

Best Practices Guide for Imitation Markings and Trademarks

US Postal Service - August 6, 2020

Purpose

This “Best Practices Guide” seeks to increase understanding of acceptable practices for mailpieces that display designs, images, and wording, including logos, markings, color schemes, etc., to avoid problems with respect to USPS packaging, trademarks (including trade dress, aka, the look and feel of packaging design), products, extra services, or levels of service and similar issues. All statements in this Guide are subject to the *Domestic Mail Manual* (DMM), which may have additional requirements.

Mailpieces with Decorative Designs in the Postage Payment Area

Subject to other practices outlined in this Guide, if a mailer wants to use decorative designs in the postage payment area, certain practices must be followed to avoid the risk of unacceptability.

Impermissible Decorative Designs

- If the decorative design is similar to a USPS logo (e.g. “The United States Postal Service”, “U.S Mail” logo, or other USPS trademark logos) or to a USPS postage stamp design, the design cannot be used without a license from USPS.



Permitted Decorative Designs: Distance from Postage Payment Area

- Allowable decorative designs may be displayed near the postage payment area, if the requirements below are followed:
 - Visible clear space: When the permit imprint indicia is enclosed within a box, there must be a visible clear space between the decorative design and the left edge of postage payment area.
 - 1/2” clear space When the permit imprint indicia is not enclosed within a box, the decorative design must be separated by a 1/2” clear space from the left most point of the indicia.

Permit Imprint Content

The only wording that can be included in a permit imprint indicia is the wording provided for in DMM 604.5.3.

Envelope Designs

Colors, Color Scheme, and/or Format

Specific colors, color scheme, or format may be objectionable if it mimics those used on USPS expedited packaging, USPS extra services, etc.

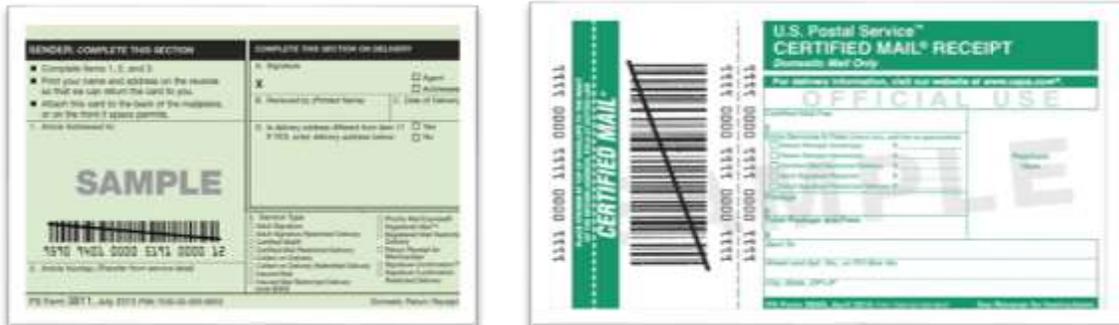
Below are examples of pieces that demonstrate concerns that we have previously identified:

Sample	Reason
	<p>Although DMM 604.5.3.5 allows “Urgent” and “Rush Delivery,” the design “<i>Urgent Delivery</i>” displayed in this example is not acceptable. “Urgent” combined with “Delivery,” particularly in italic lettering and/or in a bold blue-and-red-on-white color-scheme (like USPS uses for packaging, e.g. Priority Mail envelopes and boxes) implies a “level of service” as prohibited in DMM 604.5.3.5c. Therefore, the combination of colors, lettering, and the design “Urgent Delivery” as displayed in this example, is not acceptable.</p>
	<p>“Express Delivery” is not acceptable, because the wording “Express Delivery” implies an expedited level of service, which is not permitted for mailing as outlined in DMM 604.5.3.5c. If the mailer requests an exception to their “Presorted Standard” indicia and pays the applicable Priority Mail Express delivery prices, then this piece may be accepted.</p> <p>The overall design is unacceptable because it mimics USPS packaging trade dress (e.g., Priority Mail Express envelopes and boxes). The problematic design consists of the red lettering on white background with red stripes near or at the edge and two words in red with stars in large font in the upper left hand corner</p> <p>The non-postal barcode may be an issue if scannable. USPS employees may scan the barcode thinking it is a USPS barcode.</p> <p>The decorative design to the left of the boxed indicia is permitted.</p>

