

FEDERAL DEPOSIT INSURANCE SIGNAGE

I. BACKGROUND

The FDIC has issued a final rule to modernize requirements regarding the display of the official FDIC sign in banks and bank digital channels, with an emphasis on ensuring consumers can easily differentiate between those products that are covered by deposit insurance and those that are not.

The final rule generally: (1) modernizes and amends the rules governing the display of the official sign in branches to also, for example, apply the rules to insured depository institutions' (IDIs) physical premises with different layouts and designs where consumers have access to or transact with deposits; (2) establishes and requires the display of the FDIC's official digital sign on bank websites, mobile applications, and certain IDI automated teller machines (ATMs) and other like devices; (3) requires the use of disclosures differentiating deposits and non-deposit products across all banking channels, including digital channels; (4) clarifies the FDIC's rules regarding misrepresentations of deposit insurance coverage by adding specific scenarios where information provided to consumers may be misleading; (5) amends the definition of "non-deposit product" to include crypto-assets and specifically address safe-deposit box services; (6) requires IDI's to establish and maintain written policies and procedures addressing compliance with part 328; and (7) clarifies rules regarding misrepresentations of deposit insurance coverage by nonbanks, such as by amending the definition of "non-insurance products" to include crypto assets.

The final rule allows banks with existing ATMs that don't offer non-deposit products to display a physical sign rather than the new digital sign. It also clarifies the FDIC's expectations for circumstances where it is challenging to physically segregate the offering of deposit and deposit products at a physical location.

The final rule will require compliance by banks commencing January 1, 2025.

II. DEFINITIONS

- a. *Digital deposit-taking channel* means websites, banking applications, and any other electronic communications method through which an insured depository institution accepts deposits.
 - b. *Hybrid product* means a product or service that has both deposit product features and non-deposit product features. A sweep account is an example of a hybrid product.
 - c. *Non-deposit product* means any product that is not a "deposit", including, but not limited to: insurance products, annuities, mutual funds, securities and crypto-assets. For purposes of this definition, credit products and safe deposit boxes are not non-deposit products.
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III. SIGNS FOR ATMS AND LIKE DEVICES

- a. *ATMs or like devices that do not offer access to non-deposit products except for ATMs and like devices placed into service after January 1, 2025.*

An insured depository institutions' automated teller machine or like device that receives deposits for an insured depository institution and does not offer access to non-deposit products may comply with the official sign requirement by either: (1) displaying the physical official sign on the automated teller machine or (2) displaying the FDIC's official digital sign. An insured depository institutions automated teller machine or like device that receives deposits for an insured depository institution and does not offer access to non-deposit products, that is placed into service after January 1, 2025, must display the official digital sign.

- b. *Display of FDIC's official digital sign*

An insured depository institution's automated teller machine or like device that receives deposits for an insured depository institution and offers access to non-deposit products must clearly, continuously, and conspicuously display the FDIC's official digital sign on its homepage or screen and on each transaction page or screen relating to deposits.

- c. *Non-deposit signage*

An insured depository institution's automated teller machine or like device that receives deposits for an insured depository institution and offers access to non-deposit products must clearly, continuously, and conspicuously display electronic disclosures, indicating that such non-deposit products are not insured by the FDIC; are not deposits; and may lose value. These disclosures must be displayed on each transaction page or screen relating to non-deposit products. Such signage may not be displayed in close proximity to the FDIC official digital sign.

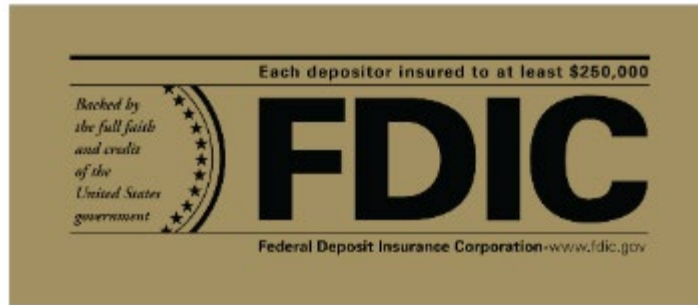
- d. *Degraded or defaced physical official signs*

A physical official sign that is displayed on an insured depository institution's automated teller machine or like device that is degraded or defaced would not be displayed "clearly, continuously, and conspicuously."

