

# Contents

CONSUMER PROTECTION

EMPLOYMENT

# **CONSUMER PROTECTION**

**[Introduction from Legal 911 Staff](#)**

**[900 Line Rules](#)**

**[Fly-Rights -- A Consumer Guide to Air Travel](#)**

**[Billing Errors- Credit Cards](#)**

**[Book Clubs: Negative Option Plans for Books, Records and Videos](#)**

**[United States Consumer Product Safety Commission](#)**

**[Guidelines for resolving complaints](#)**

**[Cybershopping: Protecting Yourself When Buying Online](#)**

**[Layaway Purchase Plans](#)**

**[Naturalization Requirements And General Information](#)**

**[General Information Concerning Patents](#)**

**[Vehicle Repossession](#)**

**[Health Spas: Exercise Your Rights](#)**

**[Basic Facts About Registering a Trademark](#)**

**[FTC Fast Facts - How to Write a Wrong](#)**

**[Warranties](#)**

**[Information from the Social Security Administration](#)**

**[Public Utilities Commission Complaints](#)**

**[U.S. Immigration and Naturalization Service Frequently Asked Questions](#)**

**[Consumer Handbook to Credit Protection Laws](#)**

**[United States Consumer Product Safety Commission](#)**

**[Reporting product-related injuries and deaths to CPSC](#)**

**[Foreign Entry Requirements](#)**

**[About An IRS Audit](#)**

# **EMPLOYMENT**

**Introduction from Legal 911 Staff**

**Credit Reports: What Employers Should Know About Using Them**

**ADA Employer Responsibilities**

**ADA Employment Rights**

**Discrimination overview**

**Job-Hunting: Should You Pay?**

**Compliance Guide to the Family and Medical Leave Act**

## **Introduction from Legal 911 Staff**

The following publications have been obtained from the United States government. They contain authoritative information concerning your legal consumer rights. State laws can give you MORE rights. These state the minimum rights that you have. (In the case of airlines, federal rules control.)

## 900 Line Rules

New Rule Helps Consumers

Facts for Consumers from the Federal Trade Commission

Before dialing a 900 number, there are a few things you should know. For example, how much will the call cost? What will you get for your money? What happens if you have a billing dispute? Under a new Federal Trade Commission (FTC) rule, it will be easier for consumers to get answers to these questions. This brochure explains what protection you have under the Telephone Disclosure and Dispute Resolution Act and the FTC 900-Number Rule. The rule applies to interstate pay-per-call services, or 900 numbers. The brochure also tells what to watch for in 900 numbers and what to do if you are caught in a 900-number scam.

### See:

[The Advertisement: What it Should Say About Costs](#)

[The Call: What You Should Hear First](#)

[The Exceptions to the Rule](#)

[Billing Errors: What You Can Do](#)

[The FTC Rule: What It Says About Children, Sweepstakes, and More](#)

[FCC Rules on collect calls](#)

[Your Best Protection: How to Avoid 900-Number Problems](#)

[Complaints: How to Handle Them](#)

## **The Advertisement: What it Should Say About Costs**

The following information must be included in print, radio, and television advertisements for 900-number services.

The total cost of the call if there is a flat fee.

The per-minute rate if the call is charged by the minute, as well as any minimum charge. If the length of the program is known in advance, the ad also must state the total cost of the complete program.

The range of fees if there are different rates for different options. The ad also must state the initial cost of the call and any minimum charges.

The cost of any other 900 number to which the caller may be transferred.

Any other fees that the service might charge.

This information cannot be hidden in small print. The cost of the 900-number call must be at least half the size of the telephone number.

### **The Call: What You Should Hear First**

When you dial a 900 number that costs more than \$2, the first thing you should hear is an introductory message, or "preamble." The preamble must describe the service briefly, give the name of the company providing the service, and tell the cost of the call. Also, it must say that anyone under age 18 needs parental permission to complete the call. Once all this information is provided, you must be given three seconds to hang up without being charged.

## **The Exceptions to the Rule**

The 900-Number Rule does not apply if you have a pre-existing contractual agreement with an information service. Be very careful about entering such an arrangement. If you do, your calls to the service and resulting bills will not be subject to the rule's requirements.

The rule also excludes calls charged to a credit card. However, the bills for such calls would be covered by the dispute resolution procedures of the Fair Credit Billing Act.



## **Billing Errors: What You Can Do**

To help protect consumers, the new rule establishes procedures for resolving billing disputes. When your telephone bill arrives, check it for any 900-number charges. For each pay-per-call charge, the billing statement should include the date, time, and for services that have per-minute rates the length of the call. These charges must appear separately from local and long distance charges on your telephone bill. The billing statement must include a local or toll-free number that you can call with questions about your pay-per-call charges.

If you discover an error, the instructions given with your billing statement will tell you who to call or write. In most cases, this will be your local or long-distance telephone company, but it could be the 900-number company or an independent firm that provides billing services for that company.

You must notify the company listed on your bill within 60 days after the first statement containing the error was sent. The company must acknowledge your notice in writing within 40 days unless it has resolved the dispute by that time. Within two billing cycles, but no longer than 90 days, the company must: correct the billing error and notify you of the correction, or investigate the matter and either correct the error or explain to you the reason for not doing so.

No one can charge you for having to investigate or respond to a billing dispute. In addition, no one can try to collect the disputed charge from you or report it to a credit bureau until the company handling the dispute has either corrected the error or explained its reason for not doing so. Companies that do not comply with these rules lose the right to collect up to \$50 of each disputed charge.

You should be aware that even if the 900- number charge is removed from your phone bill, the service provider might continue to pursue the charge by other means, such as referring the matter to a collection agency. If that happens, you have additional rights under the Fair Debt Collection Practices Act.

## **The FTC Rule: What It Says About Children, Sweepstakes, and More**

The Rule also covers other 900-number sales practices. These include services that:

### **Target children**

Some companies have promoted 900-numbers to children, encouraging them to pick up the phone to talk to a cartoon character. Under the FTC rule, companies cannot advertise or direct pay-per-call services to children under 12 unless they are educational services dedicated to areas of school study.

If the ad is directed to consumers under the age of 18, it must state that parental permission is required to make the call.

### **Promote sweepstakes**

Some services offer the opportunity to enter a sweepstakes and win a prize simply by dialing a 900 number and, in some cases, entering some type of code. The FTC Rule requires ads for sweepstakes to state the odds of winning (or how odds will be calculated).

Also, the ad or the preamble must tell you that there is a free alternative way to enter the sweepstakes. You must be instructed on how to enter free of charge or where to get that information. You do not have to call and incur a charge to enter.

This does not apply to contests where you have to demonstrate a skill, such as answering a question correctly.

### **Offer information on government programs**

Some 900 numbers may provide information about federal programs although they are not affiliated with any government agency. This could mislead some consumers. Under the new rule, the ad and the preamble must state that such services are not authorized, endorsed, or approved by a federal agency.

### **Use 800 numbers**

The new rule generally prohibits:

using 800 numbers for pay-per-call services.

connecting 800-number callers to 900 numbers.

placing collect return calls to 800-number callers.

**FCC Rules on collect calls**

Under new Federal Communications Commission regulations, pay-per-call services cannot make collect calls to you if the charge would be more than or in addition to the regular long distance charge for the call. Services that do not impose this additional charge could call collect. However, you cannot be charged for the call unless you have clearly indicated that you accept the charge.

## **Your Best Protection: How to Avoid 900-Number Problems**

Scams involving 900 numbers are constantly changing. In general, you can protect yourself if you:

**Deal only with reputable companies.**

Some companies or organizations sponsor 900-number services for opinion surveys, sports information, or other topics that may interest you. Before you call a 900 number, be sure you understand the cost of the call and the nature of the information or service you will receive.

**Think twice before calling a 900 number for a "free" gift.**

Television ads, postcards or telemarketers may urge you to call 900 numbers for "free" prizes. Know that you pay for those "free" gifts when you make the 900-number call.

**Don't confuse 900 numbers with toll-free 800 numbers.**

You pay for the 900-number call. The company pays for the 800-number call.

**Talk to your children.**

Make sure they understand they shouldn't call 900 numbers without your permission. You can have the phone company block 900-number calls from your phone. Under the new Federal Communications Commission rule, local phone companies must make blocking available (where technically feasible) at no charge through December 31, 1993. After that, telephone companies may charge a "reasonable" fee. However, any subscriber with a new number can request free blocking within 60 days after service begins.

## Complaints: How to Handle Them

Under the Federal Communications Commission rule, the phone company can't disconnect your regular local or long-distance telephone service because of failure to pay a 900-number charge. However, you could be blocked from making future calls to 900 numbers for failure to pay legitimate pay-per-call charges. If you want to dispute a 900-number charge, follow the instructions given with your billing statement. It will tell whether you can dispute a charge by phone or whether you need to write a letter. The billing statement should list a local or toll-free telephone number you can call to learn more about your rights and responsibilities. You also can call to get the name and address of the 900-number service provider.

When disputing a charge, include the following information: your name and telephone number, the date and amount of the disputed charge, and the reason you believe the charge is in error. Even if your dispute is resolved by the billing agent and the charge is removed from your phone bill you still could be contacted by the pay-per-call service or by a debt collector.

If you are contacted by a debt collector, you have certain rights under federal law. For example, if you do not wish to be contacted again concerning the charge, you can write to the collection agency telling it not to contact you. Under the law, once the collection agency receives your letter, it cannot contact you again except to say there will be no further contact or that some specific action will be taken (if the debt collector or creditor intends to take such action).

Because the debt if not resolved can remain on your credit record, you also are legally entitled to dispute the report. Even if you are unsuccessful in having the disputed item removed by the credit bureau, you can have your account of the incident included in your credit report.

If you are having problems with a 900-number service, you may want to file a complaint with the FTC.

Write: Correspondence Branch, Federal Trade Commission, Washington, D.C. 20580. While the Commission does not resolve individual disputes, complaints about 900-number scams help the FTC in its law enforcement efforts against companies.

# Fly-Rights -- A Consumer Guide to Air Travel

Notice

We make every effort to keep Fly-Rights up to date, but airlines frequently change the way they do business. So by the time you read this a few procedures we explain may be different. Contact DOT or your airline or travel agent if you have any questions.

**See:**

[Fares and Discounts](#)

[Paying for and refunding airline tickets](#)

[Lost tickets](#)

[Voluntary bumping](#)

[Passengers with disabilities](#)

[Domestic Travel](#)

[International Travel](#)

[Contacting the Department of Transportation](#)

## Fares and Discounts

The elimination of government economic regulation of the airlines has resulted in lower fares and a wide variety of price/service options. In this new commercial environment, consumers have had to take a more active role in choosing their air service by learning to ask a number of questions.

Am I more concerned with price or scheduling? Am I willing to fly at an odd hour if it means saving \$25?

Will the airline penalize me for changing my reservation?

What will the airline do for me if it cancels my flight?

This booklet is designed to explain your rights and responsibilities as an air traveler. We hope it helps you become a resourceful consumer.

Because of the emphasis on price competition, consumers may choose from a wide variety of air fares. Some airlines are trying a back to basics approach offering flights at bargain basement prices with few extras.

For fare information, you can contact a travel agent, another ticket outlet or an airline serving the places you want to visit. Ask them to tell you the names of all airlines flying there. A travel agent can find virtually all airlines fares in his or her computer. Or, if you prefer you can call each airline to ask about the fares they charge, particularly any special promotional fares they may be offering at the time. You can also pay attention to newspaper and radio ads, where airlines advertise many of the discount plans that apply to your city. Finally, be alert to new companies serving the market. They may offer lower fares or different services than older established airlines.

Here are some tips to help you decide among air fares:

Be flexible in your travel plans in order to get the lowest fare. The best deals may be limited to travel on certain days of the week or particular hours of the day. After you get a fare quote, ask the reservations agent if you could save even more by leaving a day earlier or later, or by taking a different flight on the same day.

Plan as far ahead as you can. Some airlines set aside only a few seats on each flight at the lower rates. The real bargains often sell out very quickly. On the other hand, air carriers sometimes make more discount seats available later. If you had decided against a trip because the discount fare you wanted was not available on the desired date, try again, especially just before the advance-purchase deadline. Some airlines may have discounts that others don't offer. In a large metropolitan area, the fare could depend on which airport you use. Also, a connection (change of planes) or a one-stop flight is sometimes cheaper than a nonstop.

Find out what will happen if you switch flights or dates.

Does the air fare include types of service that airlines have traditionally provided, such as meals or free baggage handling? If you have a connection involving two airlines, will your bags be transferred? Can you get advance seat assignments? If you are stranded, will the ticket be good on another carrier at no extra charge? Will the first airline pay for meals or hotel rooms during the wait?

Many discount fares are non-refundable; if you buy one of these fares and later cancel your trip, you will not get your money back. Some fares also have a penalty for changing flights or dates even if you don't want a refund. You may also have to pay any difference in air fares if your fare is not available on the new flight.

Some airlines will not increase the fare after the ticket is issued and paid for. (Simply holding a reservation without a ticket does not guarantee the fare.) Other airlines may reserve the right to collect more money from you if the fare that you had purchased goes up before departure time. Find out from the airline before you buy your ticket what its policy is on assess to check the fare. Fares change all the time, and if that same fare goes down before you fly, some airlines will refund the difference. But you have to ask. Differences in air fares can be substantial. Careful comparison shopping among airlines does take time, but it can lead to real savings.

Once you decide when and where you want to go, and which airline you want to use, getting reservations and tickets is a fairly simple process. You can make all of your arrangements by telephone, at the airlines ticket office, or through a travel agent or other ticket outlet. There are a few potential pitfalls, however, and these pointers should help you avoid them.

If your travel plans fall into a busy period, call for reservations early. Flights for holidays may sell out

weeks sometimes months ahead of time. Don't buy a standby fare or an open return ticket if you need to fly during a high-demand period, especially the end of August. You could be stranded for a week or more before a seat becomes available.

Ask the reservations agent for your flight's on-time performance code.

Ask the reservations agent to give you the on-time performance code for any flights that you are considering. This is a one-digit code in the reservations computer that shows how often that flight arrived on time (within 15 minutes) during the most recent reported month. For example, an 8 means that flight arrived within 15 minutes of the scheduled arrival time between 80% and 89.9% of the time. If you are deciding between two flights with similar schedules and fares, you may want to choose the one with the better on-time record. (Only the largest U.S. airlines are required to maintain these codes.)

When you make a reservation, be sure the agent records the information accurately. Before you hang up or leave the ticket office, review all of the essential information with the agent the spelling of your name, the flight numbers and travel dates, and the cities you are traveling between. If there is more than one airport at either city, be sure you check which one you'll be using. It's also important to give the airline your home and work telephone numbers so they can let you know if there is any change in their schedule. Your ticket will show the flight number, departure time, date, and status of your reservation for each flight of your itinerary. The status box is important. OK means you're confirmed. Anything else means that the reservation is not yet certain (e.g., waitlisted).

A direct (or through) flight can have one or more stops. Sometimes flights with only one flight number can even involve a change of planes. Ask about your exact routing.

If you are flying to a small city and your flight number has four digits, you may be booked on a commuter airline that has an agreement with the major carrier in whose name the flight is held out. If you are unsure, ask the reservations agent about the airline and the aircraft type; these flights are identified in the computer.

When a reservations agent asks you to buy your tickets by a specific time or date, this is a deadline. And if you don't make the deadline, the airline may cancel your reservations without telling you.

Try to have your tickets in hand before you go to the airport. This speeds your check-in and helps you avoid some of the tension you might otherwise feel if you had to wait in a slow-moving ticketing line and worry about missing your flight.

If your reservations are booked far enough ahead of time, the airline may offer to mail your tickets to you. However, if you don't receive the tickets and the airline's records show that they mailed them, you may have to go through cumbersome lost-ticket procedures (see the end of this chapter). It is safer to check the telephone directory for a conveniently located travel agency or airline ticket office and buy your tickets there.

As soon as you receive your ticket check to make sure all the information on it is correct, especially the airports (if any of the cities have more than one) and the flight dates. Have any necessary corrections made immediately.

Bring a photo I.D. when you fly, and have your airline ticket issued using your name as it appears on that I.D. Many airlines are requesting such identification at check-in in order to reduce the re-selling of discount tickets. (Airlines don't permit tickets to be sold or given to other persons.) On international flights, make sure your name is the same on your ticket and your passport. If your name has recently changed and the name on your ticket and your I.D. are different, bring documentation. Flight schedules sometimes change. On international trips, most airlines require that you reconfirm your onward or return reservations at least 72 hours before each flight. If you don't, your reservations may be canceled.

Check your ticket as you board each flight to ensure that only the correct coupon has been removed by the airline agent.



## **Paying for and refunding airline tickets**

If you plan to pay in person and with your own bank check, take at least two forms of identification with you like a driver's license, major credit card, or employee I.D. card. Particularly when you purchase tickets far from your home town, airlines, travel agencies and other ticket outlets will want to confirm your identity. Count your ticket coupons after checking in for each flight.

If you paid for your ticket with cash and you have a refundable fare, you can often get an immediate refund from the issuing airline or travel agency. If you paid by personal check, the refund will generally have to be mailed to you. NOTE: In some cases tickets purchased overseas in foreign currency can only be refunded in that same currency and country, due to foreign government monetary restrictions. Keep this in mind if you are considering buying a ticket in a foreign country.

When you pay by credit card, your charge account is billed whether you use your tickets or not. You won't receive credit unless the original unused tickets are returned to the airline. You usually can't get a cash refund for a credit card purchase.

If you buy your tickets with a credit card and then change your flights, the ticket agent may want to credit the amount of the old tickets and issue another set with a second charge to your account. You may want to insist that the value of your old tickets be applied to the new ones, with the difference in price charged or credited to your account. While this creates a little extra work for the airlines, it prevents double-billing to your charge account.

Airline tickets should be treated like cash; lost tickets are not easy to refund.

Payment by credit card provides certain protections under federal credit laws. When a refund is due, the airline must forward a credit to your card company within seven business days after receiving a complete refund application. If you paid by credit card for a refundable fare and you have trouble getting a refund that you are due, report this in writing to your credit card company. If you write to them within 60 days from the time that they mailed your first monthly statement showing the charge for the airline ticket, the card company should credit your account even if the airline doesn't. This procedure is particularly useful if your airline ceases operations before your flight.

## Lost tickets

Airline tickets are similar to negotiable documents. Because of this, refunds can be difficult to obtain if tickets are lost or stolen. Many passengers believe that air tickets can be replaced as easily as travelers checks just because the reservation is in the computer, but that is not the case.

Your ticket number may be shown on your credit card receipt or travel agency itinerary. If it is not, jot down the number on a sheet of paper and carry it separately from your ticket. Bring it with you on your trip. If the ticket does go astray, the airline can process your refund application more quickly, and perhaps issue an on-the-spot replacement ticket, if you can give them this number.

You should report a lost ticket immediately to the airline that is shown as the issuing carrier at the top of the ticket. You may be required to repurchase a ticket in order to continue your trip. If you no longer meet all of the restrictions on your discount fare (e.g., seven-day advance purchase) the new ticket may cost more than the old one did. In that event, however, it is generally the higher fare that is eventually refunded, as long as you don't change any of the cities, flights or dates on your trip.

Once the airline establishes that you actually bought the ticket, they will begin processing your refund application. There is often a waiting period of two to six months. If anyone uses or cashes in your ticket while the refund is pending, the airline may refuse to give you your money back. Finally, there is a handling charge that the airline may deduct from the refund.

All in all, getting a refund or replacement for a lost ticket is a lot of trouble, and there's no guarantee you'll receive either one. So the best advice is don't lose the ticket in the first place.

Airlines don't guarantee their schedules, and you should realize this when planning your trip. There are many things that can cause delays; these problems, like bad weather, air traffic delays, and mechanical repairs, are hard to predict and beyond the airlines control.

If your flight is delayed, try to find out how late it will be. But keep in mind that it is sometimes difficult for airlines to estimate the total duration of a delay during its early stages. In so-called creeping delays, developments occur which were not anticipated when the carrier made its initial estimate of the length of the delay. Weather that had been forecast to improve can instead deteriorate, or a mechanical problem can turn out to be more complex than initially determined.

If the problem is with local weather or air traffic control, all flights will probably be late and there's not much you or the airline can do to speed up your departure. If there's a mechanical problem with the plane for your particular flight or if the crew is delayed on an incoming flight, you might be better off trying to arrange another flight, as long as you don't have to pay a cancellation penalty or higher fare for changing your reservations. (It is sometimes easier to make such arrangements from a pay phone than at a ticket counter.) If you find a flight on another airline, ask the first airline to endorse your ticket to the new carrier; this could save you a fare increase. Remember, however, that there is no rule requiring them to do this. If your flight is canceled, most airlines will rebook you on the first flight of theirs to your destination on which space is available, at no additional charge. If this involves a significant delay find out if another carrier has space, and ask the first airline to endorse your ticket. Finding extra seats may be difficult, however, especially over holidays and other peak travel times.

A departure early in the day is less likely to be delayed than a later flight.

Each airline has its own policies about what it will do for delayed passengers waiting at the airport; there are no federal requirements. If you are delayed, ask the airline staff if they will pay for meals or a phone call. Some airlines, often those charging very low fares, do not provide any amenities to stranded passengers. Others may not offer amenities if the delay is caused by bad weather or something else beyond the airline's control.

Contrary to popular belief, airlines are not required to compensate passengers whose flights are delayed or canceled. As discussed in the chapter on overbooking, compensation is required by law only when you are bumped from a flight that is oversold. Airlines almost always refuse to pay passengers for financial losses resulting from a delayed flight. If the purpose of your trip is to close a potentially lucrative business deal, to give a speech or lecture, to attend a family function, or to be present at any time-sensitive event, you might want to allow a little extra leeway and take an earlier flight. In other words, airline delays and cancellations aren't unusual, and defensive counter-planning is a good idea when time is your most important consideration.

When booking your flight remember that a departure early in the day is less likely to be delayed than a later flight, due to ripple effects throughout the day. Also, if an early flight does get delayed or canceled,

you have more rerouting options. If you book the last flight of the day and it is canceled, you could get stuck overnight.

You may select a connection (change of planes) over a nonstop or direct flight because of the convenient departure time or lower fare. However, a change of planes always involves the possibility of a misconnection.

If you have a choice of connections and the fares and service are equivalent, choose the one with the least-congested connecting airport, so it will be easier to get to your second flight. You may wish to take into consideration the potential for adverse weather if you have a choice of connecting cities. When making your reservation for a connection, always check the amount of time between flights. Ask yourself what will happen if the first flight is delayed; if you don't like the answer, pick another flight or ask the agent to construct a connection that allows more time.

Overbooking is not illegal, and most airlines overbook their scheduled flights to a certain extent in order to compensate for no-shows. Passengers are sometimes left behind or bumped as a result. When an oversale occurs, the Department of Transportation (DOT) requires airlines to ask people who aren't in a hurry to give up their seats voluntarily, in exchange for compensation. Those passengers bumped against their will are, with a few exceptions, entitled to compensation.

## Voluntary bumping

Almost any group of airline passengers includes some people with urgent travel needs and others who may be more concerned about the cost of their tickets than about getting to their destination on time. Our rules require airlines to seek out people who are willing to give up their seats for some compensation before bumping anyone involuntarily. Here's how this works.

At the check-in or boarding area, airline employees will look for volunteers when it appears that the flight has been overbooked.

But before you do this, you may want to get answers to these important questions:

When is the next flight on which the airline can confirm our seat? The alternate flight may be just as acceptable to you. On the other hand, if they offer to put you on standby on another flight that's full, you could be stranded.

Will the airline provide other amenities such as free meals, a hotel room, phone calls, or ground transportation? If not, you might have to spend the money they offer you on food or lodging while you wait for the next flight.

DOT has not said how much the airline has to give volunteers. This means carriers may negotiate with their passengers for a mutually acceptable amount of money or maybe a free trip or other benefits.

Airlines give employees guidelines for bargaining with passengers, and they may select those volunteers willing to sell back their reservations for the lowest price.

If the airline offers you a free ticket, ask about restrictions. How long is the ticket good for? Is it blacked out during holiday periods when you might want to use it? Can it be used for international flights? Most importantly, can you make a reservation, and if so, how far before departure are you permitted to make it?

### **See:**

[Involuntary bumping](#)

[Packing](#)

[Check-in](#)

[Claiming your bags](#)

## **Involuntary bumping**

DOT requires each airline to give all passengers who are bumped involuntarily a written statement describing their rights and explaining how the carrier decides who gets on an oversold flight and who doesn't. Those travelers who don't get to fly are frequently entitled to an on-the-spot payment of denied boarding compensation. The amount depends on the price of their ticket and the length of the delay: If you are bumped involuntarily and the airline arranges substitute transportation that is scheduled to get you to your final destination (including later connections) within one hour of your original scheduled arrival time, there is no compensation.

If the airline offers you a free ticket, ask about restrictions

If the airline arranges substitute transportation that is scheduled to arrive at your destination between one and two hours after your original arrival time (between one and four hours on international flights), the airline must pay you an amount equal to your one-way fare to your final destination, with a \$200 maximum.

If the substitute transportation is scheduled to get you to your destination more than two hours later (four hours internationally), or if the airline does not make any substitute travel arrangements for you, the compensation doubles (200% of your fare, \$400 maximum).

You always get to keep your original ticket and use it on another flight. If you choose to make your own arrangements, you can request an involuntary refund for the ticket for the flight you were bumped from.

The denied boarding compensation is essentially a payment for your inconvenience.

Like all rules, however, there are a few conditions and exceptions:

To be eligible for compensation, you must have a confirmed reservation. An OK in the Status box of your ticket qualifies you in this regard even if the airline can't find your reservation in the computer, as long as you didn't cancel your reservation or miss a reconfirmation deadline.

You must meet the airlines deadline for buying your ticket. Discount tickets must usually be purchased within a certain number of days after the reservation was made. Other tickets normally have to be picked up no later than 30 minutes before the flight.

You must appear at the gate at least 10 minutes before departure, even if you already have a boarding pass and seat assignment.

In addition to the ticketing deadline, each airline has a check-in deadline, which is the amount of time before scheduled departure that you must present yourself to the airline at the airport. For domestic flights most carriers have a deadline of 10 minutes before scheduled departure, but some can be an hour or longer. (Many airlines require passengers with advance seat assignments to check in 30 minutes before scheduled departure, even if they already have advance boarding passes. If you miss this deadline you may lose the specific seats you were promised, although not the reservation itself.) Check-in deadlines on international flights can be as much as three hours before scheduled departure time, due partially to security procedures. Some airlines may simply require you to be at the ticket/baggage counter by this time; most, however, require that you get all the way to the boarding area. If you miss the ticketing or check-in deadline, you may have lost your reservation and a flight which is scheduled to arrive at your destination within one hour of your originally scheduled arrival time.

If the airline must substitute a smaller plane for the one it originally planned to use, the carrier isn't required to pay people who are bumped as a result.

The rules do not apply to charter flights, or to scheduled flights operated with planes that hold 60 or fewer passengers. They don't apply to international flights inbound to the United States, although some airlines on these routes may follow them voluntarily. Also, if you are flying between two foreign cities from Paris to Rome, for example these rules will not apply. The European Community has a rule on bumpings that occur in an EC country; ask the airline for details, or contact DOT.

The best way to avoid getting 'bumped' is to check in early.

The most effective way to reduce the risk of being bumped is to get to the airport early. On oversold flights the last passengers to check in are usually the first to be bumped, even if they have met the check-in deadline. Allow extra time; assume that the airport access road is backed up, the parking lot is full, and there is a long line at the check-in counter. However, if you arrive so early that your airline has another flight to your destination leaving before the one that you are booked on, either switch to the earlier flight or don't check your bag until after the first flight leaves. If you check your bag right away, it might get put on the earlier flight and remain unattended at your destination airport for hours. Airlines may offer free transportation on future flights in place of a check for denied boarding compensation. However, if you are

bumped involuntarily you have the right to insist on a check if that is your preference. Once you cash the check (or accept the free flight), you will probably lose the right to demand more money from the airline later on. However, if being bumped costs you more money than the airline will pay you at the airport, you can try to negotiate a higher settlement with their complaint department. If this doesn't work, you usually have 30 days from the date on the check to decide if you want to accept the amount of the check. You are always free to decline the check and take the airline to court to try to obtain more compensation. The government's denied boarding regulation spells out the airlines' minimum obligation to people they bump involuntarily.

Finally, don't be a no-show. If you are holding confirmed reservations you don't plan to use, notify the airline. If you don't, they will cancel all onward or return reservations on your trip.

Between the time you check your luggage in and the time you claim it at your destination, it may have passed through a maze of conveyor belts and baggage carts; once airborne, baggage may tumble around the cargo compartment if the plane hits rough air. In all fairness to the airlines, however, relatively few bags are damaged or lost. With some common-sense packing and other precautions, your bags will probably be among the ones that arrive safely.

## Packing

You can pack to avoid problems. Some items should never be put into a bag you plan to check into the cargo compartment:

Small valuables: cash, credit cards, jewelry, cameras.

Critical items: medicine, keys, passport, tour vouchers, business papers.

Irreplaceable items: manuscript, heirlooms.

Fragile items: eyeglasses, glass containers, liquids.

Things like this should be carried on your person or packed in a carry-on bag that will fit under the seat.

Remember, the only way to be sure your valuables are not damaged or lost is to keep them with you.

Even if your bag is not lost, it could be delayed for a day or two. Don't put perishables in a checked bag; they may spoil if it is delayed. It is wise to put items that you will need during the first 24 hours in a carry-on bag (e.g. toiletries, a change of underwear).

Check with the airline for its limits on the size, weight, or number of carry-on pieces. (There is no single federal standard.) If you are using more than one airline, check on all of them. Inquire about your flight; different airplanes can have different limits. Don't assume that the flight will have unlimited closet space for carry-on garment bags; some may have to be checked. If you plan to go shopping at your destination and bring your purchases aboard as carry-on, keep the limits in mind. If you check these purchases, however, carry the receipts separately; they may be necessary for a claim if the merchandise is lost or damaged. Don't put anything into a carry-on bag that could be considered a weapon (e.g. scissors, pen knife).

Bring toiletries and a change of underwear in case your flight is delayed.

Checked baggage is also subject to limits. On most domestic and international flights, it's two checked bags (three if you don't have any carry-on luggage). There can be an extra charge if you bring more, or if you exceed the airline's limits on the size of the bags.

On some flights between two foreign cities, your allowance may be based on the weight of the bags rather than the number of pieces. The same two bags that cost you nothing to check when you started your trip could result in expensive excess-baggage charges under a weight system. Ask the airlines about the limit for every segment of your international trip before you leave home, especially if you have a stopover of a day or two or if you are changing carriers.

The bags you check should be labeled inside and out with your name, address and phone number. Add the name and address of a person to contact at your destination if it's practical to do so. Almost all of the bags that are misplaced by airlines do turn up sooner or later. With proper labeling, the bag and its owner can usually be reunited within a few hours.

Don't overpack a bag. This puts pressure on the latches, making it easier for them to pop open. Also, lock your bags. The locks aren't very effective against pilferage, but they help to keep the latches from springing.

If you plan to check any electrical equipment, glassware, small appliances, pottery, typewriters, musical instruments or other fragile items, they should be packed in a container specifically designed to survive rough handling preferably a factory-sealed carton or a padded hard shell carrying case.

## Check-in

Don't check in at the last minute. Even if you make the flight, your bag may not. If you miss the airline's check-in deadline, the carrier might not assume liability for your bag if it is delayed or lost.

If you have a choice, select flights that minimize the potential for baggage disruption. The likelihood of a bag going astray increases from #1 to #4 below (i.e., #1 is safest):

1) nonstop flight 2) direct or through' flight (one or more stops, but no change of aircraft) 3) online connection (change of aircraft but not airlines) 4) interline connection (change of aircraft and airlines)

When you check in, remove straps and hooks from garment bags that you are sending as checked baggage. These can get caught in baggage processing machinery, causing damage to the bag.

The airline will put baggage destination tags on your luggage and give you the stubs to use as claim checks. Make sure you get a stub for every bag. Don't throw them away until after you get your bags back and you check the contents. Not only will you need them if a claim is necessary, but you may need to show them to security upon leaving the baggage-claim area.

Each tag has a three-letter code and flight number that show the baggage sorters on which plane and to which airport your luggage is supposed to go. Double-check the tag before your bags go down the conveyor belt. (The airline will be glad to tell you the code for your destination when you make reservations or buy your tickets.) Your bags may only be checked to one of your intermediate stops rather than your destination city if you must clear Customs short of your final destination, or if you are taking a connection involving two airlines that don't have an interline agreement. Be sure all of the tags from previous trips are removed from your bag, since they may confuse busy baggage handlers.



## **Claiming your bags**

Many bags look alike. After you pull what you think is your bag off the carousel, check the name tag or the bag tag number.

Remove straps and hooks from garment bags; they can get caught in the machinery.

If your bag arrives open, unlocked or visibly damaged, check right away to see if any of the contents are missing or damaged. Report any problems to the airline before leaving the airport; insist on filling out a form. Open your suitcase immediately when you get to where you are staying. Any damage to the contents or any pilferage should be immediately reported to the airline by telephone. Make a note of the date and time of the call, and the name and telephone number of the person you spoke with. Follow up immediately with a certified letter to the airline.

### **Damage**

If your suitcase arrives smashed or torn, the airline will usually pay for repairs. If it can't be fixed, they will negotiate a settlement to pay you its depreciated value. The same holds true for belongings packed inside.

Airlines may decline to pay for day for your damaged items inside the bag when there's no evidence of external damage to the suitcase. But airlines generally don't disclaim liability for fragile merchandise packed in its original factory sealed carton, a cardboard mailing tube, or other container designed for shipping and packed with protective padding material.

When you check in, airline personnel should let you know if they think your suitcase or package may not survive the trip intact. Before accepting a questionable item, they will ask you to sign a statement in which you agree to check it at your own risk. But even if you do sign this form, the airline might be liable for damage if it is caused by its own negligence shown by external injury to the suitcase or package.

### **Delayed bags**

If you and your suitcase don't connect at your destination, don't panic. The airlines have very sophisticated systems that track down about 98% of the bags they misplace and return them to their owners within hours. In many cases they will absorb reasonable expenses you incur while they look for your missing belongings. You and the airline may have different ideas of what's reasonable, however, and the amount they will pay is subject to negotiation.

If your delayed bag is declared lost, you will have to fill out a second form.

If your bags don't come off the conveyor belt, report this to the airline before you leave the airport. Insist that they fill out a form and give you a copy, even if they say the bag will be in on the next flight. If the form doesn't contain the name of the person who filled it out, ask for it. Get an appropriate phone number for following up (not the Reservations number). Don't assume that the airline will deliver the bag without charge when it is found; ask them about this.

Most carriers set guidelines for their airport employees that allow them to disburse some money at the airport for emergency purchases. The amount depends on whether or not you're away from home and how long it takes to track down your bags and return them to you.

If the airline does not provide you a cash advance, it may still reimburse you later for the purchase of necessities. Discuss with the carrier the types of articles that would be reimbursable, and keep all receipts.

If the airline misplaces sporting equipment, it will sometimes pay for the rental of replacements. For replacement clothing or other articles, the carrier might offer to absorb only a portion of the purchase cost, on the basis that you will be able to use the new items in the future. (The airline may agree to a higher reimbursement if you turn the articles over to them.)

When you've checked in fresh foods or any other perishable goods and they are ruined because their delivery is delayed, the airline won't reimburse you. Carriers may be liable if they lose or damage perishable items, but they won't accept responsibility for spoilage caused by a delay in delivery.

Airlines are liable for provable consequential damages up to the amount of their liability limit (see below) in connection with the delay. If you can't resolve the claim with the airline's airport staff, keep a record of the names of the employees with whom you dealt, and hold on to all travel documents and receipts for any money you spent in connection with the mishandling. (It's okay to surrender your baggage claim tags to the airline when you fill out a form at the airport, as long as you get a copy of the form and it notes that you gave up the tags.) Call or write the airline's consumer office when you get home.

### **Lost luggage**

Once your bag is declared officially lost, you will have to submit a claim. This usually means you have to

fill out a second, more detailed form. Check on this; failure to complete the second form when required could delay your claim. Missing the deadline for filing it could invalidate your claim altogether. The airline will usually refer your claim form to a central office, and the negotiations between you and the airline will begin. If your flight was a connection involving two carriers, the final carrier is normally the one responsible for processing your claim even if it appears that the first airline lost the bag.

Airlines don't automatically pay the full amount of every claim they receive. First, they will use the information on your form to estimate the value of your lost belongings. Like insurance companies, airlines consider the depreciated value of your possessions, not their original price or the replacement costs. If you're tempted to exaggerate your claim, don't. Airlines may completely deny claims they feel are inflated or fraudulent. They often ask for sales receipts and other documentation to back up claims, especially if a large amount of money is involved. If you don't keep extensive records, you can expect to dicker with the airline over the value of your goods.

Generally, it takes an airline anywhere from six weeks to three months to pay you for your lost luggage. The airlines' domestic liability limit is generally \$1250 per person.

If your bags are delayed, lost or damaged on a domestic trip, the airline can invoke a ceiling of \$1250 per passenger on the amount of money they'll pay you. When your luggage and its contents are worth more than that, you may want to purchase excess valuation, if available, from the airline as you check in. This is not insurance, but it will increase the carrier's potential liability. The airline may refuse to sell excess valuation on some items that are especially valuable or breakable, such as antiques, musical instruments, jewelry, manuscripts, negotiable securities and cash.

On international trips, the liability limit is set by a treaty called the Warsaw Convention. Unless you buy excess valuation, the liability limit is \$9.07 per pound (\$20 per kilo). In order to limit its liability to this amount, the airline must use one of the following procedures:

- 1) The carrier weighs your bags at check-in and records this weight on your ticket. The airline's maximum liability to you is that weight multiplied by \$9.07 (or by \$20, if the weight was recorded in kilos).
- 2) Instead of weighing your luggage, the carrier assumes that each of your bags weighs the maximum that it agrees to accept as checked baggage, usually 70 pounds (32 kilos). This yields a liability limit of about \$640 per bag.

This international limit also applies to domestic segments of an international journey. This is the case even if the domestic and international flights are on separate tickets and you claim and re-check your bag between the two flights.

Keep in mind that the liability limits are maximums. If the depreciated value of your property is worth less than the liability limit, this lower amount is what you will be offered. If the airline's settlement doesn't fully reimburse your loss, check your homeowner's or renter's insurance; it sometimes covers losses away from the residence. Some credit card companies and travel agencies offer optional or even automatic supplemental baggage coverage.

### **Hazardous Items**

Except for toiletries and medicines totaling no more than 75 ounces, it is illegal and extremely dangerous to carry on board or check in your luggage any of the following hazardous materials:

#### **Hazardous materials**

Aerosols\* Polishes, waxes, degreasers, cleaners, etc.

Corrosives\* Acids, cleaners, wet cell batteries, etc.

Flammables\* Paints, thinners, lighter fluid, liquid reservoir lighters, cleaners, adhesives, camp stoves or portable gas equipment with fuel, etc.

Explosives\* Fireworks, flares, signal devices, loaded firearms, gunpowder, etc. (Small arms ammunition for personal use may be transported in checked luggage if it is securely packed in material designed for that purpose. These may not be placed in carry-on baggage.)

Radioactives\* Betascopes, radiopharmaceuticals, uninstalled pacemakers, etc.

Compressed gases\* Tear gas or protective-type sprays, oxygen cylinders, divers' tanks (unless they're empty), etc.

Infectious substances

Poisonous materials\* Rat poison, etc.

Matches (both strike anywhere' matches and safety or book' matches) may only be carried on your person.

If you must travel with any of these materials, check with the airline's air freight department to see if special arrangements can be made.

A violation of the hazardous materials restrictions can result in a civil penalty of up to \$25,000 for each violation or a criminal penalty of up to \$500,000 and/or up to 5 years in jail.

On U.S. airlines, you are guaranteed a no-smoking seat worldwide.

Under U.S. government rules, smoking is prohibited on all domestic scheduled-service flights except for flights over six hours to or from Alaska or Hawaii. This ban applies to domestic segments of international flights, on both U.S. and foreign airlines (e.g., the Chicago / New York leg of a flight that operates Chicago/ New York / London). The ban does not apply to nonstop international flights, even during the time that they are in U.S. airspace (e.g., a Chicago / London flight). The prohibition applies in the passenger cabin and lavatories, but not in the cockpit.

Smoking is also banned on other scheduled-service flights by U.S. airlines that are operated with planes seating fewer than 30 passengers (e.g., certain commuter flights to Canada, Mexico and the Caribbean). Cigar and pipe smoking is banned on all U.S.-carrier flights (scheduled and charter, domestic and international).

The following rules apply to U.S. airlines on flights where smoking is not banned (ions (although they may not guarantee seating there or expand the section).

The airline must provide a seat in a non-smoking section to every passenger who asks for one, as long as the passenger complies with the carrier's seat assignment deadline and procedures. (Standby passengers do not have this right.)

If necessary, the airline must expand the non- smoking section to accommodate the passengers described above.

The airline does not have to provide a non-smoking seat of the passenger's choice. It doesn't have to seat you with your traveling companion, and you don't have the right to specify a window or aisle non- smoking seat. Also, the airline is not required by this rule to provide advance seat assignments before the flight date in the non-smoking section, as long as they get you into the non-smoking section on the day of your flight.

The flight crew must act to keep passengers from smoking in the non-smoking sections. However, smoke that drifts from the smoking section into the non-smoking section does not constitute a violation.

No smoking is allowed while an aircraft is on the ground or when the ventilation system is not fully functioning.

Carriers are not required to have a smoking section. An airline is free to ban smoking on a particular flight, or on all of its flights.

None of the regulations described in this chapter apply to charter flights performed with small aircraft by on-demand air taxi operators.

## Passengers with disabilities

Over 40 million Americans have disabilities. The Air Carrier Access Act and the DOT rule that implements it set out procedures designed to ensure that these individuals have the same opportunity as anyone else to enjoy a pleasant flight. Here are some of the major provisions of the rule.

A person may not be refused transportation on the basis of disability or be required to have an attendant or produce a medical certificate, except in certain limited circumstances specified in the rule.

Airlines must provide enplaning, deplaning and connecting assistance, including both personnel and equipment. (Some small commuter aircraft may not be accessible to passengers with severe mobility impairments. When making plans to fly to small cities, such passengers should check on the aircraft type and its accessibility.)

Airport terminals and airline reservations centers must have TDD telephone devices for persons with hearing or speech impairments.

Passengers with vision or hearing impairments must have timely access to the same information given to other passengers at the airport or on the plane concerning gate assignments, delayed flights, safety, etc. New widebody aircraft must have a wheelchair-accessible lavatory and an on-board wheelchair. Airlines must put an on-board wheelchair on most other flights upon a passenger's request (48 hours' notice required).

Air carriers must accept wheelchairs as checked baggage, and cannot require passengers to sign liability waivers for them (except for pre-existing damage).

Most new airplanes must have movable armrests on half the aisle seats, and on-board stowage for one folding passenger wheelchair.

Carriers must allow service animals to accompany passengers in the cabin, as long as they don't block the aisle or other emergency evacuation route.

FAA safety rules establish standards for passengers allowed to sit in emergency exit rows; such persons must be able to perform certain evacuation-related functions.

FAA rules also prohibit passengers from bringing their own oxygen. Most airlines will provide aircraft-approved oxygen for a fee, but aren't required to.

Airlines may not charge for services that are required by this rule.

Airlines must make available a specially-trained Complaints Resolution Official if a dispute arises. There must be a copy of the DOT rule at every airport.

It's wise to call the airline again before your trip to reconfirm any assistance that you have requested. For additional details, see Other Sources of Information at the end of this pamphlet for information on ordering the booklet New Horizons for the Air Traveler with a Disability.

Virtually all major U.S. airlines have a frequent-flyer plan, and many foreign carriers are starting them.

These programs allow you to earn free trips, upgrades (e.g., from Coach to First Class) or other awards based on how often you fly on that airline. In some programs you can earn credit by using specified hotels, rental car companies, credit cards, etc.

It doesn't cost anything to join a program, and you after that another carrier's program suits your needs better. Here are some things to look at when selecting a frequent-flyer program.

Does the airline fly where you're likely to want to go?

Are there tie-ins with other carriers, especially those with international routes? Is some of the airline's service provided by commuter-carrier partners? In both cases, can you earn credits and use awards on those other airlines?

How many miles (or trips) are required for particular awards?

Is there a minimum award per flight (e.g., you are only flying 200 miles but the airline always awards at least 500)?

Is there a deadline for using accumulated miles?

Carefully examine the number and length of any blackout periods during which awards cannot be used.

On some carriers, the Thanksgiving blackout may last a week.

If you are planning a big trip and are thinking about joining that airline's frequent-flyer program, enroll before you travel. Airlines usually won't credit mileage that was flown before you became a member.

After you join a program, there are other things that you should know:

Is there a deadline for using accumulated miles?

Airlines reserve the right to make changes to their programs, sometimes on short notice. The number of

miles required for particular awards might be raised, requiring you to use your old mileage (i.e., your current balance) under the more restrictive new rules. The airline may cease service on a route that you were particularly interested in or it may drop the city you live in! The carrier may eliminate attractive frequent-flyer tie-ins with particular airlines or hotel chains.