	<p>Although, the green label is not placed in the upper middle area, like other extra services labels, the color green mimics the color of the USPS Certified Mail label. It could cause confusion and result in delays. Therefore, it is objectionable.</p>
	<p>This sample is not permitted for mailing, because it contains a cancellation mark, the signature, the faux date plug, and "Date 2019". The faux barcode and numerics are confusingly similar to the GS-128 barcode, and Postal Service employees may scan it, resulting in false reads and wasted workhours.</p>
	<p>This sample displays expedited wording "Next Day Service Mail". It also has a "play on words" to the USPS' Priority Mail Flat Rate Envelope as "First Rate Mailing Envelope" and mimicing how USPS displays similar wording. The color scheme mimics the trade dress of a delivery company. Therefore, this piece is not permitted for mailing.</p>
	<p>This design is not acceptable for mailing. It could be interpreted to be a USPS form, and the layout could make it difficult to read the addressee information, potentially causing processing problems.</p>

	<p>This design is not acceptable. 'MONITORED DISPATCH' and 'Must be processed in an MCO Shipping Center' as well as the verbiage 'Expedite Delivery to Addressee' with an 'x' in the check box and 'Delivery to be handled in strict conformance with MCO protocol' implies the piece will receive special and/or expedited handling. The location of the addressee information could potentially cause processing issues. The plug that reads 'RESPONSE REQUIRED BY REPLY DATE' resembles a USPS postmark.</p>
	<p>This label design is not acceptable. 'EXPRESSPAK' can be confused with being a USPS product. The 'TIME' in the 'STATUS' box is misleading as it implies the piece was accepted or processed by the USPS at that time. 'PACKAGE TRACKING NUMBER' is misleading and indicates the piece will be tracked. USPS personnel may attempt to scan the UPC-like barcode and the barcode in the lower left corner. The word 'EXPRESS' with the check mark implies the piece will receive expedited delivery, handling or service.</p>

EXAMPLES OF USPS FORMS THAT CANNOT BE COPIED OR MIMICKED





EXAMPLES OF USPS ENVELOPE DESIGNS THAT CANNOT BE COPIED OR MIMICKED



Wording (Examples)

Acceptable

- URGENT ^{1,2}
- TIME SENSITIVE ¹
- RUSH DELIVERY ¹

¹ – To use these terms, the class of mail must be more prominent than other wording in the indicia (DMM 604.5.3.5a)

² – URGENT cannot be used if it appears to be in reference to delivery services.

Wording (Examples) (cont'd)

Unacceptable: It is unacceptable to use wording that implies a product/class of mail when the mailpiece is being mailed as another product/class of mail.

USPS trademarks, such as those listed below, cannot be displayed on a mailpiece except to identify the type of service being paid for and provided to the mailpiece. For example,

- FIRST-CLASS MAIL or FIRSTCLASS³
- PRIORITY MAIL³
- PRIORITY MAIL EXPRESS³

³ – Mailer must pay postage for this class of mail (DMM 604.5.3.5c).

Below is other wording that is also unacceptable because it implies or names a service not available for, not paid for, and/or not being provided to the mailpiece (unless some other wording in context clarifies that the words do not refer to delivery service). Please see “Acceptable Wording” above for examples of wording that is permissible.

- | | |
|---------------------------|------------------------------|
| • AIR GRAM | • HIGH PRIORITY GRAM |
| • AIR MAIL ⁵ | • LETTER PAK |
| • CONFIRMATION | • MESSAGE SERVICE |
| • EXPEDITED DELIVERY | • NEXT DAY |
| • EXPEDITED LETTER | • NEXT DAY SERVICE |
| • EXPEDITED NATIONAL MAIL | • OFFICIAL MAIL ⁴ |
| • EXPRESS DELIVERY | • PARCEL TRACKING NOTICE |
| • EXPRESS DISPATCH | • PRIORITY LETTER |
| • EXPRESS PAK | • TRACKED MAIL |
| • FIRST CLASS DELIVERY | • UNITED STATES MAIL |
| • FIRST CLASS SERVICE | • PRIORITY |

⁴ – Permitted for use only on mail sent by U.S. government agencies, relating solely to the business of the U.S. government (DMM 703.7.0)

⁵ – Verbiage no longer used - currently identified as First-Class Mail International (IMM 241.1)

Faux Postage Stamps

Images that look like a postage stamp (even if not mimicking or copying a particular postage stamp design) with serrated or non-serrated edges are not acceptable as they may be confused with being valid postage, per DMM 604.1.4.