- e. *Signs for digital deposit-taking channels*

Signs for digital deposit taking channels, including insured depository institution's websites and web-based or mobile applications that offer the ability to make deposits electronically and provide access to deposits at insured depository institutions are subject to the following:

- a. The official digital sign shall have the following design:



- b. In general, the “FDIC” in the FDIC official digital sign shall be displayed with a wordmark size of 37.36 x 15.74px, in navy blue (hexadecimal color code #003256), and the “FDIC-Insured – Backed by the full faith and credit of the U.S. Government” shall be displayed in regular 400 italic (12.8px) and with black (hexadecimal color code #000000) lettering. The entire FDIC official digital sign shall be displayed in Source Sans Pro Web. If the FDIC official digital sign in these colors would be illegible in a digital taking channel, due to the color of the background, the entire FDIC official digital sign shall be displayed in white (hexadecimal color code #FFFFFF).
- c. Digital Symbol. The “digital symbol” of the Corporation, as used in this subpart, shall be that portion of the FDIC official digital sign consisting of “FDIC” and the one line of smaller type to the right of “FDIC”.
- d. Display of FDIC official digital sign. An insured depository institution must clearly, continuously and conspicuously display the FDIC official digital sign specified in paragraph (b) of this section on its digital deposit-taking channels on the following pages or screens:
 - (1) Initial or homepage of the website or application;
 - (2) Landing or login pages; and
 - (3) Pages where the customer may transact with deposits.
- e. Legibility. The FDIC official digital sign shall be clearly legible across all insured depository institution deposit-taking channels.
- f. Clear and conspicuous placement of FDIC official digital sign. An official digital sign continuously displayed near the top of the relevant page or screen and in close proximity to the insured depository institution’s name would be considered clear and conspicuous.
- g. Display of non-deposit signage.
 - (1) Continuous Display of Non-deposit signage. If a digital deposit-taking channel offers both access to deposits at an insured depository institution and nondeposit products, the insured depository institution must clearly and conspicuously display signage indicating that the non-deposit products: are not insured by the FDIC; are not deposits; and may lose value. This signage must be displayed

continuously on each page relating to non-deposit products. This nondeposit signage may not be displayed in close proximity to the digital sign required by paragraph (c) of this section.

- (2) One-Time Notification for Bank Customers Related to Third-Party Nondeposit Products. If a digital deposit-taking channel offers access to non-deposit products from a non-bank third party's online platform, and a logged-in bank customer attempts to access such non-deposit products, the insured depository institution must provide a one-time per web session notification on the insured depository institution's deposit-taking channel before the customer leaves the insured depository institution's digital deposit-taking channel. The notification must be dismissed by an action of the bank customer before initially accessing the third party's online platform and it must clearly, conspicuously indicate that the third party's non-deposit products: are not insured by the FDIC; are not deposits; and may lose value. Nothing in this paragraph shall be read to limit an insured depository institution's ability to include additional disclosures in the notification that may help prevent consumer confusion, including, for example, that the bank customer is leaving the insured depository institution's website.

h. Required changes in digital signage

The Corporation may require any insured depository institution, upon at least thirty (30) days' written notice, to change the wording, color or placement of the FDIC official digital sign and other signs for digital deposit-taking channels when it is deemed necessary for the protection of depositors or others or to ensure consistency with this part's requirement.

IV. POLICIES AND PROCEDURES

IDIs must establish and maintain written policies and procedures to achieve compliance with part 328. Such policies and procedures must be commensurate with the nature, size, complexity, scope, and potential risk of the deposit-taking activities of the IDI and must include, as appropriate, provisions related to monitoring and evaluating activities of persons that provide deposit-related services to the IDI or offer the IDI's deposit-related products or services to other parties.

The foregoing Compliance Update is for informational purposes only, and does not constitute legal advice. As a reminder, the NBA general counsel is the attorney for the Nebraska Bankers Association, not its member banks. The general counsel is available to assist members with finding resources to help answer their questions. However, for specific legal advice about specific situations, members must consult and retain their own attorney.