Cashing in your mileage frequently will limit your losses in case the carrier changes the rules, merges, or goes out of business. (Some private companies sell insurance covering some of these eventualities.)

Accumulating a larger mileage balance will entitle you to bigger awards, however.

Carriers often limit the number of seats on each flight for which frequent-flyer awards can be used. You may not be able to get reservations on your first- or second-choice dates or flights.

Awards can often be issued in the name of immediate family members. However, if you sell or give an award to someone not named on the award or the travel document and the airline finds out, the recipient could have his or her ticket confiscated, and the carrier may penalize the program member's account balance.

Ask the airline how mileage is registered; you will probably have to identify yourself as a program member when you book your flight or when you check in.

Keep your boarding passes and the passenger coupon of your ticket until you receive a statement from the frequent-flyer program reflecting the correct mileage earnings for that trip. If a problem arises, get the names of the people you speak with and keep notes of your conversations.

Throughout this booklet, we have tried to provide you general information about airline travel. It is important to realize, however, that each airline has specific rules that make up your contract of carriage. These rules may differ among carriers. They include provisions such as check-in deadlines, refund procedures, responsibility for delayed flights, and many other things.

## Domestic Travel

For domestic travel, an airline may provide all of its contract terms on or with your ticket at the time you buy it. Many small commuter carriers use this system. Other airlines may elect to incorporate terms by reference. This means that you are not given all the airline's rules with your ticket most of them are contained in a separate document which you can inspect on request.

If an airline elects to incorporate by reference it must provide conspicuous written notice with each ticket that:

1) it incorporates terms by reference, and 2) these terms may include liability limitations, claim-filing deadlines, check-in deadlines, and certain other key terms.

The airline must also:

Ensure that passengers can receive an explanation of key terms identified on the ticket from any location where the carrier's tickets are sold, including travel agencies;

Make available for inspection the full text of its contract of carriage at each of its own airport and city ticket offices;

Mail a free copy of the full text of its contract of carriage upon request.

There are additional notice requirements for contract terms that affect your air fare. Airlines must provide a conspicuous written notice on or with the ticket concerning any incorporated contract terms that:

Restrict refunds;

Impose monetary penalties; or

If an airline incorporates contract terms by reference and fails to provide the required notice about a particular rule, the passenger will not be bound by that rule.

## International Travel

Not all of the detailed requirements for disclosing domestic contract terms apply to international travel. Airlines file tariff rules with the government for this transportation. Passengers are generally bound by these rules whether or not they receive actual notice about them.

Every international airline must keep a copy of its tariff rules at its airport and city ticket offices. You have a right to examine these rules. The airline agents must answer your questions about information in the tariff, and they must help you locate specific tariff rules, if necessary. If the airline keeps its tariff in a computer rather than on paper, there are additional disclosure requirements which are similar to those for domestic contract terms.

The most important point to remember, whether your travel is domestic or international, is that you should not be afraid to ask questions about a carrier's rules. You have a right to know the terms of your contract of carriage. It is in your best interest, as well as that of the airline, for you to ask in advance about any matters of uncertainty.

Unlike most products, travel services usually have to be paid for before they are delivered. This creates opportunities for disreputable individuals and companies. Some travel packages turn out to be very different from what was presented or what the consumer expected. Some don't materialize at all!

If you receive an offer by phone or mail for a free or extremely low-priced vacation trip to a popular destination (often Hawaii or Florida), there are a few things you should look for:

Does the price seem too good to be true? If so, it probably is.

Are you asked to give your credit card number over the phone?

Are you pressured to make an immediate decision?

Is the carrier simply identified as a major airline, or does the representative offer a collection of airlines without being able to say which one you will be on?

Is the representative unable or unwilling to give you a street address for the company?

Are you told you can't leave for at least two months? (The deadline for disputing a credit card charge is 60 days, and most scam artists know this.)

If you encounter any of these symptoms, proceed cautiously. Ask for written information to be sent to you; any legitimate travel company will be happy to oblige. If they don't have a brochure, ask for a day or two to think it over; most bona fide deals that are good today will still be good two days from now. If they say no to both requests, this probably isn't the trip for you. Some other advice:

If you are told that you've won a free vacation, ask if you have to buy something else in order to get it.

Some packages have promoted free air fare, as long as you buy expensive hotel arrangements. Others include a free hotel stay, but no air fare.

If you are seriously considering the vacation offer and are confident you have established the full price you will pay, compare the offer to what you might obtain elsewhere. Frequently, the appeal of free air fare or free accommodations disguises the fact that the total price is still higher than that of a regular package tour.

Get a confirmed departure date, in writing, before you pay anything. Eye skeptically any promises that an acceptable date will be arranged later. If the package involves standby or waitlist travel, or a reservation that can only be provided much later, ask if your payment is refundable if you want to cancel, and don't pay any money you can't afford to lose.

If the destination is a beach resort, ask the seller how far the hotel is from the beach. Then ask the hotel. Determine the complete cost of the trip in dollars, including all service charges, taxes, processing fees, etc.

If you decide to buy the trip after checking it out, paying by credit card gives you certain legal rights to pursue a chargeback (credit) if promised services aren't delivered.

For further advice, see Other Sources of Information at the end of this brochure for details on how to order the Federal Trade Commission's pamphlet Telemarketing Travel Fraud.

Flying is a routine activity for millions of Americans, and raises no health considerations for the great majority of them. However, there are certain things you can do to ensure that your flight is as comfortable as possible.

Changes in pressure can temporarily block the Eustachian tube, causing your ears to pop' or to experience a sensation of fullness. To equalize the pressure, swallow frequently; chewing gum sometimes helps. Yawning is also effective to keep ahead of the pressure change.

If yawning or swallowing doesn't help, use the valsalva maneuver':

Pinch your nostrils shut, then breathe in a mouthful of air.

Using only your cheek and throat muscles, force air into the back of your nose as if you were trying to blow your thumb and finger off your nostrils.

Be very gentle and blow in short successive attempts. When you hear or feel a pop in your ears, you have succeeded. Never force air from your lungs or abdomen (diaphragm); this can create pressures that are too intense.

Babies are especially troubled by these pressure changes during descent. Having them feed from a bottle or suck on a pacifier will often provide relief.

Avoid flying if you have recently had abdominal, eye or oral surgery, including a root canal. The pressure changes that occur during climb and descent can result in discomfort.

If you have an upper respiratory or sinus infection, you may also experience discomfort resulting from pressure changes. Postpone your trip if possible. (Check to see if your fare has cancellation or change penalties.)

A final tip on pressure changes: they cause your feet to swell. Try not to wear new or tight shoes while flying.

Airliner air is dry; if you wear contact lenses, blink often and limit reading.

Alcohol and coffee both have a drying effect on the body. Airliner cabin air is relatively dry to begin with, and the combination can increase your chances of contracting a respiratory infection. If you wear contact lenses, the low cabin humidity and/or consumption of alcohol or coffee can reduce your tear volume, leading to discomfort if you don't blink often enough. Lens wearers should clean their lenses thoroughly before the flight, use lubricating eye drops during the flight, read in intervals, and take the lenses out if they nap. (This may not apply to extended wear lenses; consult your practitioner.)

If you take prescription medications, bring enough to last through your trip. Take along a copy of the prescription, or your doctor's name and telephone number, in case the medication is lost or stolen. The medicine should be in the original prescription bottle in order to avoid questions at security or Customs inspections. Carry it in a pocket or a carry-on bag; don't pack it in a checked bag, in case the bag is lost.

You can minimize the effects of jet lag in several ways:

Get several good nights' sleep before your trip.

Try to take a flight that arrives at night, so you can go straight to bed.

Sleep on the plane (although not during descent).

During the flight do isometric exercises, eat lightly, and drink little or no alcohol.

Try to use a rest room in the airport terminal before departure. On some flights the cabin crew begins beverage service shortly after the Fasten Seat Belts sign is turned off, and the serving cart may block access to the lavatories.

Air travel is so safe you'll probably never have to use any of the advice we're about to give you. But if you ever do need it, this information could save your life.

Airline passengers usually take safety for granted when they board an airplane. They tune out the crew's pre-flight announcements or reach for a magazine instead of the cards that show how to open the emergency exit and what to do if the oxygen mask drops down. Because of this, people are needlessly hurt or killed in accidents they could have survived.

Every time you board a plane, here are some things you should do:

Be reasonable about the amount of carry-on luggage that you bring. FAA rules require airlines to limit the amount of carry-on baggage, and if you try to carry too much with you, the crew may insist that you check in some items. (There is no universal limit; it depends on the aircraft type and the passenger load.) A bag that is not properly stowed could turn into an unguided missile in an accident or block the aisles during an evacuation.

Count the number of rows to the nearest emergency in front of you; save the overhead bins for coats, hats, and small, soft bags.

As soon as you sit down, fasten and unfasten your seat belt a couple of times. Watch how it works. There are several kinds of belts, and in an emergency you don't want to waste time fumbling with the buckle. procedures, pointing out emergency exits and explaining seat belts, life vests and oxygen masks. Listen carefully and if there's anything you don't understand ask the flight attendants for help.

The plastic card in the seat pocket in front of you will review some of the safety information announced by the flight attendant. Read it. It also tells you about emergency exits and how to find and use emergency equipment such as oxygen masks.



As you're reading the card look for your closest emergency exit, and count the number of rows between yourself and this exit. Remember, the closest exit may be behind you. Have a second escape route planned in case the nearest exit is blocked. This is important because people sometimes head for the door they used to board the plane, usually in the front of the first class cabin. This wastes time and blocks the aisles.

Oxygen masks aren't the same on all planes. Sometimes they drop down in front of you. On some aircraft, however, you'll have to pull them out of a compartment in front of your seat. In either case, you must tug the plastic tube slightly to get the oxygen flowing. If you don't understand the instructions about how the mask works, ask a flight attendant to explain it to you.

When the plane is safely in the air and has reached its cruising level, the pilot usually turns off the fasten seat belt sign. He or she usually suggests that passengers keep their belts buckled anyway during the flight in case the plane hits rough air. Just as seat belts should always be worn in cars, they should always be fastened in airplanes.

If you are ever in an air accident, you should remember these things:

Stay calm.

Listen to the crew members and do what they say. The cabin crew's most important job is to help you leave safely.

Before you try to open any emergency exit yourself, look outside the window. If you see a fire outside the door, don't open it or the flames may spread into the cabin. Try to use your alternate escape route.

Remember, smoke rises. So try to stay down if there's smoke in the cabin. Follow the track of emergency lights embedded in the floor; they lead to an exit. If you have a cloth, put it over your nose and mouth.

After an air accident, the National Transportation Safety Board always talks to survivors to try to learn why they were able to make it through safely. They've discovered that, as a rule, it does help to be prepared.

Avoiding serious injury or surviving an air accident isn't just a matter of luck; it's also a matter of being informed and thinking ahead.

Are you one of those people who jumps up as soon as the plane lands, gathers up coat, suitcase and briefcase, and gets ready to sprint while the plane is still moving? If so, resist the urge. Planes sometimes make sudden stops when they are taxiing to the airport gate, and passengers have been injured when they were thrown onto a seat back or the edge of a door to an overhead bin. Stay in your seat with your belt buckled until the plane comes to a complete halt and the fasten seat belt sign is turned off.

Never smoke in airplane restrooms. Smoking was banned in all but the designated smoking sections after an accident killed 116 people in only 4 minutes, apparently because a careless smoker left a burning cigarette butt in the trash bin. There is a penalty of up to \$2,000 for disabling a lavatory smoke detector.

Also, don't smoke in the aisle. If there is a sudden bump you could stumble and burn yourself or another passenger. Lit cigarettes have also flown out of passengers' hands and rolled under seats.

When passengers comment on airline service, most airlines do listen. They analyze and keep track of the complaints and compliments they receive and use the information to determine what the public wants and to identify problem areas that need special attention. They also try to resolve individual complaints.

Like other businesses, airlines have a lot of discretion in how they respond to problems. While you do have some rights as a passenger, your demands for compensation will probably be subject to negotiation and the kind of action you get depends in large part on the way you go about complaining.

Start with the airline. Before you call or write to DOT or some other agency for help with an air travel problem, you should give the airline a chance to resolve it. As a rule, airlines have trouble-shooters at the airports (they're usually called Customer Service Representatives) who can take care of many problems on the spot. They can arrange meals and hotel rooms for stranded passengers, write checks for denied boarding compensation, arrange luggage repairs and settle other routine claims or complaints that involve relatively small amounts of money.

A complaint letter should always include a daytime phone number.

If you can't resolve these to write a letter.

Type the letter and, if at all possible, limit it to one page in length.

Include your daytime telephone number (with area code).

No matter how angry you might be, keep your letter businesslike in tone and don't exaggerate what happened. If the complaint sounds very vehement or sarcastic, you might wait a day and then consider rewriting it.

Describe what happened, and give dates, cities, and flight numbers or flight times.

Send copies, never the originals, of tickets and receipts or other documents that can back up your claim.

Include the names of any employees who were rude or made things worse, as well as anyone who might have been especially helpful.

Don't clutter up your complaint with petty gripes that can obscure what you're really angry about.

Let the airline know if you've suffered any special inconvenience or monetary losses.

Say just what you expect the carrier to do to make amends. An airline may offer to settle your claim with a check or some other kind of compensation, possibly free transportation. You might want a written apology from a rude employee or reimbursement for some loss you incurred but the airline needs to know what you want before it can decide what action to take.

Be reasonable. If your demands are way out of line, your letter might earn you a polite apology and a place in the airline's crank files.

If you follow these guidelines, the airlines will probably treat your complaint seriously. Your letter will help them to determine what caused your problem, as well as to suggest actions the company can take to keep the same thing from happening to other people.

## Contacting the Department of Transportation

If you need assistance or want to put your complaint about an airline on record with DOT, call the Office of Consumer Affairs at (202) 366-2220 or write:

Office of Consumer Affairs, I-25 U.S. Department of Transportation 400 Seventh Street, S.W. Washington, D.C. 20590

If you write, please be sure to include your address and a daytime telephone number, with area code.

We can provide information about what rights you may or may not have under Federal laws. If your complaint was not properly handled by the airline, we will contact them and get back to you.

Letters from consumers help us spot problem areas and trends in the airline industry. We use our complaint files to document the need for changes in DOT's consumer protection regulations and, where warranted, as the basis for enforcement action. In addition, every month we publish a report with information about the number of complaints we receive about each airline and what problems people are having. You can write or call us for a free single copy of this Air Travel Consumer Report, which also has statistics that the airlines file with us on flight delays, oversales and mishandled baggage.

If your complaint is about something you feel is a safety or security hazard, write to the Federal Aviation Administration:

Community and Consumer Liaison Division, APA- 200 Federal Aviation Administration 800 Independence Avenue, S.W. Washington, D.C. 20591

or call: (800) FAA-SURE. After office hours, if you want to report something that you believe is a serious safety hazard, call the Aviation Safety Hotline at 1-800-255-1111.

### **See:**

[Local consumer help programs](#)

[Your last resort](#)

## **Local consumer help programs**

In most communities there are consumer help groups that try to mediate complaints about businesses, including airlines and travel agencies.

Most state governments have a special office that investigates consumer problems and complaints. Sometimes it is a separate division in the governor's or state attorney general's office. Check your telephone book under the state government's listing.

Many cities and counties have consumer affairs departments that handle complaints. Often you can register your complaint and get information over the phone or in person.

A number of newspapers and radio or TV stations operate Hot Lines or Action Lines where individual consumers can get help. Consumer reporters, with the help of volunteers, try to mediate complaints and may report the results as a news item. The possible publicity encourages companies to take fast action on consumer problems when they are referred by the media. Some Action Lines, however, may not be able to handle every complaint they receive. They often select the most severe problems or those that are most representative of the kinds of complaints they receive.

## **Your last resort**

If nothing else works, small claims court might be the best way for you to help yourself. Many cities have these courts to settle disputes involving relatively small amounts of money someone. An airline can generally be sued in small claims court in any jurisdiction where it operates flights or does business. You can usually get the details of how to use the small claims court in your community by contacting your city or county office of consumer affairs, or the clerk of the court. As a rule, small claims court costs are low, you don't need a lawyer, and the procedures are much less formal and intimidating than they are in most other types of courts.

See Other Sources of Information at the end of this pamphlet for details on how to order a free brochure, Consumers Tell It to the Judge.

### **Other Sources of Information**

Availability and prices subject to change. U.S. Department of Transportation: Office of Consumer Affairs  
Write to: Office of Consumer Affairs I-25 U.S. Department of Transportation 400 Seventh Street, S.W.  
Washington, DC 20590 Internet: [consumer@postmaster2.dot.gov](mailto:consumer@postmaster2.dot.gov) Plane Talk. A series of facts sheets on specialized topics. Free. Frequent Flyer Programs Tips on Avoiding Baggage Problems

Defensive Flying' Public

Charter Flights Transporting Live

Animals Passengers With Disabilities

Kids and Teens in Flight. When children fly alone. Free.

Consumers Tell It to the Judge. Small Claims court. Free.

Air Travel Consumer Report. Single copies free. Statistics for the industry and for individual airlines on:

Delayed and canceled flights Oversales Baggage problems Consumer complaints to DOT

U.S. Department of Transportation: Office of Regulatory Affairs Write to: Office of Regulatory Affairs, P-10

U.S. Department of Transportation 400 Seventh Street, S.W. Washington, DC 20590

Or call (202) 366-4220.

New Horizons for the Air Traveler with a Disability. Free.

Federal Aviation Administration Write to:

Community and Consumer Liaison Division APA-200 Federal Aviation Administration 800 Independence Ave. S.W. Washington, DC 20591

Child/Infant Safety Seats Recommended for Use in Aircraft. Free.

Hazardous Material? Tips for Airline Passengers. Free.

## Billing Errors- Credit Cards

Facts for Consumers from the Federal Trade Commission

At certain times of the year, you may find yourself facing particularly large credit card bills. At those times especially, the Federal Trade Commission (FTC) advises you to review your billing statements with care. Credit card billing errors do occur, but they are simple to resolve if you know how to use the Fair Credit Billing Act (FCBA). Under this law, you must send the creditor a written notice about the problem to avoid paying for any charges you dispute. ***Many consumers forfeit their rights under this Act because they rely on calling the company to correct a billing problem. You may call if you wish, but phoning does not trigger the legal safeguards provided under the FCBA.***

To take full advantage of your rights under the law, this is what you need to do.

Write to the bank, the financial institution, or retailer who issued the card. Your letter must be received within 60 days after the issuer mailed you the first bill containing the error. In your letter include: your name and account number; the date, type, and dollar amount of the charge you are disputing; and why you think there was a mistake.

Be sure to send the letter to the special address for billing inquiries, as designated by the card issuer. You frequently can find the proper address on your bill under a heading such as "send inquiries to."

Do not put your letter in the same envelope as your payment. To be sure the card issuer receives your letter, you may wish to send it by certified mail.

If you follow the previous requirements, this is what the creditor is required to do.

Acknowledge your letter in writing within 30 days after it is received, unless the problem has been resolved within that time.

Conduct a reasonable investigation and, within no more than 90 days, either explain why the bill is correct or correct the error.

Include documents showing that the charge was correct, if the creditor states the bill is correct and you asked for "proof" in your letter.

Under the FCBA, the card issuer cannot close your account just because you disputed a bill under the law.

If you continue to have problems with the card issuer, you might wish to seek legal advice or contact your local consumer protection agency.

# Book Clubs: Negative Option Plans for Books, Records and Videos

Facts for Consumers from the Federal Trade Commission

If you are looking for a convenient way to build your book, audio, or video collections, you may be eyeing advertisements that promise to deliver popular books, recordings, or films right to your door on a regular basis. Before signing up with any "club" that periodically delivers such merchandise *and uses a negative option plan* read the contract carefully.

This brochure describes how negative option plans work and explains your rights under the Federal Trade Commission's (FTC) Negative Option Rule. It also offers some tips to consider before subscribing to a negative option plan.

**How the Plan Works**

An ad for a book, audio, or video club may read, "Five selections for \$1.00!" If you agree to accept the merchandise, you also may be agreeing to buy additional selections under the club's negative option plan.

Under a negative option plan, the seller periodically sends you announcements that describe the current selection and the newest offerings from the seller's inventory. Once you receive an announcement, you can decide whether you want to receive the selection or not.

If you want the selection, do nothing; the seller will ship it to you automatically. If you do not want the selection, you must tell the seller not to send it. You do this by returning the announcement card to the seller by a certain date.

You also may use the announcement card to order an alternate offering. Under the terms of your contract, you may be required to buy a certain number of selections over a specified period of time.

**What the Seller Must Tell You**

Under the Negative Option Rule, sellers must clearly and conspicuously give you certain information about their plan in any promotional materials. For example, the seller must tell you:

How many selections you must buy, if any.

Sometimes sellers offer substantial discounts on your first selections, but then require you to buy a certain number of additional selections at the club's regular prices.

How and when you can cancel your membership

Once you have satisfied any minimum purchase requirements, you can cancel your club membership. After the seller receives your written request to cancel, your membership must be cancelled promptly.

How to notify the seller when you do not want the selection

Look for a "negative option" form that comes with, or is part of, an announcement telling you about the selection. Return this form to the seller to cancel shipment of the "selection," or to choose a different offering.

When to return the "negative option" form to cancel shipment of a selection

You have ten days to decide whether you wish to receive the selection. The form will mention either a "return date," which is the date the form must be received by the seller, or a "mailing date," which is the date the form must be mailed to the seller.

When you can get credit for the return of a selection

If you have not had at least ten days to decide\_and you receive an unwanted shipment\_you can return the selection to the seller for a full credit to your account. The seller must guarantee return postage. The FTC's Negative Option Rule also states that you are entitled to a credit when:

The seller received your negative response by the "return date," or you mailed the form before the "mailing date"

The seller received your form after the "return date" but the form was postmarked at least three days before the "return date"

The seller received a written letter cancelling your membership and you have completed the terms of your club membership. You only need to return the first selection that is sent after the seller receives your written cancellation notice.

If the seller sends additional selections, you may consider them unordered merchandise and may keep them as a gift. However, in order to avoid dunning notices, it is best to inform the seller that you are no longer a member. Send the seller a copy of your letter cancelling the membership.

How postage and handling costs are charged

Postage and handling may be charged for each item that is shipped to you. The seller must disclose that you will be billed for postage and handling.

How often you will receive announcements and forms

The seller must tell you how often announcements and forms will be mailed to you. The seller also must specify the maximum number of announcements that will be sent in a 12-month period.

If the Seller Offers "Bonus" Merchandise

To attract new subscribers, some sellers offer special introductory merchandise. Under the Rule, the seller must ship this merchandise within 30 days of receiving an order.

If the merchandise cannot be shipped due to circumstances beyond the seller's control, the seller may offer an equivalent alternative. If you do not want to accept any substitutes, you have the option of cancelling your membership. The seller must comply with your cancellation request, as long as you return any other introductory merchandise you may have received.

How to Protect Yourself

Although the negative option plan may offer "free" or "discounted" merchandise to new subscribers, be sure to consider the overall cost of the plan, including any shipping charges. If you are required to buy additional merchandise, you may want to compare the club's regular prices against those of other sellers. If you are unfamiliar with the seller, you may want to contact your local consumer protection agency or Better Business Bureau to find out if they have any information on the seller. If you subscribe, keep copies of the seller's promotional materials as well as any "negative option" forms you return to the seller and the dates that you mail them.

If You Have a Complaint

If you have a problem with your plan, try to resolve it with the seller. If that does not work, you can report any problems to the FTC. Write: Correspondence Branch, Federal Trade Commission, Washington, DC 20580. Although the FTC usually does not intervene in individual cases, the information you provide may indicate a pattern of possible law violations requiring action by the Commission .

Further, if your problem involves a billing dispute with the seller and the payment was charged to a credit card, you may be able to resolve the dispute using the Fair Credit Billing Act (FCBA). To learn more about FCBA, ask for a free copy of the FTC's brochure, Fair Credit Billing. Write: Public Reference, Federal Trade Commission, Washington, DC 20580. You also may write to this address to receive a free copy of Best Sellers, a listing of all the FTC's consumer publications.



# United States Consumer Product Safety Commission

CPSC Fax-On-Demand Document #4178

**See:**

[Hotline](#)

[Who we are](#)

[Our hotline services](#)

[Our internet services](#)

[Recorded recall and safety information](#)

[Hotline standards](#)

[Your views are important to us](#)

## **Hotline**

To report a safety problem with a consumer product CALL US! 1-800-638-CPSC

## **Who we are**

The U.S. Consumer Product Safety Commission (CPSC) is an independent federal regulatory agency created by Congress in 1972 under the Consumer Product Safety Act. Our agency's mission is to: "...protect the public against unreasonable risks of injuries and deaths associated with consumer products."

We have jurisdiction over about 15,000 types of consumer products, from coffee makers, to toys, to lawn mowers, to fireworks.

However, some types of consumer products are covered by other federal agencies. For example, cars, trucks and motorcycles are within the jurisdiction of the Department of Transportation; food, drugs and cosmetics are covered by the Food and Drug Administration.

## Our hotline services

You can call our toll-free Hotline to:

- \* report an unsafe product;
- \* report a product-related injury;
- \* find out whether a product has been recalled;
- \* learn how to return a recall product or arrange for its repair;
- \* get information on what to look for when buying a consumer product;
- \* get information on how to use a consumer product safely; and
- \* receive information about ordering CPSC safety publications. (For a list of publications, send a postcard to Publications List, CPSC, Washington, DC 20207).

If you have a product complaint or want to report a product-related injury, you will speak directly to a Hotline operator. The Hotline staff is available between 8:30 AM and 5:00 PM Eastern time, Monday through Friday, except holidays.

Our Hotline also has a TTY number for the hearing-or speech impaired (1-800-638-8270).

We have Hotline staff who speak both English and Spanish. In addition, arrangements can be made for callers to speak with someone in any of the following other languages: Arabic, Burmese, Cambodian, Cantonese Chinese, French, German, Greek, Hindi, Italian, Korean, Japanese, Punjabi, Ukrainian, Urdu, Vietnamese and Yiddish.

## **Our internet services**

You can contact us any time, day or night. To get product recall information, gopher to: [cpsc.gov](http://cpsc.gov)  
To file a product complaint or report an injury, our Internet address is: [info@cpsc.gov](mailto:info@cpsc.gov)

## Recorded recall and safety information

Our Hotline has a wide variety of recorded messages on product recall, consumer products and product safety. The messages below are accessible with a touch-tone telephone 24 hours a day, seven days a week by pushing the three-digit number shown below after you have called our main Hotline number 1-800-638-2772).

Toys (including crayons)	211
Bunk beds, toddler beds	212
Children's furniture, indoor equipment	213
Clothing, children's apparel	214
Outdoor playground equipment	215
Bathroom equipment, personal care appliances (such as hairdryers)	216
Bicycles, exercise equipment, recreational and craft products	217
Disposable lighters, lighter fluids	218
Decorative and novelty products	219
Drug packaging	220
Fireworks	221
Furniture	222
Hardware and power tools	223
Home heating and cooling equipment (including fans, space heaters)	224
Home electrical systems (including garage door openers, flood lights)	225
Kitchen appliances and equipment (including coffeemakers, mixers, juicers)	226
Heavy- and light-duty household appliances (such as dishwashers, vacuum cleaners)	227
Lawn and garden equipment	228
Pest control devices	229
Pools, spas, hot tubs, patio equipment	230
Smoke detectors, fire extinguishers	231
Listing of CPSC publications	555

## Hotline standards

We take pride in meeting the standards we have set for our Hotline in our customer service plan. This plan was established as part of the Commission's implementation of Vice President Gore's National Performance Review.

When you call our Hotline, you can expect the following:

- \* to be given easy-to-follow instructions on how to use the hotline;
- \* to hear the most up-to-date and easy-to-understand recorded information on product safety recalls and consumer products, seven days a week, 24 hours a day;
- \* to be given courteous service;
- \* to have your complaint of an unsafe product or product-related injury taken accurately and a copy of the report sent to you so that you can confirm the information recorded by our Hotline staff; and
- \* to have your message left at night, weekends or holidays returned the next business day, or, if you do not want a return call, to receive a letter confirming receipt of your product-complaint message.

## **Your views are important to us**

We want to provide you with the best Hotline service possible and are always interested in learning how we can improve. If you have any comments or suggestions, we would like to hear from you. Simply ask to speak with the Hotline manager when you call: 1-800-638-CPSC 1-800-638-2772 1-800-638-8270 (TTY) or write us at: CPSC Hotline Washington, D.C. 20207

# Guidelines for resolving complaints

Everyone has consumer rights. You have the right to know what you will receive before you pay for a product or service, obtain what you pay for, complain when you are not satisfied, and get your money back when you have a legitimate complaint.

There are no magical ways to get action on a complaint. Nothing will happen unless you complain and demand action. This pamphlet offers suggestions to help you get results when you have a problem with the purchase of goods or services.

## See:

[Before complaining](#)

[Complain as soon as possible](#)

[How to complain](#)

[Keep records](#)

[Contact someone higher up](#)

[Contact government agencies](#)

[Complaining through an organization](#)

[Consider your alternatives](#)

[Stopping payment](#)

[Credit card rights](#)

[Tips for writing complaint letters](#)

[Legal remedies: Consulting a lawyer](#)

[Legal Remedies: Suing in Small Claims Court](#)



## **Before complaining**

Review what happened and think about your options and rights. Consider the facts of the case, and what you want to happen. Write down:

A brief description of your complaint.

What your rights are.

Why you feel the business should do something for you.

What you want the business to do to resolve the problem.

If you are not sure what your rights are, or how to proceed, contact a consumer group or "action line" and discuss the situation. Talking with such an organization may help you decide how to handle the problem, and many agencies have publications that explain consumer rights and how to resolve complaints.

Pay attention to all printed information you have about the case, such as:

Any ad that you responded to, or any brochure, warranty, guarantee or other document that describes the product or service and how it should work.

All letters between you and the business.

Any other papers you received from the company, including agreements, instructions, receipts and billing statements.

If you signed a contract, read it carefully and ask for explanations of anything you don't understand. The contract or warranty may limit your options or provide you with certain rights. Make sure you have done everything that you were supposed to do to live up to your part of the agreement.

Decide what you want from the company, such as repair or replacement of the item, a refund, an exchange, a credit, a correction of the company's records, or the payment of damages. Consider whether a compromise would be acceptable. It may be easier to resolve the complaint if you agree to a settlement that falls short of a full refund.

## **Complain as soon as possible**

The sooner you complain, the better your chances for a satisfactory settlement. In some cases, especially billing disputes, the company may not be legally liable if you fail to complain within a reasonable time after you first discover the problem or receive the bill. That is why it is important to read all bills and statements as soon as you get them.

Some store refund policies allow you to return items if you do so within a few days. If you wait too long to return the item you will lose the right to get your money back. In addition, it can be difficult to defend your position if you wait a long time to complain. If you buy a television and don't return it for three months, you may have a hard time convincing anyone that it didn't work when you first tried to use it.

## How to complain

The first step in complaining is to clearly present your problem. Trouble communicating often makes it difficult to resolve complaints. Have all relevant information at hand when you contact the company, including: a description of the item, your account number or other facts to help the company identify the transaction; your receipt, billing statement or cancelled check; and a clear and brief explanation of what is wrong and what you want the company to do.

Do not get emotional: speak calmly and politely. Think about how the person you are speaking to will react. If you start by yelling, that person will probably get angry and begin yelling, too. Handling complaints can be a tough job. If you make the complaint handler's job harder by getting angry, that person is likely to respond negatively to you.

Make notes about all conversations you have about the complaint, including the names of everyone at the company you spoke to, when you spoke to them and what they said.

You can complain by phone, in-person or by mail. As a general rule:

Phone first to tell the company about the problem and to try to resolve it.

You should be able to learn with just one or two calls whether the problem will be resolved quickly.

Go to the company to return the purchase or when there is a need to meet with someone to examine the item, receipts or statements. Complaining in person helps to force the issue, but is not always more effective. If you go to the business and no one there can assist you, you will have wasted your time.

Ask a friend to go with you if you are concerned about being harassed or want a witness.

Write letters as soon as you realize it will take a while to get the problem resolved.

Sometimes problems can be resolved with one call or visit. You may learn that you are not using the item properly, or that the company is willing to give you a refund. But when you realize that you are going to have problems with your complaint, start putting things in writing. Sometimes businesses ignore complaints until they see them in writing.

Letters are important for these reasons:

To create a written record of your complaint with the company.

To preserve your rights under law.

To make sure the business understands your side of the story.

To involve government agencies in the case or alert them to the firm's practices.

To lay the groundwork for a future legal case or defense.

To let the company know you are serious about pursuing the matter.

Complaint letters need not be long. Clearly print or type your name, address and phone number, and include your account number. If appropriate, include a copy of your cancelled check, receipt or other documents. Keep a copy of all letters you send and receive. If the first letter does not bring a response, send a second. (A sample letter is available.)

In most cases, you do not need to send letters by certified or registered mail. However, if the company has ignored your letters or claims it never received them, consider paying for a mail receipt that will provide proof that delivery was made.

## **Keep records**

You may need certain documents in order to win your case or prove you paid for the item. These can include your receipt, cancelled checks, billing statements, repair orders and the warranty. Keep receipts and cancelled checks until you are sure you won't need them: companies have the right to demand proof of purchase before settling a complaint or fixing an item under warranty. Never send originals of receipts or checks to the company or any complaint-handling agency-always send copies. Copies of your letters can be also very helpful. If the firm claims it never heard from you, copies of letters can document your efforts to resolve the problem.

## Contact someone higher up

If your first attempt at complaining fails, contact someone higher up in the company. If the salesperson can't help you, ask to speak to a supervisor or store manager, and then the owner or the company's headquarters.

Don't hesitate to send complaint letters to the president, owner or executive offices. These officials should send your letter to the appropriate person, and may take steps to resolve the dispute promptly. Higher level officials are often more sensitive to the firm's image, and more willing and able to exercise discretion in handling complaints. Larger companies often have "customer relations" or "consumer complaint" departments that you can contact for assistance.

To get the name and address of the president or executive offices, call any office of the company and ask for that information. If the company refuses to provide these facts, address your envelope to the "President" and send it to any address you have for the firm. Consumer agencies often have lists of the addresses of major corporations; you may also be able to obtain such information at your library. Sometimes consumers find themselves up against a company that makes complaining very difficult. It may say, "the person you need to speak to is not in the office today, call back next week," or "leave your number and we will get back to you." This may be a sign that the company is stalling you. If you are not being treated seriously, it may be time to take your problem to a person higher up in the company, complain to a government agency or consider legal action.

## Contact government agencies

Government agencies will not take on or settle your case, but some will contact the company to open up communication. For example, if you complain to the California Public Utilities Commission about a California utility, it will ask that company for an explanation. A government banking agency might contact your bank to ask for its side of the story. District attorneys handle many cases that do not fall under the jurisdiction of any other government agency. Some district attorneys have units that offer consumer complaint mediation.

No agency can force a business to settle an individual's complaint, but the government's interest in the case may convince the company to resolve the dispute. Businesses that ignore most complaining consumers often settle all cases that are sent to government agencies (or consumer groups or action lines).

Government agencies can be excellent sources of information about consumer rights and the laws and regulations that companies must follow. If you are not sure whether a company has broken the law, call the appropriate government agency and ask for information about your rights.

Many businesses are directly regulated by government agencies, such as the California Department of Insurance or Superintendent of Banking. These agencies receive complaints about the companies they regulate and investigate allegations that those businesses have violated the law. The agencies depend upon consumers to alert them to companies that are engaged in illegal practices. Even if the agency doesn't help you resolve your complaint, it might be able to use your case to stop an unfair business practice.

If your complaint involves an out-of-state company doing business in California, you may still be able to obtain assistance from California agencies. You can also contact the appropriate federal agency to complain about out-of-state firms doing business in California.

Government agencies usually prefer that you complain by phone or mail; most are not prepared to help people who walk into their offices without appointments. Some have special complaint forms for consumers to use. To make sure you are complaining to the appropriate agency, call it before writing, or ask a consumer group which agency to contact.

When you send a complaint letter to a government agency, indicate why you are contacting it. For example, you can ask it to "Please investigate my complaint," or "Advise me if there is a law that covers my complaint." You don't have to send a special letter to the agency- send it a copy of your complaint letter to the business, plus a note stating what you want the agency to do.

To find the names, phone numbers and addresses of government agencies, look in the front of your White Pages telephone book. A special section in the front of most phone directories lists local, state and federal agencies.

(Consumer Action publishes a listing of more than 300 government and private agencies that assist California consumers, the "Consumer Services Guide." For a copy-in English only-send \$3 to: "Consumer Services Guide," Consumer Action, 116 New Montgomery St., Suite 233, San Francisco, CA 94105.)

## **Complaining through an organization**

When you have done all you can on your own, consider whether an organization can assist you. Few consumer groups handle individual complaints, but several media action lines help Californians resolve problems. The entrance of a third party into a dispute raises these possibilities to the business:

The consumer is determined to see the case through, and won't give up.

Depending on the organization, there could be bad publicity and lost business.

The consumer may be represented by people with sufficient expertise, sophistication and resources to cause problems for the business.

Action lines are volunteer programs, usually run through newspapers and radio or television stations.

(Callers to action lines are not placed on the air.) They give assistance to people who are having difficulty resolving complaints. They can contact a business on your behalf and try to work out a solution. To learn if there is an action line that serves your area, contact a local consumer group.

## Consider your alternatives

If you feel you have run out of options, consider taking these steps:

**Seek advice.** Consumer Action provides free over-the-phone consultation and referral on consumer problems, but does not handle individual cases. You can call CA at 415-777-9635, weekdays from 10 a.m. to 3 p.m., Chinese and Spanish spoken; the TTY number is 415-777-9456. (Other consumer groups, district attorneys and other government agencies, as well as action lines and small claims legal advisors, can also give you advice.)

**Sue in small claims court.** Small claims is an appropriate place to settle many consumer cases.

**Contact a lawyer.** Usually, the money involved in consumer cases is too little to involve a lawyer, and legal actions take years to complete. But a lawyer can advise you about your legal rights and options.

**Conduct a consumer picket.** You can hand out information about your case to the public while you stand in front of the company's store or offices, as long as you do not block traffic, break any laws or say anything in your handouts that you cannot prove.



## Stopping payment

Stopping payment on a check means instructing your bank not to honor it. When you stop payment, the company you gave the check to will be unable to get any money for it-unless it was able to cash the check before you stopped payment. This is a traditional consumer remedy, but it doesn't work in every case and it may not end the dispute.

Businesses often cash checks immediately, preventing customers from stopping payment. Contact your bank as soon as possible and ask it to stop payment on the check. There will be a fee for this service of about \$6-10. The bank will not be able to guarantee that it can stop payment.

Once you stop payment you should immediately tell the company (or person) to whom you gave the check what you have done and why. You can do this by phone, but you should also write a letter to create a written record of your position. (If you fail to explain the situation, the company might assume that you are trying to take the item without paying for it.) When you stop payment for a purchase you should return the item to the company. You may wish to seek advice from a consumer agency before stopping payment.

## **Credit card rights**

If you paid by credit card, the bank that issued the card may be able to help you resolve the problem. If the item was bought in your state, and was for \$50 or more, contact the bank and explain the problem. It will investigate the case and may decide in your favor if it believes you have a legitimate complaint. While it is investigating you do not have to pay the disputed amount on your credit card statement, but the bank can charge you interest on the amount you don't pay if it rules against you. (You should pay the undisputed portion of the bill.) If the bank rules in your favor it will give you a credit for the money you paid on the disputed portion of the bill. If it rules against you, you can still seek a refund in court or through other actions, such as by complaining to government agencies.

## **Tips for writing complaint letters**

At the top of the letter note your name, address and phone number.

Note when and where the purchase or agreement took place, and any other pertinent information, such as the item's make, model or serial number, or your account number.

Briefly and clearly describe the problem, and what you want done to resolve it.

Give a specific period of time in which a response must be received (such as 10-14 days), and indicate that you will take "further action..... seek legal advice" or take other steps if the matter is not resolved.

You need not tell the party exactly what you will do.

Note "CC" at the end of the letter if you are sending copies to anyone, such as: "CC: Consumer Action/San Francisco District Attorney/California Insurance Department."

Indicate if you are enclosing copies of supporting documents. (Never send originals.)

Keep a copy of all your letters and supporting documents.

Sample Complaint Letter

## **Legal remedies: Consulting a lawyer**

In many consumer complaints, the amounts involved are much too small to make it worthwhile to consult a lawyer. However, contacting a lawyer can be of value in some instances:

If you are being sued you definitely need legal advice. Your failure to appear in court or obtain legal aid could be costly. Even if you know that you will lose the case, the advice of an attorney may help you to reduce the amount you will have to pay.

You may benefit from having a legal expert read or review a document. If you are about to buy a house or sign a contract, a lawyer can make sure the agreement doesn't have clauses that could cost you money.

It can be helpful just to discuss a matter with a lawyer. If consumer agencies tell you that your only option is to sue, a lawyer can tell you the costs involved and what to expect.

In some cases, a letter from a lawyer can resolve the problem. If you have just signed a car contract after being subjected to high pressure sales tactics, a letter from a lawyer questioning such practices might convince the dealership to cancel the agreement.

Sometimes your only alternatives may be to hire a lawyer or drop the matter. If you believe your best option is to sue, but the amount is more than the small claims court limit (see below) or the case cannot be pursued in small claims court, you may have to hire a lawyer.

Balanced against these points are some tough facts of life. Most consumer cases do not involve enough money to make it worthwhile to hire a lawyer. You may not be able to locate one who is willing to help you or one who is familiar with the legal issues involved. It could be many years before your case is decided by a court.

If you want to speak to an attorney and don't know how to find one, contact the lawyer referral service of your county's bar association.

If you can't afford an attorney, consult your county's "legal aid" agency or ask the bar association if it has a program to help consumers obtain legal advice.

## Legal Remedies: Suing in Small Claims Court

Small claims court is for the resolution of relatively minor disputes. No attorneys are allowed as representatives of either party (unless they are representing their own interests). California small claims courts consider claims of up to \$5,000. You must file suit in the city or county in which the company has an office or the transaction took place. If the party is located within California but in a county that is far away from you, you may have a difficult time suing in that jurisdiction. If it is located out of state, it may be almost impossible for you to use small claims court.

To sue in small claims court, take these steps:

Contact your county's small claims legal advisor for assistance with the small claims court process. Legal advisors provide free counseling, for both plaintiffs (the party suing) and defendants (the party being sued). To reach the small claims legal advisor program, look in the local government section of your White Pages phone book, under "Courts-Small Claims." (The clerk of the court can also help with questions.)

Give the company a chance to resolve the problem. Before you can sue someone in small claims court, you must first notify that person or company in writing of your intention to sue, by sending them a "demand letter." In this letter you state the basic facts of the case, including why you feel they owe you money and the specific dollar amount you want from them. Indicate that you may sue them if they do not resolve the matter.

Find out the company's legal name; you must use it when suing. If you are suing an individual doing business under a "fictitious business name," YOU can examine the "fictitious business statement" registered with the county clerk's office. "Joe's Repairs" might be owned solely by "Joseph Jones": in that case, you would file against "Joseph Jones individually and D/B/A (doing business as) Joe's Repairs." If you use the wrong name in suing a company, your case may be thrown out of court.

File your case with the clerk of the appropriate small claims court. In most cases, you can sue in the county where the defendant lives or has an office, or where the transaction took place. Check with the legal advisor or the court clerk to make sure you are suing in the right court. There is a small fee for filing your case.

Formally notify the party of your suit. There are several acceptable ways to do this: certified mail, service by a law officer, or personal service by an individual other than yourself. There are different fees for each way of notifying the company or person you are suing. If you are unable to notify them because they have left town or you don't have their address, you will be unable to sue them.

Prepare your case. Gather your evidence and consider whether there are witnesses who can testify on your behalf. Practice your presentation by explaining your case to friends. Ask if they can understand your position and think you are making a good case. Be clear and concise. You will only be given a few minutes to make your presentation. It may help you to write down your story in the manner that you wish to present it to the court. You may submit this, along with your evidence, to the judge for review.

You can visit a small claims court before your court date. Watching other people appear before the judge could make you feel more comfortable about the court process.

The judge will first ask the plaintiff to speak, followed by the defendant. Then the judge will ask questions and consider the evidence. The decision may be made immediately, or within about one week.

If the defendant does not appear, a "default judgment" will probably be entered, granting the amount sought by the party suing. However, a defaulting defendant can ask for a new hearing.

A losing defendant has the right to appeal the case; a losing plaintiff cannot appeal. If the case is appealed it will go to a higher court where it will be treated as a formal case, with attorneys participating.

If you win your case there is no guarantee you will get your money. If the person refuses to pay then you will have to take steps to force payment by filing motions with the court, such as a "writ of execution" and an "order of examination."

For more information, contact a library, bookstore or consumer agency. For the phone number of your local small claims court or legal advisor, look in the local government listings of your White Pages phone book, under "Courts - Small Claims."

This publication was created by Consumer Action (CA), a non-profit consumer education and advocacy organization. CA is located at 116 New Montgomery Street, Suite 233, San Francisco, CA 94105. It can be reached at (415) 777-9635, from 10 a.m. to 3 p.m. (Pacific Time), weekdays. (TTY number, (415)

777-9456.) Chinese, English and Spanish spoken.