Postage Markings

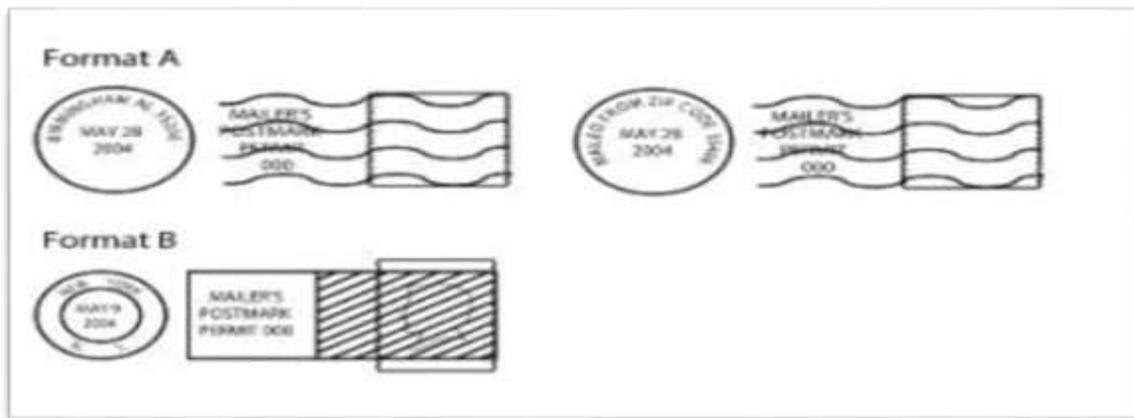
Images that are similar to USPS postage markings, designs and images that resemble postmarks are not acceptable as they may be confused with being valid postage, per DMM 604.1.5.

Cancellation Marks & Faux Postmarks

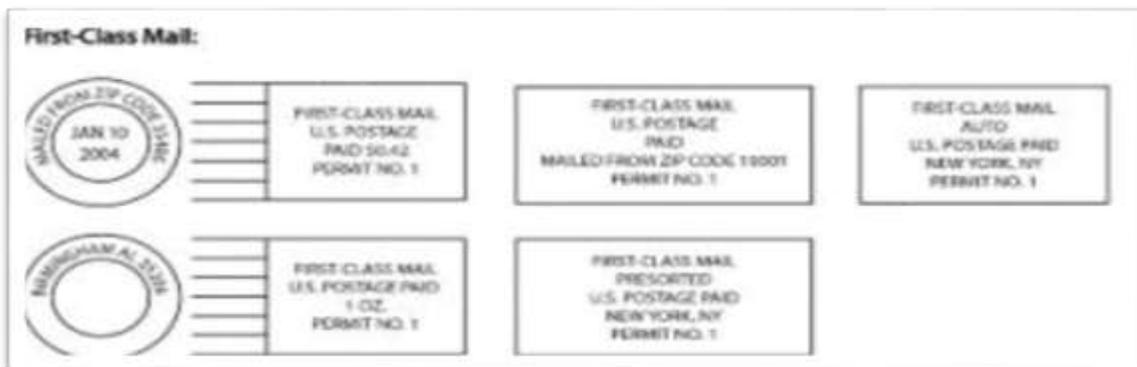
Cancellation marks (Except Mailer's Precancellation Postmark) and faux postmarks are not acceptable because they give the impression the piece has been cancelled by USPS. In the examples below, there are also other issues with the designs such as printing to the right of the permit imprint or clearance around the permit imprint.



Acceptable Cancellation Marks (Mailer's Precanceled Postmark)



Acceptable Indicia Designs (Not all variations shown)



Time and Date Markings

Markings indicating a date (unless required for the class of mail and paid by metered postage/postage evidencing systems) and time are unacceptable as they could be confused or mistaken as USPS markings, for example, markings that indicate the piece was received at USPS on the specified time and date. Markings indicating a weight are unacceptable unless the weight indicated is the exact weight of the piece.

Invalid/Unauthorized Endorsements

Invalid or unauthorized endorsements regarding treatment or misuse of mail are not acceptable – they give the impression the USPS is instructed by the mailer to take some action on the piece or could imply that the piece originates from a government agency. References to mail theft, receipt of stolen mail or mail tampering (i.e., 18 USC § 1708) are unacceptable.

AFTER 5 DAYS, RETURN TO:

Sender Name
Sender Address
Sender City, State, ZIP Code

Special Instructions to the USPS

Wording that special instructions are being given to the USPS regarding the acceptance or delivery of a piece is not acceptable – the USPS is not required to follow these instructions:

Initial: RV

AUTHORIZED WAIVER – I hereby approve that delivery can be made without obtaining addressee's signature and authorize that delivery by USPS carrier constitutes valid proof of delivery.

Special Instructions to the USPS (cont'd.)

"Sender authorizes the delivery of this shipment without obtaining a release signature and shall indemnify and hold harmless the shipper from any claims resulting therefrom"

Release Signature

Elements Mimicking Label Designs

Required address elements displayed in a label format are unacceptable if it mimics USPS expedited packaging label designs.

Faux Barcode

A faux barcode (with or without corresponding characters) is not acceptable on the address side of the piece as USPS personnel may attempt to scan the barcode. A faux barcode is acceptable on the non-address side, if dissimilar to a USPS barcode (Symbology is not the same as a USPS barcode).



Government/Federal Agency Images

Displaying the US Great Seal on a mailpiece is unacceptable. It is officially used by the Department of State to authenticate certain documents issued by the federal government of the United States.



United States Great Seal