

## MEMORANDUM

**TO:** The Board of Directors

**FROM:** Mark Pearce  
Director, Division of Depositor and Consumer Protection

**DATE:** February 28, 2025

**RE:** Delay of Compliance Date for Digital Sign Requirements under Part 328, Subpart A

## RECOMMENDATION

Staff recommends that the FDIC Board of Directors (the Board) authorize publication of the attached document in the *Federal Register*, which would delay the compliance date for the requirements under 12 CFR 328.5 to display the FDIC's official digital sign on an insured depository institution's (IDI) digital channels, as well as the compliance date for 12 CFR 328.4, which includes provisions related to an IDI's ATMs and like devices. These requirements were adopted by the FDIC on December 20, 2023 pursuant to a final rule, titled *FDIC Official Signs and Advertising Requirements, False Advertising, Misrepresentation of Insured Status, and Misuse of the FDIC's Name or Logo* (final rule), with an initial mandatory compliance date of January 1, 2025. Under the attached *Federal Register* document, the compliance date for these requirements would be delayed until March 1, 2026.

## SUMMARY

Through this *Federal Register* document, the FDIC would delay the compliance date under the final rule for the requirement regarding the display of the FDIC's official digital sign on an IDI's digital channels,<sup>1</sup> as well as requirements related to an IDI's ATMs and like devices.<sup>2</sup> These provisions became effective pursuant to a final rule with an initial effective date of April 1, 2024, and an initial mandatory compliance date of January 1, 2025. Staff recommends delaying the compliance date for these requirements to March 1, 2026.

While the FDIC has observed that some IDIs have implemented aspects of the final rule, the requirement under section 328.5 to display the FDIC's official digital sign on certain digital channel pages<sup>3</sup> has continued to generate questions regarding implementation, and may result in consumer confusion. In an effort to address these and related concerns, staff recommends that

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<sup>1</sup> See 12 CFR 328.5

<sup>2</sup> See 12 CFR 328.4

<sup>3</sup> Section 328.5(d) requires IDIs to clearly, continuously, and conspicuously display the FDIC official digital sign on its digital deposit-taking channels on the following pages or screens: (1) initial or homepage; (2) landing or login pages; and (3) pages where the customer may transact with deposits. See 12 CFR 328.5(d).

the Board delay the compliance date for section 328.5 to March 1, 2026. Staff also recommends delaying the compliance date for section 328.4 to March 1, 2026, which includes analogous requirements related to an IDI's ATMs and like devices. Delaying the compliance date for these provisions will give staff the opportunity to further evaluate the feedback and questions received from IDIs and other stakeholders, and to develop proposed changes to the regulation to address implementation concerns and potential sources of confusion. Staff expects to seek the Board's approval of such proposal at a later time.

## CONCLUSION

Accordingly, staff recommends that the Board delay the compliance date for sections 328.4 and 328.5 of the FDIC's regulations to March 1, 2026. Staff also recommends that this delay not apply to the other amendments made to subpart A by the final rule, such that compliance for those requirements remains unchanged and is generally required by May 1, 2025.<sup>4</sup> FDIC staff recommends that the Board approve the publication of the attached Federal Register document.

### Staff contacts:

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<sup>4</sup> The policies and procedures required by 12 CFR 328.8 for which the compliance date is May 1, 2025, will not need to address the requirements in 12 CFR 328.4 or 12 CFR 328.5 until March 1, 2026, the full compliance date for these provisions.