

**FATCA AND CRS SELF CERTIFICATION FORM
(ENTITY CUSTOMER DECLARATION)**

Appendix – Summary Descriptions of Selected Defined Terms

Note: The following are selected summaries of defined terms provided to assist you with the completion of this form.

Further details can be found within the OECD Common Reporting Standard for Automatic Exchange of Financial Account information (“CRS”), the associated Commentary to the CRS, Malaysia-US Intergovernmental Agreement on Foreign Account Tax Compliance Act (FATCA) and other domestic guidance.

Account Holder

The “Account Holder” is the person listed or identified as the holder of a Financial Account by the Financial Institution that maintains the account. This is regardless of whether such person is a flow-through Entity. Thus, for example, if a trust or an estate is listed as the holder or owner of a Financial Account, the trust or estate is the Account Holder, rather than the trustee or the trust’s owners or beneficiaries. Similarly, if a partnership is listed as the holder or owner of a Financial Account, the partnership is the Account Holder, rather than the partners in the partnership.

A person, other than a Financial Institution, holding a Financial Account for the benefit or account of another person as agent, custodian, nominee, signatory, investment advisor, or intermediary, is not treated as holding the account, and such other person is treated as holding the account.

Active Non-Financial Entity (Active NFE) (CRS)

An NFE is an Active NFE if it meets any of the criteria listed below. In summary, those criteria refer to:

- a. Active NFE by reason of income and assets:
 - Less than 50% of the NFE’s gross income for the preceding calendar year or other appropriate reporting period is passive income; AND
 - Less than 50% of the assets held by the NFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income;
- b. Publicly Traded NFE or Related Entity of a Publicly Traded NFE:
 - The stock of the NFE is regularly traded on an established securities market; OR
 - The NFE is a Related Entity of an Entity the stock of which is regularly traded on an established securities market;
- c. The NFE is a Governmental Entity, an International Organisation, a Central Bank, or an Entity wholly owned by one or more of the foregoing;
- d. Holding NFE that is a member of a nonfinancial group:
 - Substantially all of the activities of the NFE consist of holding (in whole or in part) the outstanding stock of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution, except that an Entity does not qualify for this status if the Entity functions (or holds itself out) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes;
- e. Start-up NFE:
 - The NFE is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a Financial Institution, provided that the NFE does not qualify for this exception after the date that is 24 months after the date of the initial organisation of the NFE;
- f. NFE that is liquidating or emerging from bankruptcy:
 - The NFE was not a Financial Institution in the past five years; AND
 - It is in the process of liquidating its assets or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution;
- g. Treasury Center that is a member of a nonfinancial group:
 - The NFE primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions; AND
 - Does not provide financing or hedging services to any Entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution;
- h. Non-Profit NFE:
 - The NFE meets all of the following requirements
 - i) It is established and operated in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operated in its jurisdiction of residence and it is a professional organisation, business league, chamber of commerce, labour organisation, agricultural or horticultural organisation, civic league or an organisation operated exclusively for the promotion of social welfare;
 - ii) It is exempt from income tax in its jurisdiction of residence;

- iii) It has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
- iv) The applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents do not permit any income or assets of the NFE to be distributed to, or applied for the benefit of, a private person or non-charitable Entity other than pursuant to the conduct of the NFE's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the NFE has purchased; AND
- v) The applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents require that, upon the NFE's liquidation or dissolution, all of its assets be distributed to a Governmental Entity or other non-profit organisation, or escheat to the government of the NFE's jurisdiction of residence or any political subdivision thereof.

Active Non-Financial Foreign Entity (Active NFFE) (FATCA)

An "Active NFFE" means any NFFE that meets any one of the following criteria:

- a. Active NFFE by reason of income and assets:
 - Less than 50% of the NFFE's gross income for the preceding calendar year or other appropriate reporting period is passive income; AND
 - Less than 50% of the assets held by the NFFE during the preceding calendar year or other appropriate reporting period were assets that produce or are held for the production of passive income;
- b. Publicly Traded NFFE or a Related Entity of a Publicly Traded NFFE:
 - The share of the NFFE is regularly traded on an established securities market; OR
 - The NFFE is a Related Entity of an entity, the share of which is regularly traded on an established securities market;
- c. The NFFE is incorporated in a U.S. Territory and all the owners of the payee are bona fide residents of that U.S. Territory;
- d. Non-U.S. Government / Government of a U.S. Territory / International Organisation / Non-U.S. Central Bank:
 - The NFFE is a non-U.S. government, a political subdivision of such non-U.S. government (which, for the avoidance of doubt, includes a state, province, county, or municipality), or a public body performing a function of such government or a political subdivision thereof, a government of a U.S. Territory, an international organisation, a non-U.S. Central Bank of issue, or an entity wholly-owned by one or more of the foregoing;
- e. Holding NFFE that is a Member of a Non-Financial Group:
 - Substantially all of the activities of the NFFE consist of holding (in whole or in part) the outstanding share of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution, except that an entity shall not qualify for NFFE status if the entity functions (or holds itself out) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes;
- f. Start-up Company:
 - The NFFE is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a Financial Institution, provided that such a NFFE shall not qualify for this exception after the date that is 24 months after the date of the initial incorporation of the NFFE;
- g. NFFE in liquidation or emerging from bankruptcy:
 - The NFFE was not a Financial Institution in the past five years; AND
 - It is in the process of liquidating its assets or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution;
- h. Treasury Center that is a Member of a Non-Financial Group:
 - The NFFE primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions, and does not provide financing or hedging services to any entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution;
- i. The NFFE is an "Excepted NFFE" as described in the U.S. Treasury Regulations; or
- j. Charity/Non-Profit Organisation:
 - The NFFE meets all of the following requirements:
 - i) It is established and operated in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operated in its jurisdiction of residence and it is a professional organisation, business league, chamber of commerce, labour organisation, agricultural or horticultural organisation, civic league or an organisation operated exclusively for the promotion of social welfare;
 - ii) It is exempt from income tax in its jurisdiction of residence;
 - iii) It has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
 - iv) The applicable laws of the charity's jurisdiction of residence or the charity's formation documents do not permit any income or assets of the charity to be distributed to, or applied for the benefit of, a private person or non-charitable entity other than pursuant to the conduct of the charity's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the charity has purchased; AND
 - v) The applicable laws of the charity's jurisdiction of residence or the charity's formation documents require that upon the charity's liquidation or dissolution, all of its assets be distributed to a government entity or other non-profit organisation, or escheat to the government of the charity's jurisdiction of residence or any political subdivision thereof.

Common Reporting Standard (CRS)

“CRS” stands for Common Reporting Standard, which is developed by the Organisation for Economic Co-operation and Development (OECD) to obtain information from financial institutions and for automatic exchange of financial account information with other jurisdictions on an annual basis for tax purposes.

Control

“Control” over an Entity is generally exercised by the natural person(s) who ultimately has a controlling ownership interest (typically on the basis of a certain percentage (e.g., 25%)) in the Entity. Where no natural person(s) exercises control through ownership interests, the Controlling Person(s) of the Entity will be the natural person(s) who exercises control of the Entity through other means. Where no natural person(s) is/are identified as exercising control of the Entity through ownership interests, then under the CRS the Reportable Person is deemed to be the natural person who hold the position of senior managing official.

Controlling Person(s)

“Controlling Persons” are the natural person(s) who exercise control over an entity. Where that entity is treated as a Passive Non-Financial Entity (“Passive NFE”) / Passive Non-Financial Foreign Entity (“Passive NFFE”) then a Financial Institution is required to determine whether or not these Controlling Persons are Reportable Persons. This definition corresponds to the term “beneficial owner” described in Recommendation 10 and the Interpretative Note on Recommendation 10 of the Financial Action Task Force Recommendations (as adopted in February 2012).

In the case of a trust, the Controlling Person(s) are the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ies) or class(es) of beneficiaries, or any other natural person(s) exercising ultimate effective control over the trust (including through a chain of control or ownership). Under the CRS the settlor(s), the trustee(s), the protector(s) (if any), and the beneficiary(ies) or class(es) of beneficiaries, are always treated as Controlling Persons of a trust, regardless of whether or not any of them exercises control over the activities of the trust.

Where the settlor(s) of a trust is an Entity then the CRS requires Financial Institutions to also identify the Controlling Persons of the settlor(s) and when required report them as Controlling Persons of the trust.

In the case of a legal arrangement other than a trust, “Controlling Person(s) means persons in equivalent or similar positions.

Custodial Institution (CRS)

The term “Custodial Institution” means any Entity that holds, as a substantial portion of its business, Financial Assets for the account of others. This is where the Entity’s gross income attributable to the holding of Financial Assets and related financial services equals or exceeds 20% of the Entity’s gross income during the shorter of:

the three-year period that ends on 31 December (or the final day of a non-calendar year accounting period) prior to the year in which the determination is being made; or

- (i) the period during which the Entity has been in existence.