# Cybershopping: Protecting Yourself When Buying Online

With a few key strokes and the click of a mouse you can shop at home from your computer. Sounds great, right? No traffic. No parking problems. No lines or crowds. No hassles with the weather. Online shopping can give new meaning to convenience and choice. But before you visit your favorite boutique on the net, take care to make your cybershopping experience.

Think security, starting with your connection - the way your computer connects through telephone wires to contact the Internet - and your browser - the software that acts like a telephone to receive information on the Internet.

Unsecured information sent over the Internet can be intercepted. That's why you should consider a secure browser, which will encrypt or scramble purchase information. Use a secure browser that complies with industry standards, such as Secure Sockets Layer (SSL) or Secure Hypertext Transfer Protocol (S-HTTP). These often are included with Internet connection services. The credit and charge card industry is working on an enhanced level of security using Secured Electronic Transactions (SET). SET protocol provides a highly encrypted communication between card issuers, merchants and card members.

If you don't have encryption software to assure the security of your transaction, consider calling the company's 800 number, faxing your order, or paying by check or money order.

Shop with companies you know. If you'd like to try a new merchant, ask for a paper catalog or brochure to get a better idea of their merchandise and services. Determine the company's refund policies before you place an order.

Never give out your Internet password.

Be original when creating your password(s). Consider using a combination of numbers, letters, and symbols, or use a phrase to remember it. For example:UR2G\$48\* - "Your are to give money for eight stars."

Avoid using established numbers for your password, such as your house number, birth date, or a portion of your telephone or Social Security numbers. It's a good idea to use different passwords to access specific areas on the Internet, such as the World Wide Web.

Be cautious if you're asked to supply personal information, such as your Social Security number, to conduct a transaction. It's rarely necessary and should raise a red flag. The Internet provides a valuable information service for consumers. But some con artists who have used telemarketing, infomercials, newspapers, magazines, and the mail to attract consumers are turning to the Internet and online services to promote their scams.

Pay close attention to the information you're entering when you place an order. For example, an additional keystroke could get you 10 shirts when you wanted only one. Check to make sure the shipping charge is acceptable to you and all charges are calculated correctly.

The same laws that protect you when you shop by phone or mail apply when you shop in cyberspace:

Under the law, a company should ship your order within the time stated in its ads. If no time is promised, the company should ship your order within 30 days after receiving it, or give you an "option notice." This notice gives you the choice of agreeing to the delay or canceling your order and receiving a prompt refund.

There is one exception to the 30-day rule. If a company doesn't promise a shipping time, and you are applying for credit to pay for your purchase, the company has 50 days after receiving your order to ship. Should you decide to pay by credit or charge card, your transaction will be protected by the Fair Credit Billing Act. Some cards may provide additional warranty or purchase protection benefits. If you're not comfortable entering your credit or charge card account number, call it into the company's 800 number, or fax it.

Print out a copy of your order and confirmation number for your records.

## See:

[The Fair Credit Billing Act](#)

# The Fair Credit Billing Act

Whether you're buying online, by phone, mail, or in person at a store, using your credit or charge card to pay offers some protections.

**See:**

Errors

To dispute a charge

Unauthorized Charges



**Errors**

If you find a billing error on your monthly credit or charge card statement, you may dispute the charge and withhold payment in that amount while the error is in dispute. The error might be a charge for the wrong amount, for something you didn't accept, or for something that wasn't delivered as agreed.

**To dispute a charge**

Write to the creditor at the special address indicated on the monthly statement for "billing inquiries." Include your name, address, and credit or charge card number, and describe the billing error.

Send your letter as soon as possible. It must reach the creditor within 60 days after the first bill containing the error was mailed to you.

The creditor must acknowledge your complaint in writing within 30 days of receiving it, unless the problem has already been resolved. The creditor must resolve the dispute within two complete billing cycles - but not more than 90 days - after receiving your letters.

## **Unauthorized Charges**

If your credit or charge card is used without your authorization, you can be held liable for up to \$50 per account. If you report the loss of your card before it is used, you are not liable for any unauthorized charges.

# Layaway Purchase Plans

Facts for Consumers from the Federal Trade Commission

Layaway purchase plans are designed for customers who want to buy merchandise without credit or paying the full price immediately. Layaway plans frequently are offered by discount department stores, or stores that specialize in stereo equipment, appliances, jewelry, or clothing.

**See:**

[How Do Layaways Work?](#)

[How Can You Avoid Layaway Problems?](#)

[What Else Can You Do?](#)

[What Laws Protect You?](#)

## **How Do Layaways Work?**

Layaways are different from credit purchases. When you buy on credit, you take the merchandise before you pay. When you use a layaway plan, you pay in full through installments before getting the merchandise.

The terms of layaway plans vary from store to store. With the usual plan, you make a deposit, usually a percentage of the purchase price, and pay over a period of time until you have paid for the item in full. In exchange, the retailer agrees to hold your selection during that time.

## How Can You Avoid Layaway Problems?

To avoid any misunderstandings, get specific information about a store's layaway terms before you participate in its layaway program. Ask the sales clerk for a written description of the store's layaway plan or, if that is not available, get information concerning the important layaway matters discussed below. If any of the store's conditions are not acceptable to you, you may want to shop elsewhere for layaway merchandise.

**Terms of the Layaway Plan.** It is important to know how much time you will have to pay for the item; when the payments are due; what minimum payment is required; and what charges, if any, are added to the purchase price. For example, the seller may charge a service or layaway fee. Also, find out if there is a penalty for late payments, such as a charge, or possibly loss of the layaway merchandise.

**Refund Policy.** If you decide that you do not want the merchandise after making some or all of the payments, you may expect a refund. But, retailers' policies may differ about this. Some may give you all of your money back, but others may charge you a layaway service fee that is not refundable. Some retailers may only give you a credit to apply to a future purchase made in their store. Ask about the store's refund policy before you buy, and, if possible, get it in writing.

**Location, Availability, and Identification of Layaway Merchandise.** Stores often carry two types of merchandise \_ items that are available for immediate sale and items on display that will be ordered upon request. If you are buying an item the store keeps in stock, ask if it will be physically set apart from the other merchandise when you begin payments. For example, some stores may have a separate area or section of their stockroom where they store merchandise being purchased on layaway. If the item you want must be ordered, ask the sales clerk if the item will be ordered in advance so it will be available to you when you make your final payment. This is especially important when you are ordering merchandise needed by a particular date. To ensure that you receive the exact item you are purchasing, ask the clerk to identify the merchandise in writing. For example, the merchandise could be described as \_ "One (1) blue 2-piece suit, Size 10, XYZ Manufacturer, Style No. 123." Many stores have a space on their sales receipt to identify the layaway merchandise.

## **What Else Can You Do?**

Remember, until you finish paying for the layaway item, the retailer has your money and the merchandise. If the store goes bankrupt while you are still paying, your money and the merchandise may be lost. To help avoid this, and to find out if there are any complaints against the store, check the store's reputation with your local Better Business Bureau or consumer protection agency before you buy merchandise on layaway. In addition, if you have not shopped in that store before, you might start out by purchasing a relatively inexpensive item on its layaway plan.

Also, to avoid any confusion, keep good records of the payments you make on the layaway merchandise. Then, when each installment is due, you will have a reminder of the payments made. These records may be useful later, if you have any disputes with the store.

## **What Laws Protect You?**

There is no federal law that specifically governs layaway plans. The Federal Trade Commission Act, however, makes illegal unfair or deceptive sales practices in or affecting commerce. There also may be state or local laws that cover layaway purchases in your area. To find out about appropriate state or local laws, check with your state or local consumer protection agency and your local Better Business Bureau. To inquire about possible violation of the Federal Trade Commission Act, write to: Correspondence Branch, Federal Trade Commission, Washington, D.C. 20580. While the FTC cannot resolve individual disputes, the information you provide may indicate a pattern of practices requiring action by the Commission.



# Naturalization Requirements And General Information

U.S. Department of Justice Immigration and Naturalization Service  
Form N-17

**See:**

[Part 1 General Information](#)

[Part 2 How to Apply for Naturalization](#)

[Part 3 General Naturalization Requirements](#)

[Part 4 Naturalization Requirements for Special Classes](#)

[Part 5 Naturalization and Citizenship Paper Lost, Mutilated or Destroyed, or Where Name has been Changed](#)

[Part 6 Declaration of Intention](#)

[Part 7 Certificates of Citizenship for Children and Wives of Citizens](#)

[Part 8 Legalizing Stay In the United States](#)

[Part 9 Offices of the Immigration and Naturalization Service](#)

## **Part 1 General Information**

This booklet provides information in brief and plain language about the principal requirements for naturalization; the special classes of persons who are exempt from some of those requirements; and what a person must do to become a naturalized citizen of the United States. It also includes a brief discussion on how to obtain a copy of a naturalization or citizenship paper (part 5); how to file a declaration of intention (part 6); how to obtain a Certificate of Citizenship (part 7); and how to legalize an alien's residence in the United States so that he or she may be able to apply for naturalization (part 8).

The naturalization laws equally apply to both men and women and to all races. All persons follow the same procedures and become naturalized citizens of the United States in the same way.

An alien living in the United States must keep the Immigration and Naturalization Service informed of changes in his or her address. A lawful permanent resident is given an Alien Registration Receipt Card. This card has a number on it which should be shown in all applications and when writing to the Immigration and Naturalization Service about a case.

Anyone who cannot find the answer to a naturalization related problem in this pamphlet or who may desire any additional information, may obtain it from the nearest office of the Immigration and Naturalization Service. A list of offices of the Immigration and Naturalization Service appears in Part 9.

## Part 2 How to Apply for Naturalization

The requirements for naturalization that need fuller explanation are discussed in more detail at a later point. The steps to become naturalized, however, are the same for all persons and are set out below.

**See:**

[Filing the Application - Fingerprints](#)

[Citizenship of Applicant's Children](#)

[Examination on the Application](#)

[Oath Ceremony](#)

## **Filing the Application - Fingerprints**

The first step is to get an application and, except for children under 14 years of age, a fingerprint card from the nearest office of the Immigration and Naturalization Service or from a social service agency in the community. The application and three unsigned photographs as described in the application must be submitted. A fee is required and must be submitted with the application. No currency should be sent by mail.

## **Citizenship of Applicant's Children**

If a parent who is applying for naturalization expects to be naturalized before any of his or her children reaches age 18, it is likely that such children who are living in the United States will automatically become citizens. This would happen if the children's other parent already is a citizen, or is deceased, or if both parents are naturalized at the same time, or if the parents are legally separated and the parent being naturalized has the legal custody of the children, or if the parent being naturalized is the mother of the children and the children were born out of wedlock.

These children may obtain certificates of citizenship in their own names, showing that they became citizens on the same date that the parent was naturalized, by filing Form N-600, "Application for Certificate of Citizenship," in accordance with instructions on the form. The application must be filed after the naturalization of the parent(s). A fee is required and must be submitted with the application. No currency should be sent in the mail. The children involved who are over age 14 will appear before the naturalization examiner and must take the same oath of allegiance as is required of persons who naturalize.

## **Examination on the Application**

After certain actions on the application have been completed by the Immigration and Naturalization Service, the applicant must appear before a naturalization examiner for examination on the application. The Immigration and Naturalization Service will advise the applicant when and where to appear for the examination. The applicant will be examined on the information submitted on the application for naturalization, and on his or her English literacy and knowledge of the form of government and history of the United States.

If the examiner finds that an applicant has not demonstrated eligibility for naturalization, the application will be denied and the applicant will be so notified. The applicant may request a hearing on the denied application by filing Form N-336, "Request for Hearing on a Decision in Naturalization Proceedings Under Section 335 of the Act," according to instructions included on the form, and with the required fee.

## **Oath Ceremony**

After the examination has been completed and the application approved, the applicant will be notified to appear at an oath ceremony where the applicant will be sworn in as a citizen of the United States. The applicant may be able to choose to be sworn in as a citizen by a Service officer in a Service-conducted ceremony or by a judge of a competent court in a court-conducted ceremony. In the event that the applicant wishes to apply for a change of name, the applicant will be required to appear at a court-conducted oath ceremony.

Sometimes an applicant for naturalization is prevented by sickness or physical disability from appearing before an examining officer. When this happens, it may be possible to make other arrangements so that the applicant will not have to travel to a Service office or to appear in court. Further information about what should be done by such a person to become naturalized can be obtained from the nearest office of the Immigration and Naturalization Service.

When the applicant appears at the oath ceremony, he or she takes an oath of allegiance to the United States. In doing so, he or she gives up allegiance to any foreign country and promises to support and defend the Constitution and laws of the United States.

When a large number of persons become citizens in a ceremony, it may not be possible to issue certificates immediately showing that they have been granted citizenship. In such instances, the certificates of naturalization are mailed to them later, or other arrangements for subsequent delivery are made.

## Part 3 General Naturalization Requirements

Applicants must be present in the United States, and must meet every requirement for naturalization in this Part and Part 2, unless they are persons who fall within special classes that are exempt from some of those requirements. These special classes are discussed in Part 4. The basic requirements for naturalization are set out below.

### **See:**

Age

Lawful Admission

Residence and Physical Presence

Permission to be Absent

Character and Loyalty

Communist Party and Similar Membership

Deportation

Literacy and Educational Requirements



**Age**

A person must be at least 18 years of age before he or she can apply for naturalization.

## **Lawful Admission**

Only an alien who has been lawfully admitted to this country for permanent residence can be a permanent resident. Visitors, students, and seamen, have been allowed to come into this country only temporarily and, therefore, cannot lawfully remain here permanently. These persons do not meet the requirements of this paragraph. Neither does an alien who succeeded in getting into the United States unlawfully, such as by hiding convictions for serious crimes, or by deserting a ship, or by sneaking into the United States.

An alien who has been allowed to live here permanently as an immigrant loses that privilege, as well as the privilege of becoming naturalized, if he or she leaves the United States with the intention of abandoning residence in this country.

**Caution:** An alien who has been admitted to the United States for permanent residence and who established residence in the United States may choose to be treated as a nonresident alien for the purpose of gaining certain benefits under the income tax laws. In order to become a nonresident alien for that purpose, the alien must leave the United States and in doing so must intend to abandon residence in the United States. The intent to abandon may be formed also after the alien has left the United States.

An alien who chooses to become a nonresident for tax purposes may be considered as having also given up and lost his or her status as an immigrant under the immigration and naturalization laws. This could mean that the alien may become ineligible for an immigrant visa, or a reentry permit or other document, for which permanent residents are eligible; may become inadmissible to the United States if seeking readmission as a returning resident with a reentry permit, an alien registration receipt card or a returning resident visa; and may become ineligible for naturalization.

Aliens should give careful consideration to the possible consequences mentioned above, before deciding to claim nonresident alien status for tax purposes.

## **Residence and Physical Presence**

After an applicant has been admitted for permanent residence, he or she must reside in the United States continuously for at least five years just before filing an application for naturalization with the Service.

At least the last three months of that five years' residence, immediately before the filing of the application, must also be residence in the State or Service district where the application is being filed.

The applicant is not obliged to stay in the United States during every day of the five-year period. Short visits may be made outside the United States, either before or after applying for naturalization, and may include as part of the required five years' residence the time absent. However, the applicant must be sure that:

(a) he or she is not absent for a continuous period of one year or more and

(b) he or she is not out of the United States for a total of more than 30 months during the last five years.

Generally, if the applicant is absent for one year or more at any one time during the five-year period just before filing the application, he or she breaks naturalization residence and must complete a new period of residence after returning to the United States. This means that he or she will have to wait at least four years and one day after coming back before he or she can be naturalized. Furthermore, if during the five-year period he or she has been absent for a total of more than 30 months, he or she will have to stay in the United States until he or she has been physically present for at least a total of 30 months out of the last five years just before filing an application for naturalization.

## **Permission to be Absent**

Under certain circumstances, persons and their dependents who expect to be continuously absent from the United States for a year or more in work within one of the below listed classes may be given permission to be absent without breaking their naturalization residence. To obtain this permission, an application must be made on Form N-470, "Application to Preserve Residence for Naturalization Purposes," in accordance with the instruction on the form. The fee must be submitted with the form. No currency should be sent in the mail.

Persons and dependent members of their households who may qualify for this permission fall into three categories as discussed below. It should be particularly noted that there are important differences between the classes with regard to what is necessary to be eligible for the permission, when the application must be made, and whether the person may be considered to be physically present as well as residing in the United States during the foreign trade and commerce of the United States.

(2) American institutions of research recognized by the Attorney General.

(3) Certain public international organizations in which the United States takes part.

To be eligible to obtain permission, employees within this class must first have been physically present in the United States for an uninterrupted period of at least one year after their lawful admission for permanent residence.

If possible, the application for permission should be filed before the applicant leaves the United States. It must be filed before the applicant has already broken residence by being continuously absent from the United States for as much as one year. It must be filed even though the employee has been issued a reentry permit to use to come back to the United States after the absence. The reentry permit alone is not enough to protect naturalization residence. Unless the application is filed and approved by the Immigration and Naturalization Service, absence for a year or more will break naturalization residence even though the absence may have been for employment by one of the above organizations.

Notwithstanding the fact that the Immigration and Naturalization Service may have granted permission for the absence and, therefore, the applicant's naturalization residence remains unbroken by the absence of a year or more, employees within this class cannot include the time they are absent as any part of the 30 months' physical presence required to qualify for naturalization. Care must be taken, therefore, to have been actually physically present in the United States for not less than 30 months of the five years just before filing applications for naturalization. The benefit of this section includes the applicant, the spouse and dependent unmarried sons and daughters.

(b) Employment by the United States Government. The requirements to obtain permission to be absent and the benefits of being granted permission are the same for United States Government employees and their dependents as for the employees of American organizations above, with one exception:

Government employees are regarded as physically present in the United States during the time they are absent with the required permission. They may include, therefore, as part of the 30 months' physical presence for naturalization purposes the time that, with permission, they are absent in Government employment.

Government employees who are to be absent for continuous periods less than one year do not have to apply for permission to be absent, and may count each continuous period of less than one year abroad toward the thirty months that they must be physically present in the United States.

(c) Service for Religious Organizations. Persons engaged abroad as priests, ministers, missionaries, brothers, nuns, or sisters by a religious denomination or interdenominational mission organization which has an organization in the United States and who are granted permission to cover the absence enjoy the same benefits that are granted to Government employees, including the right to count as physical presence in the United States the time they are absent with permission.

Persons within this class have the additional privilege of applying for permission to cover the absence at any time. They may also be granted permission to be absent even though they have not yet completed a year of uninterrupted physical presence in the United States after their lawful admission for permanent residence. If they have not completed this year of uninterrupted physical presence, however, they must complete at least one year of uninterrupted physical presence in the United States before they can file their applications for naturalization. The benefit of this section is limited to the applicant.

## **Character and Loyalty**

An applicant for naturalization must show that, during all of the five years just before filing an application for naturalization, and up until he or she is sworn in as a citizen, he or she has been a person of good moral character who believes in the principles of the Constitution of the United States and is favorable to the good order and happiness of the United States.

The naturalization law states that an applicant for naturalization cannot be considered to be of good moral character if he or she comes within any of the following classes at any time during the five-year period and up until becoming naturalized:

- (a) Habitual drunkards;
- (b) Polygamists, persons connected with prostitution or narcotics, criminals;
- (c) Convicted gamblers, persons getting their principal income from gambling;
- (d) Persons who lie under oath to gain a benefit under the immigration or naturalization laws;
- (e) Persons convicted and jailed for as much as 180 days.

A person also can newwhich a person may be found to lack good moral character. Other types of behavior may be taken into consideration by the Service officer in deciding whether or not an applicant has the good moral character required to become a citizen.

Aliens who have refused to performed their duties to serve in the armed forces of the United States may also be denied citizenship. These include persons who have been convicted of deserting or evading service in the armed forces of the United States during time of war, as well as persons who applied for and were given exemption from service on the ground that they were aliens.

## **Communist Party and Similar Membership**

A person cannot become a citizen who, at any time during a period of ten years just before filing an application for naturalization, has been a member of or connected with the Communist Party or a similar party within or outside the United States; or a member of or connected with any other party or organization that is against all organized government or for world communism, dictatorship in the United States, overthrowing the United States Government by force, injuring or killing officers of the United States, or sabotage.

If the membership or connection with any of these parties or organizations during the ten-year period was involuntary, or before 16 years of age, or compelled by law, or to get employment, food or the necessities of life, the person may become a citizen if no longer a member of or otherwise connected with the party or organization.

**Deportation**

A person who has broken the immigration laws and as a result is under a deportation order cannot be naturalized. This provision may not apply to a person who is applying for naturalization based upon his or her military service.

## **Literacy and Educational Requirements**

Unless physically unable to do so, an applicant for naturalization must be able to speak and understand simple English as well as read and write it. However, if on the date of the examination the applicant is more than 50 years of age and has been a lawful permanent resident for 20 years or more, or the applicant is more than 55 years of age and has been a lawful permanent resident for 15 years or more, the applicant will be exempt from the English language requirement of the law. If exempt, the applicant may take the examination in any language.

All applicants physically able to write, must also be able to sign their names in the English language. However, the person mentioned above who is excused from knowing English is permitted to sign in a foreign language if unable to sign in English.

Every person applying for naturalization, including the persons mentioned above, must pass an examination showing that he or she is knowledgeable about the history and form of government of the United States. There are no exceptions to this requirement. The examination on these matters and on English is given by a naturalization examiner at the time the applicant appears for the examination on the application for naturalization. The questions the examiner asks are in simple English and to be able to answer them requires knowledge only of subjects that anyone who has really tried to learn will be familiar with.

The Service recognizes certain standardized English Language/Citizenship tests from private test givers that an applicant may take at approved testing sites. The applicant may take the test several times until achieving a passing grade. The Service is not advised of the identities of those persons who do not pass the test, and failure of this test does not have any effect in the applicant's ability to retake this alternative test or be tested by a Service officer. The successful results are transmitted to the Service. However, an applicant must submit a copy of his/her test results with the application. The test would be taken in place of the test given by a Service officer.

The applicant would still be examined by a Service officer on the contents of the application and the ability to speak English.

In many places the public schools, as well as other community groups, have citizenship classes to prepare persons to become citizens. Certain educational institutions also offer courses by mail for persons who want to study under their supervision at home instead of in school. The nearest Immigration and Naturalization Service office can furnish information about the correspondence courses. The Federal Government also publishes textbooks to aid applicants for naturalization in studying to become citizens. It is upon the information in these books that the examination on history and government is given.

Applicants who attend citizenship classes in public schools or who are studying by mail receive these books from the schools without charge. The books can also be bought directly from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, and can be used to study privately at home instead of under the supervision of a school.

Form M-132, "Information Concerning Citizenship Education to Meet Naturalization Requirements," contains more information about the Federal Textbooks on Citizenship. If the applicant has certain religious beliefs, the applicant must also promise to bear arms or fight for the United States, to perform other types of service in the armed forces of the United States, and to do work of importance to the national interest when asked to do so.

If it is against the religious beliefs of a person to fight for the United States or to perform other types of service in the armed forces of the United States, that person can be excused from promising to do these things and may become naturalized without making such a promise. However, the person cannot be excused from promising to do work as a civilian which is important to the nation.



## Part 4 Naturalization Requirements for Special Classes

This part discusses special classes of persons who may become naturalized even though they cannot meet all of the requirements mentioned in Parts 2 and 3 of this pamphlet. This part will list under each class the particular exemptions for that class. Unless so listed, an applicant who comes within a special class generally must still meet the requirements and follow the procedures mentioned in Parts 2 and 3.

### See:

[Wives and Husbands of United States Citizens](#)

[Marriage to a Citizen](#)

[Marriage to a Citizen Stationed Abroad](#)

[Overseas assignment of Citizen Spouse](#)

[Surviving Spouse of United States Citizen Service Member](#)

[Naturalization of Children of Citizen Parents](#)

[Naturalization of Adopted Children of Citizen Parents](#)

[Veterans of Foreign Armed Forces](#)

[American Women Who Married Aliens](#)

[Service Members of the Military or Veterans](#)

[Mariners](#)

[Employees of Organizations Promoting United States Interests Abroad](#)

[Posthumous Citizenship](#)

## **Wives and Husbands of United States Citizens**

A person who is married to a citizen of the United States may become naturalized in the same way as any other alien or may take advantage of special naturalization exemptions that are granted to the spouse of a citizen of the United States. These exemptions fall into two classes, the first is granted simply because of the relationship to a citizen and the second is granted because of the relationship to a citizen who is stationed abroad. Both of these classes are discussed below.

## **Marriage to a Citizen**

An applicant:

(1) whose spouse has been a citizen of the United States for at least three years; and  
(2) who has been married to and living with the citizen spouse for at least the three-year period just before the date of filing an application for naturalization may become a citizen of the United States upon meeting all of the requirements for naturalization in Parts 2 and 3 except:

Instead of five years' residence and 30 months' physical presence, the applicant must reside in the United States for only three years after being lawfully admitted for permanent residence and just before filing the application. For at least one-half of that three-year period, or 18 months, the applicant must have been present in person in the United States.

## **Marriage to a Citizen Stationed Abroad**

An applicant:

(1) whose spouse is a citizen of the United States working or serving in a foreign country for one of the reasons below;

(2) who, upon becoming naturalized, will live abroad with the citizen spouse; and

(3) who will again reside in the United States as soon as the foreign work or service of the citizen spouse ends may become a citizen of the United States if all the requirements for naturalization in Parts 2 and 3 are met except:

(a) the application does not have to be filed in the place where the applicant lives, but may be filed in any Service office; and

(b) the applicant may be naturalized without having resided in the United States or any State, and without having been physically present in the United States, for any particular length of time after being lawfully admitted for permanent residence.

Generally, if the applicant is absent for one year or more at any one time during the three-year period just before-filing the application, he or she breaks naturalization residence and must complete a new period of residence after returning to the United States. This means that he or she will have to wait at least 2 years and 1 day after coming back before he or she can be naturalized. Furthermore, if during the three-year period he or she has been absent for a total of more than 18 months, he or she will have to stay in the United States until he or she has been physically present for at least a total of 18 months out of the last three years just before filing an application for naturalization.

## **Overseas assignment of Citizen Spouse**

For the applicant to qualify for the exceptions mentioned previously, the citizen spouse must be working or serving in the foreign country:

- (1) in the employment of the United States Government (including service in the armed forces of the United States);
- (2) in the employment of an American institution of research recognized by the Attorney General;
- (3) in the employment of an American firm or corporation, or its part;
- (5) under authority to perform the functions of a minister or priest of a religious denomination having an organization within the United States; or
- (6) under an engagement solely as a missionary by a religious denomination or by an interdenominational mission organization having an organization within the United States.

The applicant must include with the application a written statement indicating that the citizen spouse's employment meets these qualifications, that the applicant intends to reside abroad with the citizen spouse, and that the applicant intends to take up residence within the United States immediately upon the termination of such employment abroad of the citizen spouse.

## **Surviving Spouse of United States Citizen Service Member**

Any person whose citizen spouse dies during a period of honorable and active service in the armed forces of the United States, and who was living in marital union with the citizen spouse at the time of the service member's death, may become a citizen of the United States if all the requirements in Parts 2 and 3 are met except:

- (a) the application does not have to be filed in the place where the applicant lives, but may be filed in any Service office; and
- (b) the applicant may be naturalized without having been physically present in the United States for any particular length of time after being lawfully admitted for permanent residence.

## **Naturalization of Children of Citizen Parents**

The fact that one or both parents may have been citizens of the United States at the time of a child's birth in a foreign country, or may have become naturalized citizens of the United States after the child's birth is not enough in itself to give United States Citizenship automatically to the child. Additional conditions which must be satisfied by the parents and child affect the question of whether the child becomes a citizen. For more information on who is a citizen automatically, please refer to Part 7, Certificates of Citizenship for children and wives of citizens. A child who is under 18 years of age and a lawful permanent resident, who is not a citizen automatically through the parents, may nevertheless become a citizen if an application for naturalization is filed by the citizen parent on behalf of the child under certain conditions.

- (1) The citizen parent must file an "Application for Naturalization," Form N-400, with the required fee.
- (2) The child is required to submit a fingerprint chart, Form FD-258, if 14 years of age or older.
- (3) The child's naturalization -- admission to citizenship -- must be completed before the child's 18th birthday.

The child and a parent (not necessarily the parent who filed the application on behalf of the child) would be required to appear at an oath ceremony to be administered the oath of allegiance, unless the child is of tender years, in which case the administration of the oath may be waived.

The child does not have to:

- (1) speak, read, or write English;
- (2) know about the history and form of government of the United States; or
- (3) have lived or been physically present in the United States or in a State for any particular length of time after admission for permanent residence.

## **Naturalization of Adopted Children of Citizen Parents**

A child who is adopted by a citizen parent or parents does not automatically become a United States citizen.

A child adopted either in the United States or abroad by two citizen parents (or only one parent if the parent is unmarried) and admitted to the United States as a lawful permanent resident before reaching the age of 18 years may naturalize if the child:

- (1) is under 18 years of age;
- (2) was adopted before reaching the age of 16 by the citizen parent(s);
- (3) is residing in the United States in the custody of the adopting citizen parent(s), pursuant to a lawful admission for permanent residence;
- (4) at least one of the citizen parents files Form N-643, "Application for Certificate of Citizenship in Behalf of an Adopted Child," before the child reaches the age of 18, with the Immigration and Naturalization Service; and
- (5) the parents are be citizens at the time of filing the application.

The child is not a citizen until the N-643 is approved.

The child may also be naturalized under the procures outlined in the section entitled Naturalization of Children. This would be the only procedure available if the parents wish to change the exceptions from the requirements for naturalization in Pads 2 and 3 are persons who lost their United States citizenship during World War II as a result of service in the armed forces of certain foreign countries and women who lost their United States citizenship as a result of marriage to aliens. Both of these classes are discussed below:



## **Veterans of Foreign Armed Forces**

Any person who:

(1) lost United States citizenship between September 1, 1939 and September 2, 1945;

(2) as a result of service between September 1, 1939 and September 2, 1945 in the armed forces of a foreign country; and

(3) fought against a country with which the United States was at war after December 7, 1941 and before September 2, 1945, may become a citizen of the United States if he or she meets all of the requirements for naturalization in Parts 2 and 3 except:

(a) the application for naturalization does not have to be filed in the place where he or she lives, but it can be filed in any Service office; and

(b) he or she can be naturalized without having resided and without" having been physically present in the United States or any State for any particular length of time after admission for permanent residence.

## **American Women Who Married Aliens**

As a general rule, a woman automatically lost her United States citizenship if, before September 22, 1922, she married an alien, or her husband was naturalized in a foreign country, or if, between that date and March 3, 1931, she married an alien who was not of the white race or African race. In each of these instances, she lost her citizenship if she entered into the marriage with the intention of relinquishing her United States citizenship.

If citizenship was lost by such marriage, there are simplified ways in which United States citizenship and the rights of citizenship may be regained. However, not all cases follow the same procedure. For example, some women who were native-born citizens and whose marriages either ended before January 13, 1941, or who remained in the United States after the marriages, have been automatically given back their United States citizenship, but they must take an oath of allegiance to the United States before they can do what only a citizen can do, such as vote. Others must file an application for naturalization in order to get back their United States citizenship, but they are exempt from some of the requirements in Parts 2 and 3, such as from any particular period of residence and physical presence in the United States.

Any woman who was the wife of an alien at any time during the periods stated above and who wants advice about her citizenship may get it at the nearest office of the Immigration and Naturalization Service or, if she is abroad, at the nearest American Consulate.

## **Service Members of the Military or Veterans**

An alien who has served or is serving in the armed forces of the United States does not automatically become a citizen of the United States. Like other aliens, such alien must apply for naturalization and be admitted to citizenship. However, depending upon such matters as the period during which he or she served, the length of service, and other factors which will be mentioned below- he or she may be exempt from some of the requirements other aliens must meet.

### **Military Service During Certain Periods**

A person who has served honorably and actively in the armed forces of the United States, no matter how briefly, during any part of the periods:

- (a) April 6, 1917 to November 11, 1918;
- (b) September 1, 1939 to December 31, 1946;
- (c) June 25, 1950 to July 1, 1955;
- (d) February 28, 1961, to October 15, 1978; or
- (e) October 25, 1983 to November 2, 1983 (for qualifying active duty in the geographic area of Grenada campaign), and who is not within any of the below listed ineligible classes is exempt from the following requirements.

(1) No lawful admission for permanent residence is required if he or she was inducted, enlisted or reenlisted at any time in the United States, the Panama Canal Zone (3) He or she does not have to file the application in the place where he or she lives, but can file it in any Service office.

(4) He or she may be naturalized regardless of the fact that the person has been ordered deported from the United States.

### **Ineligible Service Members**

The following persons do not qualify for the special naturalization exemptions discussed immediately above:

- (1) veterans who were discharged at their request because of alienage;
- (2) conscientious objectors who performed no military duty whatever or refused to wear the uniform; or
- (3) veterans who were once naturalized on the basis of the same period of military service and have since lost their citizenship.

The fact that a person is ineligible for naturalization as such a veteran does not mean that he or she may not be naturalized under the general naturalization laws applicable to other classes of aliens. He or she may still qualify for naturalization if able to meet the naturalization requirements applicable to other aliens.

### **Service for Three Years**

Veterans who have been lawfully admitted to the United States for permanent residence and who have served honorably at any time for as much as three years, and who have received an honorable discharge, are entitled to certain exemptions from the requirements stated in Parts 2 and 3 if they come within one of the following classes:

(1) When Three Years' Service Continuous. A person who has served honorably at any time in the armed forces of the United States for a continuous period of three years and who applies for naturalization while still in the service or not later than six months after discharge from service may be naturalized:

(a) without having resided and without having been physically present in the United States for any particular length of time;

(b) without filing the application for naturalization in the place of residence, it may be filed in any Service office; and

(c) regardless of the fact that the person has been ordered deported from the United States.

(2) When Three Years' Service Not Continuous. A person who has served honorably at any time for three years but whose service is made up of short periods of service, instead of one continuous period, and who applies for naturalization while still in the service or not later than six months after discharge from service is entitled to the exemptions stated in (b) and (c) immediately above. However, for any part of the five years just before he or she files the application for naturalization and which is between the periods of service, he or she will have to prove residence and the other qualifications for naturalization.

(3) Application Made More Than Six Months After Service Ends. A person who has the three years of honorable service but who fails to apply for naturalization until more than six months after such service has ended is not qualified for the exemptions stated in (1) above and must comply with all the requirements in Parts 2 and 3 except that:

(a) all service within five years of the date when filing the application is considered residence and physical

presence in the United States; and

(b) the fact that the person has been ordered deported from the United States does not in itself bar him or her from becoming a citizen.

If a service member for any reason is unable to qualify for the exemptions given to these veterans he or she may nevertheless be naturalized under the naturalization laws applicable to other classes of aliens if those requirements are met.

Note to persons with three years of service who must apply for naturalization within six months after discharge: the application must be filed with the Service office within the six month period.

## **Mariners**

A merchant mariner whose employment aboard a vessel requires absence from the United States is exempt in part from the general residence and physical presence requirements for naturalization. He or she has the right to count the time of service as a merchant mariner outside the United States if such service was not as a member of the armed forces of the United States and it meets the-below listed conditions.

(1) It was performed on board a vessel:

(a) operated by the United States or one of its agencies and owned by the United States;

(b) with its home port in the United States and registered under (a) honorably or with good conduct;

(b) after lawful admission to the United States for permanent residence; and

(c) within five years of the date of filing the application for naturalization.

## **Employees of Organizations Promoting United States Interests Abroad**

A person who has been lawfully admitted to this country for permanent residence and who thereafter is employed abroad by a United States incorporated nonprofit organization which is principally engaged in conducting abroad through communications media the dissemination of information which significantly promotes United States interests abroad and which is recognized as such by the Attorney General, may take advantage of special naturalization exemptions. Examples of such an organization are Radio Free Europe, Inc., Radio Liberty Committee, and Radio Marti.

Such a person is not required to reside or to be physically present in the United States (see pages 7, 8, 9, and 10) for any particular period of time before becoming a citizen, if the following conditions are met

- (1) he or she has been employed by the organization continuously for at least five years after becoming a permanent resident;
- (2) the application is filed with the Service office while the applicant is still employed, or within six months after leaving such employment; and
- (3) upon becoming a citizen, the employee must intend to take up residence in this country as soon as the foreign employment ends. If the applicant is no longer employed by the organization at the time of filing the application, then he or she must intend to continue living in the United States upon becoming a citizen.

## **Posthumous Citizenship**

Posthumous citizenship may be granted to an alien or noncitizen national of the United States who died as a result of injury or disease incurred in, or aggravated by service, in the United States Armed Forces during a specified period of military hostilities.

This is an honorific action which does not confer any benefits nor make applicable any provision of the Immigration and Nationality Act to the surviving spouse, parent, son, daughter, or other relative of the decedent.

The decedent's nearest relative, or a properly appointed representative, may request this benefit on Form N-644, "Application for Posthumous Citizenship," with the required fee.

## **Part 5 Naturalization and Citizenship Paper Lost, Mutilated or Destroyed, or Where Name has been Changed**

A person whose "Declaration of Intention" or whose certificate of naturalization/citizenship has been lost, mutilated or destroyed, or naturalized person whose name has been changed by a court or by marriage after naturalization, may apply for a new declaration or certificate. The application, Form N-565 "Application for a New Naturalization or Citizenship Document," can be obtained without charge from the nearest office of the Immigration and Naturalization Service. It should be filled out, following the instructions and then taken or mailed to that office with the required photographs and fee. No currency should be sent in the mail. That office will then take the action necessary with regard to issuing the new document and will inform the applicant further.



## **Part 6 Declaration of Intention**

Before the present naturalization law came into effect on December 24, 1952, persons generally were required to file a declaration of intention to become a citizen of the United States -- which was known as the "first paper" -- and then had to wait for not less than two years before they could take the next step toward becoming a citizen of the United States, that is, before they could file a petition for naturalization. Since 1952 a declaration of intention is no longer required before a person can become a citizen, and an application for naturalization may be filed as soon as the required residence and other qualifications for citizenship have been met.

The law still permits the "Declaration of Intention," to be filed, if one is needed for such reasons as getting certain employment or license of some kind. The only requirements are that the person be at least 18 years old and lawfully admitted to the United States for permanent residence. The declaration may be filed at any time after admission for permanent residence and in any Service office.

The person is not required to be able to read, write, and speak English or to pass any examination on the history and form of government of the United States, and he or she may sign the declaration in any language or by mark.

lization Service or, possibly, from a social service agency in the community. It is filed with the nearest office of the Immigration and Naturalization Service. Form N-300 requires three photographs and payment of a fee as described in the application.

## Part 7 Certificates of Citizenship for Children and Wives of Citizens

Many persons, though not born in the United States or ever naturalized as United States citizens, may be citizens as a result of their-relationship to a United States citizen. The conditions under which a person may have become a citizen have varied from time to time and, therefore, differ so much from case to case that they cannot all be presented in detail within this pamphlet. However, we will attempt to identify the general rules of acquiring citizenship through a parent or spouse.

A child born in a foreign country of one or two United States citizen parents may acquire United States citizenship automatically at birth if certain conditions are fulfilled:

- (1) both parents are United States citizens at the time of the child's birth and one of the parents has resided for any length of time in the United States or its outlying possessions before the child's birth;
- (2) one parent is a United States citizen and the other is an alien and the citizen parent was physically present in the United States or its outlying possessions for a period or periods totaling 5 years before the child's birth, and at least two of those five years were after the citizen parent was 14 years old. If a child was born before November 14, 1986, these physical presence requirements for the parent are different, generally, at least ten years of physical presence is required; and
- (3) time served abroad in the following capacities can be counted by the citizen parent in order to satisfy the requirement of prior physical presence in the United States:
  - (a) honorable service in the United States armed forces;
  - (b) employment by the United States government;
  - (c) employment by an international organization associated with the United States; and
  - (d) physical presence abroad as a dependent unmarried son or daughter and member of the household of a person employed abroad in one of the above categories.

It must be noted that the laws in effect at the time of birth of the child will determine whether acquisition will occur. In addition, different rules may apply if a child was born illegitimate.

As discussed in part 2, a child born in a foreign country of alien parents, or adopted by alien parents, may have become a United States citizen automatically after birth, without having himself or herself applied for naturalization, if one or both of his or her parents became naturalized before the child reaches a certain age. It must be noted that the law in effect at the time of the parent's naturalization will determine if the child becomes a citizen.

Currently, a child who is a lawful permanent resident, under 18 years of age and unmarried may automatically derive citizenship of the United States through the parents under certain conditions:

- (1) a child whose parents are lawful permanent residents becomes a United States citizen-on the date that the last parent is naturalized before the child's 18th birthday;
- (2) a child who has one of the natural parents already a citizen, and the other natural parent becomes naturalized before the child's 18th birthday;
- (3) a child whose surviving parent, or the parent exercising legal custody where the parents are legally separated or divorced, is naturalized before the child's 18th birthday, regardless whether the other parent was or is an alien; or
- (4) an illegitimate child whose mother naturalizes before the child's 18th birthday and paternity has not been established.

If only one of the child's parents naturalizes and the other remains a permanent resident, the child does not derive citizenship. Instead, the citizen parent may file a separate Application for Naturalization (N-400) on behalf of the child if the citizen parent wants the child to become a citizen before the second parent naturalizes.

An adopted child, however, does NOT become a citizen of the United States automatically, through these lines should communicate with any office of the Immigration and Naturalization Service.

Persons who have become citizens automatically may be issued certificates of citizenship by the Immigration and Naturalization Service in their own names, showing that they are citizens through their husbands or parents. A person who desires to obtain such a certificate (including a parent or guardian of a child too young to act for himself or herself) may submit an application on Form N-600, "Application for Certificate of Citizenship," to the nearest office of the Immigration and Naturalization Service. The filing of the application is an entirely voluntary matter, however, and the failure to submit it does not in any way

affect a person's citizenship.

The applicant should be prepared to submit in connection with the application evidence of birth, marriage, death, divorce, and other essential matters in the form of certificates or documents which will prove the claim to citizenship through marriage or through parents. Detailed instructions regarding the nature of the proof needed in each case are included in the application form.

## **Part 8 Legalizing Stay In the United States**

In the cases of some foreign-born persons who are in the United States, there are no records showing admission for permanent residence, or at least no records can be found. These persons may have been brought here during childhood and may never have known just when or how they came; or they may have come here as visitors or other temporary nonimmigrant class and decided to stay; or they may have entered unlawfully.

Since no records of lawful admission for permanent residence can be identified, they cannot become citizens of the United States until such records have been made. An alien eligible for citizenship and not within a class barred from the United States under the immigration laws, such as criminals and other immoral persons, subversives, smugglers, and persons unlawfully connected with narcotics who have resided in the United States since before January 1, 1972, can have a record of lawful admission to the United States for permanent residence created if they are persons of good moral character. The application is Form I-485, "Application for Permanent Residence." This form, together with information about the procedure to be followed, may be obtained from the nearest Immigration and Naturalization Service office. The required fee, photographs and supporting documents must be filed with the nearest Immigration and Naturalization Service office.

If an applicant can prove that he or she has been in the United States since before July 1, 1924, the record of admission will be made as of the date of actual entry into the United States and he or she will be able to apply for naturalization without completing any more residence in the United States. If an applicant did not come to the United States until on or after July 1, 1924 but before January 1, 1972, the record of admission will be made as of the date the application is approved, and he or she will then have to complete whatever additional residence and physical presence in the United States are required for naturalization.

Persons who claim to have entered the United States on or after January 1, 1972, should ask for information and advice from the nearest office of the Immigration and Naturalization Service or a social service agency.

