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## A All Publications

### Bylaw 4.2 Membership Representation

#### AMENDED BYLAW

*ABC's Board voted unanimously to modify Bylaw 4.2 Membership Representation to reflect modified Canadian director representation on the ABC Board given the formation of a new ABC Canada board. The additional Canadian representation on the ABC Canada board (formerly Canadian committee) will be "ex officio" to the ABC Board. (Effective March 16, 2009.)*

#### 4.2 Membership Representation

For carrying out the objects of the Bureau, the different classes of members will be divided into the following divisions:

Advertiser Division; Advertising Agency Division; Newspaper Publisher Division; Magazine Publisher Division; Farm Publication Publisher Division; and Business Publication Publisher Division.

The Board of Directors shall consist of representatives from each division as follows:

Advertiser & Advertising Agency Divisions:  
19 members

- Advertiser Division – at least eight members.
- Advertising Agency Division – at least seven members.

There shall be a combined total of sixteen U.S. Advertiser and Advertising Agency member representatives and three Canadian Advertiser and/or Canadian Advertising Agency member representatives on the ABC Board of Directors.

Publisher Division: 17 members

- Newspaper Publisher Division – eight members.
- Magazine Publisher Division – five U.S. members.
- Farm Publication Publisher Division – one U.S. member.
- Business Publication Publisher Division – two U.S. members.
- Magazine Publisher Division, Farm Publication Division, and Business Publication Division, jointly – one member identified as the Canadian Periodical Publisher Division (who shall be a Canadian member of one of these three divisions).

For the purpose of choosing the eight newspaper directors to the Board of Directors, the following classes of newspaper membership shall exist:

Class 1 – ~~Daily~~ All Newspapers published in Canada.

Class 2 – Daily Newspapers at-large published in the U.S.

Class 3 – Daily Newspapers at-large published in the U.S.

Class 4 – Daily Newspapers having 250,000 or more net paid circulation published in the U.S.

Class 5 – Daily Newspapers having from 100,000 to 250,000 net paid circulation published in the U.S.

Class 6 – Daily Newspapers having from 25,000 to 100,000 net paid circulation published in the U.S.

Class 7 – Daily Newspapers having less than 25,000 net paid circulation published in the U.S.

Class 8 – All Weekly Newspapers excluding newspapers published in Canada (newspapers published less than four times a week).

One director shall be from each of the above classes. Class 1, 2, 3 and 4 directorship positions expire on even years; while class 5, 6, 7 and 8 directorship positions expire on odd years.

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## BUSINESS PUBLICATIONS

### D 10.3

#### Digital Versions and Digital Editions

##### AMENDED RULE

*ABC's Board voted unanimously to modify Rule D 10.3 Digital Versions and Digital Editions to eliminate the requirement that publishers of digital versions/editions send an e-mail to individually paid subscribers notifying them that the latest issue is available on the publisher's controlled-access website. (Effective March 16, 2009.)*

#### D 10.3 Digital Versions and Digital Editions

(a) The labels "digital version" or "digital edition" will be used to describe all copies distributed via electronic or paperless means.

(1) Digital version is defined as a publication distributed via electronic / digital means that maintains the basic identify of the host publication by maintaining the same name / logo and wherein the editorial and advertising content is a replica of the core host product. The digital version may contain "hotlinks" to the publisher's web site provided the web site contains updated or expanded editorial content when compared to the print edition.

(2) Digital edition is defined as a product distributed via electronic / digital means that maintains the basic identity of the host publication either by maintaining the same name / logo or by identifying itself as "an edition of \_\_\_\_\_," but contains different editorial and/or advertising content.

Digital edition circulation must be reported separately in Publisher's Statements and Audit Reports in accord with Bureau Rule D 10.2.

(b) Digital versions and editions may not be comprised of a newsletter / e-newsletter or unrestricted website access.

(c) Both "push" and "pull" methods of distribution are acceptable.

For paid subscriptions, either purchased individually or by the subscriber's employer, served via the pull method, e-mail notification to the subscriber of the product's availability on the restricted access Web site is not required. E-mail notification must be made to designated recipients for subscriptions purchased in bulk by third parties.

For non-paid subscriptions served via the pull method, e-mail notification to the subscriber of the product's availability on the restricted access Web site qualifies as delivery.

