

**MEMO# 15792**

March 21, 2003

## **SEC WEBSITE ESTABLISHED FOR CREATING AND FILING FORMS 3, 4, AND 5**

[15792] March 21, 2003 TO: CLOSED-END INVESTMENT COMPANY COMMITTEE No. 17-03 SEC RULES COMMITTEE No. 25-03 RE: SEC WEBSITE ESTABLISHED FOR CREATING AND FILING FORMS 3, 4, AND 5 As we previously informed you, the Securities and Exchange Commission proposed rules that would require the electronic filing of insider beneficial ownership reports under Section 16(a) of the Securities Exchange Act of 1934.<sup>1</sup> In the release proposing those rules, the Commission stated that when the mandatory electronic filing of Forms 3, 4, and 5 is required, a new on-line filing system would be available.<sup>2</sup> The SEC yesterday announced the establishment of a new Internet website exclusively for the creation and submission of Forms 3, 4, and 5.<sup>3</sup> According to the Notice, the new website will be available on or about March 24, 2003 for the creation and submission of “test” filings to the EDGAR system. It encourages companies to use the new website to submit “test” filings and to provide the SEC with comments or suggestions for improving the system as soon as possible. The test system will be available for approximately 30 days and after April 25, 2003, the test system will go “live” and filers will no longer be able to make Form 3, 4, or 5 filings using the existing EDGAR template system. From that time until the date the mandated electronic filing rules become effective, filers will need to file Forms 3, 4, and 5 either electronically, using the new on-line website system or private company software products, or in paper. The Notice contains detailed instructions regarding use of the new website. The Notice states that comments regarding the new website should be provided to the Office of EDGAR and Information Analysis in the Division of Corporation Finance at (202) 942-2940 (phone) or (202) 942-9542 (fax). Any specific technical comments regarding difficulties 1 See Memorandum to Closed-End Investment Company Committee No. 2-03 and SEC Rules Committee No. 1-03, dated January 6, 2003. 2 See SEC Release Nos. 33-8170, 34-47069, IC-25872 (December 20, 2002) [67 FR 79466 (December 27, 2002)]. A copy of the release is available on the SEC’s website at <http://www.sec.gov/rules/proposed/33-8170.htm>. 3 See Notice to EDGAR Filers: SEC Establishes New Website for Creating and Filing Ownership Forms (“Notice”). A copy of the notice is available on the SEC’s website at <http://www.sec.gov/info/edgar/ednews/ownerfilesite.htm>. 2 in using the new website should be communicated directly to the SEC staff. If you have any comments that would be appropriate for the Institute to raise with the SEC staff, you can reach me by phone at (202) 218-3563, fax at (202) 326-5827, or e-mail at [ddonohue@ici.org](mailto:ddonohue@ici.org). Dorothy M. Donohue Associate Counsel

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