Deemed-Compliant Foreign Financial Institution (FATCA)

“Deemed-Compliant Foreign Financial Institution” includes a Registered Deemed-Compliant FFI; a Certified Deemed-Compliant FFI and Owner Documented FFI under U.S. Treasury Regulation §1.1471-5(f).

- a) Registered Deemed-Compliant FFI
 - Local FFI
 - Non-reporting members of participating FFI
 - Qualified collective investment vehicles
 - Restricted Fund
 - Qualified credit card issuers and services
 - Sponsored investment entities and controlled foreign organizations
- b) Certified Deemed-Compliant FFI
 - Non-registering local bank
 - FFIs with only low-value accounts
 - Sponsored, closely held investment vehicles
 - Limited life debt investment entities
 - Investment advisors and investment managers
- c) Owner Documented FFI

Depository Institution (CRS)

The term “Depository Institution” means any Entity that accepts deposits in the ordinary course of a banking or similar business.

Entity

The term “Entity” means a legal person or a legal arrangement, such as a corporation, organisation, partnership, trust or foundation. This term covers any person other than an individual (i.e., a natural person).

Exempt Beneficial Owner (FATCA)

“Exempt Beneficial Owner” are entities that fall within the following categories:

- a) Government and Government-Linked Entities;
- b) Central Bank;
- c) International Organisations;
- d) Qualifying Funds - Broad Participation Retirement Fund and Pension Funds of an Exempt Beneficial Owner; or
- e) Investment Entity wholly owned by Exempt Beneficial Owners.

Expanded Affiliated Group (FATCA)

“Expanded Affiliated Group” means one or more chains of members connected through ownership by a common parent entity if the common parent entity directly owns 50% or more stock or other equity interest value in at least one of the other members.

Foreign Account Tax Compliance Act (FATCA)

“FATCA” stands for the U.S. provisions commonly known as the Foreign Account Tax Compliance Act, which were enacted into U.S. law as part of the Hiring Incentives to Restore Employment (HIRE) Act on March 18, 2010. FATCA creates a new information reporting and withholding regime for payments made to certain non-U.S. financial institutions and other non-U.S. entities.

Financial Institution

The term “Financial Institution” means a “Custodial Institution”, a “Depository Institution”, an “Investment Entity”, or a “Specified Insurance Company”. Please see the relevant domestic guidance and the CRS for further classification definitions that apply to Financial Institutions.

Foreign Financial Institution (FFI) (FATCA)

“Foreign Financial Institution” refers to any Non-U.S. Entity which is a Financial Institution.

Governmental Entity (CRS)

“Governmental Entity” means the government of a jurisdiction, any political subdivision of a jurisdiction (which, for the avoidance of doubt, includes a state, province, county, or municipality), or any wholly owned agency or instrumentality of a jurisdiction or of any one or more of the foregoing (each, a “Governmental Entity”). This category is comprised of the integral parts, controlled entities, and political subdivisions of a jurisdiction.

International Organization (CRS)

“International Organization” means any international organization or wholly owned agency or instrumentality thereof. This category includes any intergovernmental organization (including a supranational organization) (1) that is comprised primarily of governments; (2) that has in effect a headquarters or substantially similar agreement with the jurisdiction; and (3) the income of which does not inure to the benefit of private persons.

Investment Entity (CRS)

The term “Investment Entity” includes two types of Entities:

- (a) An Entity that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:
 - Trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading;
 - Individual and collective portfolio management; or
 - Otherwise investing, administering, or managing Financial Assets or money on behalf of other persons.
 Such activities or operations do not include rendering non-binding investment advice to a customer.

- (b) An Entity the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets where the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or the first type of Investment Entity.

Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution (CRS)

The term “Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution” means any Entity the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets if the Entity is (i) managed by a Financial Institution and (ii) not a Participating Jurisdiction Financial Institution.

Investment Entity managed by another Financial Institution (CRS)

An Entity is “managed by” another Entity if the managing Entity performs, either directly or through another service provider on behalf of the managed Entity, any of the activities or operations described in paragraph (a) above in the definition of ‘Investment Entity’.

An Entity only manages another Entity if it has discretionary authority to manage the other Entity’s assets (either in whole or part). Where an Entity is managed by a mix of Financial Institutions, NFEs or individuals, the Entity is considered to be managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or the first type of Investment Entity described in paragraph (a) of the definition of ‘Investment Entity’, if any of the managing Entities is such another Entity.