(d) Digital version / edition-only subscribers shall be required to provide a land address for reporting purposes in Paragraph 4 Geographic Analysis. Digital version / edition-only subscribers who do not provide a usable land address shall be reported as "e-mail address only" and shall not be subject to the 5 percent limit as articulated in Rule D 5.1(c) Geographic Analysis.

(e) Provided all other qualification criteria are met, non-paid copies served via the pull method and paid and non-paid copies served via the push method identified as delivery issue "bounce backs" may be included in qualified circulation for a limited time frame provided the delivery issue associated with the bounce back is rectified, or the subscriber is purged from the subscriber file in accord with the following scale: daily – 10 issues; weekly – four issues; biweekly – two issues; and monthly – one issue.

(f) Mid-term conversions from print only to digital version / edition only may be completed at the publisher's discretion provided the subscriber has the opportunity to "opt-out" of the conversion and retain the print subscription or terminate the subscription altogether.

(g) Paid bulk sale and license agreements may be reported as qualified circulation in ABC reports provided the purchaser pays a qualifying price for each subscription.

(h) Publications are required to provide a statement of digital delivery methodology in the explanatory paragraph of ABC reports.

*Also see Rules D 1.2 Prices, D 5.3 Age of Source, and D 10.2 Separate Editions.*

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## MAGAZINES

### F 1.1 Paid Circulation Defined

#### AMENDED RULE

*ABC's Board voted unanimously to modify Rule F 1.1 Paid Circulation Defined to allow publishers to include circulation generated from an offer of a one-copy extension to current paid subscribers if the subscriber provides their e-mail address to the publisher. (Effective March 16, 2009.)*

#### F 1.1 Paid Circulation Defined

Paid circulation is hereby defined to be copies of publications which have been paid for by the purchasers, not for resale, under the following conditions, viz:

(a) If the sale is a single copy sale it shall be paid for at not less than one cent.

(b) Subscription Sales: On term order for any period the subscription must be paid for at not less than one cent.

(c) Subscriptions may be served for no longer than 25% of the original term ordered, with a maximum of three consecutive months, immediately following the expiration date and such "post expire copies" may be included in paid circulation. For publications that have a break in service, e.g., published only during the winter months or all months except the three-month period during the summer, the subscriber may receive post expire service of 25% of the original term ordered, up to three consecutive months, immediately following the expiration date or up to all consecutive issues published between expiration and the break in service plus a maximum of one month following the break in service, with the total number of post-expiration copies served limited to the number of issues published within three months, and said service can be included in paid circulation.

Post expiration copies, if served, must be distributed prior to the distribution of the next regularly scheduled issue.

(d) Subscriptions to any publication received as a result of an offer by a publisher that stipulates that part of the subscription term is free will qualify for inclusion in paid circulation only when a contractual agreement exists for the full term of the subscription and is in accord with the provisions of Paragraph (b) above. Without such contractual agreement, those copies which a subscriber is informed are free shall not qualify as paid circulation and instead shall be reported as unpaid circulation.

(e) Unless stated otherwise, the amount paid by the purchaser/subscriber required to qualify circulation as paid, is net of all other considerations.

(f) Circulation obtained as a result of an offer of one additional copy of the publication, made by a publisher, for actions related to a current paid subscriber providing an e-mail address for use by the publication in future communications, shall qualify as paid provided clear and conspicuous notice is given to the subscriber as to the terms of the extension being given and action required. Average paid circulation served as a result of this extension shall be reported in the explanatory paragraph of Publisher's Statements and Audit Reports.

## MAGAZINES

### F 4.1 Publisher's Statements

#### AMENDED RULE

*ABC's Board voted unanimously to modify Rule F 4.1 Publisher's Statements to allow publishers to optionally report circulation on their Publisher's Statements for a 26-week ending period (beginning with the June 2009 reporting period) instead of the six-month period ending June 30 or December 31. This change will allow magazines to maintain consistency with their fiscal reporting and minimize the need for separate ABC*

*circulation reports and financial circulation reports. (Effective March 16, 2009.)*

#### F 4.1 Publisher's Statements

(a) The semi-annual Publisher's Statements shall cover the periods from January 1 to June 30 and July 1 to December 31.

(b) Publisher's Interim Statements may be filed for quarterly periods January 1 through March 31 and/or July 1 through September 30 only.