## Part 9 Offices of the Immigration and Naturalization Service

The following is a list of offices of the Immigration and Naturalization Service from which information concerning matter referred to in this pamphlet may be obtained. (\* Indicates District Offices):

Agana, Guam 96910

801 Pacific News Bldg.,  
238 O'Hara St.

Albany, NY 12207

James T. Foley Federal  
Courthouse, Room 220  
445 Broadway

Albuquerque, NM 87103

517 Gold Ave. S.W.,

Room 1010, P.O. Box 567

\*Anchorage, AK 99501  
7581

620 East 10th Ave.,  
Suite 102

Atlanta, GA 30303

77 Forsyth Street, S.W.

Room G-85

\*Baltimore, MD 21201

Equitable Tower

100 South Charles,

12th Floor

NY 14202

68 Court Street

Fresno, CA 93721-2816

865 Fulton Mall

\*Harlingen, TX 78550

2102 Teege Road

Hartford, CT 06103-3060

Ribicoff Federal Bldg

450 Main Street

\*Helena, MT 59626

Federal Bldg., Rm 512

301 South Park, Drawer

10036

\*Honolulu, HI 96813

595 Ala Moana Blvd.

\*Houston, TX 77060

509 North Belt

Indianapolis, IN 46204

Gateway Plaza, Room 400

950 North Meridian St.

Jacksonville, FL 32202

400 West Bay Street

Room G-18

P.O. Box 35029

\*Kansas City, MO 64153

9747 North Conant Ave.

Las Vegas, NV 89101

300 Las Vegas Blvd.

Room 1430

Norfolk, VA 23510

Norfolk Fed. Bldg.  
200 Granby Mall  
Room 439  
Oklahoma City, OK  
73108  
149 Highline Blvd.  
Suite 300  
\*Omaha, NE 68144  
3736 South  
132nd St.  
\*Philadelphia, PA  
19130  
1600 Callowhill St  
\*Phoenix, AZ 85004  
2035 N. Central Ave.  
Pittsburgh, PA 15222  
RM 2130 Federal Bldg.  
1000 Liberty Avenue  
\* Portland, ME 04103  
739 Warren Avenue  
\* Portland, OR 97209  
Federal Office Bldg.  
511 N.W. Broadway  
Providence, RI 02903  
203 John O. Pastors  
Federal Building  
Reno, NV 89502  
712 Mill Street  
Charlotte, NC 28217  
6 Woodlawn Green,  
Room 138  
\*Chicago, IL 60604  
10 West Jackson Blvd  
Cincinnati, OH 45202  
550 Main Street,  
Room 8525  
\*Cleveland, OH 44199  
Anthony Celebreeze  
Federal Building  
1240 E. 9th Street,  
Room 1917  
\*Dallas, TX 75247  
8101 N. Stemmons  
Freeway  
\*Denver,CO 80239-2804  
4730 Paris Street  
Albrook Center  
\*El Paso,TX 79901  
700 E. San Antonio St.  
P.O. Box 9398-79984  
\*Los Angeles, CA  
90012  
300 N. Los Angeles  
Street  
Louisville, KY 40202  
Room 604, Gene

Snyder Courthouse  
601 West Broadway  
Memphis, TN 38103-3815  
245 Wagner Place  
Suite 250  
\*Miami, FL 33138  
7880 Biscayne Blvd.  
Milwaukee, WI 53202  
Federal Building,  
Room 186  
517 E. Wisconsin Av.  
\*Newark, NJ 07102  
Federal Bldg.,  
970 Broad Street  
\*New Orleans, LA  
70113  
Postal Service Bldg.  
701 Loyola Avenue  
Room T-8005  
\*New York, NY 10278  
26 Federal Plaza  
Sacramento, CA 95814  
711 "J" Street  
Salt Lake City, UT  
84101  
230 W. 400 South St  
\*San Antonio, TX  
78239  
8940 Fourwinds Drive  
\* San Diego, CA  
92188  
880 Frnot Street  
\* San Francisco, CA  
94111-2280  
630 Sansome Street  
San Jose, CA 95113  
280 South First St.  
Room 1150  
\*San Juan, PR 00936  
P.O. Box 365068  
\*Seattle, WA 98134  
815 Airport Way, S.  
Spokane, WA 99201  
691 U.S. Courthouse  
Building  
St. Albans, VT 05478  
Federal Building  
P.O. Box 328  
St. Louis, MO 63103-2815  
Robert A. Young  
Federal. Building  
1222 Spruce Street  
\*St. Paul  
Bloomington, MN 55425  
2901 Metro Drive

Suite 100  
Tampa, FL 33609  
5509 W. Gray Street  
Suite 113  
\*Washington, DC  
Arlington, VA 22203  
4420 N. Fairfax Dr.



# General Information Concerning Patents

General Information Concerning Patents  
U.S. Department of Commerce Patent and Trademark Office  
U.S. Department of Commerce  
Ronald H. Brown, Secretary  
Patent and Trademark Office  
Bruce A. Lehman  
Assistant Secretary and Commissioner of Patents and Trademarks

## See:

[Functions of the Patent and Trademark Office](#)

[Purpose of this booklet](#)

[What is a patent?](#)

[Patent laws](#)

[What can be patented](#)

[Novelty and other conditions for obtaining a patent](#)

[The United States Patent and Trademark Office](#)

[Publications of the Patent and Trademark Office](#)

[General information and correspondence](#)

[Library, search room searches and patent and trademark depository libraries](#)

[Attorneys and agents](#)

[Disclosure document](#)

[Who may apply for a patent](#)

[Application for patent](#)

[Specification \(description and claims\)](#)

[Drawing](#)

[Models, exhibits, specimens](#)

[Examination of applications and proceedings in the Patent and Trademark Office](#)

[Amendments to application](#)

[Time for response and abandonment](#)

[Appeal to the Board of Patent Appeals and interferences and to the courts](#)

[Interferences](#)

[Allowance and issue of patent](#)

[Nature of patent and patent rights](#)

[Maintenance fees](#)

[Correction of patents](#)

[Assignments and licenses](#)

[Infringement of patents](#)

[Patent marking and "Patent Pending"](#)

[Design patents](#)

[Plant patents](#)

[Treaties and foreign patents](#)

[Foreign applicant for United States patents](#)

[Fees and payment](#)

[Answers to Questions Frequently Asked](#)

## **Functions of the Patent and Trademark Office**

The Patent and Trademark Office is an agency of the U.S. Department of Commerce.

The role of the Patent and Trademark Office is to provide patent protection for inventions and to register trademarks. It serves the interest of inventors and businesses with respect to their inventions and corporate, product, and service identifications. It also advises and assists the bureaus and offices of the Department of Commerce and other agencies of the Government in matters involving "intellectual property" such as patents, trademarks and semiconductor makes works. Through the preservation, classification, and dissemination of patent information, the Office aids and encourages innovation and the scientific and technical advancement of the Nation.

In discharging its duties, the Patent and Trademark Office examines applications and grants patents on inventions when applicants are entitled to them; it publishes and disseminates patent information, records assignments of patents, maintains search files of U.S. and foreign patents and a search room for public use in examining issued patents and records. It supplies copies of patents and official records to the public. Similar functions are performed relating to trademarks.

## **Purpose of this booklet**

The purpose of this booklet is to give the reader some general information about patents and the operations of the Patent and Trademark Office. (A similar booklet is available on the subject of trademarks.) It attempts to answer many of the questions commonly asked of the Patent and Trademark Office but is not intended to be a comprehensive textbook on patent law or a guide for the patent lawyer. Consequently, many details are omitted and complications have been avoided as much as possible. It is hoped that this pamphlet will be useful to inventors and prospective applicants for patents, to students, and to others who may be interested in patents by giving them a brief general introduction to the subject. Because of the large amount of mail received by the Patent and Trademark Office, a copy of this pamphlet, with particular sections marked when appropriate, may be used by the Patent and Trademark Office to reply to inquiries and is intended as a courtesy reply.

Additional information may be obtained from the publications listed on pages 6 and 7. The Patent and Trademark Office does not publish any textbooks on patent law, but a number of such works for the specialist and for the general reader have been published by private concerns.

## What is a patent?

A patent for an invention is a grant of a property right by the Government to the inventor (or his heirs or assigns), acting through the Patent and Trademark Office. The term of the patent is 17 years from the date the patent is granted, subject to the payment of maintenance fees.

The right conferred by the patent grant extends throughout the United States and its territories and possessions.

The right conferred by the patent grant is, in the language of the statute and of the grant itself, "the right to exclude others from making, using, or selling" the invention. What is granted is not the right to make, use or sell, but the right to exclude others from making, using, or selling the invention.

Most of the statements in the preceding paragraphs will be explained in greater detail in later sections.

Some persons occasionally confuse patents, copyrights, and trademarks. Although there may be some resemblance in the rights of these three kinds of intellectual property, they are different and serve different purposes.

### **See:**

[Copyrights](#)

[Trademarks](#)

## **Copyrights**

A copyright protects the writings of an author against copying. Literary, dramatic, musical and artistic works are included within the protection of the copyright law, which in some instances also confers performing and recording rights. The copyright goes to the form of expression rather than to the subject matter of the writing. A description of a machine could be copyrighted as a writing, but this would only prevent others from copying the description; it would not prevent others from writing a description of their own or from making and using the machine. Copyrights are registered in the Copyright Office in the Library of Congress. Information concerning copyrights may be obtained from the Register of Copyrights, Library of Congress, Washington, D.C. 20559. (Telephone 202/707-3000)

## **Trademarks**

A trademark relates to any word, name symbol or device which is used in trade with goods to indicate the source or origin of the goods and to distinguish them from the goods of others. Trademark rights may be used to prevent others from using a confusingly similar mark but not to prevent others from making the same goods or from selling them under a non confusing mark. Similar rights may be acquired in marks used in the sale or advertising of services (service marks).

Trademarks and service marks which are used in interstate or foreign commerce may be registered in the Patent and Trademark Office. The procedure relating to the registration of trademarks and some general information concerning trademarks is given in a pamphlet called Basic Facts about Trademarks.

## **Patent laws**

The Constitution of the United States gives Congress the power to enact laws relating to patents, in Article I, section 8, which reads "Congress shall have power...to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." Under this power Congress has from time to time enacted various laws relating to patents. The first patent law was enacted in 1790. The law now in effect is a general revision which was enacted July 19, 1952, and which came into effect January 1, 1953. It is codified in Title 35, United States Code.

The patent law specifies the subject matter for which a patent may be obtained and the conditions for patentability. The law establishes the Patent and Trademark Office for administering the law relating to the granting of patents, and contains various other provisions relating to patents.



## What can be patented

The patent law specifies the general field of subject matter that can be patented and the conditions under which a patent may be obtained.

In the language of the statute, any person who "invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvements thereof, may obtain a patent," subject to the conditions and requirements of the law. By the word "process" is meant a process or method, and new processes, primarily industrial or technical processes, may be patented. The term "machine" used in the statute needs no explanation. The term "manufacture" refers to articles which are made, and includes all manufactures articles. The term "composition of matter" relates to chemical compositions and may include mixtures of ingredients as well as new chemical compounds. These classes of subject matter taken together include practically everything which is made by man and the process for making them.

The Atomic Energy Act of 1954 excludes the patenting of inventions useful solely in utilization of special nuclear material or atomic energy for atomic weapons.

The patent law specifies that the subject matter must be "useful." The term "useful" in this connection refers to the condition that the subject matter has a useful purpose and also includes operativeness, that is, a machine which will not operate to perform the intended purpose would no be called useful, and therefore would not be granted a patent.

Interpretations of the statute by the courts have defined the limits of the field of subject matter which can be patented, thus it has been held that methods of doing business and printed matter cannot be patented. In the case of mixtures of ingredients, such as medicines, a patent cannot be granted unless there is more to the mixture than the effect of its components. (So called patent medicines are ordinarily not patented; the phrase "patent medicine" in this connections does not have the meaning that the medicine is patented.) A patent cannot be obtained upon a mere idea or suggestion. The patent is granted upon the new machine, manufacture, etc., as has been said, and not upon the idea or suggestion of the new machine. A complete description of the actual machine or any subject matter sought to be patented is required.

## **Novelty and other conditions for obtaining a patent**

In order for an invention to be patentable it must be new as defined in the patent law, which provides that an invention cannot be patented if--

"(a) The invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or

"(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country more than one year prior to the application for patent in the United States..."

If the invention has been described in a printed publication anywhere in the world, or if it has been in public use or on sale in this country before the date that the applicant made his invention, a patent cannot be obtained. If the invention has been described in a printed publication anywhere, or has been in public use or on sale in this country more than one year before the date on which an application for patent is filed in this country, a valid patent cannot be obtained. In this connection it is immaterial when the invention was made, or whether the printed publication or public use was by the inventor himself or by someone else. If the inventor describes the invention in a printed publication or uses the invention publicly, or places it on sale, he must apply for a patent before one year has gone by, otherwise any right to a patent will be lost.

Even if the subject matter sought to be patented is not exactly shown by the prior art, and involves one or more differences over the most nearly similar thing already known, a patent may still be refused if the differences would be obvious. The subject matter sought to be patented must be sufficiently different from what has been used or described before so that it may be said to be unobvious to a person having ordinary skill in the area of technology related to the invention. For example, the substitution of one material for another, or changes in size, are ordinarily not patentable.

# The United States Patent and Trademark Office

Congress established the United States Patent and Trademark Office to issue patents on behalf of the Government. The Patent and Trademark Office as a distinct bureau may be said to date from the year 1802 when a separate official in the Department of State who became known as "Superintendent of Patents" was placed in charge of patents. The revision of the patent laws enacted in 1836 reorganized the Patent and Trademark Office and designated the official in charge as Commissioner of Patents and Trademarks. The Patent and Trademark Office remained in the Department of State until 1849 when it was transferred to the Department of Interior. In 1925 it was transferred to the Department of Commerce where it is today.

The Patent and Trademark Office administers the patent laws as they relate to the granting of patents for inventions, and performs other duties relating to patents. It examines applications for patents to determine if the applicants are entitled to patents under the law and grants the patents when they are so entitled; it publishes issued patents and various publications concerning patents, records assignments of patents, maintains a search room for the use of the public to examine issued patents and records, are performed with respect to the registration of trademarks. The Patent and Trademark Office has no jurisdiction over questions of infringement and the enforcement of patents, nor over matters relating to the promotion or utilization of patents or inventions.

The head of the Office is the assistant Secretary and Commissioner of Patents and Trademarks and his staff includes the Deputy Assistant Secretary and Deputy Commissioner, several assistant commissioners, and other officials. As head of the Office, the Commissioner superintends or performs all duties respecting the granting and issuing of patents and the registration of trademarks; exercises general supervision over the entire work of the Patent and Trademark Office; prescribes the rules, subject to the approval of the Secretary of Commerce, for the conduct of proceedings in the Patent and Trademark Office and for recognition of attorneys and agents; decides various questions brought before him by petition as prescribed by the rules, and performs other duties necessary and required for the administration of the Patent and Trademark Office.

The work of examining applications for patents is divided among a number of examining groups, each group having jurisdiction over certain assigned fields of technology. Each group is headed by a group director and staffed by a number of examiners. The examiners review applications for patents and determine whether patents can be granted. An appeal can be taken to the Board of Patent Appeals and Interferences from their decisions refusing to grant a patent and a view by the Commissioner of Patents and Trademarks may be had on other matters by petition. The examiners also identify applications that claim the same invention and initiate proceedings, known as interferences, to determine who was the first inventor.

In addition to the examining groups, other offices perform various services, such as receiving and distributing mail, receiving new applications, handling sales of printed copies of patents, making copies of records, inspecting drawings, and recording assignments.

At present, the Patent and Trademark Office has about 4,400 employees, of whom about half are examiners and others with technical and legal training. Patent applications are received at the rate of over 170,000 per year. The Patent and Trademark Office receives over five million pieces of mail each year.

## **Publications of the Patent and Trademark Office**

Patents--The specification and accompanying drawings of all patents are published on the day they are granted and printed copies are sold to the public by the Patent and Trademark Office. Over 5,000,000 patents have been issued.

Printed copies of any patent, identified by its patent number, may be purchased from the Patent and Trademark Office. See fee schedule.

Future patents classified in subclasses containing subject matter of interest may be obtained, as they issue, by prepayment of a deposit and a service charge. For the cost of such subscription service, a separate inquiry should be sent to the Patent and Trademark Office.

Official Gazette of the United States Patent and Trademark Office.--The Official Gazette of the United States Patent and Trademark Office is the official journal relating to patents and trademarks. It has been published weekly since January 1872 (replacing the old "Patent Office Reports"), and is now issued each Tuesday in two parts, one describing patents and the other trademarks. It contains a claim and a selected figure of the drawings of each patent granted on that day; notices of patent and trademark suits; indexes of patents and patentees; list of patents available for license or sale, and much general information such as orders, notices, changes in rules, changes in classification, etc. The Official Gazette is sold on subscription and by single copies by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The illustrations and claims of the patents are arranged in the Official Gazette according to the Patent and Trademark Office classification of subject matter, permitting ready reference to patents in any particular field. Street addresses of patentees and a geographical index of residents of inventors are included.

Copies of the Official Gazette may be found in public libraries of larger cities.

Index of Patents.--This annual index to the Official Gazette is currently in two volumes, one an index of patentees and the other an index by subject matter of the patents. Sold by Superintendent of Documents.

Index of Trademarks.--An annual index of registrants of trademarks. Sold by Superintendent of Documents.

Manual of Classification.--A looseleaf book containing a list of all the classes and subclasses of inventions in the Patent and Trademark Office classification systems, a subject matter index, and other information relating to classification. Substitute pages are issued from time to time. Annual subscription includes the basic manual and substitute pages. Sold by Superintendent of Documents.

Classification Definitions--Contains the changes in classification of patents as well as definitions of new and revised classes and subclasses. Sold by Patent and Trademark Office.

Title 37 Code of Federal Regulations.--Includes rules of practice for Patents, Trademarks and Copyrights. Available from the Superintendent of Documents.

Basic Facts about Trademarks--Contains general information for the layman about applications for, and registration of, trademarks and service marks. Copies may be purchased from Superintendent of Documents.

Directory of Registered Patent Attorneys and Agents Arranged by States and Countries--An alphabetical and geographical listing of patent attorneys and agents registered to practice before the U.S Patent and Trademark Office. Sold by Superintendent of Documents.

Manual of Patent Examining Procedure.--A looseleaf manual which serves primarily as a detailed reference work on patent examining practice and procedure for the Patent and Trademark Office's Examining Corps. Subscription service includes basic manual, quarterly revisions, and change notices. Sold by Superintendent of Documents.

The Story of the United States Patent Office.--A chronological account of the development of the U.S. Patent and Trademark Office and patent system and of inventions which had unusual impact on the American economy and society. Sold by Superintendent of Documents.

## General information and correspondence

All business with the Patent and Trademark Office should be transacted by writing to "COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231." Correspondents should be sure to include their full return addresses, including Zip Codes.

The principal location of the office is Crystal Plaza 3, 2021 Jefferson Davis Highway, Arlington, Virginia.

The personal attendance of applicants at the Office is unnecessary.

Applicants and attorneys are required to conduct their business with decorum and courtesy. Papers presented in violation of this requirement will be returned.

Separate letters (but not necessarily in separate envelopes) should be written in relation to each distinct subject of inquiry, such as assignments, payments, orders for printed copies of patents, order for copies of records, requests for other services, etc. None of these should be included with letters responding to Office actions in applications (see page 19).

When a letter concerns a patent application, the correspondent must include the serial number, filing date and Group Art Unit number. When a letter concerns a patent, it must include the name of the patentee, the title of the invention, the patent number and the date of issue.

An order for a copy of an assignment must give the book and page or reel and frame of the record, as well as the name of the inventor; otherwise, an additional charge is made for the time consumed in making the search for the assignment.

Applications for patents are not open to the public, and no information concerning them is released except on written authority of the applicant, his assignee, or his attorney or when necessary to the conduct of the business of the Office. Patents and related records, including records of any decisions, the records of assignments other than those relating to assignments of patent applications, books, and other records and papers in the Office are open to the public. They may be inspected in the Patent and Trademark Office Search Room or copies may be ordered.

The Office cannot respond to inquiries concerning the novelty and patentability of an invention in advance of the filing of an application; give advice as to possible infringement of a patent; advise of the propriety of filing an application; respond to inquiries as to whether or to whom any alleged invention has been patented; act as an expounder of the patent law or as counselor for individuals, except in deciding questions arising before it in regularly filed cases. Information of a general nature may be furnished either directly or by supplying or calling attention to an appropriate publication.

## Library, search room searches and patent and trademark depository libraries

The Scientific and Technical Information Center of the Patent and Trademark Office at Crystal Plaza 3, 2021 Jefferson Davis Highway, Arlington, Va., has available for public use of 120,000 volumes of scientific and technical books in various languages, about 90,000 bound volumes of periodicals devoted to science and technology, the official journals of 77 foreign patent organizations, and over 12 million foreign patents. A Search Room is provided where the public may search and examine United States patents granted since 1836. Patents are arranged according to the Patent and Trademark Office classification system of over 400 classes and over 120,000 subclasses. By searching in these classified patents, it is possible to determine, before actually filing an application, whether an invention has been anticipated by a United States patent, and it is also possible to obtain the information contained in patents relating to any field of endeavor. The Search Room contains a set of United States patents arranged in numerical order and a complete set of the Official Gazette.

A Files Information Room also is maintained where the public may inspect the records and files of issued patents and other open records.

The Search Room is open from 8 a.m. to 8 p.m. Monday through Friday except on Federal holidays.

Since a patent is not always granted when an application is filed, many inventors attempt to make their own investigation before applying for patent. This may be done in the Search Room of the Patent and Trademark Office, and libraries, located throughout the U.S., which have been designated as Patent and Trademark Depository Libraries (PTDL). Patent attorneys or agents may be employed to make a so called preliminary search through the prior United

States patents to discover if the particular device or one similar to it has been shown in some prior patent. This search is not always as complete as that made by the Patent and Trademark Office during the examination of an application, but only serves, as its name indicates a preliminary purpose. For this reason, the Patent and Trademark Office examiner may, and often does, reject claims in an application on the basis of prior patents or publications not found in the preliminary search.

Those who cannot come to the Search Room may order from the Patent and Trademark Office copies of lists of original patents or of cross-referenced patents contained in the subclasses comprising the field of search, or may inspect and obtain copies of the patents at a Patent and Trademark Depository Library. The Patent and Trademark Depository Libraries (PTDLs) receive current issues of U.S. Patents and maintain collections of earlier issued patents and trademark information. The scope of these collections varies from library to library, ranging from patents of only recent years to all or most of the patents issued since 1790.

These patent collections are open to public use. Each of the Patent and Trademark Depository Libraries, in addition, offers the publications of the U.S. Patent Classification System (e.g., The Manual of Classification, Index to the U.S. Patent Classification, Classification Definitions, etc.) and other patent documents and forms, and provides technical staff assistance in their use to aid the public in gaining effective access to information contained in patents. The collections are organized in patent number sequence.

Available in all PTDLs is the Classification and Search Support Information System (CASSIS), computer data base. With various modes, it permits the effective identification of appropriate classifications to search, provides numbers of patents assigned to a classification to permit finding the patents in a numerical file of patents, provides the current classification(s) of all patents, permits word searching on classification titles, abstracts, the Index provides certain bibliographic information on more recently issued patents.

Facilities for making paper copies from either microfilm in reader-printers or from the bound volumes in paper-to-paper copies are generally provided for a fee.

Due to variations in the scope of patent collections among the Patent and Trademark Depository Libraries and in their hours of service to the public, anyone contemplating the use of the patents at a particular library is advised to contact that library, in advance, about its collection and hours, so as to avert possible inconvenience.

State	Name of Library
Alabama	Auburn University Libraries; Birmingham Public Library

Alaska	Anchorage: Z.L. Loussac Public Library
Arizona	Tempe: Noble Library, Arizona State Library
Arkansas	Little Rock: Arkansas State University
California	Los Angeles: City Library; Sacramento: California State Library; San Diego: Public Library; Sunnyvale: Patent Clearinghouse
Colorado	Denver: Public Library
Connecticut	New Haven: Science Park Library
Delaware	Newark: University of Delaware Library
District of Columbia	Washington: Howard University Libraries
Florida	Fort Lauderdale: Broward County Main Library; Miami-Dade Public Library; Orlando: University of Central Florida Libraries
Georgia	Atlanta: Price Gilbert Memorial Library, Georgia Institute of Technology
Hawai	Honolulu: Hawaii State Public Library System
Idaho	Moscow: University of Idaho Library
Illinois	Chicago: Public Library; Springfield: Illinois State Library
Indiana	Indianapolis-Marion County Public Library; West Lafayette: Siegesmund Engineering Laboratory, Purdue University
Iowa	Des Moines: State Library of Iowa
Kansas	Wichita: Ablah Library, Wichita State University
Kentucky	Louisville: Free Public Library
Louisiana	Baton Rouge: Troy H. Middleton Library, Louisiana State University
Maine	Orono: Raymond A. Fogler Library, University of Maine
Maryland	College Park: Engineering and Physical Sciences Library, University of Maryland
Massachusetts	Amherst: Physical Sciences Library, University of Massachusetts
Michigan	Ann Arbor: Engineering Library, University of Michigan; Big Rapids: Abigail S. Timme Library, Ferris State University; Detroit: Public Library
Minnesota	Minneapolis: Public Library and Information Center
Mississippi	Jackson: Mississippi Library Commission
Missouri	Kansas City: Linda Hall Library; St Louis: Public Library
Montana	Butte: Montana College of Mineral Sciences and Technology Library
Nebraska	Lincoln: Engineering Library, University of Nebraska-Lincoln
Nevada	Reno: University of Nevada-Reno Library
New Hampshire	Durham: University of New Hampshire Library
New Jersey	Newark: Public Library; Piscataway: Library of Science and Medicine, Rutgers University
New Mexico	Albuquerque: University of New Mexico General Library
New York	Albany: New York State Library; Buffalo and Erie County: Public Library; New York: Public Library (The Research Libraries)
North Carolina	Raleigh: D.H. Hill Library, North Carolina State University
North Dakota	Grand Forks: Chester Fritz Library, University of North Dakota
Ohio	Cincinnati and Hamilton County: Public Library of; Cleveland: Public Library; Columbus: Ohio State University Libraries; Toledo/ Lucas County Public Library
Oklahoma	Stillwater: Oklahoma State University Center for International Trade Development
Oregon	Salem: Oregon State Library
Pennsylvania	Philadelphia: The Free Library of; Pittsburgh: Carnegie Library of; University Park; Pattee Library, Pennsylvania State University
Rhode Island	Providence: Public Library
South Carolina	Charleston: Medical University of South Carolina Library
South Dakota	Rapid City: Devereaux Library, South Dakota School of Mines and Technology
Tennessee	Memphis and Shelby County: Public Library and Information Center; Nashville: Stevenson Science Library, Vanderbilt University
Texas	Austin: McKinney Engineering Library, University of Texas at Austin; College Station: Sterling C. Evans Library, Texas A & M University; Dallas: Public Library; Houston: The Fondren Library, Rice University

Utah	Salt Lake City: Marriott Library University of Utah
Virginia	Richmond: James Branch Cabell Library, Virginia Commonwealth University
Washington	Seattle: Engineering Library, University of Washington
West Virginia	Morgantown: Evandsdale Library, West Virginia University
Wisconsin	Madison: Kurt F. Wendt Library, University of Wisconsin-Madison; Milwaukee: Public Library
Wyoming	Casper: Natrona County Public Library

## Attorneys and agents

The preparation of an application for patent and the conducting of the proceedings in the Patent and Trademark Office to obtain the patent is an undertaking requiring the knowledge of patent law and Patent and Trademark Office practice as well as knowledge of the scientific or technical matters involved in the particular invention.

Inventors may prepare their own applications and file them in the Patent and Trademark Office and conduct the proceedings themselves, but unless they are familiar with these matters or study them in detail, they may get into considerable difficulty. While a patent may be obtained in many cases by persons not skilled in this work, there would be no assurance that the patent obtained would adequately protect the particular invention.

Most inventors employ the services of registered patent attorneys or patent agents. The law gives the Patent and Trademark Office the power to make rules and regulations governing conduct and the recognition of patent attorneys and agents to practice before the Patent and Trademark Office. The Patent and Trademark Office maintains a register of attorneys and agents. To be admitted to this register, a person must comply with the regulations prescribed by the Office, which require a showing that the person is of good moral character and of good repute and that he/she has the legal and scientific and technical qualifications necessary to render applicants for patents a valuable service. Certain of these qualifications must be demonstrated by the passing of an examination. Those admitted to the examination must have a college degree in engineering or physical science or the equivalent of such a degree. The Patent and Trademark Office registers both attorneys at law and persons who are not attorneys at law. The former persons are now referred to as "patent attorneys" and the latter persons are referred to as "patent agents." Insofar as the work of preparing an application for patent and conducting the prosecution in the Patent and Trademark Office is concerned, patent agents are usually just as well qualified as patent attorneys, although patent agents cannot conduct patent litigation in the courts or perform various services which the local jurisdiction considers as practicing law. For example, a patent agent could not draw up a contract relating to a patent, such as an assignment or a license, if the State in which he resides considers drawing contracts as practicing law.

Some individuals and organizations that are not registered advertise their services in the fields of patent searching and invention marketing and development. Such individuals and organizations cannot represent inventors before the Patent and Trademark Office. They are not subject to Patent and Trademark Office discipline, and the Office cannot assist inventors in dealing with them.

The Patent and Trademark Office cannot recommend any particular attorney or agent, or aid in the selection of an attorney or agent, as by stating, in response to inquiry that a named patent attorney, agent, or firm, is "reliable" or "capable." The Patent and Trademark Office publishes a directory of all registered patent attorneys and agents who have indicated their availability to accept new clients, arranged by states, cities, and foreign countries. The Directory must be purchased from the Government Printing Office.

The telephone directories of most large cities have, in the classified section, a heading for patent attorneys under which those in that area are listed. Many large cities have associations of patent attorneys.

In employing a patent attorney or agent, the inventor executes a power of attorney or authorization of agent which must be filed in the Patent and Trademark Office and is usually a part of the application papers. When an attorney has been appointed, the Office does not communicate with the inventor directly but conducts the correspondence with the attorney since he/she is acting for the inventor thereafter,



although the inventor is free to contact the Patent and Trademark Office concerning the status of his/her application. The inventor may remove the attorney or agent by revoking the power or authorization. The Patent and Trademark Office has the power to disbar, or suspend from practicing before it, persons guilty of gross misconduct, etc., but this can only be done after a full hearing with the presentation of clear and convincing evidence concerning the misconduct. The Patent and Trademark Office will receive and, in appropriate cases, act upon complaints against attorneys and agents. The fees charged to inventors by patent attorneys and agents for their professional services are not subject to regulation by the Patent and Trademark Office. Definite evidence of overcharging may afford basis for Patent and Trademark Office action, but the Office rarely intervenes in disputes concerning fees.

## **Disclosure document**

One of the services provided for inventors is the acceptance and preservation for a two-year period of papers disclosing an invention. This disclosure is accepted as evidence of the dates of conception of the invention.

It will be retained for two years at which time it will be destroyed unless it is referred to in a separate letter in a related patent application.

A fee must accompany the disclosure. See current fee schedule. The disclosure is limited to written matter or drawings on paper or other thin, flexible material, such as linen or plastic drafting material, having dimensions or being folded to dimensions not to exceed 8-1/2 x 13 inches (21.6 by 33.0 cm). Photographs are acceptable. Each page should be numbered. Text and drawings should be of such quality as to permit reproduction.

The disclosure must be accompanied by a stamped, self-addressed envelope and a duplicate copy also signed by the inventor. The papers will be stamped with an identifying number and returned with the reminder that the Disclosure Document may be relied upon only as evidence of the date of conception and that an application must be filed in order to provide patent protection.

## **Who may apply for a patent**

According to the law, only the inventor may apply for a patent, with certain exceptions. If a person who is not the inventor should apply for a patent, the patent, if it were obtained, would be invalid. The person applying in such a case who falsely states that he/she is the inventor would also be subject to criminal penalties. If the inventor is dead, the application may be made by legal representatives, that is, the administrator or executor of the estate. If the inventor is insane, the application for patent may be made by a guardian. If an inventor refuses to apply for a patent or cannot be found, a joint inventor or a person having a proprietary interest in the invention may apply on behalf of the missing inventor.

If two or more persons make an invention jointly, they apply for a patent as joint inventors. A person who makes a financial contribution is not a joint inventor and cannot be joined in the application as an inventor. It is possible to correct an innocent mistake in erroneously omitting an inventor or in erroneously naming a person as an inventor.

Officers and employees of the Patent and Trademark Office are prohibited by law from applying for a patent or acquiring, directly or indirectly, except by inheritance or bequest, any patent or any right or interest in any patent.

## Application for patent

An application for a patent is made to the Commissioner of Patents and Trademarks and includes:

- (1) A written document which comprises a specification (description and claims), and an oath or declaration;
- (2) A drawing in those cases in which a drawing is necessary; and
- (3) The filing fee. See fee schedule.

The specification and oath or declaration must be legibly written or printed in permanent ink on one side of the paper. The Office prefers typewriting on letter or legal size paper, 8 to 8-1/2 by 10-1/2 to 13 inches, (20.3 to 21.6 by 26.7 to 33.0 cm) 1-1/2 or double paced with margins of 1 inch (2.54 cm) on the left-hand side and at the top. If the papers filed are not correctly, legibly, and clearly written, the Patent and Trademark Office may require typewritten or printed papers.

The application for patent is not forwarded for examination until all its required parts, complying with the rules relating thereto, are received. If the papers and parts are incomplete, or so defective that they cannot be accepted as a complete application for examination, the applicant will be notified about the deficiencies, and be given a time period in which to remedy them. A surcharge may be required. If the applicant does not respond within the prescribed time period, the application will be returned or otherwise disposed of. The filing fee may be refunded when an application is refused acceptance as incomplete; however, a handling fee will be charged.

It is desirable that all parts of the complete application be deposited in the Office together; otherwise each part must be signed and a letter must accompany each part, accurately and clearly connecting it with the other parts of the application.

All applications are numbered in serial order, and the applicant is informed of the serial number and filing date of the application by a filing receipt. The filing date of the application is the date on which the names of the inventors, a specification (including claims) and any required drawings are received in the Patent and Trademark Office; or the date on which the last part completing the application are received in the case of a previously incomplete or defective application.

### **See:**

[Oath or Declaration, Signature](#)

[Filing Fees\\*](#)

## **Oath or Declaration, Signature**

The oath or declaration of the applicant is required by law. The inventor must make an oath or declaration that he/she believes himself/herself to be the original and first inventor of the subject matter of the application, and he/she must make various other allegations required by law and various allegations required by the Patent and Trademark Office rules. The oath must be sworn to by the inventor before a notary public or other office authorized to administer oaths. A declaration may be used in lieu of an oath as part of the original application for a patent involving designs, plants, and other patentable invention; for reissue patents; when claiming matter originally shown or described but not originally claimed; or when filing a divisional or continuing application. A declaration does not need to be notarized.

The application, oath or declaration must be signed by the inventor in person, or by the person entitled by law to make application on the inventor's behalf. A full first or middle name of each inventor without abbreviation and a middle or first initial, if any, is required. The post office address of the inventor is also required.

Blank forms for applications or certain other papers are not supplied by the Patent and Trademark Office. The papers in a complete application will not be returned for any purpose whatever, nor will the filing fee be returned. If applicants have not preserved copies of the papers, the Office will furnish copies for a fee.

## **Filing Fees\***

The filing fee of an application, except in design and plant cases, consists of a basic fee and additional fees. The basic fee entitles applicant to present twenty (20) claims, including not more than three (3) in independent form. An additional fee is required for each claim in independent form which is in excess of three (3) and an additional fee is required for each claim (whether independent or dependent) which is in excess of a total of twenty (20) claims. If the application contains multiple dependent claims, additional fees are required.

If the owner of the invention is a small entity, (an independent inventor, a small business concern or a non-profit organization), the filing fees are reduced by half if the small entity files a verified statement. Copies of sample verification statements are enclosed.

To avoid errors in the payment of fees it is suggested that the table in the enclosed patent application transmittal letter be utilized to calculate the fee payment.

In calculating fees, a claim is in singularly dependent form if it incorporates by reference a single preceding claim which may be an independent or dependent claim. A multiple dependent claim or any claim depending there from shall be considered as separate dependent claims in accordance with the number of claims to which reference is made.

The law also provides for the payment of additional fees on presentation of additional claims after the application is filed.

When an amendment is filed which presents additional claims over the total number already paid for, or additional independent claims over the number of independent claims already accounted for, it must be accompanied by an additional fees due.

\*Please Note: The fees are current as of the revision date. Fees are subject to change in October each year therefore they should be verified before submission to the PTO. A fee schedule may be obtained by writing to Commissioner of Patents, Washington, D.C. 20231 - Attention Public Service Branch.

## Specification (description and claims)

The specification must include a written description of the invention and of the manner and process of making and using it, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the technological area to which the invention pertains, or with which it is most nearly connected, to make and use the same.

The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperated with it or as may be necessary to a complete understanding or description of it.

The title of the invention, which should be as short and specific as possible, should appear as a heading on the first page of the specification, if it does not otherwise appear at the beginning of the application.

A brief abstract of the technical disclosure in the specification must be set forth in a separate page immediately following the claims in a separate paragraph under the heading "Abstract of the Disclosure."

A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, commensurate with the invention as claimed and any object recited should precede the detailed description. Such summary should be that of the invention as claimed.

When there are drawings, there shall be a brief description of the several views of the drawings, and the detailed description of the invention shall refer to the different views by specifying the numbers of the figures, and to the different parts by use of reference numerals.

The specification must conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as the invention.

The claims are brief descriptions of the subject matter of the invention, eliminating unnecessary details and reciting all essential features necessary to distinguish the invention from what is old. The claims are the operative part of the patent. Novelty and patentability are judged by the claims, and, when a patent is granted, questions of infringement are judged by the courts on the basis of the claims.

When more than one claim is presented, they may be placed in dependent form in which a claim may refer back to and further restrict one or more preceding claims.

A claim in multiple dependent form shall contain a reference, in the alternative only, to more than one claim previously set forth and then specify a further limitation of the subject matter claimed. A multiple dependant claim shall not serve as a basis for any other multiple dependent claim. A multiple dependent claim shall be construed to incorporate by reference all the limitations of the particular claim in relation to which it is being considered.

The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.

The following order of arrangement should be observed in framing the specification:

- (a) Title of the invention.
- (b) Cross-references to related applications, if any.
- (c) Brief summary of the invention.
- (d) Brief description of the several views of the drawing, if there are drawings.
- (e) Detailed Description.
- (f) Claim or claims.
- (g) Abstract of the disclosure.

## Drawing

The applicant for a patent will be required by law to furnish a drawing of the invention whenever the nature of the case requires a drawing to understand the invention. However, the Commissioner may require a drawing where the nature of the subject matters admits of it; this drawing must be filed with the application. This includes practically all inventions except compositions of matter or processes, but a drawing may also be useful in the case of many processes.

The drawing must show every feature of the invention specified in the claim and is required by the Office rules to be in a particular form. The Office specifies the size of the sheet on which the drawing is made, the type of paper, the margins, and other details relating to the making of the drawing. The reason for specifying the standards in detail is that the drawings are printed and published in a uniform style when the patent issues, and the drawings must also be such that they can be readily understood by persons using the patent description.

No names or other identification will be permitted within the "sight" of the drawing, and applicants are expected to use the space above and between the hole locations to identify each sheet of drawings. This identification may consist of the attorney's name and docket number or the inventor's name and case number and may include the sheet number and the total number of sheets filed (for example, "sheet 2 of 4"). The following rule, reproduced from title 37 of the Code of Federal Regulations, relates to the standards for drawings: 1.84 Standards for drawings.

(a) Paper and ink. Drawings must be made upon paper which is flexible, strong, white, smooth, non-shiny and durable. India ink, or its equivalent in quality, is preferred for pen drawings to secure perfectly black solid lines. The use of white pigment to cover lines is not normally acceptable.

(b) Size of sheet and margins. The size of the sheets on which drawings are made may either be exactly 8 1/2 by 14 inches (21.6 by 35.6 cm.) or exactly 21.0 by 29.7 cm. (DIN size A4). All drawing sheets in a particular application must be the same size. One of the shorter sides of the sheet is regarded as its top.

(1) On 8 1/2 by 14 inch drawing sheets, the drawings must include a top margin of 2 inches (5.1 cm.) and bottom and side margins of 1/4 inch (6.4 mm.) from the edges, thereby leaving a "sight" precisely 8 by 11 3/4 inches (20.3 by 29.8 cm.). Margin border lines are not permitted. All work must be included within the "sight." The sheets may be provided with two 1/4 inch (6.4 mm.) diameter holes having their centerlines spaced 11/16 inch (17.5 mm.) below the top edge and 2 3/4 inches (7.0 cm.) apart, said holes being equally spaced from the respective side edges.

(2) On 21.0 by 29.7 cm. drawing sheets, the drawing must include a top margin of at least 2.5 cm., a left side margin of 2.5 cm., a right side margin of 1.5 cm., and a bottom margin of 1.0 cm. Margin border lines are not permitted. All work must be contained within a sight size not to exceed by 26.2 cm.

(c) Character of lines. All drawings must be made with drafting instruments or by a process which will give them satisfactory reproduction characteristics. Every line and letter must be durable, black, sufficiently dense and dark, uniformly thick and well defined; the weight of all lines and letters must be heavy enough to permit adequate reproduction. This direction applies to all lines however fine, to shading, and to lines representing cut surfaces in sectional views. All lines must be clean, sharp, and solid. Fine or crowded lines should be avoided. Solid black should not be used for sectional or surface shading. Freehand work should be avoided wherever it is possible to do so.

(d) Hatching and shading. (1) Hatching should be made by oblique parallel lines spaced sufficiently apart to enable the lines to be distinguished without difficulty. (2) Heavy lines on the shade side of objects should preferably be used except where they tend to thicken the work and obscure reference characters. The light should come from the upper left-hand corner at an angle of 45 degrees. Surface delineations should preferably be shown by proper shading, which should be open.

(e) Scale. The scale to which a drawing is made ought to be large enough to show the mechanism without crowding when the drawing is reduced in size to two-thirds in reproduction, and views of portions of the mechanism on a larger scale should be used when necessary to show details clearly; two or more sheets should be used if one does not give sufficient room to accomplish this end, but the number of sheets should not be more than is necessary.

(f) Reference characters. The different views should be consecutively numbered figures. Reference numerals (and letters, but numerals are preferred) must be plain, legible and carefully formed, and not be encircled. They should, if possible, measure at least one-eighth of an inch (3.2 mm.) in height so that they may bear reduction to one twenty-fourth of an inch (1.1 mm.); and they may be slightly larger 17 when



there is sufficient room. They should not be so placed in the close and complex parts of the drawing as to interfere with a thorough comprehension of the same, and therefore should rarely cross or mingle with the lines. When necessarily grouped around a certain part, they should be placed at a little distance, at the closest point where there is available space, and connected by lines with the parts to which they refer. They should not be placed upon hatched or shaded surfaces but when necessary, a blank space may be left in the hatching or shading where the character occurs so that it shall appear perfectly distinct and separate from the work. The same part of an invention appearing in more than one view of the drawing must always be designated by the same character, and the same character must never be used to designate different parts. Reference signs not mentioned in the description shall not appear in the drawing, and vice versa.

(g) Symbols, legends. Graphical drawing symbols and other labeled representations may be used for conventional elements when appropriate, subject to approval by the Office. The elements for which such symbols and labeled representation are used must be adequately identified in the specification. While descriptive matter on drawings is not permitted, suitable legends may be used, or may be required in proper cases, as in diagrammatic views and flow sheets or to show materials or where labeled representations are employed to illustrate conventional elements. Arrows may be required, in proper cases, to show direction of movement. The lettering should be as large as, or larger than, the reference characters.

(h) [Reserved]

(i) Views. The drawing must contain as many figures as may be necessary to show the invention; the figures should be consecutively numbered if possible in the order in which they appear. The figures may be plain, elevation, section, or perspective views, and detail views of portions of elements, on a larger scale if necessary, may also be used. Exploded views, with the separated parts of the same figure embraced by a bracket, to show the relationship or order of assembly of various parts are permissible. When necessary, a view of a large machine or device in its entirety, may be broken and extended over several sheets if there is not loss in facility of understanding the view. Where figures on two or more sheets form in effect a single complete figure, the figures on the several sheets should be so arranged that the complete figure can be understood by laying the drawing sheets adjacent to one another. The arrangement should be such that no part of any of the figures appearing on the various sheets are concealed and that complete figure can be understood even though spaces will occur in the complete figure because of the margins on the drawing sheets. The plane upon which a sectional view is taken should be indicated on the general view by a broken line, the ends of which should be designated by numerals corresponding to the figure number of the sectional view and have arrows applied to indicate the direction in which the view is taken. A moved position may be shown by a broken line superimposed upon a suitable figure if this can be done with crowding, otherwise a separate figure must be used for this purpose. Modified forms of construction can only be shown in separate figures. Views should not be connected by projection lines nor should center lines be used.

(j) Arrangement of views. All views on the same sheet should stand in the same direction and, if possible, stand so that they can be read with the sheet held in an upright position. If views longer than the width of the sheet are necessary for the clearest illustration of the invention, the sheet may be turned on its side so that the top of the sheet with the appropriate top margin is on the right-hand side. One figure must not be placed upon another or within the outline of another.

(k) Figure for Official Gazette. The drawing should, as far as possible, be so planned that one of the views will be suitable for publication in the Official Gazette as the illustration of the invention.

(l) Extraneous matter. Identifying indicators (such as the attorney's docket number, inventor's name, number of sheets, etc.) not to exceed 2 3/4 inches (7.0 cm.) in width may be placed in a centered location between the side edges within three-fourths inch (19.1 mm.) of the top edge. Authorized security markings may be placed on the drawings provided they are outside the illustrations and are removed when the material is declassified. Other extraneous matter will not be permitted upon the face of a drawing.

(m) Transmission of drawings. Drawings transmitted to the Office should be sent flat, protected by a sheet of heavy binder's board, or may be rolled for transmission in a suitable mailing tube; but must never be folded. If received creased or mutilated, new drawings will be required. (See 1.152 for design drawing, 1.165 for plant drawings, and 1.174 for reissue drawings.)

The requirements relating to drawings are strictly enforced, but a drawing not complying with all of the regulations may be accepted for purpose of examination, and correction or a new drawing will be required

later.

## **Models, exhibits, specimens**

Models are not required in most patent applications since the description of the invention in the specification and the drawings must be sufficiently full and complete and capable of being understood to disclose the invention without the aid of a model. A model will not be admitted unless specifically requested by the examiner.

