

§ 260.14a-1

17 CFR Ch. II (4-1-25 Edition)

drawn, negotiated or incurred by the obligor for the purpose of financing the purchase, processing, manufacture, shipment, storage or sale of goods, wares or merchandise and which is secured by documents evidencing title to, possession of or a lien upon the goods, wares or merchandise or the receivables or proceeds arising from the sale of the goods, wares or merchandise previously constituting the security: *Provided*, The security is received by the trustee simultaneously with the creation of the creditor relationship with the obligor arising from the making, drawing, negotiating or incurring of the draft, bill of exchange, acceptance or obligation.

RULES UNDER SECTION 314

PERIODIC REPORTS

§ 260.14a-1 Application of §§ 260.7a-15 to 260.7a-38.

Sections 260.7a-15 to 260.7a-38 shall be applicable to annual reports under section 314(a).

§ 260.19a-1 Compliance with Section 314(a)(1) of the Trust Indenture Act for certain eligible indenture obligors.

(a) This section is applicable only to an “eligible indenture obligor” as defined in paragraph (b) of this section.

(b) For purposes of paragraph (c) of this section, an “eligible indenture obligor” is any obligor that:

(1) Is required to file reports with the Commission pursuant to Section 13 or Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m or 78o(d)) (the “Exchange Act”); and

(2) May rely on any of the provisions of Release No. 34-45589 (March 18, 2002) (which may be viewed on the Commission’s website at *www.sec.gov*) with regard to the filing of reports with the Commission pursuant to Section 13 or Section 15(d) of the Exchange Act (14 U.S.C. 78m or 78o(d)).

(c) An “eligible indenture obligor” that files with the indenture trustee those Exchange Act reports filed with the Commission in accordance with the Release referred to in paragraph (b)(2) of this section has met its duty under Section 314(a)(1) of the Act (15 U.S.C. 77nnn(a)(1)) to file with the indenture trustee all reports required to be filed with the Commission pursuant to Section 13 or Section 15(d) of the Securities Exchange Act of 1934.

[67 FR 13538, Mar. 22, 2002, as amended at 76 FR 71877, Nov. 21, 2011]

PART 261—INTERPRETATIVE RELEASES RELATING TO THE TRUST INDENTURE ACT OF 1939 AND GENERAL RULES AND REGULATIONS THEREUNDER

Subject	Release No.	Date	Fed. Reg. Vol. and Page
Opinion of the General Counsel relating to application of section 310(b) where trustee under one indenture is trustee under another indenture for securities of an affiliate of the obligor.	16	Nov. 14, 1941	11 FR 10989.
Opinion of the Chief Counsel to the Corporation Finance Division relating to when-issued trading of securities the issuance of which is subject to approval by a Federal district court under Chapter X of the Bankruptcy Act.	30	Aug. 28, 1944	Do.
Opinion of the Chief Counsel to the Corporation Finance Division relating to when-issued trading of securities the issuance of which has already been approved by a Federal district court under Chapter X of the Bankruptcy Act.	31	Jan. 4, 1945	11 FR 10990.
Interpretation with reference to the securities of the International Bank for Reconstruction and Development.	37	June 25, 1947	12 FR 4450.
Statement of the Commission to clarify the meaning of “beneficial ownership of securities” as relates to beneficial ownership of securities held by family members.	227	Jan. 25, 1966	31 FR 1005.
Statement of the Commission setting the date of May 1, 1966 after which filings must reflect beneficial ownership of securities held by family members.	229	Feb. 14, 1966	31 FR 3175.
Commissions statement re exemption of certain industrial revenue bonds from registration, etc. requirements in view of amendment of Securities Act of 1933 and of Securities Exchange Act of 1934 by “section 401” (Pub. L. 91-1037).	284	Nov. 6, 1970	35 FR 17990.