(c) All Publisher's Statements submitted to the Bureau for publication shall be accompanied by forms and schedules as deemed necessary by the managing director. Failure to submit completed forms and schedules by the last day of the subsequent Publisher's Statement period will result in the suspension of all report services, to include suspension from the ABC FAS-FAX document, for the member until such time as the necessary forms and schedules are provided to the Bureau.

(d) Publications issued annually and sold only through single-copy sales shall have the option of a simplified reporting of their circulation. (See F 14.2.)

(e) Publishers using the four week - 13-month calendar billing system may report the circulation averages for the 13-week and/or 26-week period nearest the end of the calendar quarter.

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## (U.S.) NEWSPAPERS

### Rule C 2.9 Subscriptions for Less Than Regular Frequency Analysis of Individually Paid Home Delivery Circulation by Price Category

#### NEW RULE

(note previous Rule C 2.9 Subscriptions for Less Than Regular Frequency is being eliminated)

ABC's Board voted to add new Rule C 2.9 Analysis of Individually Paid Home Delivery Circulation by Price Category requiring newspapers to report subscription circulation sold at greater than or equal to 25% of basic price and subscription circulation sold at less than 25% of basic price if more than 5% of the subscription circulation is sold at prices below 25% of basic price. This information would be reported in an online, password-protected database. (Effective April 1, 2009.)

### C 2.9 Subscriptions for Less Than Regular Frequency

~~When subscriptions for less than the regular number of issues named in the paragraph relating to the frequency of issue are included in Paragraph 1A (or 1B), the figures including such subscriptions shall be indicated by symbol and reference made at the bottom of the page.~~

### C 2.9 Analysis of Individually Paid Home Delivery Circulation by Price Category

(a) Newspapers will be required to report subscription circulation sold at greater than or equal to 25% of basic price and subscription circulation sold at less than 25% of basic price if more than 5% of their subscription circulation is sold at prices below 25% of basic price. This information will be reported in an online, password-protected database.

(b) In all cases, the calculation for each subscriber is based on the publisher's declared annual price as noted in Rule C 1.2 Prices.

For example, if the annual daily and Sunday basic price is \$100 and an analysis is made on an eight-week subscription sold for \$6, the following steps would be taken:

$8 \text{ weeks} / 52 \text{ weeks} = 15.4\%$

$15.4\% \times \$100 = \$15.40$  (8 weeks pro

rata basic)

$\$6 / \$15.40 = 39\%$  circulation to be

reported as greater than 25%

## NEWSPAPERS

### Rule C 5.3 Combination Sales

#### AMENDED RULE

ABC's Board voted to modify Rule C 5.3 Combination Sales for newspapers to offer more than one subscription for the same newspaper to a single subscriber provided the subscriber pays an incremental amount for the second subscription. (Effective April 1, 2009.)

### C 5.3 Combination Sales [paragraph (b)(2) only]

(b) (2) Multiple Subscriptions to One Newspaper

When two or more subscriptions to the same newspaper are offered or sold in one sale, the amount paid by the subscriber must not be less than two cents. In addition, any offer of two or more subscriptions of the same newspaper must include an option to receive only one subscription at no greater than an equal pro rata of the combination offer price for less than the multiple subscription price. For example, an offer of two subscriptions for 10 cents must also make one subscription available for five nine cents or less.

The rule is not applicable to situations where electronic edition issues are provided to print subscribers and only the print edition subscription is to be reported as paid circulation.

## CANADIAN NEWSPAPERS

### Rule C 25.3 Combination Sales

#### AMENDED RULE

ABC's Board voted to modify Rule C 25.3 Combination Sales for Canadian newspapers to offer more than one subscription for the same newspaper to a single subscriber provided the subscriber pays an incremental amount for the second subscription. (Effective April 1, 2009.)

### C 25.3 Combination Sales [paragraph (b)(2) only]

(b) (2) Multiple Subscriptions to One Newspaper

When two or more subscriptions to the same newspaper are offered or sold in one sale, the amount paid by the subscriber must not be less than two cents. In addition, any offer of two or more subscriptions of the same newspaper must include an option to receive only one subscription at no greater than an equal pro rata of the combination offer price for less than the multiple subscription price. For example, an offer of two subscriptions for 10 cents must also make one subscription available for five nine cents or less.

The rule is not applicable to situations where electronic edition issues are provided to print subscribers and only the print edition subscription is to be reported as paid circulation.