A working model, or other physical exhibit, may be required by the Office if deemed necessary. This is not done very often. A working model may be requested in the case of applications for patent for alleged perpetual motion devices.

When the invention relates to a composition of matter, the applicant may be required to furnish specimens of the composition, or of its ingredients or intermediates, for inspection or experiment. If the invention is a microbiological invention, a deposit of the micro-organism involved is required.

## **Examination of applications and proceedings in the Patent and Trademark Office**

Applications filed in the Patent and Trademark Office and accepted as complete applications are assigned for examination to the respective examining groups having charge of the areas of technology related to the invention. In the examining group, applications are taken up for examination by the examiner to whom they been assigned in the order in which they have been filed or in accordance with examining procedures established by the Commissioner.

Applications will not be advanced out of turn for examination or for further action except as provided by the rules, or upon order of the Commissioner to expedite the business of the Office, or upon a verified showing which, in the opinion of the Commissioner, will justify advancing them.

The examination of the application consists of a study of the application for compliance with the legal requirements and a search through United States patents, prior foreign patent documents which are available in the Patent and Trademark Office, and available literature, to see if the claimed invention is new and unobvious. A decision is reached by the examiner in the light of the study and the result of the search.

### **See:**

[Office Action](#)

[Applicant's Response](#)

[Final Rejection](#)

## **Office Action**

The applicant is notified in writing of the examiner's decision by an "action" which is normally mailed to the attorney or agent. The reasons for any adverse action or any objection or requirement are stated in the action and such information or references are given as may be useful in aiding the applicant to judge the propriety of continuing the prosecution of his application.

If the invention is not considered patentable subject matter, the claims will be rejected. If the examiner finds that the invention is not new, the claims will be rejected, but the claims may also be rejected if they differ only in an obvious manner from what is found. It is not uncommon for some or all of the claims to be rejected on the first action by the examiner; relatively few applications are allowed as filed.

## **Applicant's Response**

The applicant must request reconsideration in writing, and must distinctly and specifically point out the supposed errors in the examiner's action. The applicant must respond to every ground of objection and rejection in the prior Office action (except that a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated), and the applicant's action must appear throughout to be a bona fide attempt to advance the case to final action. The mere allegation that the examiner has erred will not be received as a proper reason for such reconsideration.

In amending an application in response to a rejection, the applicant must clearly point out why he/she thinks the amended claims are patentable in view of the state of the art disclosed by the prior references cited or the objections made. He/she must also show how the claims as amended avoid such references or objections.

After response by applicant the application will be reconsidered, and the applicant will be notified if claims are rejected, or objections or requirements made, in the same manner as after the first examination. The second Office action usually will be made final.

## **Final Rejection**

On the second or later consideration, the rejection or other action may be made final. The applicant's response is then limited to appeal in the case of rejection of any claim and further amendment is restricted. Petition may be taken to the Commissioner in the case of objections or requirements not involved in the rejection of any claim. Response to a final rejection or action must include cancellation of, or appeal from the rejection of, each claim so rejected and, if any claim stands allowed, compliance with any requirement or objection as to form.

In making such final rejection, the examiner repeats or states all grounds of rejection then considered applicable to the claims in the application.

Interviews with examiners may be arranged, but an interview does not remove the necessity for response to Office actions within the required time, and the action of the Office is based solely on the written record. If two or more inventions are claimed in a single application, and are regarded by the Office to be of such a nature that a single patent should not be issued for both of them, the applicant will be required to limit the application to one of the inventions. The other invention may be made the subject of a separate application which, if filed while the first application is still pending, will be entitled to the benefit of the filing date of the first application. A requirement to restrict the application to one invention may be made before further action by the examiner.

As a result of the examination by the Office, patents are granted in the case of about two out of every three applications for patents which are filed.

## Amendments to application

Following are some details concerning amendments to the application:

The applicant may amend before or after the first examination and action as specified in the rules, or when and as specifically required by the examiner.

After final rejection or action amendments may be made canceling claims or complying with any requirement of form which has been made both the admission of any such amendment or its refusal, and any proceedings relative thereto, shall not operate to relieve the application from its condition as subject to appeal or to save it from abandonment.

If amendments touching the merits of the application are presented after final rejection, or after appeal has been taken, or when such amendment might not otherwise be proper, they may be admitted upon a showing of good and sufficient reasons why they are necessary and were not earlier presented.

No amendment can be made as a matter of right in appealed cases. After decision on appeal, amendments can only be made as provided in the rules.

The specifications, claims and drawing must be amended and revised when required, to correct inaccuracies of description and definition of unnecessary words, and to secure correspondence between the claims, the description, and the drawing.

All amendments of the drawings or specifications, and all additions thereto, must conform to at least one of them as it was at the time of the filing of the application. Matter not found in either, involving a departure from or an addition to the original disclosure, cannot be added to the application even though supported by a supplemental oath or declaration, and can be shown or claimed only in a separate application.

The claims may be amended by canceling particular claims, by presenting new claims, or by amending the language of particular claims (such amended claims being in effect new claims). In presenting new or amended claims, the applicant must point out how they avoid any reference or ground rejection of record which may be pertinent.

Erasures, additions, insertions, or alterations of the papers and records must not be made by the applicant. Amendments are made by filing a paper, directing or requesting that specified changes or additions be made. The exact word or words to be stricken out or inserted in the application must be specified and the precise point indicated where the deletion or insertion is to be made.

Amendments are "entered" by the Office by making the proposed deletions by drawing a line in red ink through the word or words canceled and by making the proposed substitutions or insertions in red ink, small insertions being written in at the designated place and larger insertions being indicated by reference.

No change in the drawing may be made except by permission of the Office. Changes in the construction shown in any drawing may be made only by submitting new drawings. A sketch in permanent ink showing proposed changes, to become part of the record, must be filed for approval by the Office before the new drawings are filed. The paper requesting amendments to the drawing should be separate from other papers.

If the number or nature of the amendments render it difficult to consider the case, or to arrange the papers for printing or copying, the examiner may require the entire specification or claims, or any part thereof, to be rewritten.

The original numbering of the claims must be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When claims are added by amendment or substituted for canceled claims, they must be numbered by the applicant consecutively beginning with the number next following the highest numbered claim previously presented. When the application is ready for allowance, the examiner, if necessary will renumber the claims consecutively in the order in which they appear or in such order as may have been requested by applicant.



## **Time for response and abandonment**

The response of an applicant to an action by the Office must be made within a prescribed time limit. The maximum period for response is set at 6 months by the statute which also provides that the Commissioner may shorten the time for reply to not less than 30 days. The usual period for response to an Office action is 3 months. A shortened time for reply may be extended up to the maximum 6 months period. An extension of time fee is normally required to be paid if the response period is extended. The amount of the fee is dependent upon the length of the extension. If no reply is received within the time period, the application is considered as abandoned and no longer pending. However, if it can be shown that the failure to prosecute was unavoidable or unintentional, the application may be revived by the Commissioner. The revival requires a petition to the Commissioner, and a fee for the petition, which should be filed without delay. The proper response must also accompany the petition if it has not yet been filed.

## **Appeal to the Board of Patent Appeals and interferences and to the courts**

If the examiner persists in the rejection of any of the claims in an application, or if the rejection has been made final, the applicant may appeal to the Board of Patent Appeals and Interferences in the Patent and Trademark Office. The Board of Patent Appeals and Interferences consist of the Commission of Patents and Trademarks, the Deputy Commissioner, the Assistant Commissioners, and the examiners-in-chief, but normally each appeal is heard by only three members. An appeal fee is required and the applicant must file a brief to support his/her position. An oral hearing will be held if requested upon payment of the specified fee.

As an alternative to appeal, in situations where an applicant desires consideration of different claims or further evidence, a new continuation application is filed. The new application requires a filing fee and should submit the claims and evidence for which consideration is desired. If it is filed before expiration of the period for appeal and specific reference is made therein to the earlier application, applicant will be entitled to the earlier filing date for subject matter common to both applications.

If the decision of the Board of Patent Appeals and Interferences is still adverse to the applicant, an appeal may be taken to the Court of Appeals for the Federal Circuit or a civil action may be filed against the Commissioner in the United States District Court for the District of Columbia. The Court of Appeals for the Federal Circuit will review the record made in the Office and may affirm or reverse the office's action. In a civil action, the applicant may present testimony in the court, and the court will make a decision.

## Interferences

Occasionally two or more applications are filed by different inventors claiming substantially the same patentable invention. The patent can only be granted to one of them, and a proceeding known as an "interference" is instituted by the Office to determine who is the first inventor and entitled to the patent. About 1 percent of the applications filed become involved in an interference proceeding. Interference proceedings may also be instituted between an application and a patent already issued, provided the patent has not been issued for more than one year prior to the filing of the conflicting application, and provided that the conflicting application is not barred from being patentable for some other reason. Each party to such proceeding must submit evidence of facts proving when the invention was made. In view of the necessity of proving the various facts and circumstances concerning the making of the invention during an interference, inventors must be able to produce evidence to do this. If no evidence is submitted a party is restricted to the date of filing the application as his earliest date. The priority question is determined by a board of three Examiners-in-Chief on the evidence submitted. From the decision of the Board of Patent Appeals and Interferences, the losing party may appeal to the Court of Appeals for the Federal Circuit or file a civil action against the winning party in the appropriate United States district court. The terms "conception of the invention" and "reduction to practice" are encountered in connection with priority questions. Conception of the invention refers to the completion of the devising of the means for accomplishing the result. Reduction to practice refers to the actual construction of the invention in physical form; in the case of a machine it includes the actual building of the machine, in the case of an article or composition it includes the actual making of the article or composition, in the case of process it includes the actual carrying out of the steps of the process; and actual operation, demonstration, or testing for the intended use is also usually necessary. The filing of a regular application for patent completely disclosing the invention is treated as equivalent to reduction to practice. The inventor who proves to be the first to conceive the invention and the first to reduce it to practice will be held to be the prior inventor, but more complicated situations cannot be stated this simply.

## **Allowance and issue of patent**

If, on examination of the application, or at a later stage during the reconsideration of the application, the patent application is found to be allowable, a notice of allowance will be sent to the applicant, or to applicant's attorney or agent, and a fee for issuing the patent is due within three months from the date of the notice.

The issue fee is due within three months after a written notice of allowance is mailed to the applicant. If timely payment is not made the application will be regarded as abandoned. See current fee schedule.

A provision is made in the statute whereby the Commissioner may accept the fee late, on a showing of unavoidable delay. When the issue fee is paid, the patent issues as soon as possible after the date of payment, dependent upon the volume of printing on hand. The patent grant then is delivered or mailed on the day of its grant, or as soon thereafter as possible, to the inventor's attorney or agent if there is one of record, otherwise directly to the inventor. On the date of the grant, the patent file becomes open to the public. Printed copies of the specification and drawing are available on the same date.

In case the publication of an invention by the granting of a patent would be detrimental to the national defense, the patent law gives the Commissioner the power to withhold the grant of the patent and to order the invention kept secret for such period of time as the national interest requires.

## Nature of patent and patent rights

The patent is issued in the name of the United States under the seal of the Patent and Trademark Office, and is either signed by the Commissioner of Patents and Trademarks or has his name written thereon and attested by an Office official. The patent contains a grant to the patentee and a printed copy of the specification and drawing is annexed to the patent and forms a part of it. The grant confers "the right to exclude others from making, using or selling the invention throughout the United States" and its territories and possessions for the term of 17 years subject to the payment of maintenance fees as provided by law.

The exact nature of the right conferred must be carefully distinguished, and the key is in the words "right to exclude" in the phrase just quoted. The patent does not grant the right to make, use, or sell the invention but only grants the exclusive nature of the right. Any person is ordinarily free to make, use, or sell anything he pleases, and a grant from the Government is not necessary. The patent only grants the right to exclude others from making, using, or selling the invention. Since the patent does not grant the right to make, use, or sell the invention, the patentee's own right to do so is dependent upon the rights of others and whatever general laws might be applicable. A patentee, merely because he or she has received a patent for an invention, is not thereby authorized to make, use or sell the invention if doing so would violate any law. An inventor of a new automobile who has obtained a patent thereon would not be entitled to use the patented automobile in violation of the laws of a State requiring a license, nor may a patentee sell an article the sale of which may be forbidden by a law, merely because a patent has been obtained. Neither may a patentee make, use or sell his/her own invention if doing so would infringe the prior rights of others. A patentee may not violate the Federal antitrust laws, such as by resale price agreements or entering into combination in restraints of trade, or the pure food and drug laws, by virtue of having a patent. Ordinarily there is nothing which prohibits a patentee from making, using, or selling his/her own invention, unless he/she thereby infringes another's patent which is still in force.

Since the essence of the right granted by a patent is the right to exclude others from commercial exploitation of the invention, the patentee is the only one who may make, use or sell the invention. Others may not do so without authorization from the patentee. The patentee may manufacture and sell the invention or may license, that is, give authorization to others to do so

The term of a patent is 17 years. A maintenance fee is due 3 1/2, 7 1/2 and 11 1/2 years after the original grant for all patents issuing from the applications filed on and after December 12, 1980. The maintenance fee must be paid at the stipulated times to maintain the patent in force. After the patent has expired anyone may make, use, or sell the invention without permission of the patentee, provided that matter covered by other unexpired patents is not used. The terms may not be extended except by special act of Congress except for certain pharmaceuticals.

## **Maintenance fees**

All utility patents which issue from applications filed on and after December 12, 1980 are subject to the payment of maintenance fees which must be paid to maintain the patent in force. These fees are due at 3 1/2, 7 1/2 and 11 1/2 years from the date the patents is granted and can be paid without a surcharge during the "window-period" which is the six month period preceding each due date, e.g. 3 years to 3 years and six months, etc. See fee schedule for a list of maintenance fees.

Failure to pay the current maintenance fee on time may result in expiration of the patent. A six month grace period is provided when the maintenance fee may be paid with a surcharge. The grace period is the six month period immediately following the due date. The Patent and Trademark Office does not mail notices to patent owners that maintenance fees are due. If, however, the maintenance fee is not paid on time, efforts are made to remind the responsible party that the maintenance fee may be paid during the grace period with a surcharge.

Patents relating to some pharmaceutical inventions may be extended by the Commissioner for up to five years to compensate for marketing delays due to Federal premarketing regulatory procedures. Patents relating to all other types of inventions can only be extended by enactment of special Federal legislation.

## **Correction of patents**

Once the patent is granted, it is outside the jurisdiction of the Patent and Trademark Office except in a few respects.

The Office may issue without charge a certificate correcting a clerical error it has made in the patent when the printed patent does not correspond to the record in the Office. These are mostly corrections of typographical errors made in printing.

Some minor errors of a typographical nature made by the applicant may be corrected by a certificate of correction for which a charge is made.

The patentee may disclaim one or more claims of this patent by filing in the Office a disclaimer as provided by the statute.

When the patent is defective in certain respects, the law provides that the patentee may apply for a reissue patent. This is a patent granted to replace the original and is granted only for the balance of the unexpired term. However, the nature of the changes that can be made by means of the reissue are rather limited; new matter cannot be added.

Any person may file a request for reexamination of a patent, along with the required fee, on the basis of prior art consisting of patents or printed publications. At the conclusion of the reexamination proceedings, a certificate setting forth the results of the reexamination proceeding is issued.

## Assignments and licenses

A patent is personal property and may be sold to others or mortgaged; it may be bequeathed by a will, and it may pass to the heirs of deceased patentee. The patent law provides for the transfer or sale of a patent, or of an application for patent, by an instrument in writing. Such an instrument is referred to as an assignment and may transfer the entire interest in the patent. The assignee, when the patent is assigned to him or her, becomes the owner of the patent and has the same rights that the original patentee had. The statute also provides for the assignment of a part interest, that is, a half interest, a fourth interest, etc., in a patent. There may also be a grant which conveys the same character of interest as an assignment but only for a particularly specified part of the United States.

A mortgage of patent property passes ownership thereof to the mortgagee or lender until the mortgage has been satisfied and retransferred from the mortgage back to the mortgagor, the borrower, is made. A conditional assignment also passes ownership of the patent and is regarded as absolute until canceled by the parties or by the decree of a competent court.

An assignment, grant, or conveyance of any patent or application for patent should be acknowledged before a notary public or office authorized to administer oaths or perform notarial acts. The certificate of such acknowledgment constitutes prima facie evidence of the execution of the assignment, grant, or conveyance.

### **See:**

[Recording of Assignments](#)

[Joint Ownership](#)



## **Recording of Assignments**

The Office records assignments, grants, and similar instruments sent to it for recording, and the recording serves as notice. If an assignment, grant, or conveyance of a patent or an interest in a patent (or an application for patent) is not recorded in the Office within three months from its date, it is void against a subsequent purchaser for a valuable consideration without notice, unless it is recorded prior to the subsequent purchase.

An instrument relating to a patent should identify the patent by number and date (the name of the inventor and title of the invention as stated in the patent should also be given). An instrument relating to an application should identify the application by its serial number and date of filing, and the name of the inventor and title of the invention as stated in the application should also be given. Sometimes an assignment of an application is executed at the same time that the application is prepared and before it has been filed in the Office. Such assignment should adequately identify the application, as by its date of execution and name of the inventor and title of the invention, so that there can be no mistake as to the application intended.

If an application has been assigned and the assignment is recorded, on or before the date the issue fee is paid, the patent will be issued to the assignee as owner. If the assignment is of a part interest only, the patent will be issued to the inventor and assignee as joint owners.

## **Joint Ownership**

Patents may be owned jointly by two or more persons as in the case of patent granted to joint inventors, or in the case of the assignment of a part interest in a patent. Any joint owner of a patent, no matter how small the part interest, may make, use, and sell the invention for his or her own profit, without regard to the other owner, and may sell the interest or any part of it, or grant licenses to others, without regard to the other joint owner, unless the joint owners have made a contract governing their relation to each other. It is accordingly dangerous to assign a part interest without a definite agreement between the parties as to the extent of their respective rights and their obligations to each other if the above result is to be avoided.

The owner of a patent may grant licenses to others. Since the patentee has the right to exclude others from making, using or selling the invention, no one else may do any of these things without his permission. A license is the permission granted by the patent owner to another to make, use, or sell the invention. No particular form of license is required; a license is a contract and may include whatever provisions the parties agree upon, including the payment of royalties, etc.

The drawing up of a license agreement (as well as assignments) is within the field of an attorney at law, although such attorney should be familiar with patent matters as well. A few States have prescribed certain formalities to be observed in connection with the sale of patent rights.

## **Infringement of patents**

Infringement of a patent consists in the unauthorized making, using, or selling of the patented invention within the territory of the United States, during the term of the patent. If a patent is infringed, the patentee may sue for relief in the appropriate Federal court. The patentee may ask the court for an injunction to prevent the continuation of the infringement and may also ask the court for an award of damages because of the infringement. In such an infringement suit, the defendant may raise the question of the validity of the patent, which is then decided by the court. The defendant may also aver that what is being done does not constitute infringement. Infringement is determined primarily by the language of the claims of the patent and, if what the defendant is making does not fall within the language of any of the claims of the patent, there is no infringement.

Suits for infringement of patents follow the rules of procedure of the Federal courts. From the decision of the district court, there is an appeal to the Court of Appeals for the Federal Circuit. The Supreme Court may thereafter take a case by writ of certiorari. If the United States Government infringes a patent, the patentee has a remedy for damages in the United States Claims Court. The Government may use any patented invention without permission of the patentee, but the patentee is entitled to obtain compensation for the use by or for the Government.

If the patentee notifies anyone that is infringing the patent or threatens suit, the one charged with infringement may start the suit in a Federal court.

The office has no jurisdiction over questions relating to infringement of patents. In examining applications for patent, no determination is made as to whether the invention sought to be patented infringes any prior patent. An improvement invention may be patentable, but it might infringe a prior patent for the invention improved upon, if there is one.

## **Patent marking and "Patent Pending"**

A patentee who makes or sells patented articles, or a person who does so for or under the patentee is required to mark the articles with the word "Patent" and the number of the patent. The penalty for failure to mark is that the patentee may not recover damages from an infringer unless the infringer was duly notified of the infringement and continued to infringe after the notice.

The marking of an article as patented when it is not in fact patented is against the law and subjects the offender to a penalty.

Some persons mark articles sold with the terms "Patent Applied For" or "Patent Pending." These phrases have no legal effect, but only give information that an application for patent has been filed in the Patent and Trademark Office. The protection afforded by a patent does not start until the actual grant of the patent. False use of these phrases or their equivalent is prohibited.

## **Design patents**

The patent laws provide for the granting of design patents to any person who has invented any new, original and ornamental design for an article of manufacture. The design patent protects only the appearance of an article, and not its structure or utilitarian features. The proceedings relating to granting of design patents are the same as those relating to other patents with a few differences.

See current fee schedule for the filing fee for a design application. A design patent has a term of 14 years, and no fees are necessary to maintain a design patent in force. If on examination it is determined that an applicant is entitled to a design patent under the law, a notice of allowance will be sent to the applicant or applicant's attorney, or agent, calling for the payment of an issue fee.

The drawing of the design patent conforms to the same rules as other drawings, but no reference characters are required.

The specification of a design application is short and ordinarily follows a set form. Only one claim is permitted, following a set form.

## Plant patents

The law also provides for the granting of a patent to anyone who has invented or discovered and asexually reproduced any distinct and new variety of plant, including cultivated sports, mutants, hybrids, and newly found seedlings, other than a tuber-propagated plant or a plant found in an uncultivated state. Asexually propagated plants are those that are reproduced by means other than from seeds, such as by the rooting of cuttings, by layering, budding, grafting, inarching, etc.

With reference to tuber-propagated plants, for which a plant patent cannot be obtained, the term "tuber" is used in its narrow horticultural sense as meaning a short, thickened portion of an underground branch. The only plants covered by the term "tuber-propagated" are the Irish potato and the Jerusalem artichoke. An application for a plant patent consists of the same parts as other applications. A plant patent has term of 17 years.

The application papers for a plant patent and any responsive papers pursuant to the prosecution must be filed in duplicate but only one need be signed (in the case of the application papers the original should be signed); the second copy may be a legible copy of the original. The reason for providing an original and duplicate file is that the duplicate file is sent to the Agricultural Research Service, Department of Agriculture for an advisory report on the plant variety.

The specification should include a complete detailed description of the plant and the characteristics thereof that distinguish the same of related known varieties, and its antecedents, expressed in botanical terms in the general form followed in standard botanical text books or publications dealing with the varieties of the kind of plant involved (evergreen tree, dahlia plant, rose plant, apple tree, etc.), rather than a mere broad nonbotanical characterization such as commonly found in nursery or seed catalogs. The specification should also include the origin or parentage of the plant variety sought to be patented and must particularly point out where and in what manner the variety of plant has been asexually reproduced. Where color is a distinctive feature of the plant the color should be positively identified in the specification by reference to a designated color as given by a recognized color dictionary. Where the plant variety originated as a newly found seedling, the specification must fully describe the conditions (cultivation, environment, etc.) under which the seedling was found growing to establish that it was not found in an uncultivated state.

A plant patent is granted on the entire plant. It therefore follows that only one claim is necessary and only is permitted.

The oath or declaration required of the applicant in addition to the statements required for other applications must include the statement that the applicant has asexually reproduced the new plant variety. Plant patent drawings are not mechanical drawings and should be artistically and competently executed. The drawing must disclose all the distinctive characteristics of the plant capable of visual representation. When color is a distinguishing characteristic of the new variety, the drawing must be in color. Two duplicate copies of color drawings must be submitted. Color drawings may be made either in permanent water color or oil, or in lieu thereof may be photographs may be color photography or properly colored on sensitized paper. The paper in any case must correspond in size, weight, and quality to the paper required for other drawings. Mounted photographs are acceptable. Specimens of the plant variety, its flower or fruit, should not be submitted unless specifically called for by the examiner.

The filing fee on each plant application and the issue fee can be found in the fee schedule. For a qualifying small entity filing and issue fees are reduced by half.

All inquiries relating to plant patents and pending plant patent applications should be directed to the Patent and Trademark Office and not to the Department of Agriculture.

The Plant Variety Protection Act (Public Law 91-577), approved December 24, 1970) provides for a system of protection for sexually reproduced varieties, for which protection was not previously provided, under the administration of a Plant Variety Protection Office within the Department of Agriculture.

Requests for information regarding the protection of sexually reproduced varieties should be addressed to Commissioner, Plant Variety Protection Office, Agricultural Marketing Service, National Agricultural Library Bldg., Room 500, 10301 Baltimore Blvd., Beltsville, Md. 20705-2351.

## Treaties and foreign patents

Since the rights granted by a United States patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in other countries must apply for a patent in each of the other countries or in regional patent offices. Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country, in accordance with the requirements of that country.

The laws of many countries differ in various respects from the patent law of the United States. In most foreign countries, publication of the invention before the date of the application will bar the right to a patent. In most foreign countries maintenance fees are required. Most foreign countries require that the patented invention must be manufactured in that country after a certain period, usually three years. If there is no manufacture within this period, the patent may be void in some countries, although in most countries the patent may be subject to the grant of compulsory licenses to any person who may apply for a license.

There is a treaty relating to patents which is adhered to by 100 countries, including the United States, and is known as the Paris Convention for the Protection of Industrial Property. It provides that each country guarantee to the citizens of the other countries the same rights in patent and trademark matters that it gives to its own citizens. The treaty also provides for the right of priority in the case of patents, trademarks and industrial designs (design patents). This right means that, on the basis of a regular first application filed in one of the member countries, the applicant may within a certain period of time, apply for protection in all the other member countries. These later applications will then be regarded as if they had been filed on the same day as the first application. Thus, these later applicants will have priority over applications for the same invention which may have been filed during the same period of time by other persons.

Moreover, these later applications, being based on the first application, will not be invalidated by any acts accomplished in the interval, such as, for example, publication or exploitation of the invention, the sale of copies of the design, or use of the trademark. The period of time mentioned above, within which the subsequent applications may be filed in the other countries, is 12 months in the case of first applications for patent and six months in the case of industrial designs and trademarks.

Another treaty, known as the Patent Cooperation Treaty, was negotiated at a diplomatic conference in Washington, D.C., in June of 1970. The treaty came into force on January 24, 1978, and is presently adhered to by 44 countries, including the United States. The treaty facilitates the filing of applications for patent on the same invention in member countries by providing, among other things, for centralized filing procedures and a standardized application format.

The timely filing of an international application affords applicants an international filing date in each country which is designated in the international application and provides (1) a search of the invention and (2) a later time period within which the national applications for patent must be filed.

A number of patent attorneys specialize in obtaining patents in foreign countries. In general, an inventor should be satisfied that he could make some profit from foreign patents or that there is some particular reason for obtaining them, before he attempts to apply for foreign patents.

Under United States law it is necessary, in the case of inventions made in the United States, to obtain a license from the Commissioner of Patents and Trademarks before applying for a patent in a foreign country. Such a license is required if the foreign application is to be filed before an application is filed in the United States or before the expiration of six months from the filing of an application in the United States. The filing of an application for patent constitutes the request for a license and the granting or denial of such request is indicated in the filing receipt mailed to each applicant. After six months from the United States filing, a license is not required unless the invention has been ordered to be kept secret. If the invention has been ordered to be kept secret, the consent to the filing abroad must be obtained from the Commissioner of Patents and Trademarks during the period the order of secrecy is in effect.

## Foreign applicant for United States patents

The patent laws of the United States make no discrimination with respect to the citizenship of the inventor. Any inventor, regardless of his citizenship, may apply for a patent on the same basis as a U.S. citizen. There are, however, a number of particular points of special interest to applicants located in foreign countries.

The application for patent in the United States must be made by the inventor and the inventor must sign the oath or declaration (with certain exceptions), differing from the law in many countries where the signature of the inventor and an oath of inventorship are not necessary. If the inventor is dead, the application may be made by his executor or administrator, or equivalent, and in the case of mental disability it may be made by his legal representative (guardian).

No United States patent can be obtained if the invention was patented abroad before applying in the United States by the inventor or his legal representatives or assigns on an application filed more than 12 months before filing in the United States. Six months are allowed in the case of a design patent.

An application for a patent filed in the United States by any person who has previously regularly filed an application for a patent from the same invention in a foreign country which affords similar privileges to citizens of the United States shall have the same force and effect for the purpose of overcoming intervening acts of others as if filed in the United States on the date on which the application for a patent for the same invention was first filed in such foreign country, provided the application in the United States is filed within 12 months (6 months in the case of a design patent) from the earliest date on which any such foreign application was filed. A copy of the foreign application certified by the patent office of the country in which it was filed is required to secure this right of priority.

If any application for patent has been filed in any foreign country by the applicant or by his legal representatives or assigns prior to his application in the United States, the applicant must, in the oath or declaration accompanying the application, state the country in which the earliest such application has been filed, giving the date of filing the application; and all applications filed more than a year before the filing in the United States must also be recited in the oath or declaration.

An oath or declaration must be made with respect to every application. When the applicant is in a foreign country the oath or affirmation may be before any diplomatic or consular officer of the United States, or before any officer having an official seal and authorized to administer oaths in the foreign country, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States, the oath being attested in all cases by the proper official seal of the officer before whom the oath is made.

When the oath is taken before an officer in the country foreign to the United States, all the application papers (except the drawing) must be attached together and a ribbon passed one or more times through all the sheets of the application, and the ends of the ribbons brought together under the seal before the latter is affixed and impressed, or each sheet must be impressed with the official seal of the officer before whom the oath was taken.

If the application is filed by the legal representative (executive, administrator, etc.) of a deceased inventor, the legal representative must make the oath or declaration.

When a declaration is used, the ribboning procedure is not necessary, nor is it necessary to appear before an official in connection with the making of a declaration.

A foreign applicant may be represented by any patent attorney or agent who is registered to practice before the United States Patent and Trademark Office.



## Fees and payment

Following is a list of patent related fees and charges which are payable to the Patent and Trademark Office:

Filing Fees	Fee	Small Entity Fee if Applicable
Basic filing fee-utility	730.00	365.00
Independent claims in excess of three	76.00	38.00
Claims in excess of twenty	22.00	11.00
Multiple dependent claim	240.00	120.00
Surcharge-late filing fee or oath or declaration	130.00	65.00
Design filing fee	300.00	150.00
Plant filing fee	490.00	245.00
Reissue filing fee	730.00	365.00
Reissue independent claims over original patent	76.00	38.00
Reissue claims in excess of 20 and over original patent	22.00	11.00
Non-English specification	130.00	
Extension Fees		
Extension for response within the first month	110.00	55.00
Extension for response within the second month	370.00	185.00
Extension for response within the third month	870.00	435.00
Extension for response within the fourth month	1,960.00	680.00
Appeals/Interference Fees		
Notice of appeal	280.00	140.00
Filing a brief in support of an appeal	280.00	140.00
Request for oral hearing	240.00	120.00
Issue Fees		
Utility issue fees	1,210.00	605.00
Design issue fee	420.00	140.00
Plant issue fee	610.00	305.00
Miscellaneous Fees		
Extension of term patent	1,030.00	
Requesting publication of SIR- Prior to examiner's action	840.00*	
Requesting publication of SIR- After examiners action	1,690.00*	
Certificate of correction	100.00	
For filing a request for reexamination	2,230.00	
Statutory Disclaimer	110.00	55.00
Patent Petition Fees		
Petitions to the Commissioner, unless otherwise specified	130.00	
Submission of an information disclosure statement	210.00	
Petition to institute a public use proceeding	1,390.00	
Petition to revive unavoidable abandoned application	110.00	
Petition to revive unintentionally abandoned application	1,210.00	605.00
Maintenance Fees:		
Applications filed on or after December 12, 1980		
Due at 3.5 years	960.00	480.00
Due at 7.5 years	1,930.00	965.00
Due at 11.5 years	2,900.00	1,450.00
Surcharge-Late payment within 6 months	130.00	65.00
Surcharge after expiration	640.00	
*Reduced by Basic Filing Fee Paid		
PCT Fees-National Stage		
Surcharge-Late filing fee or oath or declaration	130.00	65.00

English translation-after twenty months	130.00	
IPEA-U.S.	660.00	330.00
ISA-U.S.	730.00	365.00
PTO not ISA or IPEA	980.00	490.00
Claims meet PCT Article 33(l)-(4)- IPEA-U.S.	92.00	46.00
Claims-extra independent (over three)	76.00	38.00
Claims-extra total (over twenty)	22.00	11.00
Claims-multiple dependent	240.00	120.00
For filing with EPO or JPO search report	850.00	425.00
PCT Fees-International Stage		
Transmittal fee	210.00	
PCT search fee-no U.S. application	640.00+	
Supplemental search per additional invention	180.00+	
PCT search-prior U.S. application	420.00+	
Preliminary examination fee-ISA was the U.S.	460.00+	
Preliminary examination fee-ISA not the U.S.	690.00+	
Additional invention-ISA was the U.S.	140.00	
Additional invention-ISA not the U.S.	240.00+	
PCT Fees to WIPO		
Basic fee (first thirty pages)	530.00*	
Basic supplemental fee (for each page over thirty)	10.00*	
Handling fee	162.00*	
Designation fee per country	128.00*	
PCT Fees to EPO		
International search	1,537.00	
+ Effective October 1, 1994		
* WIPO and EPO fees subject to periodic change due to the fluctuations in exchange rate.Refer to Patent Official Gazette for current amounts.		
Patent Service Fees	Fee	
Printed copy of patent w/o color, regular service	3.00	
Printed copy of patent w/o color expedited local service	6.00	
Printed copy of patent w/o color, ordered via EOS, expedited service	25.00	
Printed copy of plant patent, in color	12.00	
Copy of utility patent or SIR, with color drawings	24.00	
Certified or uncertified copy of patent application as filed, regular service	12.00	
Certified or uncertified copy of patent application, expedited local service	24.00	
Certified or uncertified copy of patent-related file wrapper and contents	150.00	
Certified or uncertified copy of document, unless otherwise provided	25.00	
For assignment records, abstract of title and certification per patent	25.00	
Library Service	50.00	
List of U.S. patents and SIRs in subclass	3.00	
Uncertified statement re status of maintenance fee payments	10.00	
Copy of non-U.S. document	25.00	
Comparing and Certifying Copies, Per Document, Per Copy	25.00	
Additional filing receipt, duplicate or corrected due to application error	25.00	
Filing a Disclosure Document	10.00	

Local delivery box rental, per annum	50.00
International type search report	40.00
Self-service copy charge, per page	0.25
Recording each patent assignment, agreement or other paper, per property	40.00
Publication in Official Gazette	25.00
Labor charges for services, per hour or fraction thereof	30.00
Unspecified other services	AT COST
Retaining abandoned application	130.00
Handling fee for incomplete or improper application	130.00
Automated Patent System (APS-text) terminal session time, per hr	40.00
Patent coupons	3.00
APS text terminal session time, per hr., at the PTDLs annual subscription	0.00*
Handling fee for withdrawal of SIR	130.00
APS-CSIR terminal session time, per hr.	50.00
Patent Enrollment Fees	
Admission to examination	300.00
Registration to practice	100.00
Reinstatement to practice	15.00
Copy of certificate of good standing	10.00
Certificate of good standing-suitable for framing	20.00
Review of decision of Director, Office of Enrollment and Discipline	130.00
Regrading of Examination	130.00

\*Collection of the fee for APS-Text access at the PTDLs has been suspended until further notice.

Additional Fee Information-Call (703)308-HELP

THE ABOVE PRICES ARE SUBJECT TO CHANGE WITHOUT NOTICE

All payment of money required for Patent and Trademark Office fees should be made in United States specie. Treasury notes, post office money orders or postal notes payable to the Commissioner of Patents and Trademarks, or by certified checks. If sent in any other form, the Office may delay or cancel the credit until collection is made. Postage stamps are not acceptable. Money orders and checks must be made payable to the Commissioner of Patents and Trademarks. Remittances from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required. Money paid by actual mistake or in excess, such as a payment not required by law, will be refunded, but a mere change of purpose after the payment of money, as with a party desires to withdraw his application for a patent or to withdraw an appeal, will not entitle a party to demand such a return. Amounts of \$1.00 or less will not be returned unless specifically demanded, within a reasonable time.

## Answers to Questions Frequently Asked

1. Q. What do the terms "patent pending" and "patent applied for mean?"

A. They are used by a manufacturer or seller of an article to inform the public that an application for patent on that article is on file in the Patent and Trademark Office. The law imposes a fine on those who use these terms falsely to deceive the public.

2. Q. Is there any danger that the Patent and Trademark Office will give others information contained in my application while it is pending?

A. No. All patent applications are maintained in the strictest secrecy until the patent is issued. After the patent is issued, however, the Office file containing the application and all correspondence leading up to issuance of the patent is made available in the Files Information Room for inspection by anyone, and copies of these files may be purchased from the Office.

3. Q. May I write to the Patent and Trademark Office directly about my application after it is filed?

A. The Office will answer an applicant's inquiries as to the status of the application, and inform you whether your application has been rejected, allowed, or is awaiting action. However, if you have a patent attorney or agent the Office will not correspond with both you and the attorney concerning the merits of your application. All comments concerning your application should be forwarded through your attorney or agent.

4. Q. Is it necessary to go to the Patent and Trademark Office to transact business concerning patent matters?

A. No; most business with the Office is conducted by correspondence. Interviews regarding pending applications can be arranged with examiners if necessary, however, and are often helpful.

5. Q. If two or more persons work together to make an invention, to whom will the patent be granted?

A. If each had a share in the ideas forming the invention, they are joint inventors and a patent will be issued to them jointly on the basis of a proper patent application. If on the other hand one of these persons has provided all of the ideas of the invention, and the other has only followed instructions in making it, the person who contributed the ideas is the sole inventor and the patent application and patent shall be in his name alone.

6. Q. If one person furnishes all of the ideas to make an invention and another employs him or furnished the money for building and testing the invention, should the patent application be filed by them jointly?

A. No. The application must be signed by the true inventor, and filed in the Patent and Trademark Office, in the inventor's name. This is the person who furnishes the ideas, not the employer or the person who furnishes the money.

7. Q. Does the Patent and Trademark Office control the fees charged by patent attorneys and agents for their services?

A. No. This is a matter between you and your patent attorney or agent in which the Office takes no part. To avoid misunderstanding you may wish to ask for estimate charges for: (a) the search (b) preparation of the patent application, (c) Patent and Trademark prosecution.

8. Q. Will the Patent and Trademark Office help me to select a patent attorney or agent to make my patent search or to prepare and prosecute my patent application?

A. No. The Office cannot make this choice for you. However, your own friends or general attorney may help you in making a selection from among those listed as registered practitioners on the Office roster. Also, some bar associations operate lawyer referral services that maintain lists of patent lawyers available to accept new clients.

9. Q. Will the Patent and Trademark Office advise me as to whether a certain patent promotion organization is reliable and trustworthy?

A. No. The Office has no control over such organizations and does not supply information about them. It is advisable, however, to check on the reputation of invention promotion firms before making any commitments. It is suggested that you obtain this information by inquiring of the Better Business Bureau of the city in which the organization is located, or of the bureau of commerce and industry or bureau of consumer affairs of the state in which the organization has its place of business. You may also undertake to make sure that you are dealing with reliable people by asking your own patent attorney or agent or by inquiry of others who may know them.

10. Q. Are there any organizations in my area which can tell me how and where I may be able to obtain assistance in developing and marketing my invention?

A. Yes. In your own or neighboring communities you may inquire of such organizations as chambers of commerce, and banks. Many communities have locally financed industrial development organizations which can help you locate manufacturers and individuals who might be interested in promoting your idea.

11.Q. Are there any state government agencies that can help me in developing marketing of my invention?

A. Yes. In nearly all states there are state planning and development agencies or departments of commerce and industry which seek new product and new process ideas to assist manufacturers and communities in the state. If you do not know the names or addresses of you state organizations you can obtain this information by writing to the governor of your state.

12.Q. Can the Patent and Trademark Office assist me in the developing and marketing of my patent?

A. The Office cannot act or advise concerning the business transactions or arrangements that are involved in the development and marketing of an invention. However, the Office will publish, at the request of a patent owner, a notice in the Official Gazette that the patent is available for licensing or sale. The fee for this is \$20.

# Vehicle Repossession

Facts for Consumers from the Federal Trade Commission

## Vehicle Repossession

When you buy a car, truck, or other vehicle on credit, you should be aware that, until you have made the last payment, your creditor retains important rights in the vehicle. These rights are established by the contract you signed and by the law of your state. Your failure to make timely payments on the vehicle carries serious consequences. Your creditor will then have the right to "repossess" - take back - your car without going to court or, in many states, without warning you in advance.

However, your creditor's right to repossess your car is subject to some limitations. In particular, state law places limits on how your creditor may repossess the vehicle and resell it to reduce or eliminate your debt. If any rules are violated, your creditor may lose other rights against you, or even be required to pay you damages. For further information about the rights discussed generally below, and about your state's specific repossession requirements, contact your state consumer protection agency or your private attorney.

### **See:**

[Seizing the Car](#)

[Reselling the Car](#)

[Paying the Deficiency](#)

[Talking with Your Creditor](#)

[Where to Find More Information](#)

## Seizing the Car

Normally, your creditor has legal authority to seize your vehicle as soon as you "default" on your loan. What constitutes default will be stated in your contract, but failure to make a payment on time would certainly be an example.

However, if your creditor has agreed to accept your late payments or to change your payment date, the terms of your original contract may no longer apply. Such a change in your credit contract may be made orally, in writing, or, sometimes, simply by your creditor's repeated acceptance of late payments without complaint.

Once you are in default, the laws of most states permit the creditor to repossess your car at any hour of the day or night, without prior notice, and to come onto your property to do so. However, when seizing the vehicle, your creditor may not commit a "breach of the peace" by, for example, using physical force or threats of force. Taking your car over your protest or removing it from a closed garage without your permission also may constitute a breach of the peace, depending on the law in your state.

Should there be a breach of the peace in seizing your car, your creditor may be required to pay a penalty or, if any harm is done to you or your property, to compensate you. Also, because of a breach of peace, your creditor may lose the right to collect a "deficiency judgment." A deficiency judgment is the difference between what you owe on your loan and what your creditor receives when reselling your vehicle. A private attorney or your local legal aid society can give you guidance about how your state courts have dealt with these matters.

## Reselling the Car

Once your car has been repossessed, your creditor may decide to keep the car as compensation for your debt or to resell it in either a public or private sale. In any case, generally your creditor must notify you about what will happen to the car. Under most state laws, your creditor must tell you if it wants to keep the car because you have the right to demand that the car be sold instead. You may want to exercise this right if the car is worth more than what you owe on it. Most creditors prefer to sell the car, however, rather than keep it. If your creditor chooses to resell the car at public auction, state law usually requires you to be notified of the date so that, if you wish, you can attend and participate in the bidding. If the vehicle is to be sold privately, you are usually entitled to a notice of the date after which it will be sold.

In any of these circumstances, you may be entitled to "redeem" or buy back the vehicle by paying the full amount owed on it, plus the expenses connected with its repossession, such as storage and preparation for sale. Some states have consumer protection laws that also allow you to "reinstate" your loan. This means that you can reclaim your car by paying the amount you are behind on your loan together with your creditor's repossession expenses. Check with your state consumer protection office to learn what the laws are in your state.

Any resale of a repossessed car must be conducted in a "commercially reasonable manner." This does not mean that your creditor must get the highest possible price (or even a good price) for the vehicle. A resale price that is below fair market value, however, may indicate that the sale was not commercially reasonable. A sale made according to standard custom in a particular business or in an established market will be considered commercially reasonable in almost all cases. Failure to resell your car in a commercially reasonable manner may give you either a claim against your creditor for damages or a defense against a deficiency judgment. (For an explanation, see the next section.)

Whatever method is used to dispose of a repossessed car, a creditor may not keep or sell any personal property found inside. (This does not include most improvements made to the car itself, such as the addition of a stereo player or luggage rack.) Your creditor also may be required to use reasonable care to prevent others from removing your property from the repossessed car. If you find that your creditor cannot account for valuable articles left in your car, you may wish to speak with an attorney about your right to compensation.



## **Paying the Deficiency**

Any difference between what you owe on your loan and what your creditor gets for reselling the vehicle is a "deficiency." For example, if you owed \$2,500 on the car and your creditor sells it for \$1,500, the deficiency is \$1,000. In most states, a creditor who has followed the proper procedures for repossession and sale is allowed to sue you for a "deficiency judgment" to collect the loan balance. Several states, however, have consumer protection laws that restrict creditors from suing for a deficiency when vehicles or other similar consumer goods are involved. Your state consumer protection agency will be able to tell you whether this is true in the state where you live.

If you are sued for a deficiency judgment, you will be notified about the date of the court hearing. It may be important for you to appear at this hearing, because it may be your only opportunity to use any legal defenses you may have. If your creditor breached the peace when seizing the vehicle or failed to resell the car in a commercially reasonable manner, these may be defenses against a deficiency judgment. An attorney will be able to tell you whether you have grounds to contest a deficiency judgment.

## Talking with Your Creditor

Because it is difficult to dispute a repossession once it has occurred, you should contact your creditor when you first realize you will be late with a payment. Many creditors will agree to a delay, if they believe you will be able to pay later.