Non-Financial Entity (NFE) (CRS)

An “NFE” is any Entity that is not a Financial Institution.

Non-Financial Foreign Entity (NFFE) (FATCA)

“Non-Financial Foreign Entity” is a Non-U.S. Entity that does not meet the definition of a Foreign Financial Institution.

Non-Participating Foreign Financial Institution (NPFFI) (FATCA)

“Non-Participating Foreign Financial Institution” means a FFI that does not enter into an agreement with the U.S. IRS and is not deemed compliant, but does not include an MYFI or other Partner Jurisdiction FI other than an MYFI treated as an NPFFI pursuant to subparagraph 3(b) of Article 5 of the Agreement or the corresponding provision in an agreement between the U.S. and a Partner Jurisdiction.

Non-Reporting Financial Institution

A “Non-Reporting Financial Institution” means any Financial Institution that is:

- A Governmental Entity, International Organisation or Central Bank, other than with respect to a payment that is derived from an obligation held in connection with a commercial financial activity of a type engaged in by a Specified Insurance Company, Custodial Institution, or Depository Institution;
- A Broad Participation Retirement Fund; a Narrow Participation Retirement Fund; a Pension Fund of a Governmental Entity, International Organisation or Central Bank; or a Qualified Credit Card Issuer;
- An Exempt Collective Investment Vehicle; or
- A Trustee-Documented Trust: a trust where the trustee of the trust is a Reporting Financial Institution and reports all information required to be reported with respect to all Reportable Accounts of the trust;
- Any other defined in a countries domestic law as a Non-Reporting Financial Institution.

Participating Foreign Financial Institution (FFI) (FATCA)

“Participating Foreign Financial Institution” means a Financial Institution that has agreed to comply with the requirements of an FFI Agreement, including a Financial Institution described in a Model 2 IGA that has agreed to comply with the requirements of an FFI Agreement.

Participating Jurisdiction (CRS)

A “Participating Jurisdiction” means a jurisdiction with which an agreement is in place pursuant to which it will provide the information required on the automatic exchange of financial account information set out in the Common Reporting Standard and that is identified in a published list.

Participating Jurisdiction Financial Institution (CRS)

The term “Participating Jurisdiction Financial Institution” means (i) any Financial Institution that is tax resident in a Participating Jurisdiction but excludes any branch of that Financial Institution that is located outside of that jurisdiction, and (ii) any branch of a Financial Institution that is not tax resident in a Participating Jurisdiction, if that branch is located in such Participating Jurisdiction.

Partner Jurisdiction (FATCA)

“Partner Jurisdiction” means a jurisdiction that has in effect an agreement with the United States to facilitate the implementation of FATCA (e.g., Intergovernmental Agreement (“IGA”)). The IRS shall publish a list identifying all Partner Jurisdictions.

Passive Income

“Passive Income” would generally be considered to include the portion of gross income that consists of:

- a) dividends;
- b) interest;
- c) income equivalent to interest;

- d) rents and royalties, other than rents and royalties derived in the active conduct of a business conducted, at least in part, by employees of the NFE;
- e) annuities;
- f) the excess of gains over losses from the sale or exchange of Financial Assets that gives rise to the passive income described previously;
- g) the excess of gains over losses from transactions (including futures, forwards, options, and similar transactions) in any Financial Assets;
- h) the excess of foreign currency gains over foreign currency losses;
- i) net income from swaps; or
- j) amounts received under Cash Value Insurance Contracts. Notwithstanding the foregoing, passive income will not include, in the case of a NFE that regularly acts as a dealer in Financial Assets, any income from any transaction entered into in the ordinary course of such dealer's business as such a dealer.

Passive Non-Financial Entity (CRS)

Under the CRS, a "Passive NFE" means

- (a) Any NFE that is not an Active NFE; or
- (b) An Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution.

Passive Non-Financial Foreign Entity (Passive NFFE) (FATCA)

"Passive Non-Financial Foreign Entity" means any NFFE that is not an Active NFFE or withholding foreign partnership or withholding foreign trust pursuant to relevant U.S. Treasury Regulations.

Related Entity

An Entity is a "Related Entity" of another Entity if either Entity controls the other Entity, or the two Entities are under common control. For this purpose, control includes direct or indirect ownership of more than 50% of the vote and value in an Entity.

