008

TO: BANK, TRUST AND RECORDKEEPER ADVISORY COMMITTEE No. 23-08
BROKER/DEALER ADVISORY COMMITTEE No. 24-08
ETF ADVISORY COMMITTEE No. 20-08
OPERATIONS COMMITTEE No. 13-08
RESEARCH COMMITTEE No. 6-08
SEC RULES COMMITTEE No. 56-08
SMALL FUNDS COMMITTEE No. 24-08
TECHNOLOGY COMMITTEE No. 21-08
TRANSFER AGENT ADVISORY COMMITTEE No. 39-08 RE: SEC REOPENS COMMENT PERIOD
FOR SUMMARY PROSPECTUS PROPOSAL; COMMENTS DUE AUGUST 29

In November 2007, the Securities and Exchange Commission proposed amendments to the rules and forms used by mutual funds to register under the Investment Company Act of 1940 and to offer their securities under the Securities Act of 1933. [\[1\]](#) Among other things, the proposed amendments would permit a fund to satisfy its prospectus delivery obligation under Section 5(b)(2) of the Securities Act by providing investors with a “Summary Prospectus” containing the same key information, and making additional information, including the statutory prospectus, available on the Internet and in paper or by email upon request.

The Institute filed a comment letter on the proposal on February 28, 2008. [\[2\]](#) We also filed a supplemental letter and white paper summarizing the Institute’s investor survey, which was conducted in response to the Commission’s request for input on “what improvements would make the [S]ummary [P]rospectus easier to read and understand, and what key information investors would like to see included.” [\[3\]](#) The Commission also

conducted investor research, in the form of focus groups, and recently published information about the study. [4]

On July 31, the Commission reopened the comment period for this proposal. [5] The Commission requested comments on the proposal in light of the recently published materials, as well as any other matters that may have an effect on the proposal.

The Institute intends to submit a comment letter in consideration of the SEC's investor research. If you have any comments on these materials, please provide them to Mara Shreck (202/326-5923 or mshreck@ici.org) or John Sabelhaus (202/326-5866 or jsabelhaus@ici.org) by August 12.

Mara Shreck
Associate Counsel

endnotes

[1] See Enhanced Disclosure and New Prospectus Delivery Option for Registered Open-End Management Investment Companies, SEC Release Nos. 33-8861 and IC-28064 (Nov. 21, 2007) ("Proposing Release"), available at <http://www.sec.gov/rules/proposed/2007/33-8861.pdf>.

[2] See Letter from Karrie McMillan, General Counsel, Investment Company Institute, to Nancy M. Morris, Secretary, U.S. Securities and Exchange Commission, dated Feb. 28, 2008, available at <http://www.sec.gov/comments/s7-28-07/s72807-92.pdf>.

[3] See Letter from Karrie McMillan, General Counsel, and Brian Reid, Chief Economist, Investment Company Institute, to Nancy M. Morris, Secretary, U.S. Securities and Exchange Commission, dated March 14, 2008, available at <http://www.sec.gov/comments/s7-28-07/s72807-127.pdf> (responding to "SEC Releases Sample Format for Proposed Mutual Fund Summary Prospectus: Commission Seeks Investor Input on Proposal to Improve Mutual Fund Disclosure," SEC Press Release No. 2007-249, November 29, 2007, available at <http://www.sec.gov/news/press/2007/2007-249.htm>).

[4] See Investor Testing of Mutual Fund Summary Prospectus and Related Disclosures (July 31, 2008), available at <http://www.sec.gov/comments/s7-28-07/s72807-142.htm>.

[5] See Enhanced Disclosure and New Prospectus Delivery Option for Registered Open-End Management Investment Companies, SEC Release Nos. 33-8861 and IC-28064 (July 31, 2008), available at <http://www.sec.gov/rules/proposed/2008/33-8949.pdf>.