Sometimes it may be possible to negotiate with your creditor to improve your position. If you do reach an agreement to modify your original contract, be sure it is in writing so that it cannot be questioned later. You may wish to hire an attorney or contact your local attorney referral service for low-cost legal help. However, your creditor may refuse to accept late payments and may demand that you return the car. By agreeing to a "voluntary repossession," you may reduce your creditor's expenses in retaking the car, which you otherwise would be responsible for paying. But remember, even if you return the car voluntarily, you still are responsible for paying any deficiency on your loan, and your creditor still may enter the repossession on your credit report.

If you need help in dealing with your debts, you may want to contact a Consumer Credit Counseling Service (CCCS). This is a non-profit organization with more than 850 offices located in 50 states. CCCS counselors will try to arrange a repayment plan that is acceptable to you and your creditors. They also will help you set up a realistic budget and plan future expenses. These services are offered at little or no charge to you. You can find the CCCS office nearest you by checking the white pages of your local telephone directory or by contacting:

National Foundation for Consumer Credit, Inc.  
8611 Second Avenue, Suite 100  
Silver Spring, Maryland 20910  
(301) 589-5600  
1(800) 388-2227

## **Where to Find More Information**

The Federal Trade Commission does not resolve individual problems between lenders and borrowers, but it can act against a creditor if it sees a pattern of possible federal law violations. If you have a complaint that may involve a violation of consumer protection law administered by the Commission, write to: Correspondence Branch, Federal Trade Commission, Washington, D.C. 20580.

## Health Spas: Exercise Your Rights

Facts for Consumers from the Federal Trade Commission

Looking for a way to get in shape? You may be considering joining a health spa, a place where members work to improve their physical condition through exercise, weight control, and other treatments. While many people regularly use and enjoy health spas, others have written the Federal Trade Commission with complaints. The most frequent complaints concern high pressure sales tactics, misrepresentations about facilities and services, spas that go out of business, and failure to honor cancellation and refund clauses. You may avoid disappointment, however, if you find out about the spa's fees, contractual requirements, and facilities before you join. Here are some suggestions for comparison shopping for a health spa.

### See:

[Inspect the Spa](#)

[Consider Contracts Carefully](#)

[For More Information](#)

## Inspect the Spa

Visit during the hours you would normally use the spa to see if it is overcrowded during that period. Notice whether the facilities are clean and well-maintained and note the condition of the equipment. You also may want to ask questions like these.

"Is there a trial period during which I can sample services free of charge?"

"How many members do you have? Is there a limit to the number of people who can join?" Many spas set no membership limit.

So while the spa may not be crowded during your visit, this condition may change -- especially if the spa is new.

"What hours will I be able to use the spa?" A spa may be open all week, but may be limited to men on some days and women on others.

"What qualifications or special training do your instructors have?"

## Consider Contracts Carefully

Some spas ask you to join right away. You might be offered special time-limited rates as an incentive. But if you wait a few days, you may make a better decision. Take the contract home and read it carefully. Before you sign it, see if you can answer these questions:

Is everything the salesperson promised written in the contract? If a problem arises after you join, the contract will probably govern the dispute. If something is not written in the contract, do not count on it being resolved.

Is there a "cooling-off" period? Some spas give you several days to reconsider your decision to join after you have signed the contract.

Can you get a refund if you need to cancel? If you move, become disabled, or just want to stop using the spa, can you get a refund or get out of your contract. This is especially important if you choose a long-term membership.

Can you join for a short time only? It may be to your advantage to pay a little more money and join for only a few "trial" months.

That way, if you are not enjoying the membership or using it as much as you planned, you will not be committed to many years of payments.

Can you afford the payments? Take into consideration the finance charges and annual percentage rates when you figure the total cost of your membership. Figure this cost per week and per day to give you a better idea of what it will cost to use the spa.

## **For More Information**

Before you join a spa, you may want to contact your local consumer protection office, state Attorney General, or Better Business Bureau to find out if they have received any complaints about the spa or if there are state laws regulating health spa sales. If problems arise after you join, you also can contact these offices for assistance. Although the FTC cannot intervene in individual cases, the staff monitors health spa practices and would like to receive a copy of any consumer complaints. Write to: Correspondence Branch, Federal Trade Commission, Washington, D.C. 20580.

# Basic Facts About Registering a Trademark

U.S. Department of Commerce/Patent and Trademark Office  
U.S. DEPARTMENT OF COMMERCE  
PATENT & TRADEMARK OFFICE

## See:

[What is a trademark?](#)

[The registration process](#)

[Filing requirements](#)

[Additional requirements for intent-to-use applications](#)

[Patent and Trademark Office services](#)

[Sample written application based on use in commerce](#)

[Sample written application based on intent to use in commerce](#)

[Sample drawing - special form](#)

[Sample specimen for services \(Advertisement\)](#)

[Sample specimen for services](#)

[Sample specimens for goods](#)

[Instructions and information for applicant](#)

[Instructions and information for applicant](#)

[Instructions and information for applicant](#)

[Mailing instructions](#)

[International schedule of classes of goods and services](#)



## What is a trademark?

A TRADEMARK is either a word, phrase, symbol or design, or combination of words, phrases, symbols or designs, which identifies and distinguishes the source of the goods or services of one party from those of others. A service mark is the same as a trademark except that it identifies and distinguishes the source of a service rather than a product. Throughout this booklet the terms "trademark" and "mark" are used to refer to both trademarks and service marks whether they are word marks or other types of marks. Normally, a mark for goods appears on the product or on its packaging, while a service mark appears in advertising for the services.

A trademark is different from a copyright or a patent. A copyright protects an original artistic or literary work; a patent protects an invention. For copyright information call the Library of Congress at (202) 707-3000.

### See:

[Establishing Trademark rights](#)

[Types of Applications for Federal Registration](#)

[Who May File an Application?](#)

[Foreign Applicants](#)

[Searches for Conflicting Marks](#)

[Laws & Rules Governing Federal Registration](#)

[Other Types of Applications](#)

[Where to Send the Application and Correspondence](#)

[Use of the "TM," "SM" and "R" Symbols](#)

[Information Numbers](#)

## **Establishing Trademark rights**

Trademark rights arise from either (1) actual use of the mark, or (2) the filing of a proper application to register a mark in the Patent and Trademark Office (PTO) stating that the applicant has a bona fide intention to use the mark in commerce regulated by the U.S. Congress. (See below, under "Types of Applications," for a discussion of what is meant by the terms commerce and use in commerce.) Federal registration is not required to establish rights in a mark, nor is it required to begin use of a mark. However, federal registration can secure benefits beyond the rights acquired by merely using a mark. For example, the owner of a federal registration is presumed to be the owner of the mark for the goods and services specified in the registration, and to be entitled to use the mark nationwide.

There are two related but distinct types of rights in a mark: the right to register and the right to use. Generally, the first party who either uses a mark in commerce or files an application in the PTO has the ultimate right to register that mark. The PTO's authority is limited to determining the right to register. The right to use a mark can be more complicated to determine. This is particularly true when two parties have begun use of the same or similar marks without knowledge of one another and neither has a federal registration. Only a court can render a decision about the right to use, such as issuing an injunction or awarding damages for infringement. It should be noted that a federal registration can provide significant advantages to a party involved in a court proceeding. The PTO cannot provide advice concerning rights in a mark. Only a private attorney can provide such advice.

Unlike copyrights or patents, trademark rights can last indefinitely if the owner continues to use the mark to identify its goods or services. The term of a federal trademark registration is 10 years, with 10-year renewal terms. However, between the fifth and sixth year after the date of initial registration, the registrant must file an affidavit setting forth certain information to keep the registration alive. If no affidavit is filed, the registration is canceled.

## **Types of Applications for Federal Registration**

An applicant may apply for federal registration in three principal ways. (1) An applicant who has already commenced using a mark in commerce may file based on that use (a "use" application). (2) An applicant who has not yet used the mark may apply based on a bona fide intention to use the mark in commerce (an "intent-to-use" application). For the purpose of obtaining federal registration, commerce means all commerce which may lawfully be regulated by the U.S. Congress, for example, interstate commerce or commerce between the U.S. and another country. The use in commerce must be a bona fide use in the ordinary course of trade, and not made merely to reserve a right in a mark. Use of a mark in promotion or advertising before the product or service is actually provided under the mark on a normal commercial scale does not qualify as use in commerce. Use of a mark in purely local commerce within a state does not qualify as "use in commerce." If an applicant files based on a bona fide intention to use in commerce, the applicant will have to use the mark in commerce and submit an allegation of use to the PTO before the PTO will register the mark (See page 12). (3) Additionally, under certain international agreements, an applicant from outside the United States may file in the United States based on an application or registration in another country. For information regarding applications based on international agreements please call the information number provided on page 4.

A United States registration provides protection only in the United States and its territories. If the owner of mark wishes to protect a mark in other countries, the owner must seek protection in each country separately under the relevant laws. The PTO cannot provide information or advice concerning protection in other countries. Interested parties may inquire directly in the relevant country or its U.S. offices or through an attorney.

## **Who May File an Application?**

The application must be filed in the name of the owner of the mark; usually an individual, corporation or partnership. The owner of a mark controls the nature and quality of the goods or services identified by the mark. See below in the line-by-line instructions for information about who must sign the application and other papers.

The owner may submit and prosecute its own application for registration, or may be represented by an attorney. The PTO cannot help select an attorney.

## **Foreign Applicants**

Applicants not living in the United States must designate in writing the name and address of a domestic representative - a person residing in the United States "upon whom notices of process may be served for proceedings affecting the mark." The applicant may do so by submitting a statement that the named person at the address indicated is appointed as the applicant's domestic representative under 1(e) of the Trademark Act. The applicant must sign this statement. This person will receive all communications from the PTO unless the applicant is represented by an attorney in the United States.

## **Searches for Conflicting Marks**

An applicant is not required to conduct a search for conflicting marks prior to applying with the PTO. However, some people find it useful. In evaluating an application, an examining attorney conducts a search and notifies the applicant if a conflicting mark is found. The application fee, which covers processing and search costs, will not be refunded even if a conflict is found and the mark cannot be registered.

To determine whether there is a conflict between two marks, the PTO determines whether there would be likelihood of confusion, that is, whether relevant consumers would be likely to associate the goods or services of one party with those of the other party as a result of the use of the marks at issue by both parties. The principal factors to be considered in reaching this decision are the similarity of the marks and the commercial relationship between the goods and services identified by the marks. To find a conflict, the marks need not be identical, and the goods and services do not have to be the same.

The PTO does not conduct searches for the public to determine if a conflicting mark is registered, or is the subject of a pending application, except as noted above when acting on an application. However, there are a variety of ways to get this same type of information. First, by performing a search in the PTO public search library. The search library is located on the second floor of the South Tower Building, 2900 Crystal Drive, Arlington, Virginia 22202. Second, by visiting a patent and trademark depository library (at locations listed on pages 14 and 15). These libraries have CD-ROMS containing the trademark database of registered and pending marks. Finally, either a private trademark search company, or an attorney who deals with trademark law, can provide trademark registration information. The PTO cannot provide advice about possible conflicts between marks.

## **Laws & Rules Governing Federal Registration**

The federal registration of trademarks is governed by the Trademark Act of 1946, as amended, 15 U.S.C. 1051 et seq.; the Trademark Rules, 37 C.F.R. Part 2; and the Trademark Manual of Examining Procedure (2d ed. 1993).

## **Other Types of Applications**

In addition to trademarks and service marks, the Trademark Act provides for federal registration of other types of marks, such as certification marks, collective trademarks and service marks, and collective membership marks. These types of marks are relatively rare. For forms and information regarding the registration of these marks, please call the appropriate trademark information number indicated below.



## **Where to Send the Application and Correspondence**

The application and all other correspondence should be addressed to "The Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513." The initial should be directed to "Box NEW APP/FEE." An AMENDMENT TO ALLEGE USE should be directed to "Attn. AAU." A STATEMENT OF USE or REQUEST FOR AN EXTENSION OF TIME TO FILE A STATEMENT OF USE should be directed to "Box ITU/FEE." (See page 5 for an explanation of these terms.) The applicant should indicate its telephone number on the application form. Once a serial number is assigned to the application, the applicant should refer to the serial number in all written and telephone communications concerning the application.

It is advisable to submit a stamped, self-addressed postcard with the application specifically listing each item in the mailing, that is, the written application, the drawing, the fee, and specimens (if appropriate). THE PTO will stamp the filing date and serial number of the application on the postcard to acknowledge receipt. This will help the applicant if any item is later lost if the applicant wishes to inquire about the application. The PTO will send a separate official notification of the date and serial number for every application about two months after receipt.

### **Use of the "TM," "SM" and "R" Symbols**

Anyone who claims rights in a mark may use the TM (trademark) or SM (service mark) designation with the mark to alert the public to the claim. It is not necessary to have a registration, or even a pending application, to use these designations. The claim may or may not be valid. The registration symbol, R, may only be used when the mark is registered in the PTO. It is improper to use this symbol at any point before the registration issues. Please omit all symbols from the mark in the drawing you submit with your application; the symbols are not considered part of the mark.

## **Information Numbers**

General Trademark or Patent Information (703)308-HELP

Automated (Recorded) General Trademark or Patent Information (703)557-INFO

Automated Line for Status Information on Trademark (703)305-8747

Applications (Additional status information is available at (703)308-9400)

Assignment & Certification Branch (Assignments, Changes of (703)308-9723

Name, and Certified Copies of Applications and Registrations) Trademark Assistance Center (703)308-9000

Information Regarding Renewals [Sec. 9], Affidavits of Use [Sec. 8], Incontestability [Sec. 15], or Correcting a Mistake on a Registration (703)308-9500

Information Regarding Applications Based on International (703)308-9000

Agreements or for Certification, Collective, or Collective Membership Marks Trademark Trial and Appeal Board (703)308-9300

Assistant Commissioner for Trademarks (703)308-8900

## The registration process

### Filing Date - Filing Receipt

The PTO is responsible for the federal registration of trademarks. When an application is received, the PTO reviews it to determine if it meets the minimum requirements for receiving a filing date. If the application meets the filing requirements, the PTO assigns it a serial number and sends the applicant a receipt about two months after filing. If the minimum requirements are not met, the entire mailing, including the filing fee, is returned to the applicant.

### See:

[Examination](#)

[Publication for Opposition](#)

[Issuance of Certificate of Registration or Notice of Allowance](#)

## **Examination**

About four months after filing, an examining attorney at the PTO reviews the application and determines whether the mark may be registered. If the examining attorney determines that the mark cannot be registered, the examining attorney will issue a letter listing any grounds for refusal and any corrections required in the application. The examining attorney may also contact the applicant by telephone if only minor corrections are required. The applicant must respond to any objections within six months of the mailing date of the letter, or the application will be abandoned. If the applicant's response does not overcome all objections, the examining attorney will issue a final refusal. The applicant may then appeal to the Trademark Trial and Appeal Board, an administrative tribunal within the PTO.

A common ground for refusal is likelihood of confusion between the applicant's mark and a registered mark. This ground is discussed on pages 2 and 3. Marks which are merely descriptive in relation to the applicant's goods or services, or a feature of the goods or services, may also be refused. Marks consisting of geographic terms or surnames may also be refused. Marks may be refused for other reasons as well.

## **Publication for Opposition**

If there are no objections, or if the applicant overcomes all objections, the examining attorney will approve the mark for publication in the Official Gazette, a weekly publication of the PTO. The PTO will send a NOTICE OF PUBLICATION to the applicant indicating the date of publication. In the case of two or more applications for similar marks, the PTO will publish the application with the earliest effective filing date first. Any party who believes it may be damaged by the registration of the mark has 30 days from the date of publication to file an opposition to registration. An opposition is similar to a formal proceeding in the federal courts, but is held before the Trademark Trial and Appeal Board. If no opposition is filed, the application enters the next stage of the registration process.

## **Issuance of Certificate of Registration or Notice of Allowance**

If the application was based upon the actual use of the mark in commerce prior to approval for publication, the PTO will register the mark and issue a registration certificate about 12 weeks after the date the mark was published, if no opposition was filed.

If, instead, the mark was published based upon the applicant's statement of having a bona fide intention to use the mark in commerce, the PTO will issue a NOTICE OF ALLOWANCE about 12 weeks after the date the mark was published, again provided no opposition was filed. The applicant then has six months from the date of the NOTICE OF ALLOWANCE to either (1) use the mark in commerce and submit a STATEMENT OF USE, or (2) request a six-month EXTENSION OF TIME TO FILE A STATEMENT OF USE (see forms and instructions in this booklet). The applicant may request additional extensions of time only as noted in the instructions on the back of the extension form. If the STATEMENT OF USE is filed and approved, the PTO will then issue the registration certificate.

## Filing requirements

WARNING: BEFORE COMPLETING AN APPLICATION, READ THE INSTRUCTIONS CAREFULLY AND STUDY THE EXAMPLES PROVIDED. ERRORS OR OMISSIONS MAY RESULT IN THE DENIAL OF A FILING DATE AND THE RETURN OF APPLICATION PAPERS, OR THE DENIAL OF REGISTRATION AND FORFEITURE OF THE FILING FEE.

To receive a filing date, the applicant must provide all of the following:

1. A Written application form;
2. A drawing of the mark on a separate piece of paper;
3. The required filing fee (see page 11 for fee information); and
4. If the application is filed based upon prior use of the mark in commerce, three specimens for each class of goods or services. The specimens must show actual use of the mark with the goods or services. The specimens may be identical or they may be examples of three different uses showing the same mark.

### 1. WRITTEN APPLICATION FORM [PTO FORM 1478]

The application must be in English. A separate application must be filed for each mark the applicant wishes to register. Likewise, if the applicant wishes to register more than one version of the same mark, a separate application must be filed for each version. PTO Form 1478 included in the back of this booklet may be used for either a trademark or service mark application. It may be photocopied for your convenience. See the examples of completed applications on pages 16 and 17 with references to the following line-by-line instructions.

### LINE-BY-LINE INSTRUCTIONS FOR FILLING OUT PTO FORM 1478, ENTITLED "TRADEMARK/SERVICE MARK APPLICATION, PRINCIPAL REGISTER, WITH DECLARATION"

#### Space 1 -- The Mark

It is not necessary to fill in this box. The PTO will determine the proper International Classification based upon the identification of the goods and services in the application. However, if the applicant knows the International Class number(s) for the goods and services, the applicant may place the number(s) in this box. The International Classes are listed inside of the back cover of this booklet. If the PTO determines that the goods and services listed are in more than one class, the PTO will notify the applicant during examination of the application, and the applicant will have the opportunity to pay the fees for any additional classes or to limit the goods and services to one or more classes.

#### Space 3 -- The Owner of the Mark

The name of the owner of the mark must be entered in this box. The application must be filed in the name of the owner of the mark or the application will be void, and the applicant will forfeit the filing fee. The owner of the mark is the party who controls the nature and quality of the goods sold, or services rendered, under the mark. The owner may be an individual, a partnership, a corporation, or an association or similar firm. If the applicant is a corporation, the applicant's name is the name under which it is incorporated. If the applicant is a partnership, the applicant's name is the name under which it is organized.

#### Space 4 -- The Owner's Address

Enter the applicant's business address. If the applicant is an individual, enter either the applicant's business or home address.

#### Space 5 -- Entity Type and Citizenship/Domicile

The applicant must check the box which indicates the type of entity applying. In addition, in the blank following the box, the applicant must specify the following information:

Space 5(a) -- for an individual, the applicant's national citizenship;

Space 5(b) -- for a partnership, the names and national citizenship of the general partners and the state where the partnership is organized (if a U.S. partnership) or country (if a foreign partnership);

Space 5(c) -- for a corporation, the state of incorporation (if a U.S. corporation), or country (if a foreign corporation); or

Space 5(d) -- for another type of entity, specify the nature of the entity and the state where it is organized (if in the U.S.) or county where it is organized (if a foreign entity).

#### Space 6 -- Identification of the Goods and/or Services

In this blank the applicant must state the specific goods and services for which registration is sought and with which the applicant has actually used the mark in commerce, or in the case of an "intent-to-use" application, has a bona fide intention to use the mark in commerce. Use clear and concise terms specifying the actual goods and services by their common commercial names. A mark can only be



registered for specific goods and services. The goods and services listed will establish the scope of the applicant's rights in the relevant mark.

The goods and services listed must be the applicant's actual "goods in trade" or the actual services the applicant renders for the benefit of others. Use language that would be readily understandable to the general public. For example, if the applicant uses or intends to use the mark to identify "candy," "word processors," "baseballs and baseball bats," "travel magazines," "dry cleaning services" or "restaurant services" the identification should clearly and concisely list each such item. If the applicant uses indefinite terms, such as "accessories," "components," "devices," "equipment," "food," "materials," "parts," "systems," "products," or the like, then those words must be followed by the word "namely" and the goods or services listed by their common commercial name(s). Note that the terms used in the classification listing on the inside of the back cover of this booklet are generally too broad. Do not use these terms by themselves.

The applicant must be very careful when identifying the goods and services. Because the filing of an application established certain presumptions of rights as of the filing date, the application may not be amended later to add any products or services not within the scope of the identification. For example, the identification of "clothing" could be amended to "shirts and jackets," which narrows the scope, but could not be amended to "retail clothing store services," which would change the scope. Similarly, "physical therapy services" could not be changed to "medical services" because this would broaden the scope of the identification. Also, if the identification includes a trade channel limitation, deleting that limitation would broaden the scope of the identification.

The identification of goods and services must not describe the mode of use of the mark, such as on labels, stationery, menus, signs, containers or in advertising. There is another place on the application, called the "method-of-use clause," for this kind of information. (See information under Space 7a, fourth blank, described on the next page.) For example, in the identification of goods and services, the term "advertising" usually is intended to identify a service rendered by advertising agencies. Moreover, "labels," "menus," "signs" and "containers" are specific goods. If the applicant identifies these goods or services by mistake, the applicant may not amend the identification to the actual goods or services of the applicant. Thus, if the identification indicates "menus," it could not be amended to "restaurant services." Similarly, if the goods are identified as "containers or labels for jam," the identification could not be amended to "jam." NOTE: If nothing appears in this blank, or if the identification does not identify any recognizable goods or services, the application will be denied a filing date and returned to the applicant. For example, if the applicant specifies the mark itself or wording such as "company name," "corporate name," or "company logo," and nothing else, the application will be denied a filing date and returned to the applicant. If the applicant identifies the goods and services too broadly as, for example, "advertising and business," "miscellaneous," "miscellaneous goods and services," or just "products," or "services," the application will also be denied a filing date and returned to the applicant.

#### Space 7 -- Basis for Filing

The applicant must check at least one of the four boxes to specify a basis for filing the application. The applicant should also fill in all blanks which follow the checked box(es). Usually an application based upon either (1) use of the mark in commerce (the first box), or (2) a bona fide intention to use the mark in commerce (the second box). You may not check both the first and second box. If both the first and second boxes are checked, the PTO will not accept the application and will return it. If an applicant wished to apply to register a mark, for certain goods and services for which it is already using the mark in commerce, and also for other goods and services based on future use, separate applications must be filed to separate the relevant goods and services from each other.

#### Space 7(a)

If the applicant is using the mark in commerce in relation to all of the goods and services listed in the application, check this first box and fill in the blanks.

In the first blank specify the date the trademark was first used to identify the goods and services in a type of commerce which may be regulated by Congress.

In the second blank specify the type of commerce, specifically a type of commerce which may be regulated by Congress, in which the goods were sold or shipped, or the services were rendered. (See page 2 for a discussion of the meaning of "use in commerce.") For example, indicate "interstate commerce" (commerce between two or more states) or commerce between the United States and a specific foreign country, for example, "commerce between the U.S. and Canada."

In the third blank specify the date that the mark was first used anywhere to identify the goods or services

specified in the application. This date will be the same as the date of the first use in commerce unless the applicant made some use, for example, within a single state, before the first use in commerce.

In the fourth blank specify how the mark is placed on the goods or used with the services. This is referred to as the "method-of-use clause," and should not be confused with the identification of the goods and services described under Space 6. For example, in relation to goods, state "the mark is used on labels affixed to the goods," or "the mark is used on containers for the goods," whichever is accurate. In relation to services, state "the mark is used in advertisements for the services."

#### Space 7(b)

If the applicant has a bona fide intention to use the mark in commerce in relation to the goods or services specified in the application, check this second box and fill in the blank. The applicant should check this box if the mark has not been used at all or if the mark has been used on the specified goods or services only within a single state.

In the blank, state how the mark is intended to be placed on the goods or used with the services. For example, for goods, state "the mark will be used on labels affixed to the goods," or "the mark will be used on containers for the goods," whichever is accurate. For services, state "the mark will be used in advertisements for the services."

#### Spaces 7(c) and (d)

These spaces are usually used only by applicants from foreign countries who are filing in the United States under international agreements. These applications are less common. For further information about treaty-based applications, call the trademark information number listed in this booklet on page 4, or contact a private attorney.

#### Space 8 -- Verification and Signature

The applicant must verify the truth and accuracy of the information in the application and must sign the application. The declaration in Space 8, on the back of the form, is for this purpose. If the application is not signed, the application will not be granted a filing date and will be returned to the applicant. If the application is not signed by an appropriate person, the application will be found void and the filing fee will be forfeited. Therefore, it is important that the proper person sign the application.

Who should sign?

If the applicant is an individual, that individual must sign.

If the applicant is a partnership, a general partner must sign.

If the applicant is a corporation, association or similar organization, an officer of the corporation, association or organization must sign. An officer is a person who holds an office established in the articles of incorporation or the bylaws. Officers may not delegate this authority to non officers.

If the applicants are joint applicants, all joint applicants must sign.

The person who signs the application must indicate the date signed, provide a telephone number to be used if it is necessary to contact the applicant, and clearly print or type their name and position.

## 2. THE DRAWING PAGE

Every application must include a single drawing page. If there is no drawing page, the application will be denied a filing date and returned to the applicant. The PTO uses the drawing to file the mark in the PTO search records and to print the mark in the Official Gazette and on the registration.

The drawing must be on pure white, durable, non-shiny paper that is 8 1/2 (21.59 cm) inches wide by 11 (27.94cm) inches long. There must be at least a one-inch (2.54cm) margin on the sides, top and bottom of the page, and at least one inch between the heading and the display of the mark.

At the top of the drawing there must be a heading, listing on separate lines, the applicant's complete name, address, the goods and services specified in the application, and in applications based on use in commerce, the date of first use of the mark and the date of first use of the mark in commerce. This heading should be typewritten. If the drawing is in special form, the heading should include a description of the essential elements of the mark.

The drawing of the mark should appear at the center of the page.

The drawing of the mark may be typewritten, as shown on page 19, or it may be in special form, as shown on page 18.

If the mark included words, numbers or letters, the applicant can usually elect to submit either a typewritten or a special-form drawing. To register a mark consisting of only words, letters or numbers, without indication any particular style or design, provide a typewritten drawing. In a typewritten drawing the mark must be typed entirely in CAPITAL LETTERS, even if the mark, as used, included lower-case letters. Use a standard typewriter or type of the same size and style as that on a standard typewriter.

To indicate color, use the color linings shown below. The appropriate lining should appear in the area where the relevant color would appear. If the drawings is lined for color, insert a statement in the written application to indicate so, for example, "The mark is lined for the colors red and green." A plain black-and-white drawing is acceptable even if the mark is used in color. Most drawings do not indicate specific colors.

Be careful in preparing the drawing. While it may be possible to make some minor changes, the rules prohibit any material change to the drawing of the mark after filing.

To register a word mark in the form in which it is actually used or intended to be used in commerce, or any mark including a design, submit a special-form drawing. In a special-form drawing, the mark must not be larger than 4 inches by 4 inches (10.16 cm by 10.16 cm). If the drawing of the mark is larger than 4 inches by 4 inches, the application will be denied a filing date and returned to the applicant. In addition, the drawing must appear only in black and white, with every line and letter black and clear. No color or gray is allowed. Do not combine typed matter and special form in the same drawing.

The drawing in special form must be a substantially exact representation of the mark as it appears on the specimens. The applicant may apply to register any portion of a mark consisting of more than one element, provided the mark displayed in the drawing creates a separate impression apart from other elements it appears with on the specimens. For example, generally it is possible to register a word mark by itself even though the specimen shows the work mark used in combination with a design or as part of a logo. Do not include non trademark matter in the drawing, such as informational matter which may appear on a label. In the end, the applicant must decide exactly what to register and in what form. The PTO considers the drawing controlling in determining exactly what mark the application covers.

### 3. FEES

#### Filing Fee

The application filing fee is \$245.00 for each class of goods or services listed. See the International Classification of Goods and Services listed n the inside of the back cover.) At least \$245.00 must accompany the application, or the application will be denied a filing date and all the papers returned to the applicant. Fee increases, when necessary, usually take effect on October 1 of any given year. Please call the general information number listed on page 4 for up-to-date fee information if filing after September 1995. The PTO receives no taxpayer funds. The PTO's operations are supported entirely from fees paid by applicants and registrants.

#### Additional Fees Related to Intent-To-Use Applications

In addition to the application filing fee, applicants filing based on a bona fide intention to use a mark in commerce must submit a fee of \$100.00 for each class of goods or services in the application when filing any of the following:

an AMENDMENT TO ALLEGE USE

a STATEMENT OF USE

a REQUEST FOR AN EXTENSION OF TIME TO FILE A STATEMENT OF USE

#### Form of Payment

All payments must be made in United States currency, by check, post office money order or certified check. Personal or business checks may be submitted. Make checks and money orders payable to: The Assistant Commissioner for Trademarks.

NOTE: FEES ARE NOT REFUNDABLE.

### 4. SPECIMENS

The following information is designed to provide guidance regarding the specimens required to show use of the mark in commerce.

#### When to File the Specimens

If the applicant has already used the mark in commerce an files based on this use in commerce, then the applicant must submit three specimens per class showing use of the mark in commerce with the application. If, instead, the application is based on a bona fide intention to use mark in commerce, the applicant must submit three specimens per class at the time the applicant files either an AMENDMENT TO ALLEGE USE or a STATEMENT OF USE.

#### What to File as a Specimen

The specimens must be actual samples of how the mark is being used in commerce. The specimens may be identical or they may be examples of three different uses showing the same mark.

If the mark is used on goods, examples of acceptable specimens are tags or labels which are attached to the goods, containers for the goods, displays associated with the goods, or photographs of the goods

showing use of the mark on the goods themselves. If it is impractical to send an actual specimen because of its size, photographs or other acceptable reproductions that show the mark on the goods, or packaging for the goods, must be furnished. Invoices, announcements, order forms, bills of lading, leaflets, brochures, catalogs, publicity releases, letterhead, and business cards generally are not acceptable specimens for goods.

If the mark is used for services, examples of acceptable specimens are signs, brochures about the services, advertisements for the services, business cards or stationery showing the mark in connection with the services, or photographs which show the mark either as it is used in the rendering or advertising of the services. In the case of a service mark, the specimens must either show the mark and include some clear reference to the type of services rendered under the mark in some form of advertising, or show the mark as it is used in the rendering of the service, for example on a store front or the side of a delivery or service truck.

Specimens may not be larger than 8 1/2 inches by 11 inches (21.59 cm by 27.94 cm) and must be flat. See pages 18 through 22 for samples of some different types of specimens. Smaller specimens, such as labels, may be stapled to a sheet of paper and labeled "SPECIMENS." A separate sheet can be used for each class.

## **Additional requirements for intent-to-use applications**

An applicant who files its application based on having a bona fide intention to use a mark in commerce must make use of the mark in commerce before the mark can register. After use in commerce begins, the applicant must submit:

1. three specimens evidencing use as discussed above;
2. a fee of \$100.00 per class of goods or services in the application; and
3. either (1) an AMENDMENT TO ALLEGE USE if the application has not yet been approved for publication (use PTO form 1579) or (2) a STATEMENT OF USE if the mark has been published and the PTO has issued a NOTICE OF ALLOWANCE (use PTO Form 1580).

If the applicant will not make use of the mark in commerce within six months of the NOTICE OF ALLOWANCE, the applicant must file a REQUEST FOR AN EXTENSION OF TIME TO FILE A STATEMENT OF USE, or the application is abandoned. (Use PTO Form 1581, which is intended only for this purpose.)

See the instructions and information on the back of the forms. The previous information about specimens, identifications of goods and services and dates of use is also relevant to filing an AMENDMENT TO ALLEGE USE or STATEMENT OF USE. Follow the instructions on these forms carefully. Failure to file the necessary papers in proper form within the time provided may result in abandonment of the application.

## Patent and Trademark Office services

### Trademark Assistance Center

In order to provide improved service to trademark applicants, registrants, and the general public, the Patent and Trademark Office has implemented a pilot program called the "Trademark Assistance Center." The Center provides general information about the trademark registration process and responds to inquiries pertaining to the status of specific trademark applications and registrations. The location of the Center is 2900 Crystal Drive, Room 4B10, Arlington, Virginia 22202-3513. Assistance may be obtained in-person or by dialing (703)308-9000, Monday through Friday, 8:30 a.m. - 5:00 p.m. eastern time, except holidays. Please note that personal assistance concerning trademark as well as patent matters will continue to be available at (703)308-HELP and recorded information will continue to be available at (703)557-INFO. Also, automated information about the status of trademark applications and registrations will continue to be available at (703)305-8747.

### Patent and Trademark Depository Libraries

The following libraries, designated as Patent and Trademark Depository Libraries (PTDLs) receive patent and trademark information in various formats from the U.S. Patent and Trademark Office. Many PTDLs have on file all full-text patents issued since 1790, trademarks published since 1872, and select collections of foreign patents. All PTDLs have both the patent and trademark sections of the Official Gazette of the U.S. Patent and Trademark Office. The full-text utility and design patents are distributed numerically on 16 mm microfilm, and plant patents on color microfiche. Patent and trademark search systems on CD-ROM format are available at all PTDLs to increase utilization of and enhance access to the information found in patents and trademarks. It is through the CD-ROM systems that preliminary patent and trademark searches can be conducted through the numerically arranged collections. All information is available for use by the public free of charge. Facilities for making paper copies of patent and trademark information are generally provide for a fee.

### State/Name of Library/Telephone Contact

Alabama Auburn University Libraries (205) 844-1747

Birmingham Public Library (205) 226-3620

Alaska Anchorage: Z.J. Loussac Public Library (907) 562-7323

Arizona Tempe: Noble Library, Arizona State University (602) 965-7010

Arkansas Little Rock: Arkansas State Library (501) 682- 2053

California Los Angeles Public Library (213) 228-7220

Sacramento: California State Library (916) 654-0069

San Diego Public Library (619) 236-5813

San Francisco Public Library Not Yet Operational

Sunny vale Patent Clearinghouse (408) 730-7290

Colorado Denver Public Library (303) 640-8847

Connecticut New Haven: Science Park Library (203) 786-5447

Delaware Newark: University of Delaware Library (302) 831-2965

Dist. of Columbia Washington: Howard University Libraries (202) 806-7252

Florida Fort Lauderdale: Broward County Main Library (305) 357-7444

Miami-Dade Public Library (305) 375-2665

Orlando: University of Central Florida Libraries (407) 823-2562

Tampa: Tampa Campus Library, University of South Florida (813) 974-2726

Georgia Atlanta: Price Gilbert Memorial Library, Georgia Institute of Technology (404) 894-4508

Hawaii Honolulu: Hawaii State Public Library System (808) 586-3477

Idaho Moscow: University of Idaho Library (208) 885-6235

Illinois Chicago Public Library (312) 747-4450

Springfield: Illinois State Library (217) 782-5659

Indiana Indianapolis-Marion County Public Library (317) 269-1741

West Lafayette: Purdue University Libraries (317) 494-2873

Iowa Des Moines: State Library of Iowa(515) 281-4118

Kansas Wichita: Ablah Library, Wichita State University (316) 689-3155

Kentucky Louisville Free Public Library (502) 574-1611

Louisiana Baton Rouge: Troy H. Middleton Library, Louisiana State University (504) 388-2570

Maine Orono: Raymond H. Fogler Library, University of Maine Not Yet Operational  
Maryland College Park: Engineering and Physical Sciences Library, University of Maryland (301) 405-9157  
Massachusetts Amherst: Physical Sciences Library, University of Massachusetts (413) 545-1370  
Boston Public Library (617) 536-5400 Ext. 265  
Michigan Ann Arbor: Engineering Transportation Library, University of Michigan (313) 764-5298  
Big Rapids: Abigail S. Timme Library, Ferris State University (616) 592-3602  
Detroit Public Library (313) 833-1450  
Minnesota Minneapolis Public Library and Information Center (612) 372-6570  
Mississippi Jackson: Mississippi Library Commission (601) 359-1036  
Missouri Kansas City: Linda Hall Library (816) 363-4600  
St. Louis Public Library(314) 241-2288 Ext. 390  
Montana Butte: Montana College of Mineral Science and Technology Library (406) 496-4281  
Nebraska Lincoln: Engineering Library, University of Nebraska-Lincoln (402) 472-3411  
Nevada Reno: University of Nevada-Reno Library (702) 784-6579  
New Hampshire Durham: University of New Hampshire Library (603) 862-1777  
New Jersey Newark Public Library (201) 733-7782  
Piscataway: Library of Science and Medicine, Rutgers University (908) 445-2895  
New Mexico Albuquerque: University of New Mexico General Library (505) 277-4412  
New York Albany: New York State Library (518) 474-5355  
Buffalo and Erie County Public Library (716) 858-7101  
New York Public Library (The Research Libraries) (212) 930-0917  
North Carolina Raleigh: D.H. Hill Library, North Carolina State University (919) 515-3280  
North Dakota Grand Forks: Chester Fritz Library, University of North Dakota (701) 777-4888  
Ohio Cincinnati and Hamilton County, Public Library of (513) 369-6936  
Cleveland Public Library (216) 623-2870  
Columbus: Ohio State University Libraries (614) 292-6175  
Toledo/Lucas County Public Library(419) 259-5212  
Oklahoma Stillwater: Oklahoma State University Library (405) 744-7086  
Oregon Salem: Oregon State Library (503) 378-4239  
Pennsylvania Philadelphia, The Free Library of (215) 686-5331  
Pittsburgh, Carnegie Library of (412) 622-3138  
University Park: Pattee Library, Pennsylvania State University (814) 865-4861  
Rhode Island Providence Public Library (401) 455-8027  
South Carolina Charleston: Medical University of South Carolina Library (803) 792-2372  
Clemson University Libraries (803) 656-3024  
South Dakota Rapid City: Devereaux Library, South Dakota School of Mines and Technology Not Yet Operational  
Tennessee Memphis & Shelby County Public Library and Information Center (901) 725-8877  
Nashville: Stevenson Science Library, Vanderbilt University (615) 322-2775  
Texas Austin: McKinney Engineering Library, University of Texas at Austin (512) 495-4500  
College Station: Sterling C. Evans Library, Texas A & M University (409) 845-3826  
Dallas Public Library (214) 670-1468  
Houston: The Fondren Library, Rice University (713) 527-8101 Ext 2587  
Utah Salt Lake City: Marriott Library, University of Utah (801) 581-8394  
Virginia Richmond: James Branch Cabell Library, Virginia Commonwealth University(804) 828-1104  
Washington Seattle: Engineering Library, University of Washington (206) 543-0740  
West Virginia Morgantown: Evansdale Library, West Virginia University (304) 293-4510  
Wisconsin Madison: Kurt F. Wendt Library, University of Wisconsin Madison (608) 262-6845  
Milwaukee Public Library (414) 286-3247  
Wyoming Casper: Natrona County Public Library Not Yet operational

## Sample written application based on use in commerce

(Two classes)

TRADEMARK/SERVICE MARK  
APPLICATION, PRINCIPAL  
REGISTER, WITH DECLARATION  
MARK (Word(s) and/or Design)  
PINSTRIPES AND DESIGN  
CLASS NO. 2

(If known)

16 & 35

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

APPLICANTS NAME:

APPLICANTS BUSINESS ADDRESS (Display address exactly as it should appear on registration)

APPLICANTS ENTITY TYPE: (Check one and supply requested information)

Individual - Citizen of (Country):

Partnership - State where organized (Country, of appropriate):

Names and Citizenship (Country) of General Partners:

Corporation - State (Country, if appropriate) of Incorporation:

Other (Specify Nature of Entity and Domicile):

GOODS AND/OR SERVICES:

Applicant requests registration of the trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for the following goods/services (SPECIFIC GOODS AND/OR SERVICES MUST BE INSERTED HERE):

BASIS FOR APPLICATION: (Check boxes which apply, but ----

Applicant is using the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(a), as amended.) Three specimens showing the mark as used in commerce are submitted with this application.

Date of first use of the mark in commerce which the U.S.

7(a) Congress may regulate (for example, interstate or between the U.S. and a foreign country):

Specify the type of commerce: (for example, interstate or between the U.S. and a specified foreign country)

Date of first use anywhere (the -----

Specify manner or mode of use of mark on or in connection with the goods/services: (for example, trademark is applied to labels, service mark is used in advertisements)

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b), as amended.)

7(b) Specify intended manner or mode of use of mark on or in connection with the goods/services: (for example, trademark will be applied to labels, service mark will be used in advertisements)

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended.

7(c) Country of foreign filing: Date of foreign filing:

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services, and accompanying this application, submits a certification or certified copy of a foreign registration in accordance with 15 U.S.C. 1126(e), as amended.

7(d) Country of registration: Registration number:

NOTE: Declaration, on Reverse Side, MUST be Signed



# Sample written application based on intent to use in commerce

(One class)

TRADEMARK/SERVICE MARK  
APPLICATION, PRINCIPAL  
REGISTER, WITH DECLARATION  
MARK (Word(s) and/or Design)  
PINSTRIPES AND DESIGN  
CLASS NO. 2

(If known)

16 & 35

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

APPLICANTS NAME:

APPLICANTS BUSINESS ADDRESS (Display address exactly as it should appear on registration)

APPLICANTS ENTITY TYPE: (Check one and supply requested information)

Individual - Citizen of (Country):

Partnership - State where organized (Country, of appropriate):

Names and Citizenship (Country) of General Partners:

Corporation - State (Country, if appropriate) of Incorporation:

Other (Specify Nature of Entity and Domicile):

GOODS AND/OR SERVICES:

Applicant requests registration of the trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for the following goods/services (SPECIFIC GOODS AND/OR SERVICES MUST BE INSERTED HERE):

BASIS FOR APPLICATION: (Check boxes which apply, but ----)

Applicant is using the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(a), as amended.) Three specimens showing the mark as used in commerce are submitted with this application. Date of first use of the mark in commerce which the U.S. 7(a) Congress may regulate (for example, interstate or between the U.S. and a foreign country): Specify the type of commerce: (for example, interstate or between the U.S. and a specified foreign country) Date of first use anywhere (the ----- Specify manner or mode of use of mark on or in connection with the goods/services: (for example, trademark is applied to labels, service mark is used in advertisements)

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b), as amended.)

7(b) Specify intended manner or mode of use of mark on or in connection with the goods/services: (for example, trademark will be applied to labels, service mark will be used in advertisements)

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended.

7(c) Country of foreign filing: Date of foreign filing:

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services, and accompanying this application, submits a certification or certified copy of a foreign registration in accordance with 15 U.S.C. 1126(e), as amended.

7(d) Country of registration: Registration number:

NOTE: Declaration, on Reverse Side, MUST be Signed

## Sample drawing - special form

8 1/2" x 11" (21.6 cm x 27.9 cm)

APPLICANTS NAME:

APPLICANTS ADDRESS:

GOODS AND SERVICES:

FIRST USE:

FIRST USE IN COMMERCE:

DESIGN:

SAMPLE DRAWING - TYPEWRITTEN

8 1/2" x 11" (21.6 cm x 27.9 cm)

APPLICANT'S NAME:

APPLICANT'S ADDRESS:

GOODS:

DATE OF FIRST USE:

DATE OF FIRST USE IN COMMERCE:

THEORYTEC

SAMPLE SPECIMEN FOR GOODS (Issue of magazine)

April - May 1992 \$2.00

PINSTRIPES

"The magazine for the Business Professional"

IN THIS ISSUE:

Managing business in tough times.

The need for quality in everything redefines priorities.

Managing turned inside out.

Employee ideas can really count.

Our business report on Washington, D.C.

Working together to create new markets and new jobs.

In business to stay.

Investing feature: future outlook on futures.

"Pinstripes forever" (our humor column).

## **Sample specimen for services (Advertisement)**

If better business management solutions are what you're after, then think of Pinstripes for consulting. We'll come wherever you are to offer a wide range of consulting services for diverse industries, including high-tech fields. You'll like the results, as well as our competitive price.

The more you get to know us, the more you'll realize that we're a best choice for consulting that can make a big difference. k Call or write us.

Pinstripes Inc.

(123)456-7890 100 Main St., Anytown, MO 12345

## **Sample specimen for services**

(Business card showing mark and reference to service)

PINSTRIPES

Business Management Consultants

John Doe, President

100 Main Street

Any town, MO 12345 U.S.A.

(123)456-7890

## **Sample specimens for goods**

(Label affixed to computer disc)

THEORYTEC tm

Version 5.0

A-OK Software

Development Group

THEORYTEC tm

Version 5.0

A-OK Software

Development Group

## Instructions and information for applicant

In an application based upon a bona fide intention to use a mark in commerce, applicant must use its mark in commerce before a registration will be issued. After use begins, the applicant must submit, along with evidence of use (specimens) and the prescribed fee(s), either:

- (1) an Amendment to Allege Use under 37 CFR 2.76, or
- (2) a Statement of Use under 37 CFR 2.88.

