

(b) Effective January 1, 2016, all Postage Evidencing Systems (postage meters and PC Postage products) will be required to produce Information-Based Indicia (IBI) or Intelligent Mail Indicia (IMI) for evidence of pre-paid postage. Non-IBI and non-IMI indicia will be decertified effective January 1, 2016, and may not be used as a valid form of postage evidence. These decertified indicia will not be recognized as valid postage after December 31, 2015.

[78 FR 8407, Feb. 6, 2013]

**§ 501.21 Customized Postage products.**

(a) *Definitions.* (1) As used in this section, a *provider* is:

(i) A Postage Evidencing System provider as defined under § 501.1(d) that is authorized by the Postal Service to produce Customized Postage products in accordance with this section and subject to any additional requirements set forth in individual approval letters; or

(ii) An entity that is affiliated under conditions respecting postage revenue security with a Postage Evidencing System provider and authorized by the Postal Service to produce Customized Postage products in accordance with this section and subject to any additional requirements set forth in individual approval letters.

(2) *Customized Postage products* are products combining barcode indicia of postage payment with digital, graphic, or pictorial images or text. Customers select or provide images or text that meet Eligibility Criteria established by the Postal Service, and the image or text is combined with the barcode indicia of postage payment by providers and produced under controlled conditions for mailing to customers.

(3) As used in this section, a *customer* is a person or entity seeking to purchase Customized Postage products from a provider.

(b) *Eligibility Criteria.* The Eligibility Criteria contained in this section restrict Customized Postage content by identifying allowable images, text, or categories of images or text. Any content not identified by the Eligibility Criteria is prohibited. To be eligible for use in Customized Postage products, images and/or text must meet criteria

established by the Postal Service, which are:

(1) Images or text must be “commercial” or “social,” as defined below:

(i) *Commercial* means intended for no purpose other than the sale of goods or services in commerce.

(ii) *Social* means promoting or depicting people, animals, items, or events commonly associated with community relations or companionship and likely to generate invitations, announcements, notices, thank-you notes, RSVPs, or similar correspondence.

(2) Acceptable commercial or social images or text must not contain content that is unsuitable for all-ages audiences, including but not limited to:

(i) Any non-incidentally depiction of alcohol, tobacco, gambling, or firearms or other weapons;

(ii) Any depiction of controlled substances, including but not limited to marijuana;

(iii) Any depiction of political, religious, violent or sexual content; or

(iv) Any depiction of subject matter prohibited for display under U.S. law.

(3) Acceptable commercial or social images or text must not contain content that the customer or provider does not have the right to use either directly or under license, including but not limited to images or text that may be the subject of third party rights such as copyright, trademarks, or rights of publicity or privacy.

(4) The Postal Service reserves the right to determine independently whether any image, text, or category of images or text meets any of the Eligibility Criteria contained in this section.

(c) *Customized Postage provider authorization* is conditioned on the following requirements:

(1) *Publication of Eligibility Criteria.* Providers must make the Eligibility Criteria set forth in paragraph (b) of this section available to customers on provider websites or in any other medium through which Customized Postage products are purchased.

(2) *Use of Eligibility Criteria in purchases.* Providers must maintain a

process in providing or accepting images and/or text for Customized Postage products that uses only the Eligibility Criteria set forth in paragraph (b) of this section.

(i) Providers may not use any other eligibility criteria, represent the use of any other eligibility criteria to customers, or otherwise give the appearance that any eligibility criteria other than the Eligibility Criteria set forth in paragraph (b) of this section is used in providing or accepting images and/or text for Customized Postage products.

(ii) In the event that full and good faith administration of the process required by this paragraph (c)(2) of this section fails to determine eligibility of an individual image, text, or category of images or text, providers may seek clarification from the Postal Service.

(3) *Use of Eligibility Criteria in promotional material.* Providers must ensure that any images and/or text used in providing or promoting Customized Postage products, for individual sale or as part of a category of images and/or text provided or made available for customer selection, displayed on provider websites or in any medium, including without limitation exemplars, ordering templates, customization options, or customer correspondence:

(i) Are fully compatible with the Eligibility Criteria set forth in paragraph (b) of this section; and

(ii) Do not give the appearance that images that are not fully compatible with the Eligibility Criteria set forth in paragraph (b) of this section are available or offered for purchase through providers or otherwise.

(4) *Disassociation from U.S. stamps.* Providers must not promote Customized Postage products as “U.S. stamps” or make any representations tending to imply that Customized Postage products are related in any way to official U.S. postage stamps or to any aspect of the Postal Service philatelic program.

(5) *Authorization fee and Eligibility Criteria audit.* Providers must pay an annual authorization fee and participate in any audit conducted by the Postal Service to ensure that the customer-selected or -provided images or text displayed on Customized Postage products or in the promotion in any medium of

Customized Postage products are in compliance with the Eligibility Guidelines set forth in paragraph (b) of this section.

(6) *Individual authorization letters.* Additional conditions and requirements for provider authorization may be set forth in individual provider authorization letters.

(7) *Suspension and revocation of Authorization.* The Postal Service may suspend or revoke authorization to produce Customized Postage products if the provider engages in any unlawful scheme or enterprise; fails to comply with any provision in this part, or any provision in an individual approval letter; fails to implement instructions issued by the Postal Service within its authority over Customized Postage products; misrepresents to customers of the Postal Service any decisions, actions, or proposed actions of the Postal Service respecting its regulation of Customized Postage products; or if Customized Postage products or infrastructure of the provider is determined to constitute an unacceptable risk to Postal Service business interests, including legal, financial, or brand interests.

(8) *Correspondence.* The Postal Service office responsible for administration of this part is the Office of Brand Marketing or its successor organization. All correspondence with the Postal Service required by this part is to be made to this office in person or via mail to 475 L’Enfant Plaza SW, Room 5117, Washington, DC 20260-0004.

[82 FR 60118, Dec. 19, 2017]

## PART 551—SEMIPOSTAL STAMP PROGRAM

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- 551.1 Semipostal Stamp Program.
- 551.2 Semipostal stamps.
- 551.3 Procedure for selection of causes and recipient executive agencies.
- 551.4 Submission requirements and selection criteria.
- 551.5 Frequency and other limitations.
- 551.6 Pricing.
- 551.7 Calculation of funds for recipient executive agencies.
- 551.8 Cost offset policy.

AUTHORITY: 39 U.S.C. 101, 201, 203, 401, 403, 404, 410, 414, 416.