Reportable Account (CRS)

The term "Reportable Account" means an account held by one or more Reportable Persons or by a Passive NFE with one or more Controlling Persons that is a Reportable Person.

Reportable Jurisdiction (CRS)

A "Reportable Jurisdiction" is a jurisdiction with which an obligation to provide financial account information is in place and that is identified in a published list.

Reportable Jurisdiction Person (CRS)

A "Reportable Jurisdiction Person" is an Entity that is tax resident in a Reportable Jurisdiction(s) under the tax laws of such jurisdiction(s) - by reference to local laws in the country where the Entity is established, incorporated or managed. An Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated. As such if an Entity certifies that it has no residence for tax purposes it should complete the form stating the address of its principal office.

Dual resident Entities may rely on the tiebreaker rules contained in tax conventions (if applicable) to determine their residence for tax purposes.

Reportable Person (CRS)

A "Reportable Person" is defined as a "Reportable Jurisdiction Person", other than:

- A corporation the stock of which is regularly traded on one or more established securities markets;
- Any corporation that is a Related Entity of a corporation described in clause (i);
- A Governmental Entity;
- An International Organisation;
- A Central Bank; or
- A Financial Institution (except for an Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution, which is treated as a Passive NFE)

Resident for tax purposes

Each jurisdiction has its own rules for defining tax residence, and jurisdictions have provided information on how to determine whether an entity is tax resident in the jurisdiction on the OECD Automatic Exchange of Information Portal. Generally, an Entity will be resident for tax purposes in a jurisdiction if, under the laws of that jurisdiction (including tax conventions), it pays or should be paying tax therein by reason of his domicile, residence, place of management or incorporation, or any other criterion of a similar nature, and not only from sources in that jurisdiction.

Dual resident Entities may rely on the tiebreaker rules contained in tax conventions (if applicable) to solve cases of double residence for determining their residence for tax purposes. An Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated. For additional information on tax residence, please talk to your tax adviser or see the OECD Automatic Exchange of Information Portal at the following link:

<https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/>

Specified Insurance Company (CRS)

The term “Specified Insurance Company” means any Entity that is an insurance company (or the holding company of an insurance company) that issues, or is obligated to make payments with respect to, a Cash Value Insurance Contract or an Annuity Contract.

Specified U.S. Person (FATCA)

“Specified U.S. Person” means a U.S. Person, other than a U.S. Exempt Recipient.

TIN (including Functional Equivalent)

The term “TIN” means Taxpayer Identification Number or a functional equivalent in the absence of a TIN. A TIN is a unique combination of letters or numbers assigned by a jurisdiction to an individual or an Entity and used to identify the individual or Entity for the purposes of administering the tax laws of such jurisdiction. Further details of acceptable TINs can be found at the OECD Automatic Exchange of Information Portal at the following link:

<https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/>

Some jurisdictions do not issue a TIN. However, these jurisdictions often utilise some other high integrity number with an equivalent level of identification (a “functional equivalent”). Examples of that type of number include, for Entities, a business/company registration code/number.

U.S. Exempt Recipient (FATCA)

“U.S. Exempt Recipient” means any U.S. Person who qualifies any of the following under the U.S. Internal Revenue Code:

- i) An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37);
- ii) The United States or any of its agencies or instrumentalities;
- iii) A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities;
- iv) A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.14721(c)(1)(i);
- v) A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i);
- vi) A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state;
- vii) A real estate investment trust;
- viii) A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940;
- ix) A common trust fund as defined in section 584(a);
- x) A bank as defined in section 581;
- xi) A broker;
- xii) A trust exempt from tax under section 664 or described in section 4947(a)(1); or
- xiii) A tax-exempt trust under a section 403(b) plan or section 457(g) plan.

U.S. Reportable Account (FATCA)

“U.S. Reportable Account” means a Financial Account maintained by FFI and held by one or more Specified U.S. Person or by a Non-U.S. Entity with one or more Controlling Persons that is a Specified U.S. Person.

U.S. Person (FATCA)

“U.S. Person” means a U.S. citizen or resident individual, a partnership or corporation organized in the U.S. or under the laws of the U.S. or any state thereof, a trust if (i) a court within the U.S. would have authority under applicable law to render orders or judgments concerning substantially all issues regarding administration of the trust, and (ii) one or more U.S. Persons have the authority to control all substantial decisions of the trust, or an estate of a decedent that is a citizen or resident of the U.S..

U.S. Territory (FATCA)

“U.S. Territory” means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico or the U.S. Virgin Islands.