The difference between these two filings is the timing of the filing. Applicant may file an Amendment to Allege Use before approval of the mark for publication for opposition in the Official Gazette, or, if a final refusal has been issued, prior to the expiration of the six-month response period. Otherwise, applicant must file a Statement of Use after the Office issues a Notice of Allowance. The Notice of Allowance will issue after the opposition period is completed if no successful opposition is filed. Neither Amendment to Allege Use or Statement of Use papers will be accepted by the Office during the period of time between approval of the mark for publication for opposition in the Official Gazette and the issuance of the Notice of Allowance.

Applicant may call (703) 305-8747 to determine whether the mark has been approved for publication for opposition in the Official Gazette.

Before filing an Amendment to Allege Use or a Statement of Use, applicant must use the mark in commerce on or in connection with all of the goods/services for which applicant will seek registration, unless applicant submits with the papers, a request to divide out from the application the goods or services to which the Amendment to Allege Use or Statement of Use pertains. (See: 37 CFR 2.87, Dividing an application)

Applicant must submit with an Amendment to Allege Use or a Statement of Use:

- (1) the appropriate fee of \$100.00\* per class of goods/services listed in the Amendment to Allege Use or the Statement of Use, and
- (2) three (3) specimens or facsimiles of the mark as used in commerce for each class of goods/services asserted (e.g., photograph of mark as it appears on goods, label containing mark which is placed on goods, or brochure or advertisement showing mark as used in connection with services).

Cautions/Notes concerning completion of this Amendment to Allege Use form:

- (1) The goods/services identified in the amendment to allege use must be identical to the goods/services identified in the application currently Applicant may delete goods/services. Deleted goods/services may not be reinstated in the application at a later time.
- (2) Applicant may list dates of use for only one item in each class of goods/services identified in the Statement of Use.

However, applicant must have used the mark in commerce on all the goods/services in the class.

Applicant must identify the particular item to which the dates apply.

- (3) Only the following person may sign the verification of the amendment to Allege Use, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of corporate applicant; (c) one general partner of partnership applicant; (d) all joint applicants.

MAIL COMPLETED FORM TO:

ASSISTANT COMMISSIONER FOR TRADEMARKS

ATTN: AAU

2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3513

\*Fees are effective through 9/30/95 and subject to change, usually on October 1.

This form is estimated to take 15 minutes to complete including time required for reading and understanding instructions, gathering necessary information, record keeping and actually providing the information. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C. 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington D.C. 20503. Do not send forms to either of these addresses.

## Instructions and information for applicant

In an application based upon a bona fide intention to use a mark in commerce, applicant must use its mark in commerce before a registration will be issued. After use begins, the applicant must submit, along with evidence of use (specimens) and the prescribed fee(s), either:

- (1) an Amendment to Allege Use under 37 CFR 2.76, or
- (2) a Statement of Use under 37 CFR 2.88.

The difference between these two filings is the timing of the filing. Applicant may file an Amendment to Allege Use before approval of the mark for publication for opposition in the Official Gazette, or, if a final refusal has been issued, prior to the expiration of the six-month response period. Otherwise, applicant must file a Statement of Use after the Office issues a Notice of Allowance. The Notice of Allowance will issue after the opposition period is completed if no successful opposition is filed. Neither Amendment to Allege Use or Statement of Use papers will be accepted by the Office during the period of time between approval of the mark for publication for opposition in the Official Gazette and the issuance of the Notice of Allowance. Applicant may call (703) 305-8747 to determine whether the mark has been approved for publication for opposition in the Official Gazette.

Before filing an Amendment to Allege Use or a Statement of Use, applicant must use the mark in commerce on or in connection with all of the goods/services for which applicant will seek registration, unless applicant submits with the papers, a request to divide out from the application the goods or services to which the Amendment to Allege Use or Statement of Use pertains. (See: 37 CFR 2.87, Dividing an application)

Applicant must submit with an Amendment to Allege Use or a Statement of Use:

- (1) the appropriate fee of \$100.00\* per class of goods/services listed in the Amendment to Allege Use or the Statement of Use, and
- (2) three (3) specimens or facsimiles of the mark as used in commerce for each class of goods/services asserted (e.g., photograph of mark as it appears on goods, label containing mark which is placed on goods, or brochure or advertisement showing mark as used in connection with services).

Cautions/Notes concerning completion of this Amendment to Allege Use form:

- (1) The statement of Use must be received in the PTO within six months of the mailing of the Notice of Allowance or within a granted extension period.
- (2) The goods/services identified in the amendment to allege use must be identical to the goods/services identified in the application currently Applicant may delete goods/services. Deleted goods/services may not be reinstated in the application at a later time.
- (3) Applicant may list dates of use for only one item in each class of goods/services identified in the Statement of Use. However, applicant must have used the mark in commerce on all the goods/services in the class. Applicant must identify the particular item to which the dates apply.
- (4) Only the following person may sign the verification of the amendment to Allege Use, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of corporate applicant; (c) one general partner of partnership applicant; (d) all joint applicants.

MAIL COMPLETED FORM TO:

ASSISTANT COMMISSIONER FOR TRADEMARKS

ATTN: AAU

2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3513

\*Fees are effective through 9/30/95 and subject to change, usually on October 1.

This form is estimated to take 15 minutes to complete including time required for reading and understanding instructions, gathering necessary information, record keeping and actually providing the information. j Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C. 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington D.C. 20503. Do not send forms to either of these addresses.

## Instructions and information for applicant

Applicant must file a Statement of Use within six months after the mailing of the Notice of Allowance in an application based upon a bona fide intention to use a mark in commerce, UNLESS, within that same period, applicant submits a request for a six-month extension of time to file the Statement of Use. The written request must:

- (1) be received in the PTO within six months after the mailing of the Notice of Allowance.
- (2) include applicant's verified statement of continued bona fide intention to use the mark in commerce.
- (3) specify the goods/services to which the request pertains as they are identified in the Notice of Allowance, and
- (4) include a fee of \$100\* for each class of goods/services.

Applicant may request four further six-month extensions of time. No extensions may extend beyond 36 months from the issue date of the Notice of Allowance. Each further request must be received in the PTO within the previously granted six-month extension period and must include, in addition to the above requirements, a showing of GOOD CAUSE. This good cause showing must include:

- (1) applicant's statement that the mark has not been used in commerce yet on all the goods or services specified in the Notice of Allowance with which applicant has a continued bona fide intention to use the mark in commerce, and

- (2) applicant's statement of ongoing efforts to make such use, which may include the following: (a) product or service research or development, (b) market research, (c) promotional activities, (d) steps to acquire distributors, (e) steps to obtain required governmental approval, or (f) similar specified activity.

Applicant may submit one additional six-month extension request during the existing period in which applicant files the Statement of Use, unless the granting of this request would extend the period beyond 36 months from the issue date of the Notice of Allowance. as a showing of good cause for such a request, applicant should state its belief that applicant has made valid use of the mark in commerce, as evidenced by the submitted Statement of Use. but that if the Statement is found by the PTO to be defective, applicant will need additional time in which to file a new statement of use.

Only the following person may sign the verification of the Request for Extension of Time, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of corporate applicant; (c) one general partner of partnership applicant; (d) all joint applicants.

\*Fees are effective through 9/30/95 and subject to change, usually on October 1.



## Mailing instructions

MAIL COMPLETED FORM TO:  
ASSISTANT COMMISSIONER FOR TRADEMARKS  
BOX ITU / FEE  
2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3515

You can ensure timely filing of this form by following the procedure described in 37 CFR 1.10 as follows: (1) on or before the due date for filing this form, deposit the completed form with the U.S. Post Office using the "Express Mail Post Office to Addressee" Service; (2) include a certificate of "Express Mail" under 37 CFR 1.10. Papers properly mailed under 37 CFR 1.10 are considered received by the PTO on the date that they are deposited with the Post Office.

When placing the certificate directly on the correspondence, use the following language:

Certificate of Express Mail Under 37 CFR 1.10

"Express Mail" mailing number:

Date of Deposit:

I hereby certify that this paper and fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513  
(Typed or printed name of person mailing paper & fee) (Signature of person mailing paper & fee)

This form is estimated to take 15 minutes to complete including time required for reading and understanding instructions, gathering necessary information, record keeping and actually providing the information. j Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C. 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington D.C. 20503. Do not send forms to either of these addresses.

# International schedule of classes of goods and services

## Goods

1 Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

2 Paints, varnished, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

3 Bleaching preparations and other substances for laundry use; cleaning polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

4 Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.

5 Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

6 Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

7 Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles; agricultural implements; incubators for eggs).

8 Hand tools and implements (hand operated); cutlery; side arms; razors.

9 Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

10 Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.

11 Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

12 Vehicles; apparatus for locomotion by land, air or water.

13 Firearms; ammunition and projectiles; explosives; fireworks.

14 Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelry, precious stones; horological and chronometric instruments.

15 Musical instruments

16 Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artist's materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); playing cards; printers's type; printing blocks.

17 Rubber, gutta-percha, gum asbestos, mica and goods made from these materials and not included in other classes;; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.

18 Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

19 Building material (non-metallic); non-metallic rigid pipe for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.

20 Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

21 Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushed (except paint brushes); brush-making materials; articles for cleaning purposes;

steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

22 Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

23 Yarns and threads, for textile use.

24 Textiles and textile goods, not included in other classes; bed and table covers.

25 Clothing, footwear, headgear.

26 Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

27 Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).

28 Games and playthings' gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

29 Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats.

30 Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, honey, treacle; yeast, baking-powder, salt, mustard; vinegar, sauces (condiments); spices; ice.

31 Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt.

32 Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

33 Alcoholic beverages (except beers).

34 Tobacco; smokers' articles; matches

Services

35 Advertising; business management; business administration; office functions.

36 Insurance; financial affairs; monetary affairs; real estate affairs.

37 Building construction; repair, installation services.

38 Telecommunications.

39 Transport; packaging and storage of goods; travel arrangement.

40 Treatment of materials.

41 Education; providing of training; entertainment; sporting and cultural activities.

42 Providing of food and drink; temporary accommodation; medical, hygienic and beauty, car; veterinary and agricultural services; legal services; scientific and industrial research; computer programming; services that cannot be placed in other classes.

## FTC Fast Facts - How to Write a Wrong

The FTC Mail or Telephone Order Rule covers goods ordered by mail, telephone, computer, and fax machine. The FTC Cooling-Off Rule gives you three days to cancel purchases of \$25 or more that are made in your home or at a location that is not the permanent place of business or local address of the seller. If you receive an item in the mail you did not order, federal law states you can consider the item as a gift. If you have a problem with a company, try to resolve it with the company before contacting a third party. Make sure you act quickly. Some companies may not accept responsibility if you fail to complain within a certain period of time. Send the company a letter of complaint. A letter puts your complaint on record and lets the company know you are serious about the dispute. Bureau of Consumer Protection Office of Consumer & Business Education (202) 326-3650

Produced in cooperation with the American Association of Retired Persons

Most businesses want you as a satisfied, repeat customer. However, there may be instances when you are not satisfied and you need to know how to remedy the situation.

This brochure explains your rights regarding mail and telephone order shopping, unordered merchandise, and door-to-door sales. It also explains how to write an effective complaint letter and lists some resources for additional consumer assistance.

### See:

[Mail and Telephone Order Sales](#)

[Fair Credit Billing Act \(FCBA\)](#)

[Unsatisfactory Goods or Services](#)

[Un-ordered Merchandise](#)

[Door-to-Door Sales](#)

[If You Have a Complaint](#)

[Dispute Resolution Options](#)

[For More Information](#)

## **Mail and Telephone Order Sales**

Ordering merchandise by mail, telephone, computer, or fax machine can be convenient ways to save time and energy. But if your merchandise arrives late or not at all, you need to know your rights.

The Federal Trade Commission (FTC) Mail or Telephone Order Rule states that a company should ship your order within the time stated in its ads. If no time is promised, the company should ship your order within 30 days.

If the company is unable to ship within 30 days or the promised time, the company must send you an "option notice." This notice gives you the choice of agreeing to the delay or canceling your order and receiving a prompt refund.

There is one exception to the 30-day requirement. If a company does not promise a shipping time, and you are applying for credit to pay for your purchase, the company has 50 days after receiving your order to ship.

## **Fair Credit Billing Act (FCBA)**

You also have protections, under the FCBA, against billing errors and the receipt of unsatisfactory goods and services if you use your credit card to pay for purchases made by mail or telephone.

**Billing Errors** If you find a billing error on your monthly credit or charge card statement, you may dispute the charge and withhold payment on the disputed amount during the dispute period. The error might be a charge for the wrong amount, or for something you did not order.

If you decide to dispute the charge, follow the steps below. Of course, you still must pay for any part of the bill that is not disputed, including finance charges on the undisputed amount. To be protected by the FCBA, you must:

- \* Write to the creditor at the special mailing address indicated on the monthly statement for billing inquiries. Include your name, address, and credit card number, and describe the billing error.

- \* Send your letter soon. It must reach the creditor within 60 days after the first bill containing the error was mailed to you.

The creditor must acknowledge your complaint in writing within 30 days after receiving it, unless the problem has been resolved. The creditor must resolve the dispute within two billing cycles (but not more than 90 days) after receiving the letter.

## **Unsatisfactory Goods or Services**

You also may dispute a charge if you bought a product by mail or telephone and found it unsatisfactory. As with a billing error, you may withhold payment on the disputed amount during the dispute period but you must pay for any part of the bill that is not disputed, including finance charges on the undisputed amount. In order to take advantage of this protection regarding the quality of goods, you must:

- \* Have bought the item in your home state or within 100 miles of your current billing address. The amount charged must be more than \$50.
- \* Make a good faith effort first to resolve the dispute with the seller. You are not required to use any special procedure.

There are certain exceptions to this protection. The dollar and distance limitations don't apply if the seller is also the card issuer or if a special business relationship exists between the seller and card issuer.

## **Un-ordered Merchandise**

If you receive an item you did not order, federal law states you can consider the item as a gift. You cannot be forced to pay for the item or return it.

If you decide to keep the merchandise, you may want to send the seller a letter stating your intention, even though you have no legal obligation to do so. Your letter may discourage the seller from sending you repeated bills, or it may clear up an error. You may want to send the letter by certified mail and keep the return receipt and a copy of the letter. These records will help you establish later, if necessary, that you did not order the merchandise.

There are two types of merchandise that may be sent legally without your consent: free samples that are clearly marked as such; and merchandise mailed by charities asking for contributions. In either case, you may keep the shipments.



## Door-to-Door Sales

Shopping at home can be convenient and enjoyable. But there may be times when you change your mind about a door-to-door sales purchase.

The FTC Cooling-Off Rule gives you three days to cancel purchases that are made in your home or at a location that is not the permanent place of business or local address of the seller. However, the Cooling-Off Rule does not cover sales that:

- \* are under \$25.
- \* are made entirely by mail or telephone.
- \* are the result of prior negotiations made by you at the seller's permanent location.
- \* are needed to meet an emergency and you write and sign an explanation waiving your right to cancel.
- \* are made as part of your request for the seller to perform repairs or maintenance on your personal property (although, any purchase made beyond the maintenance or repair request is covered).
- \* involve real estate, insurance, or securities.
- \* are of automobiles sold at temporary locations, provided the seller has at least one permanent place of business.
- \* involve arts and crafts sold at fairs or other locations, such as shopping malls, civic centers, and schools.

Under the Rule, the salesperson must orally inform you of your cancellation rights at the time of sale. You also must be given two copies of a cancellation form and a copy of your contract or receipt. The contract or receipt should be dated, show the name and address of the seller, and explain your right to cancel. The contract or receipt must be in the same language used in the sales presentation.

### **See:**

[Signing the Contract](#)

[How to Cancel a Door-to-Door Sale](#)

[What the Seller Must Do if You Cancel](#)

## **Signing the Contract**

Before you sign a contract, get as much information as possible in writing. Make sure the contract matches the claims made by the seller. Be sure all blank spaces in your contract are filled in. Also, get a copy of the contract or other document you sign; keep it in a safe place for future reference.

## **How to Cancel a Door-to-Door Sale**

To cancel a sale, sign and date one copy of the cancellation form. Make sure the envelope is post-marked before midnight of the third business day after the contract date. (Saturday is considered a business day but Sunday and most federal holidays are not.) Because proof of the mailing date and receipt are important, consider sending the cancellation form by certified mail. Keep the other copy of the cancellation form for your records. You can write your own cancellation letter if you are not given cancellation forms. But let the FTC know that you did not receive cancellation forms from the seller.

## **What the Seller Must Do if You Cancel**

If you cancel, the seller must, within 10 days:

- \* cancel and return any papers you signed.
- \* refund all your money and tell you whether any product left with you will be picked up.
- \* return any trade-in.

Within 20 days, the seller must either pick up the items, or, if you agreed to send back the items, reimburse you for mailing expenses. If you do not make the items available to the seller or if you agreed to return the items but fail to do so, you remain obligated under the contract.

## If You Have a Complaint

Try to resolve your dispute with the seller first. Make sure you act quickly. Some companies may not accept responsibility if you fail to complain within a certain period of time.

Send a letter of complaint. A letter is important because it puts your complaint on record and lets the company know you are serious about pursuing the dispute. Be sure you keep a copy for your records. If you cannot get satisfaction acting alone, consider contacting the following organizations for further information and assistance.

- \* State and local consumer protection offices.

- \* Your local Better Business Bureau (BBB).

- \* Action line and consumer reporters. Check with your local newspaper, TV, and radio stations for a contact.

- \* Postal Inspectors. Call your local post office and ask for the Inspector-in-Charge.

- \* The Federal Trade Commission. Write: Correspondence Branch, Federal Trade Commission, Washington, DC 20580. Although the FTC does not intervene in individual disputes, the information you provide may provide a pattern of possible law violations requiring action by the FTC.

- \* Mail/telephone orders only. The Direct Marketing Association (DMA). Write: DMA, 1101 17th Street, NW, Suite 705, Washington, DC 20036.

- \* Door-to-Door sales only. The Direct Selling Association (DSA) can assist you with your complaint if the door-to-door seller is a member. Write: DSA, 1776 K Street, NW, Washington, DC 20006.

## **Dispute Resolution Options**

You also may want to consider dispute resolution programs. They are an increasingly popular way to settle disagreements. They can be quicker, less expensive, more private, and less stressful than going to court. Many businesses, private organizations, and public agencies offer these programs. Two resolution techniques are mediation and arbitration.

Through mediation, you and the other party try to resolve the dispute with the help of a neutral third party -- a mediator. In the course of informal meetings, the mediator tries to help resolve your differences. The mediator does not make a decision; it is up to you and the other party to reach an agreement. The mediator is there to help you find a solution.

In arbitration, you present your case before an arbitrator, who makes a decision about the case.

Arbitration is less formal than court, though you and the other party may appear at hearings, present evidence, or call and question each other's witnesses. The decision may be binding and legally enforceable in court.

Consider contacting the following organizations to find out what dispute resolution options are available in your area: local and state consumer protection offices; small claims courts; BBBs; and bar associations.

## **For More Information**

If you are not sure what federal agency has jurisdiction over your inquiry or complaint, contact the Federal Information Center (FIC). The FIC is listed in the U.S. government section of phone books in major U.S. cities. For a complete listing of FIC numbers, send a postcard to: Federal Information Center, Pueblo, CO 81009.

# Warranties

Facts for Consumers from the Federal Trade Commission

Before you make a major purchase, there is an important promise you should read. It is called the warranty: the manufacturer's or seller's promise to stand behind a product. Warranties vary in the amount of coverage they provide. So, just as you compare the style, price, and other characteristics of products before you buy, you also can compare their warranties. The Magnuson-Moss Act of 1975 requires that warranties be available for you to read before you make a purchase.

**See:**

[Written Warranties](#)

[Spoken Warranties](#)

[Service Contracts](#)

[Implied Warranties](#)

[Preventing Problems](#)

[Resolving Disputes](#)



## Written Warranties

Written warranties come with most major purchases, although this is not legally required. The protection offered by written warranties varies greatly, so it is important to compare warranties before making a purchase. Here are some questions to keep in mind when comparing warranties.

What parts and repair problems are covered by the warranty?

Check to see if any parts of the product or types of repair problems are excluded from coverage.

Are any expenses excluded from coverage?

Some warranties require you to pay for labor charges.

How long does the warranty last?

Check the warranty to see when it expires.

Does the warranty cover "consequential damages"?

Many warranties do not cover consequential damages. This means that the company will not pay for any damage the product caused, or your time and expense in getting the damage repaired. For example, if your freezer breaks and the food spoils, the company will not pay for the food you lost.

Are there any conditions or limitations on the warranty?

Some warranties only provide coverage if you maintain or use the product as directed. For example, a warranty may cover only personal uses \_ as opposed to business uses \_ of the product. Make sure the warranty will meet your needs.

Who do you contact to obtain warranty service?

It may be the seller or the manufacturer who provides you with service.

What will you have to do to get repairs?

Look for conditions that could prove expensive, such as a requirement that you ship a heavy object to a factory for service.

What will the company do if the product fails?

Find out if the company will repair it, replace it, or return your money.

## **Spoken Warranties**

Sometimes a salesperson will make an oral promise, for example, that the seller will provide free repairs. However, if this claim is not in writing, you may not be able to get the promised service. Have the salesperson put the promise in writing, or do not count on the service.

## **Service Contracts**

When you buy a car, home, or major appliance you may be offered a service contract. Although often called "extended warranties," service contracts are not warranties. Warranties are included in the price of the product. Service contracts come separately from the product, at an extra cost. To decide whether you need a service contract, you should consider several factors; whether the warranty already covers the repairs that you would get under the service contract; whether the product is likely to need repairs and their potential costs; how long the service contract is in effect; and the reputation of the company offering the service contract. To learn more about buying a service contract, write: "Service Contracts," Public Reference, Federal Trade Commission, Washington, D.C. 20580.

## Implied Warranties

Although warranties are not required by law, there is another type of warranty that is. It is called an "implied" warranty. Implied warranties are created by state law, and all states have them. Almost every purchase you make is covered by an implied warranty. The most common type of implied warranty is called a "warranty of merchantability." This means that the seller promises the product will do what it is supposed to do. For example, a car will run, a toaster will toast.

Another type of implied warranty is the "warranty of fitness for a particular purpose." This applies when you buy a product on the seller's advice that it is suitable for a particular use. For example, a seller who suggests that you buy a certain sleeping bag for zero-degree weather warrants that the sleeping bag will be suitable for zero degrees.

If your purchase does not come with a written warranty, it is still covered by implied warranties unless the product is marked "as is," or the seller otherwise indicates in writing that no warranty is given.

Several states, including Kansas, Maine, Maryland, Massachusetts, Mississippi, Vermont, West Virginia, and the District of Columbia, do not permit "as is" sales. If problems arise that are not covered by the written warranty, you should investigate the protection given by your implied warranty.

Implied warranty coverage can last as long as four years, although the length of the coverage varies from state to state. A lawyer or a state consumer protection office can provide more information about implied warranty coverage in your state.

## Preventing Problems

To minimize the chance of a problem with your warranty, take these precautions.

Consider the reputation of the company offering the warranty. If you are not familiar with the company, ask your local or state consumer protection office or Better Business Bureau if they have any complaints against the company. A warranty is only as good as the company that offers it.

Before you buy, read the warranty. See exactly what protection the warranty gives you.

Save the sales slip and file it with your warranty. You may need it later to document the date of your purchase or, in the case of a warranty limited to the first purchaser, that you were the original buyer.

Perform any maintenance or inspections required by the warranty.

Use the product according to the manufacturer's instructions. Abuse or misuse of the product may cancel your warranty coverage.

## Resolving Disputes

If you are faced with any problems with a product or with obtaining the promised warranty service, here are some steps you can take.

Read your product instructions and warranty carefully. Do not expect features or performance that your product was not designed to give, or assume warranty coverage that was never promised. Having a warranty does not mean that you automatically get a refund if the product is defective. The company may be entitled to try to fix it first. In addition, if you reported a defect to the company during the warranty period and the product was not fixed properly, the company must correct the problem, even if your warranty has expired.

Discuss your complaint with the seller. Disputes usually can be resolved at this level. But if you cannot reach an agreement, write the manufacturer. Your warranty should list the company's mailing address. Send all letters by certified mail and keep copies.

If you cannot get satisfaction from either the seller or manufacturer, contact your local consumer protection agencies. They may be able to help.

Inquire about dispute resolution organizations. They arbitrate disagreements when both you and the company are willing to participate. The company or local consumer protection office can suggest organizations to contact. Consult your warranty; dispute resolution may be a required first step before going to court.

To learn more about dispute resolution programs, write: "How to Resolve Consumer Disputes" and "Road to Resolution: Handling Customer Disputes," Public Reference, Federal Trade Commission, Washington, D.C. 20580.

Most states have small claims courts. If the amount of money in dispute is relatively small, usually less than \$750, you can file a lawsuit in small claims court. The costs are low, procedures are simple, and lawyers usually are not needed. The clerk of the small claims court can tell you how to bring your lawsuit and what the dollar limits are in your state.

If none of these actions resolves your dispute, you may want to consider a lawsuit. The Magnuson-Moss Act allows you to sue for damages or for any other type of relief the court awards, including legal fees. A lawyer will be able to advise you whether to proceed with a lawsuit.

Although the FTC cannot represent you directly in a dispute with a company, it wants to know if companies are meeting their warranty obligations. To report violations of the Warranty Act, or other warranty-related problems, send your complaints to: Correspondence Branch, Federal Trade Commission, Washington, D.C. 20580.

# Information from the Social Security Administration

## SOCIAL SECURITY ADMINISTRATION

### Frequently Asked Questions About Social Security

Q: I don't have a Social Security number. What should I do?

A: If you don't have a Social Security number, you must apply for one. There is no charge. Call Social Security's toll-free number, 1-800-772-1213, and ask for an application for a Social Security card. You may also obtain this application at any Social Security office. If you are 18 or older and have never had a Social Security number, you must go to a Social Security office in person to apply. The application for a Social Security card can also be downloaded from this Web server.

Q: I lost my Social Security card so I called Social Security's toll-free number, 1-800-772-1213, and asked for an application for a replacement card. When I get the application, do I have to provide documents to prove my identity?

A: Yes. Page two of the application lists examples of the identity documents we will accept. You must supply us with originals or certified copies of these documents. If you were not born in the U.S., you will need to submit evidence showing your U.S. citizenship or lawful alien status.

Q: I carry my Social Security card in my wallet. I wonder if that's a good idea because my wallet could be lost or stolen and my number could be used by someone else.

A: It is important to protect both your Social Security card and your number. You can prevent the loss or misuse of your card by keeping it with other valuable personal documents, such as your insurance papers and birth certificate. However, there are occasions when you will need to have your card with you--when you apply for a new job, for example.

If your card is lost or stolen, you can apply for a replacement card. If you have evidence that someone is using your Social Security card or number, call Social Security at 1-800-772-1213.

For more about the uses of Social Security numbers, check our publication, Your Social Security Number.

### See:

[Misleading information](#)

[800 number](#)

[Direct deposit](#)

[Change of address](#)

[Earnings record](#)

[Proof of benefits](#)

[Benefit computations](#)

[Retirement](#)

[Social Security taxes](#)

[Survivor's benefits](#)

[Maximum family benefit](#)

[Supplemental Security Income](#)

[Telecommunications device for the deaf \(TDD\) services](#)

[Disability](#)

[Proper documentation](#)

[Representative payees](#)

[Taxable earnings](#)

[Personal earnings and benefit estimate statement](#)

## Misleading information

Q: I recently married and received a letter from a company offering to take care of changing my name on Social Security records for a fee. The letter and the envelope it came in certainly gave me the impression that they were connected with Social Security. I learned later they weren't and I also learned that Social Security provides this service for free so I would like to report this company to someone. What should I do?

A: To report the company, refer the complete mailing, including the envelope, to:

Social Security Administration

Office of Communications

Misleading Information

Post Office Box 17740

Baltimore, Maryland 21235

If it's more convenient, you can take the entire package to your local postmaster, or send a complaint that includes the package to the:

Chief Postal Inspector

United States Postal Service

475 L'Enfant Plaza, SW

Washington, DC 20260-2100

Also, advise your State's Attorney General or Consumer Affairs Office and the Better Business Bureau in your area. Remember, ALL SOCIAL SECURITY SERVICES ARE FREE.



## **800 number**

Q: I can't get to a phone during business hours. Can I call at night to get an application for a Social Security card?

A: Yes. You can apply for an original or replacement Social Security card by calling our toll-free number, 1-800-772-1213, on your touchtone phone 24 hours a day, 7 days a week. Live service is available 7 AM to 7 PM and automated service is available via touchtone phone the rest of the time. Additional services available include:

Application for a Social Security card (SS-5);

Request for Earnings and Benefit Estimate Statement (SSA-7004);

General information pamphlets; and

Verification of benefit amount.

You'll be asked to give your name and address and the application form will be mailed to you within two weeks.

## Direct deposit

Q: What are the advantages of direct deposit?

A: Among other advantages, direct deposit will mean:

You won't need to worry about your checks being lost, stolen, or misplaced;

You won't have to worry about cashing your check if you're hospitalized or in ill health;

You will avoid future possibilities of missing a check;

You can be away from home without the worry of a check sitting unprotected in your mailbox; and

You won't have to make a special trip to your bank or stand in line to deposit your check.

Q: I'm receiving Social Security. How do I have my retirement check sent to my bank? A: Your first step is to call your bank and say that you want to sign up for direct deposit. When you call, have your Social Security number and your checkbook, bank statement, or any papers that show your bank account number. Direct deposit should take effect with either your next check or the one that follows it.

Your payment will then be deposited in your savings or checking account each month, automatically.

## **Change of address**

Q: How do I change my address on my Social Security records? A: Call Social Security's toll-free number, 1-800-772-1213, and tell them your new address including the ZIP code, your new telephone number, and your Social Security claim number. Our lines are busiest early in the week and early in the month, so it's best to call at other times.

Q: My mother will be moving. What does she need to do to make sure she won't miss any of her Social Security checks?

A: Your mother needs to inform Social Security of her new address and phone number as soon as she knows them. She can report by calling Social Security's toll free number, 1-800-772-1213, or she can write or visit the office. Her report should include her Social Security number. Your mother also needs to file a change of address form with the post office.

## Earnings record

Q: How often should I check my Social Security earnings record? Is there much of a chance that an error may occur?

A: You should check your Social Security earnings record at least once every three years. Errors in your earnings record are more likely to occur if you change jobs frequently or have more than one employer. To check your earnings record, contact your local Social Security office or call our toll-free number: 1-800-772-1213 and ask for the Request For Personal Earnings And Benefit Estimate Statement (Form 7004). The form may also be downloaded from this server.

The form asks a few identifying questions (name, address, date of birth, etc.). Four to six weeks after you send in the form, you'll receive a statement that shows your earnings as reported to Social Security by your employer(s). Check our records against your own files.

If you find an error, contact Social Security right away with proof of your actual earnings (such as a W-2 form).

Our lines are busiest early in the week and early in the month, so it's best to call at other times.

Q: Someone told me that Social Security has a financial planning service. I don't understand the connection between financial planning and Social Security.

A: Social Security is not in the financial planning business. However, Social Security can offer you a free Personal Earnings and Benefit Estimate Statement to help you in assessing your financial planning needs. Remember, Social Security was always meant to be a supplement to other pensions and savings. The statement gives you a breakdown of all the wages reported under your social security number as well as estimates of what Social Security benefits you and your family would be eligible for. Once you know what to expect from Social Security, you can plan your other financial needs. To get your free Personal Earnings and Benefit Estimate Statement, call our toll-free number, 1-800-772-1213, or contact your nearest Social Security office, or download from this server.

If you're approaching 60, SSA will send you a Personal Earnings and Benefit Estimate Statement by October without a request from you. [Click here for more information.](#)

## **Proof of benefits**

Q: I need proof of what I receive from Social Security. What can I use?

A: Every year Social Security will send you an SSA-1099 form showing how much you received in the past year. You can use this as proof of your benefit amount. We'll also send you a notice when your amount increases because of an annual cost of living raise (The annual cost of living notice--COLA--goes on to individuals with direct deposit, not to those paid by check.). If you don't have these notices or you need a statement of your current benefit, you can have one mailed to you by calling our toll-free number, 1-800-772-1213. You can show this notice as proof of how much you get.

## **Benefit computations**

Q: Why is my neighbor's check more than mine?

A: Benefit computations are based on a person's date of birth and complete work history, so differences are very likely. To protect each person's privacy, we cannot give you information about someone else's Social Security record.

## Retirement

Q: Are my benefits figured on my last five years of earnings?

A: No. Retirement benefits are calculated on earnings during a lifetime of work under the Social Security system. Years of high earnings will increase the amount of the benefit.

Q: Will my retirement pension from my job reduce the amount of my Social Security benefit?

A: If your pension is from work where you also paid Social Security taxes, it will not affect your Social Security benefit. Pensions from work that are not covered by Social Security (for example, the federal civil service and some state or local government systems) probably will reduce the amount of your Social Security benefit. For additional information, see Social Security publications "Government Pension Offset" (05-10007) and "A Pension for Work Not Covered" (05-10045).

Q: I will be 62 on August 2 of this year and that's when I plan on retiring. Will my first benefit check be for the month of August or September?

A: Since you were born on the first or second day of the month, you will be eligible the month you were born--August. But, in most cases, Social Security retirement benefits do not begin the month the person reaches 62; benefits usually begin the following month. To receive retirement benefits, you must be at least age 62 for the entire month. But, the law says that you "attain" your age the day before your birthday. Since you were born on August 2, you legally attain your age on August 1; therefore you're eligible for benefits for August because you're considered 62 for the entire month.

Q: My neighbor, who is retired, told me that the income he receives from his part-time job at the local nursery gives him an increase in his Social Security benefits. Is that right?

A: People who return to work after they start receiving benefits may be able to receive a higher benefit based on those earnings. This is because Social Security automatically recomputes the benefit amount after the additional earnings are credited to the individual's earnings record.

Q: If I work after I start receiving Social Security retirement benefits, will I have to pay FICA taxes?

A: Yes, and your extra earnings may increase your benefits. For additional information, call your local Social Security office or Social Security's toll-free number, 1-800-772-1213.

Q: I am 70 years old and still working. Do I have to report my earnings to Social Security?

A: In the year you reach age 70, you are responsible for reporting your earnings for the months before the month you reach 70. You do not have to report your earnings if you are 70 or older all year. You can report your earnings by calling Social Security's toll-free number, 1-800-772-1213 or contacting your local Social Security office. Representatives at the toll-free number can give you the address and telephone number of your nearest Social Security office.

Q: I understand I can retire at age 62 and collect Social Security benefits, but that they will be less than if I wait until 65 to retire. How does that work?

A: Your benefits are reduced five-ninths of one percent for each month you are retired before age 65, up to a maximum of 20 percent for people who retire the month they reach 62. But remember, by taking benefits at 62, you'll receive Social Security checks for a longer period of time.

Q: I think Social Security is a rip off compared to a private retirement plan I have. Can I drop out of Social Security?

A: No. Social Security coverage is mandatory. But consider this: unlike your private plan, Social Security provides disability and survivors coverage in addition to retirement benefits. And Social Security generally offers greater protection for family members than private pensions.

Q: I have two children at home and I plan to retire next fall. Will my children be eligible for monthly Social Security checks after I retire?

A: Monthly Social Security payments may be made to unmarried children under age 18, or age 19 if still in high school, or children age 18 or over who were severely disabled before age 22 and who continue to be disabled.

Q: I'd like to get Social Security retirement benefits and continue working. Is it hard to follow the rules?

A: It's easier than you think. When you apply for your retirement benefits, the Social Security representative will explain how your earnings will affect your benefit checks. You will need to estimate your future earnings and, at the end of each year, file a report of your actual earnings. Your benefits will be paid based on your estimated earnings so your estimate needs to be as accurate as possible. After you report your actual earnings, we will send you an additional check for benefits you are due if your original estimate was too high. If your estimate was too low and you are overpaid, the money will be

withheld from your checks in the next year.



## Social Security taxes

Q: I'm a married woman who works and pays Social Security taxes. A friend of mine told me she'll be eligible for Social Security benefits on her husband's record, even though she's never worked or paid Social Security taxes. That doesn't seem fair. Does that mean that the Social Security taxes I'm paying are wasted, since I could get benefits on my husband's record without ever working?

A: The Social Security taxes you are paying are not wasted. As a married woman who works and pays Social Security taxes, you have advantages by being eligible for your own benefit. You may get a higher benefit when you retire than if your benefit was based solely on your husband's earnings. You can retire before your husband, based on your own earnings, even though your husband continues to work. As a working woman, you earn disability protection for you and your dependent children. Also, in the event of your death, your survivors may be eligible for benefits based on your earnings.

Q: If you hire someone to work in your home, must you pay Social Security taxes on their earnings?

A: It depends on how much the household worker is being paid. Effective with 1994 earnings, no tax is due unless the earnings are at least \$1,000 in a year. You report the earnings once a year. You, as the employer, should withhold the employee share of 7.65 percent of wages, add an equal employer share, and send the total to the Internal Revenue Service once a year.

Workers covered include maids, child care providers, gardeners, and others who provide household services. Workers under age 18 are exempt unless household employment, including babysitting, is their main occupation.

If you have questions about reporting household employment and paying the Social Security taxes, call the Internal Revenue Service's toll-free number, 1-800-829-1040.

Q: I may open a small business. Will I pay more in Social Security taxes than I did when I worked for someone else?

A: Yes and no. Self-employed people pay twice as much in Social Security taxes as employees pay. However, because employers pay a matching share, the combined rate is the same as the self-employment tax. But there are special tax credits you can take when you file your tax return that are intended to lower your overall rate. In 1995, the self-employment tax rate is 15.3 percent of your net profit up to \$61,200. But if your net earnings exceed \$61,200, you must continue to pay the Medicare portion of the Social Security tax (2.9 percent) on the remainder of your earnings.

For more information about your tax responsibilities as the owner of a small business, call the IRS toll-free number 1-800-829-1040.

Q: I think I could do better if you let me invest the Social Security I pay into an IRA or some other investment plan. What do you think?

A: Maybe you could--but then again, maybe your investments wouldn't work out. Remember these facts: Your Social Security taxes pay for potential disability and survivors benefits as well as for retirement benefits;

Social Security incorporates social goals--such as giving more protection to families and to low income workers--that are not part of private pension plans; and

Social Security benefits are adjusted yearly for increases in the cost-of-living--a feature not present in many private plans.

Q: Both my husband and I work and pay Social Security taxes. On which record will my benefits be based?

A: You will receive benefits based on your work record if you work long enough under Social Security--usually 10 years--to be entitled to benefits. If your wife's benefit is more than your own Social Security, you will receive an additional amount on your husband's record.

## Survivor's benefits

Q: My ex-wife died a month ago. Are our children, ages 11 and 14, eligible for Social Security benefits?

A: Possibly. It depends on whether she had enough work credits to be insured. If she did, your children may be eligible for benefits. Apply for survivors benefits promptly because benefits are generally retroactive only up to 6 months. You can apply by calling Social Security's toll-free number, 1-800-772-1213, or by calling your local Social Security office.

Q: My two children and I have been receiving survivors benefits since my wife died. Will these benefits continue if I remarry?

A: Your remarriage would have no effect on the benefits being paid to your children. If you get benefits only because you are caring for your children, your benefits would end at the time of your remarriage unless you marry someone who is receiving Social Security benefits.

Q: My mother, a widow, died in late January. Social Security tells me that I must return her January benefit (paid in February) even though she was alive most of the month. Why is this?

A: Social Security benefits are not pro-rated. To be entitled to a Social Security benefit check for a given month, the person must be alive the entire month. No benefit is payable for the month of death.

Q: I'm a 63-year-old widow receiving reduced Social Security benefits. Can I switch to a higher benefit when I turn 65?

A: Ordinarily, you can't change from a reduced benefit to a full benefit when you reach age 65. But if you are a widow or widower who already has earned enough credits to get Social Security on your own record, or you are continuing to work at higher earnings, you may be able to switch to a higher benefit. Contact your Social Security office to ask for a benefit computation.

Q: When a Social Security beneficiary dies, does the funeral home notify Social Security or is notification up to the family?

A: Many funeral directors voluntarily provide death information directly to Social Security. But, family members of a deceased individual still have the legal responsibility to notify Social Security.

Q: My wife, who had worked for about six years, died last month and now I am the sole support for our two young children. Am I eligible for Social Security survivors benefits?

A: Possibly. Depending on your wife's age at death, she may have had enough work credit to be insured. If she was, you and your children may be eligible for benefits. However, if you're working, your earnings may reduce your Social Security benefits.

Q: Our daughter, who had two young children, passed away two years ago. Her husband is planning to remarry and his fiance wants to adopt the children after the marriage. Will the children lose the Social Security survivor's benefits that they currently receive?

A: No. The adoption of a child already entitled to survivor's benefits does not terminate the child's benefits.

## **Maximum family benefit**

Q: I've heard that there is a maximum family benefit under Social Security. Does this mean that once the maximum is reached, some family members won't get benefits?

A: No. Each family member entitled to a monthly benefit will receive one. The total benefits received by the family, however, cannot exceed the family maximum amount. That amount is divided among all entitled dependents. The more dependents who receive benefits on the worker's Social Security record, the lower the benefit amount will be for each dependent. However, the family maximum does not affect the wage earner's benefit.

# Supplemental Security Income

Q: What is SSI?

A: SSI is short for Supplemental Security Income. It pays checks to individuals who are 65 or older, or blind, or have a disability and who don't own much or have a lot of income. SSI isn't just for adults. Monthly checks can go to disabled and blind children also.

Q: Is the SSI payment for an eligible couple twice that of an eligible individual? And if it isn't, why not?

A: The SSI program provides a basic Federal payment for an eligible individual and a larger amount for an eligible couple. The payment for a couple is lower than that made to two individuals because married people living together generally share expenses and live more economically than two people living independently.

Q: I have been receiving Supplemental Security Income (SSI) checks for several months and my check has always arrived on the 1st of the month. I cash the check immediately, shop for groceries, and pay my rent that is due on the 1st as well. What happens when the 1st of the month falls on a Saturday? Must my rent be late because I can't cash my check until Monday?

A: For SSI recipients, if the 1st falls on a Saturday, Sunday, or legal holiday, the SSI check should arrive on the previous banking day.

Q: A few days ago I saw a poster that advised individuals 65 or over with limited income and resources to apply for Supplemental Security Income (SSI) at any Social Security office. Next month I'll turn 65 and I thought I'd be eligible for SSI so I planned to apply until my neighbor told me I'd probably be turned down because I have children who could help support me. Is this true?

A: No. Your eligibility for SSI would not be affected by your children's ability to help support you. But, any support they give you would be considered income for SSI purposes and could affect the amount of your payment. For more information, contact your nearest Social Security office or call Social Security's toll-free number, 1-800-772-1213.

Q: When I started receiving Supplemental Security Income (SSI) checks, I received a booklet that told me what I should report to Social Security. I misplaced the booklet. How can I get a new one?

A: Call your local Social Security office or Social Security's toll-free number, 1-800-772-1213 and ask for the booklet, When You Get SSI, What You Need to Know.

Q: I just got a notice from Social Security that said my Supplemental Security Income (SSI) case is being reviewed. What does this mean?

A: Social Security reviews every Supplemental Security Income case from time to time to make sure the individuals who are receiving checks should continue to get them. The review also determines if the individuals are receiving the correct amounts.

## **Telecommunications device for the deaf (TDD) services**

Q: Can I use my TDD (Telecommunications Device for the Deaf) to call Social Security on the national Social Security toll-free voice line?

A: TDD use is limited to the special toll-free TDD service line. Voice calls should not be made to the TDD toll-free number and TDD calls should not be made to other Social Security numbers established for voice callers. The Social Security national TDD toll-free number is 1-800-325-0778.

## Disability

Q: I understand that to get Social Security disability benefits, your disability must be expected to last at least a year. Does this mean that you must wait a year after being disabled before you can get benefits?

A: You do not have to wait a year after the onset of the disability before you can get benefits. You should file as soon as you can after becoming disabled and benefits begin after a 5-month waiting period. The waiting period begins with the month Social Security decides your disability began.

Q: I have been receiving Social Security disability benefits for the past four years and my condition has not improved. Is there a time limit on Social Security disability benefits?

A: No. You will continue to receive a disability benefit as long as your condition keeps you from working. But, your case will be reviewed periodically to see if there has been any improvement in your condition and whether you are still eligible for benefits. If you are still eligible when you reach 65, your disability benefit will be automatically converted to retirement benefits.

Q: I had a serious back injury four years ago and received disability benefits for about 18 months until I could return to work. Unfortunately, my back problems have recurred and I don't know how much longer I will be able to continue working. When I initially applied for benefits, I waited several months before I received my first check. If I reapply for benefits, will my wait be as long as it was the first time?

A: Maybe not. It depends on what the new medical reports say and whether additional evidence is required. A worker who becomes disabled a second time within five years after benefits stop can have his or her checks start again, beginning with the first full month of disability if the new claim is approved.