Subject	Release No.	Date	Fed. Reg. Vol. and Page
Publication of the Commission's procedure to be followed if requests are to be met for no action or interpretative letters and responses thereto to be made available for public use.	289	Jan. 25, 1971	36 FR 2600.
Offerings of debt securities pursuant to trust indentures	524	Apr. 25, 1979	44 FR 26739.
No-action position respecting public offerings of debt securities registered on Form SB-2 without qualification of an indenture under the Trust Indenture Act.	542	Oct. 16, 1979	44 FR 61941.
Simplified form of trust indenture	605	Jan. 8, 1981	46 FR 3500.
Retail repurchase agreements by banks and Savings and Loan Associations	658	Sept. 25, 1981	46 FR 48637.
Application of the registration provisions of the Securities Act of 1933 to the offer and sale of securities by United States branches and agencies of foreign banks.	2038	Sept. 23, 1986	51 FR 34462.

PART 269—FORMS PRESCRIBED UNDER THE TRUST INDENTURE ACT OF 1939

Sec.

- 269.0-1 Availability of forms.
- 269.1 Form T-1, for statement of eligibility and qualification for corporate trustees.
- 269.2 Form T-2, for statement of eligibility and qualification for individual trustees.
- 269.3 Form T-3, for application for qualification of trust indentures.
- 269.4 Form T-4, for application for exemption pursuant to section 304(c) of the Act.
- 269.5 Form F-X, for appointment of agent for service of process by issuers registering securities on Form F-8, F-9, F-10 or F-80 (§§ 239.38, 239.39, 239.40 or 239.41 of this chapter), or registering securities or filing periodic reports on Form 40-F (§249.240f of this chapter), or by any issuer or other non-U.S. person filing tender offer documents on Schedule 13E-4F, 14D-1F or 14D-9F (§§240.13e-102, 240.14d-102 or 240.14d-103 of this chapter), or by any non-U.S. person acting as trustee with respect to securities registered on Form F-7 (§239.37 of this chapter), F-8, F-9, F-10 or F-80.
- 269.6 [Reserved]
- 269.7 Form ID, application for EDGAR access.
- 269.8 Form SE, form for submission of paper format exhibits by electronic filers.
- 269.9 Form T-6 for application under section 310(a)(1) of the Trust Indenture Act for determination of the eligibility of a foreign person to act as institutional trustee.
- 269.10 Form TH—Notification of reliance on temporary hardship exemption.

AUTHORITY: 15 U.S.C. 77ddd(c), 77eee, 77ggg, 77hhh, 77iii, 77jjj, 77sss, and 7811(d), unless otherwise noted.

SOURCE: 33 FR 19002, Dec. 20, 1968, unless otherwise noted.

§ 269.0-1 Availability of forms.

(a) This part identifies and describes the forms prescribed for use under the Trust Indenture Act of 1939.

(b) Any person may obtain a copy of any form prescribed for use in this part by written request to the Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549. Any person may inspect the forms at this address and at the Commission's regional offices. (See §200.11 of this chapter for the addresses of SEC regional offices.)

[46 FR 17757, Mar. 20, 1981, as amended at 47 FR 26820, June 22, 1982; 59 FR 5946, Feb. 9, 1994; 73 FR 983, Jan. 4, 2008]

§ 269.1 Form T-1, for statement of eligibility and qualification for corporate trustees.

This form shall be filed pursuant to Rule 5a-1(a) (§260.5a-1(a) of this chapter) for statements of eligibility and qualification of corporations designated to act as trustees under trust indentures to be qualified pursuant to section 305 or 307 of the Trust Indenture Act of 1939.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form T-1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

§ 269.2 Form T-2, for statement of eligibility and qualification for individual trustees.

This form shall be filed pursuant to Rule 5a-1(b) (§260.5a-1(b) of this chapter) for statements of eligibility and qualification of individuals designated to act as trustees under trust indentures to be qualified pursuant to section 305 or 307 of the Trust Indenture