Q: My brother had an accident at work last year and is now receiving Social Security disability benefits for himself, his wife, and daughter. Before his accident, he helped support another daughter by a woman to whom he has never been married. Is the second child entitled to some benefits as well?

A: Yes, even though your brother wasn't married to the second child's mother, Social Security pays benefits to all of his children, even if they were born out of wedlock. Each child is entitled to equal benefits.

## Proper documentation

Q: I'm getting ready to sign up for Social Security. I heard I have to show you my birth certificate. I've got a copy of it in my safe deposit box. Is this good enough?

A: It depends on what you mean by a "copy." If it's a copy of your birth record that's been certified by the agency that issued your birth certificate, then it's acceptable. "Certified" means it's been signed by the issuing agency and has a official seal. If all you have is an uncertified photocopy, that's not legally acceptable.

Q: What documents will I need show to my claims representative to prove I'm eligible for Social Security benefits?

A: To show us you're eligible for Social Security and to help us decide how much your benefits should be will depend on the circumstances of your claim. Here is a list of some of the documents you can use:

Your Social Security card (or a record of your number);

Your birth certificate;

Children's birth certificates (if they are applying);

Marriage certificate (if signing up on a spouse's record);

Your most recent W-2 form, or your tax return if you're self- employed;

Your military discharge papers if you had military service.

You must bring or mail the original documents, or certified copies, to the local Social Security office, where they will be photocopied and returned to you.

## **Representative payees**

Q: I have an elderly friend who receives Social Security benefits. I'm concerned that she's unable to manage her money to pay her bills on time. Can Social Security help her? A: Yes. When an individual who gets Social Security or Supplemental Security Income (SSI) checks is unable to manage benefits in his or her own best interest, the Social Security Administration appoints a representative payee to assume these responsibilities. In these cases, the Social Security or SSI benefits are sent directly to the representative payee. The payee takes care of using funds for the personal care and well-being of the beneficiary and agrees to report certain changes in the beneficiary's circumstances that could affect the continuing eligibility to receive benefits. To get more information, call your local Social Security office and ask about "representative payees."



## **Taxable earnings**

Q: My 17-year-old daughter has a summer job keeping house for a neighbor. Are her earnings taxable for Social Security?

A: No. Workers under age 18 are exempt unless household employment is their main occupation. Workers 18 and older are also exempt if they earn less than \$1,000 a year in cash wages for household work.

If you have questions about reporting household employment and paying the Social Security taxes, call the Internal Revenue Service's toll-free number, 1-800-829-1040.

## **Personal earnings and benefit estimate statement**

Q: I'm in my late '50s, still working, and haven't started drawing Social Security yet. Will Social Security send me a document that will help me determine what my future benefits will be?

A: Yes. If you haven't received in already, you should receive a document in the mail that will give you an estimate of your future benefits. You can use this statement as a part of your planning for retirement. After you've read the statement, you don't need to do anything unless you believe the earnings information is incorrect. If the error involves recent earnings at your current job, contact your employer. If your statement shows incorrect earnings at a former job, report the discrepancy to Social Security's toll-free number, 1-800-772-1213. When you call, be sure to have your records of the correct earnings handy--such as W-2s, pay stubs, and tax returns. You should also call the toll-free number to report an incorrect name or Social Security number on the statement.

Q: I am in my forties. How do I get a benefit estimate statement? A: Call the toll-free number 1-800-772-1213 anytime--including weekends and holidays--and ask for form SSA-7004 (Request for Personal Earnings and Benefit Estimate Statement). You should receive the statement in four to six weeks.

## Public Utilities Commission Complaints

The following is a listing of state utility regulators and public advocates. These offices set the rates which utilities are permitted to charge and may have authority to settle consumer disputes with utilities. "Public Counsel" or similar offices are full time either elected or appointed officials who monitor utility rate and service filings and are required to advocate for the interests of the public. The concept is that utility issues are so complicate that only a full time professional staff trained in law and economics can effectively counter requests for changes in services and rates.

Both offices welcome consumer input and complaints.

Contact Information for Commissions and Consumer Advocates

ST Commission

Consumer Advocate

AL

Jim Sullivan, President

Alabama Public Service Commission

Box 991

Montgomery, Alabama 36101-4991

Voice: (205) 242-5207

Fax: (205) 240-3351

Mary Elizabeth Culberson, Acting Chief

Utilities Division

Office of Attorney Alabama

Alabama Statehouse

11 South Union Street

Montgomery, Alabama 36130

Voice: (334) 242-7414

Fax: (334) 353-8440

AK

Don Schroer, Chair

Alaska Public Utilities Commission

1016 W. 6th Avenue

Suite 400

Anchorage, Alaska 99501

Voice: (907) 276-6222

Fax: (907) 276-0160

AZ

Renz D. Jennings, Chair

Arizona Corporation Commission

1200 W. Washington Street

Phoenix, Arizona 85007

Voice: (602) 542-2237

Fax: (602) 542-5560

Greg Patterson

Residential Utility Consumer Office

1501 West Washington Street Suite 227

Phoenix, Arizona 85007

Voice: (602) 542-3733

Fax: (602) 542-3738

AR

Sam I. Bratton Jr., Chair

Arkansas Public Service Commission

P. O. Box 400

Little Rock, Arkansas 72203-0400

Voice: (501) 682-2051

Fax: (501) 682-5731

Shirley Guntharp  
Office of the Attorney Alabama  
200 Tower Building  
323 Center Street  
Little Rock, Arkansas 72201  
Voice: (501) 682-2007  
Fax: (501) 682-8084

CA

Daniel William Fessler, President  
Office of the Director  
California Public Utilities Commission  
Consumer Affairs Branch  
505 Van Ness Avenue  
San Francisco, California 94102-3298  
Voice: (415) 703-3703  
Fax: (415) 703-1758

Comments can be filed by electronic mail, at [public.public.advisor@cpuc.ca.gov](mailto:public.public.advisor@cpuc.ca.gov).

CO

Robert J. Hix, Chair  
Colorado Public Utilities Commission  
1580 Logan Street  
Office Level 2  
Denver, Colorado 80203  
Voice: (303) 894-2000 x 401  
Fax: (303) 894-2065

Ken Reif

Office of Consumer Council  
1580 Logan Street  
Suite 610  
Denver, Colorado 80203  
Voice: (303) 894-2121  
Fax: (303) 894-2117

CT

Reginald J. Smith, Chair  
Connecticut Department of Public Utility Control  
1 Central Park Plaza  
New Britain Connecticut 06051  
Voice: (203) 827-1553  
Fax: (203) 827-2613

John F. Merchant

Office of Consumer Counsel  
136 Main Street  
Suite 501

New Britain Connecticut 06051  
Voice: (203) 827-7887  
Fax: (203) 827-2929

DE

Robert J. McMahon, Chair  
Delaware Public Service Commission  
1560 South DuPont Highway  
P.O. Box 457  
Dover, Delaware 19903-0457  
Voice: (302) 739-4247  
Fax: (302) 739-4849

Patricia Stowell

Office of the Public Advocate

Carvel State Office Building  
820 N. French Street  
Fourth Floor  
Wilmington, Delaware 19801  
Voice: (302) 577-3087  
Fax: (302) 577-3297  
DC

Edward M. Meyers, Commissioner  
District Of Columbia Public Service Commission  
450 Fifth Street N.W.  
Washington D.C. 20001  
Voice: (202) 626-5100  
Fax: (202) 638-1785  
Elizabeth A. Noel  
Office of the People's Counsel  
1133 15 th Street N.W.  
Suite 500  
Washington, D.C. 20005  
Voice: (202)727-3071  
Fax: (202) 727-1014  
FL

Susan F. Clark, Chair  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Gerzld Gunter Building  
Tallahassee, Florida 32399-0850  
Voice: (904) 413-6040  
Fax: (904) 413-6395  
Steve Shreve  
Office of Public Counsel  
812 Claude Pepper Building  
111 West Madison Street  
Tallahassee, FL 32399-1400  
Voice: (904) 488-9330  
Fax: (904) 488-4491  
GA

Bob Durden, Chair  
Georgia Public Service Commission  
244 Washington Street S.W.  
Atlanta, Georgia 30334-5701  
Voice: (404) 656-4512  
Fax: (404) 656-2341  
Nancy G. Gibson  
Office of Consumers' Utility Counsel  
84 Peachtree Street N.W.  
Suite 201  
Atlanta, Georgia 30303-2318  
Voice: (404) 656-3982  
Fax: (404) 651-9394  
HI

Yukio Naito, Chair  
Hawaii Public Utilities Commission  
465 South King Street  
Kekuanao's Building No. 103  
Honolulu, Hawaii 96813  
Voice: (808) 586-2020

Fax: (808) 586-2066  
Charles W. Totto  
Division of Consumer Advocacy  
P. O. Box 541  
Honolulu, Hawaii 96809  
Voice: (808) 586-2800  
Fax: (808) 586-2780

ID  
Ralph Nelson, President  
Idaho Public Utilities Commission  
P. O. Box 83720  
Boise, Idaho 83720-0074  
Voice: (208) 334-2898  
Fax: (208) 334-3762

IL  
Dan Miller, Chair  
Illinois Commerce Commission  
Leland Building  
527 East Capitol Avenue  
P. O. Box 19280  
Springfield, Illinois 62794-9280  
(312) 814-2859  
(312) 814-7289

Martin Cohen  
Citizens Utility Board  
208 S. LaSalle  
Suite 1760  
Chicago, Illinois 62604  
Voice: (312) 263-4282  
Fax: (312) 263-4329

Marie Spicuzza  
Cook County State's Attorney's Office  
Public Utility Division  
28 N. Clark Street  
Suite 400  
Chicago, Illinois 60602  
Voice: (312) 345-2436  
Fax: (312) 345-2401

IN  
John F. "Jack" Mortell, Chair  
Indiana Utility Regulatory Commission  
Suite E306  
Indiana Government Center South  
302 West Washington Street  
Indianapolis, Indiana 46204  
Voice: (312) 232-2702  
Fax: (312) 232-6758

Ann Becker  
Office of Utility Consumer Counselor  
100 N. Senate Avenue  
Room N501  
Indianapolis, Indiana 46204-2208  
Voice: (317) 232-2494  
Fax: (317) 232-5923

IA  
Allan T. Thoms, Chair

Iowa Utilities Board  
Lucas State Office Building  
State Capitol  
Des Moines, Iowa 50319  
(515) 281-5167  
(515)281-8821

James Maret  
Office of Consumer Advocate  
Lucas State Office Building  
4th Floor  
State Capitol  
Des Moines, Iowa 50319  
Voice: (515) 281-5984  
Fax: (515) 242-6564

KS  
Susan M. Seltsam, Chair  
Kansas Corporation Commission  
1500 S.W. Arrowhead Road  
Topeka Kansas 66604-4027  
Voice: (913) 271-3166  
Fax: (913) 271-3354

Citizens' Utility Ratepayer Board  
1500 S.W. Arrowhead Road  
Topeka, Kansas 60604-4027  
Voice: (913) 271-3200  
Fax: (913) 271-3116

KY  
Linda Breathitt, Commissioner  
Kentucky Public Service Commission  
730 Schenkel Lane  
P.O. Box 615  
Frankfort, Kentucky 40602  
Voice: (502) 564-3940  
Fax: (502) 564-3460

Dennis Howard  
Office of the Attorney General  
Public Service Litigation Branch  
P.O. Box 2000  
Frankfort, Kentucky 40602  
Voice: (505) 573-4994  
Fax: (505) 573-8315

LA  
John F. Schwegmann, Chair  
Louisiana Public Service Commission  
P.O. Box 91154  
Baton Rouge, Louisiana 70821-9154  
Voice: (504) 838-5250  
Fax: (504) 838-5252

ME  
Thomas L. Welch, Chair  
Maine Public Utilities Commission  
242 State Street  
State House Station 18  
Augusta, Maine 04333  
Voice: (207) 287-3831  
Fax: (207) 287-1039

Stephen Ward, Public Advocate  
State House Station 112  
Augusta, Maine 04333  
Voice: (207) 287-2445  
Fax: (207) 287-4317  
MD

H. Russell Frisby Jr., Chair  
Maryland Public Service Commission  
16th Floor  
6 Saint Paul Street  
Baltimore, Maryland 21202-6806  
Voice: (410) 767-8072  
Fax: (410) 333-6495  
Michael Travieso  
Office of People's Counsel  
6 St. Paul Street  
Suite 2102  
Baltimore, Maryland 21202  
Voice: (410) 767-8150  
Fax: (410) 333-3616  
MA

Kenneth Gordon, Chair  
Massachusetts Department of Public Utilities  
100 Cambridge Street  
Boston, Massachusetts 02202  
Voice: (617) 727-3517  
Fax: (617) 723-8812  
George Dean  
Public Protection Bureau  
Office of Attorney General  
131 Tremont Street  
Boston, Massachusetts 02202  
Voice: (617) 727-2200  
Fax: (617) 727-1047

MI  
John G. Strand, Chair  
Michigan Public Service Commission  
Mercantile Building  
6545 Mercantile Way  
P.O. Box 30221  
Lansing, Michigan 48909-7721  
Voice: (517) 334-6370  
Fax: (517) 882-1685  
Paul Lark  
Office of Attorney General  
Special Litigation Division  
P.O. Box 30212  
Lansing, Michigan 48909  
Voice: (517) 373-1123  
Fax: (517) 373-9860

MN  
Donald A. Storm, Chair  
Minnesota Public Utilities Commission  
121 7th Place East  
Suite 350  
St. Paul, Minnesota 55101-2147



Voice: (612) 296-0621  
Fax: (612) 282-5437  
Joan Peterson  
Residential Utilities Division  
Office of Attorney General  
Suite 1200  
NCL Tower  
445 Minnesota Street  
St. Paul Minnesota 55101-2130  
Voice: (612) 296-9412  
Fax: (612) 296-7438  
MS

Curt Herbert Jr., Chair  
Mississippi Public Service Commission  
19th Floor  
Walter Sillers State Office Building  
P.O. Box 1174  
Jackson, Mississippi 39215-1174

Voice: (601) 961-5440  
Fax: (601) 961-5469  
Frank Spencer  
Public Advocacy Division  
Attorney General's Office  
P.O. Box 220  
Jackson, Mississippi 39205  
Voice: (601) 359-4209  
Fax: (601) 359-4273  
MO

Karl Zobrist, Chair  
Missouri Public Service Commission  
P. O. Box 360  
Truman State Office Building  
Jefferson City, Missouri 65102  
Voice: (314) 751-3234  
Fax: (573) 526-7341  
Martha S. Hogerty  
Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, Missouri 65102  
Voice: (314) 751-4857  
Fax: (573) 751-5562

MT  
Nancy McCaffree, Chair  
Montana Public Service Commission  
1701 Prospect Avenue  
P.O. Box 202601  
Helena, Montana 59620-2601  
Voice: (406) 444-6165  
Fax: (406) 444-7618

NE  
Daniel G. Urwiller, Chair  
Nebraska Public Service Commission  
300 The Atrium  
1200 N. Street  
P.O. Box 94927  
Lincoln, Nebraska 68509-4927

Voice: (402) 471-0216

Fax: (402) 471-0254

NV

John F. Mendoza, Chair

Nevada Public Service Commission

727 Fairview Drive

Carson City, Nevada 89710

Voice: (702) 486-2600

Fax: (702) 486-2590

Fred Schmidt

Advocate for Customers of Public Utilities

1000 East Williams Street

Suite 200

Carson City, Nevada 89710

Voice: (702) 687-6300

Fax: (702) 687-6304

NH

Douglas L. Patch, Chair

New Hampshire Public Utilities

Commission

8 Old Suncook Road

Building No. 1

Concord, New Hampshire 0331-5185

Voice: (603) 271-2442

Fax: (603) 271-3878

Michael W. Holmes

Office of the Consumer Advocate

8 Old Suncook Road

Building #1

Concord, New Hampshire 03301-5185

Voice: (603) 271-1172

Fax: (603) 271-1177

NJ

Herbert H. Tate, President

New Jersey Board of Public Utilities

Two Gateway Center

Newark, New Jersey 07102

Voice: (201) 648-2013

Fax: (201) 648-4195

Blossom Peretz

Division of Ratepayer Advocate

P.O. Box 46005

Newark, New Jersey 07101

Voice: (201) 271-2690

Fax: (201) 624-1047

NM

Lawrence B. Ingram, Chairman

New Mexico Public Utility Commission

Marian Hall

224 East Palace Avenue

Santa Fe, New Mexico 87501-2013

Voice: (505) 827-6942

Fax: (505) 827-6973

Charles F. Noble

Consumer Protection Division

Office of Attorney General

P.O. Drawer 1508  
Santa Fe, New Mexico 87504-1508  
Voice: (505) 827-6010  
Fax: (505) 827-4098  
NY

Harold A. Jerry Jr., Chair  
New York Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223  
Voice: (518) 474-2523  
Fax: (518) 473-2838  
One Penn Plaza  
8th Floor

New York New York 10019  
Voice: (212) 290-4416  
Fax: (212) 290-4435  
Ellicott Square Building  
295 Main Street  
Buffalo, New York 14203  
Voice: (716) 847-3400  
Fax: (716) 847-3426

Timothy Carrey  
NYS Consumer Protection Board  
Utility Intervention Office  
99 Washington Avenue  
10th Floor  
Albany, New York 12210  
Voice: (518) 474-3514  
Fax: (518) 474-2474

Robert Piller  
Public Utility Law Project of New York  
39 Columbia Street  
Albany, New York 12207  
Voice: (518) 449-3375  
Fax: (518) 449-1769

Robert Ceisler  
Citizens' Utility Board  
146 Washington Avenue  
Albany, New York 12210  
Voice: (518) 426-4282  
Fax: (518) 432-6178

Gordian Raacke  
Citizen's Advisory Panel  
1767 Veterans Highway  
Suite 46  
Central Islip, New York 11722-1538  
Voice: (516) 467-1857  
Fax: (516) 234-2403

NC  
Hugh A. Wells, Chair  
North Carolina Utilities Commission  
430 North Salisbury Street  
Dobbs Building  
Raleigh, North Carolina 27603  
P. O. Box 29510  
Raleigh, North Carolina 27626-0510

Voice: (919) 733-4249  
Fax: (919) 733-7300  
Jo Anne Sanford  
Office of Attorney General  
Utilities, Energy & Insurance Section  
P. O Box 629  
Raleigh, North Carolina 27602

Voice: (919) 733-7214  
Fax: (919) 715-0599  
Robert P. Gruber  
Public Staff  
P.O. Box 29520  
Raleigh, North Carolina 27626-0520

Voice: (919) 733-2435  
Fax: (919) 733-9565  
ND

Leo M. Reinbold, President  
North Dakota Public Service Commission  
600 East Boulevard  
12th Floor  
Bismarck, North Dakota 58505

Voice (701) 328-2400  
Fax: (701) 328-2410  
OH

Craig A. Glazer, Chairman  
Ohio Public Utilities Commission  
180 East Broad Street  
Columbus, Ohio 43215-3793  
Voice: (614) 466-3204  
Fax: (614) 466-7366

Robert Tongren  
Office of the Consumers' Counsel  
77 South High Street  
15th Floor  
Columbus, Ohio 43266-0550  
Voice: (614) 466-8574  
Fax: (614) 466-9475

OK  
Cody L. Graves, Chair  
Jim Thorpe Office Building  
P.O. Box 52000-2000  
Oklahoma City, Oklahoma 73152  
Voice: (405) 521-2267  
Fax: (405) 521-3852

OR  
Joan H. Smith, Chair  
Oregon Public Utility Commission  
550 Capitol Street N.E.  
Salem, Oregon 97310  
Voice: (503) 378-6611  
Fax: (503) 378-5505  
Bob Jenks

Oregon Citizens Utility Board  
921 Southwest Morrison  
Suite 550  
Portland, Oregon 97205

Voice: (503) 227-1984

Fax: (503) 274-2956

PA

John M. Quain, Chair

Pennsylvania Public Utility Commission

P. O Box 3265

Harrisburg, Pennsylvania 17105-3265

Voice: (717) 783-7349

Fax: (717) 787-5813

Irwin A. (Sonny) Popowsky

Office of Consumer Advocate

1425 Strawberry Square

Harrisburg, Pennsylvania 17120

Voice: (717) 783-5048

Fax: (717) 783-7152

Bernard A. Ryan Jr.

Office of Small Business Advocate

Commerce Building Suite 1102

300 North Second Street

Harrisburg, Pennsylvania 17101

Voice: (717) 783-2525

Fax: (717) 783-2831

RI

James J. Malachowski, Chair

Rhode Island Public Utilities Commission

100 Orange Street

Providence, Rhode Island 02903

Voice: (401) 277-3500 x 108

Fax: (401) 277-6805

SC

Rudolph Mitchell, Chair

South Carolina Public Service

Commission

P. O. Drawer 11649

Columbia, South Carolina 29211

Voice: (803) 737-5250

Fax: (803) 737-5246

Nancy Vaughn Combs

Division of Consumer Advocacy

Department of Consumer Affairs

2801 Devine Street, 2nd Floor

P.O. Box 5757

Columbia, South Carolina 29250

Voice: (803) 734-9464

Fax: (803) 734-9365

SD

Kenneth D. Stofferhn, Chair

South Dakota Public Utilities Commission

State Capitol

500 East Capitol Street

Pierre, South Dakota 57501-5070

Voice: (605) 773-3201

Fax: (605) 773-3809

TN

Keith Bissell, Chair

Tennessee Public Service Commission

460 James Robertson Parkway  
Nashville, Tennessee 37243-0505  
Voice: (615) 741-3668  
Fax: (615) 741-5015

Vincent Williams  
Consumer Advocate Division  
Office of the Attorney General  
405 James Robertson Parkway  
Nashville, Tennessee 37243  
Voice: (615) 741-8700  
Fax: (615) 741-8724

TX  
Patrick H. Wood III, Chair  
Texas Public Utility Commission  
7800 Shoal Creek Blvd.

Austin, Texas 78757  
Voice: (512) 458-0100  
Fax: (512) 458-8340

Suzi Ray McClellan  
Office of Public Utility Counsel  
7800 Shoal Creek Blvd.  
Austin, Texas 78757  
Voice: (615) 741-8700  
Fax: (615) 741-8724

UT  
Stephen F. Mecham, Chair  
160 East 300 South  
P. O. Box 45585

Salt Lake City, Utah 84145  
Voice: (801) 530-6716  
Fax: (801) 530-6796

Sandy Mooy  
Committee of Consumer Services  
P. O. Box 45809  
Salt Lake City, Utah 84145-0809  
Voice: (801) 530-6645  
Fax: (801) 530-7655

VT  
Richard H. Cowart, Chair  
Vermont Public Service Board  
Chittenden Bank Building  
112 State Street  
Drawer 20

Montpelier, Vermont 05620-2701  
Voice: (802) 828-2358  
Fax: (802) 828-3351

James Volz  
Division of Public Advocacy  
State Office Building  
120 State Street  
Montpelier, Vermont 05620  
Voice: (802) 828-2811  
Fax: (802) 828-2342

VA  
Preston C. Shannon, Chair  
Virginia State Corporation Commission

Tyler Building  
P.O. Box 1197  
Richmond, Virginia 23209  
Voice: (804) 371-9608  
Fax: (804) 371-9376  
Edward L. Petrini  
Office of Attorney General  
Insurance & Utilities Regulatory Section  
900 E. Main Street  
Richmond, Virginia 23219  
Voice: (804) 786-3433  
Fax: (804) 371-2086

WA

Sharon L. Nelson, Chair  
Washington Utilities And Transportation Commission  
Chandler Plaza Building  
P. O. Box 47250  
Olympia, Washington 98504  
Voice: (360) 753-6430  
Fax: (360) 586-1150  
<http://www.washington.edu/wutc>  
Comments on isdn tariffs can be filed by electronic mail at [isdn@wutc.wa.gov](mailto:isdn@wutc.wa.gov)  
Comments filed on the US WEST ISDN tariff are found at:  
[http://www.washington.edu:1180/wutc/news/isdn\\_comments.html](http://www.washington.edu:1180/wutc/news/isdn_comments.html)

Rob Manifold  
Public Counsel Section  
Bank of California Building  
Suite 2000  
900 4th Avenue  
Seattle, Washington 98164  
Voice: (206) 464-6595  
Fax: (206) 389-3058  
Ron Roseman  
Evergreen Legal Services  
King County Office  
401 Second Avenue South  
Suite 401  
Seattle, Washington 98104  
Voice: (206) 464-5933  
Fax: (206) 624-7501

WV

Boyce Griffith, Chair  
West Virginia Public Service Commission  
201 Brooks Street  
P.O. Box 812  
Charleston, West Virginia 25323  
Voice: (304) 340-0306  
Fax: (304) 926-0325  
Billy Jack Greeg  
Consumer Advocate Division  
700 Union Building  
723 Kanawha Boulevard East  
Charleston, West Virginia 25301  
Voice: (304) 558-0526  
Fax: (304) 558-3610

WI

Cheryl L. Parrino, Chair  
Wisconsin Public Service Commission  
610 North Whitney Way  
Madison, Wisconsin 53705-2729  
P.O. Box 7854  
Madison, Wisconsin 53707-7854  
Voice: (608) 7897

Fax: (608) 266-1401

David Merritt  
Citizens Utility Board  
16 N. Carroll Street  
Suite 300

Madison, Wisconsin 53703

Voice: (608) 251-3322

Fax: (608) 251-7609

WY

Steve Ellenbecker, Chairman  
Wyoming Public Service Commission  
700 West 21st. Street  
Cheyenne, Wyoming 82002  
Voice: (307) 777-7427

Fax: (307) 777-5700



## **U.S. Immigration and Naturalization Service Frequently Asked Questions**

Where do I report or obtain information regarding employment discrimination?

Employment discrimination is prohibited against citizens and certain classes of aliens on the basis of national origin or citizenship status. Should you have any questions concerning the anti-discrimination provisions of the immigration reform act of 1986, known as IRCA, please call toll-free: 1-800-255-7688.

If you believe you have been discriminated against, please contact the Office of Special Counsel at:

Office of Special Counsel for Immigration-Related Unfair Employment Practices P.O. Box 27728M

Washington, D.C. 20038-7728 There are four requirements which apply to the anti-discrimination

provisions of IRCA: Charges must be filed within 180 days of the discrimination event; National origin discrimination charges must be filed at the Office of Special Counsel. If this charge is filed improperly, it

will be referred to the Equal Employment Opportunity Commission (EEOC). Citizenship status discrimination applies to all employers with 4 or more employees. These charges should always be filed

with the Office of Special Counsel. Citizens and intending citizens are the only ones protected from

citizenship status discrimination. Intending citizens are defined as follows: Lawfully admitted for permanent residence; or Granted temporary resident status under the legalization program which offers

amnesty for an alien who resided unlawfully in the U.S. since January 1, 1982; or Admitted as a refugee;

or Granted asylum; and Show evidence of citizenship intention by filing an INS Form I-772, entitled

"Declaration of Intending Citizen". Form I-772 is to be filed with the local INS office before filing the citizenship status discrimination charge. Copies of this form are available at local INS offices.

U.S. Immigration and Naturalization Service

# Consumer Handbook to Credit Protection Laws

Board of Governors of the Federal Reserve System Washington, D.C. 20551

## **See:**

[Introduction](#)

[The cost of credit](#)

[Applying for credit](#)

[Credit histories and records](#)

[Other aspects of using credit](#)

[Electronic fund transfers](#)

[Complaining about credit](#)

[Glossary](#)

[Directory of federal agencies](#)

## Introduction

The Consumer Credit Protection Act of 1968--which launched Truth in Lending--was a landmark piece of legislation. For the first time, creditors had to state the cost of borrowing in a common language so that you--the customer--could figure out exactly what the charges would be, compare costs, and shop around for the credit deal best for you.

Since 1968, credit protections have multiplied rapidly. The concepts of "fair" and "equal" credit have been written into laws that outlaw unfair discrimination in credit transactions; require that consumers be told the reason when credit is denied; let borrowers find out about their credit records; and set up a way to settle billing disputes. Each law was meant to reduce the problems and confusion surrounding consumer credit which, as it became more widely used in our economy, also grew more complex. Together, these laws set a standard for how individuals are to be treated in their financial dealings.

The laws say, for instance:

- that you cannot be turned down for a credit card just because you're a single woman;
- that you can limit your risk if a credit card is lost or stolen;
- that you can straighten out errors in your monthly bill without damage to your credit rating; and
- that you won't find credit shut off just because you've reached the age of 65.

But, let the buyer be aware! It is important to know your fights and how to use them. This handbook explains how the consumer credit laws can help you shop for credit, apply for it, keep up your credit standing, and--if need be--complain about an unfair deal. It explains what you should look for when using credit and what creditors look for before extending it. It also points out the laws' solutions to discriminatory practices that have made it difficult for women and minorities to get credit in the past.

# **The cost of credit**

Shopping is the First Step

The Finance Charge and Annual Percentage Rate (APR)

A Comparison

Cost of Open-end Credit

Leasing Costs and Terms

Open-end Leases and Balloon Payments

Costs of Settlement on a House

## **Shopping is the First Step**

You get credit by promising to pay in the future for something you receive in the present.

Credit is a convenience. It lets you charge a meal on your credit card, pay for an appliance on the installment plan, take out a loan to buy a house, or pay for schooling or vacations. With credit, you can enjoy your purchase while you're paying for it--or you can make a purchase when you're lacking ready cash.

But there are strings attached to credit too. It usually costs something. And of course what is borrowed must be paid back.

If you are thinking of borrowing or opening a cr CONSUMER LEASING disclosures can help you compare the cost and terms of one lease with another and with the cost and terms of buying for cash or on credit.

## **The Finance Charge and Annual Percentage Rate (APR)**

Credit costs vary. By remembering two terms, you can compare credit prices from different sources. Under Truth in Lending, the creditor must tell you--in writing and before you sign any agreement--the finance charge and the annual percentage rate.

The finance charge is the total dollar amount you pay to use credit. It includes interest costs, and other costs, such as service charges and some credit--related insurance premiums.

For example, borrowing \$100 for a year might cost you \$10 in interest. If there were also a service charge of \$1, the finance charge would be \$11.

The annual percentage rate (APR) is the percentage cost (or relative cost) of credit on a yearly basis. This is your key to comparing costs, regardless of the amount of credit or how long you have to repay it:

Again, suppose you borrow \$100 for one year and pay a finance charge of \$10. If you can keep the entire \$100 for the whole year and then pay back \$110 at the end of the year, you are paying an APR of 10 percent. But, if you repay the \$100 and finance charge (a total of \$110) in twelve equal monthly installments, you don't really get to use \$100 for the whole year. In fact, you get to use less and less of that \$100 each month. In this case, the \$10 charge for credit amounts to an APR of 18 percent.

All creditors--banks, stores, car dealers, credit card companies, finance companies--must state the cost of their credit in terms of the finance charge and the APR. Federal law does not set interest rates or other credit charges. But it does require their disclosure so that you can compare credit costs. The law says these two pieces of information must be shown to you before you sign a credit contract or before you use a credit card.

## **A Comparison**

Even when you understand the terms a creditor is offering, it's easy to underestimate the difference in dollars that different terms can make. Suppose you're buying a \$7,500 car. You put \$1,500 down, and need to borrow \$6,000. Compare the three credit arrangements on the next page.

How do these choices stack up? The answer depends partly on what you need.

The lowest cost loan is available from Creditor A.

If you were looking for lower monthly payments, you could get them by paying the loan off over a longer period of time. However, you would have to pay more in total costs. A loan from Creditor B--also at a 14 percent APR, but for four years--will add about \$488 to your finance charge.

If that four-year loan were available only from Creditor C, the APR of 15 percent would add another \$145 or so to your finance charges as compared with Creditor B.

Other terms--such as the size of the down payment--will also make a difference. Be sure to look at all the terms before you make your choice.

## **Cost of Open-end Credit**

Open-end credit includes bank and department store credit cards, gasoline company cards, home equity lines, and checkoverdraft accounts that let you write checks for more than your actual balance with the bank. Open-end credit can be used again and again, generally until you reach a certain prearranged borrowing limit. Truth in Lending requires that open-end creditors tell you the terms of the credit plan so that you can shop and compare the costs involved.

When you're shopping for an open-end plan, the APR you're told represents only the periodic rate that you will be charged--figured on a yearly basis. (For instance, a creditor that charges 1% percent interest each month would quote you an APR of 18 percent.) Annual membership fees, transaction charges, and points, for example, are listed separately; they are not included in the APR. Keep this in mind and compare all the costs involved in the plans, not just the APR.

Creditors must tell you when finance charges begin on your account, so you know how much time you have to pay your bill before a finance charge is added. Creditors may give you a 25-day grace period, for example, to pay your balance in full before making you pay a finance charge.

Creditors also must tell you the method they use to figure the balance on which you pay a finance charge; the interest rate they charge is applied to this balance to come up with the finance charge. Creditors use a number of different methods to arrive at the balance. Study them carhat cycle. Purchases are not counted. This is called the adjusted balance method.

Another is the previous balance method. Creditors simply use the amount owed at the beginning of the billing cycle to come up with the finance charge.

Under one of the most common methods--the average daily balance method--creditors add your balances for each day in the billing cycle and then divide that total by the number of days in the cycle. Payments made during the cycle are subtracted in arriving at the daily amounts, and, depending on the plan, new purchases may or may not be included. Under another method--the two-cycle average daily balance method--creditors use the average daily balances for two billing cycles to compute your finance charge. Again, payments will be taken into account in figuring the balances, but new purchases may or may not be included.

Be aware that the amount of the finance charge may vary considerably depending on the method used, even for the same pattern of purchases and payments.

If you receive a credit card offer or an application, the creditor must give you information about the APR and other important terms of the plan at that time. Likewise, with a home equity plan, information must be given to you with an application.

Truth in Lending does not set the rates or tell the creditor how to calculate finance charges--it only requires that the creditor tell you the method that it uses. You should ask for an explanation of any terms you don't understand.



## **Leasing Costs and Terms**

Leasing gives you temporary use of property in return for periodic payments. It has become a popular alternative to buying--under certain circumstances. For instance, you might consider leasing furniture for an apartment you'll use only for a year. The Consumer Leasing law requires leasing companies to give you the facts about the costs and terms of their contracts, to help you decide whether leasing is a good idea.

The law applies to personal property leased to you for more than four months for personal, family, or household use. It covers, for example, long-term rentals of cars, furniture, and appliances, but not daily car rentals or leases for apartments.

Before you agree to a lease, the leasing company must give you a written statement of costs, including the amount of any security deposit, the amount of your monthly payments, and the amount you must pay for licensing, registration, taxes, and maintenance.

The company must also give you a written statement about terms, including any insurance you need, any guarantees, information about who is responsible for servicing the property, any standards for its wear and tear, and whether or not you have an option to buy the property.

## **Open-end Leases and Balloon Payments**

Your costs will depend on whether you choose an open-end lease or a closed-end lease. Open-end leases usually mean lower monthly payments than closed-end leases, but you may owe a large extra payment--often called a balloon payment--based on the value of the property when you return it.

Suppose you lease a car under a three-year open-end lease. The leasing company estimates the car will be worth \$4,000 after three years of normal use. If you bring back the car in a condition that makes it worth only \$3,500, you may owe a balloon payment of \$500.

The leasing company must tell you whether you may owe a balloon payment and how it will be calculated.

You should also know that:

-- you have the right to an independent appraisal of the property's worth at the end of the lease. You must pay the appraiser's fee, however.

-- a balloon payment is usually limited to no more than three times the average monthly payment. If your monthly payment is \$ 200, your balloon payment wouldn't be more than \$600--unless, for example, the property has received more than average wear and tear (for instance, if you drove a car more than average mileage).

Closed-end leases usually have higher monthly payment than open-end leases, but there is no balloon payment at the end of the lease.

## **Costs of Settlement on a House**

A house is probably the single largest credit purchase for most consumers--and one of the most complicated. The Real Estate Settlement Procedures Act, like Truth in Lending, is a disclosure law. The Act, administered by the Department of Housing and Urban Development, requires the lender to give you, in advance, certain information about the costs you will pay when you close the loan.

This event is called settlement or closing, and the law helps you shop for lower settlement costs. To find out more, contact the Department of Housing and Urban Development 451 Seventh Street, S.W. Room 5241 Washington, D.C. 20410  
Should you need to phone: (202) 708-4560

A Federal Reserve pamphlet, entitled "A Consumer's Guide to Mortgage Closing Costs," also contains useful information for consumers.

# Applying for credit

Discrimination

What Creditors Look For

Special Rules

Discrimination Against Women

If You're Turned Down

## **Discrimination**

When you're ready to apply for credit, you should know what creditors think is important in deciding whether you're creditworthy. You should also know what they cannot legally consider in their decisions.

What Law Applies?

EQUAL CREDIT OPPORTUNITY ACT requires that all credit applicants be considered on the basis of their actual qualifications for credit and not be turned away because of certain personal characteristics.

## What Creditors Look For

The Three C's. Creditors look for an ability to repay debt and a willingness to do so--and sometimes for a little extra security to protect their loans. They speak of the three C's of credit-capacity, character, and collateral.

**Capacity.** Can you repay the debt? Creditors ask for employment information: your occupation, how long you've worked, and how much you earn. They also want to know your expenses: how many dependents you have, whether you pay alimony or child support, and the amount of your other obligations.

**Character.** Will you repay the debt? Creditors will look at your credit history (see chapter on Credit Histories and Records): how much you owe, how often you borrow, whether you pay bills on time, and whether you live within your means. They also look for signs of stability: how long you've lived at your present address, whether you own or rent, and length of your present employment.

**Collateral.** Is the creditor fully protected if you fail to repay? Creditors want to know what you may have that could be used to back up or secure your loan, and what sources you have for repaying debt other than income, such as savings, investments, or property.

Creditors use different combinations of these facts in reaching their decisions. Some set unusually high standards and other simply do not make certain kinds of loans. Creditors also use different kinds of rating systems. Some rely strictly on their own instinct and experience. Others use a "credit-scoring" or statistical system to predict whether you're a good credit risk. They assign a certain number of points to each of the various characteristics that have proved to be reliable signs that a borrower will repay. Then, they rate you on this scale.

And so, different creditors may reach different conclusions based on the same set of facts. One may find you an acceptable risk, while another may deny you a loan.

**Information the Creditor Can't Use** The Equal Credit Opportunity Act does not guarantee that you will get credit. You must still pass the creditor's tests of creditworthiness. But the creditor must apply these tests fairly, impartially, and without discriminating against you on any of the following grounds: age, gender, marital status, race, color, religion, national origin, because you receive public income such as veterans benefits, welfare or Social Security, or because you exercise your rights under Federal credit laws such as filing a billing error notice with a creditor. This means that a creditor may not use any of those grounds as a reason to:

- discourage you from applying for a loan;
- refuse you a loan if you qualify; or
- lend you money on terms different from those granted another person with similar income, expenses, credit history, and collateral.

## Special Rules

**Age.** In the past, many older persons have complained about being denied credit just because they were over a certain age. Or when they retired, they often found their credit suddenly cut off or reduced. So the law is very specific about how a person's age may be used in credit decisions.

A creditor may ask your age, but if you're old enough to sign a binding contract (usually 18 or 21 years old depending on state law), a creditor may not:

- turn you down or offer you less credit just because of your age;
  - ignore your retirement income in rating your application;
  - close your credit account or require you to reapply for it just because you reach a certain age or retire;
- or
- deny you credit or close your account because credit life insurance or other credit-related insurance is not available to persons your age.

Creditors may "score" your age in a credit scoring system, but:

- if you are 62 or older you must be given at least as many points for age as any age--such as how long until you retire or how long your income will continue. An older applicant might not qualify for a large loan with a 5 percent down payment on a risky venture, but might qualify for a smaller loan--with a bigger down payment--secured by good collateral. Remember that while declining income may be a handicap if you are older, you can usually offer a solid credit history to your advantage. The creditor has to look at all the facts and apply the usual standards of creditworthiness to your particular situation.

**Public Assistance.** You may not be denied credit just because you receive Social Security or public assistance (such as Aid to Families with Dependent Children). But--as is the case with age--certain information related to this source of income could clearly affect creditworthiness. So, a creditor may consider such things as:

- how old your dependents are (because you may lose benefits when they reach a certain age); or
- whether you will continue to meet the residency requirements for receiving benefits.

This information helps the creditor determine the likelihood that your public assistance income will continue.

**Housing Loans.** The Equal Credit Opportunity Act covers your application for a mortgage or home improvement loan. It bans discrimination because of such characteristics as your race, color, gender, or because of the race or national origin of the people in the neighborhood where you live or want to buy your home. Nor may creditors use any appraisal of the value of the property that considers the race of the people in the neighborhood.

In addition, you are entitled to receive a copy of an appraisal report that you paid for in connection with an application for credit, if a you make a written request for the report.

## Discrimination Against Women

Both men and women are protected from discrimination based on gender or marital status. But many of the law's provisions were designed to stop particular abuses that generally made it difficult for women to get credit. For example, the idea that single women ignore their debts when they marry, or that a woman's income "doesn't count" because she'll leave work to have children, now is unlawful in credit transactions.

The general rule is that you may not be denied credit just because you are a woman, or just because you are married, single, widowed, divorced, or separated. Here are some important protections:

**Gender and Marital Status.** Usually, creditors may not ask your gender on an application form (one exception is on a loan to buy or build a home).

You do not have to use Miss, Mrs., or Ms. with your name on a credit application. But, in some cases, a creditor may ask whether you are married, unmarried, or separated (unmarried includes single, divorced, and widowed).

**Child-bearing Plans.** Creditors may not ask about your birth control practices or whether you plan to have children, and they may not assume anything about those plans.

**Income and Alimony.** The creditor must count all of your income, even income from part-time employment.

Child support and alimony payments are a primary source of income for many women. You don't have to disclose these kinds of income, but if you do creditors must count them.

**Telephones.** Creditors may not consider whether you have a telephone listing in your name because this would discriminate against many married women. (You may be asked if there's a telephone in your home.)

A creditor may consider whether income is steady and reliable, so be prepared to show that you can count on uninterrupted income--particularly if the source is alimony payments or part-time wages.

**Your Own Accounts.** Many married women used to be turned down when they asked for credit in their own name. Or, a husband had to cosign an account--agree to pay if the wife didn't--even when a woman's own income could easily repay the loan. Single women couldn't get loans because they were thought to be somehow less reliable than other applicants. You now have a first name and husband's last name (Mary Jones); or a combined last name (Mary Smith-Jones).

-- If you're creditworthy, a creditor may not ask your husband to cosign your account, with certain exceptions when property rights are involved.

-- Creditors may not ask for information about your husband or ex-husband when you apply for your own credit based on your own income--unless that income is alimony, child support, or separate maintenance payments from your spouse or former spouse.

This last rule, of course, does not apply if your husband is going to use your account or be responsible for paying your debts on the account, or if you live in a community property state. (Community property states are: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington and Wisconsin.)

**Change in Marital Status.** Married women have sometimes faced severe hardships when cut off from credit after their husbands died. Single women have had accounts closed when they married, and married women have had accounts closed after a divorce. The law says that creditors may not make you reapply for credit just because you marry or become widowed or divorced. Nor may they close your account or change the terms of your account on these grounds. There must be some sign that your creditworthiness has changed. For example, creditors may ask you to reapply if you relied on your ex-husband's income to get credit in the first place.

Setting up your own account protects you by giving you your own history of how you handle debt, to rely on if your financial situation changes because you are widowed or divorced. If you're getting married and plan to take your husband's surname, write to your creditors and tell them if you want to keep a separate account.



## **If You're Turned Down**

Remember, your gender or race may not be used to discourage you from applying for a loan. And creditors may not hold up or otherwise delay your application on those grounds. Under the Equal Credit Opportunity Act, you must be notified within 30 days after your application has been completed whether your loan has been approved or not. If credit is denied, this notice must be in writing and it must explain the specific reasons why you were denied credit or tell you of your right to ask for an explanation. You have the same rights if an account you have had is closed.

If you are denied credit, be sure to find out why. Remember, you may have to ask the creditors for this explanation. It may be that the creditor thinks you have requested more money than you can repay on your income. It may be that you have not been employed or lived long enough in the community. You can discuss terms with the creditor and ways to improve your creditworthiness. The next chapter explains how to improve your ability to get credit.

If you think you have been discriminated against, cite the law to the lender. If the lender still says no without a satisfactory explanation, you may contact a Federal enforcement agency for assistance or bring legal action as described in the last chapter of this handbook.

# Credit histories and records

[Building Up a Good Record](#)

[What Laws Apply?](#)

[Credit Histories for Women](#)

[Keeping Up Credit Records](#)

## **Building Up a Good Record**

On your first attempt to get credit, you may face a common frustration: sometimes it seems you have to already have credit to get credit. Some creditors will look only at your salary and job and the other financial information you put on your application. But most also want to know about your track record in handling credit--how reliably you've repaid past debts. They turn to the records kept by credit bureaus or credit reporting agencies whose business is to collect and store information about borrowers that is routinely supplied by many lenders. These records include the amount of credit you have received and how faithfully you've paid it back.

Here are several ways you can begin to build up a good credit history:

- Open a checking account or a savings account, or both. These do not begin your credit file, but may be checked as evidence that you have money and know how to manage it. Cancelled checks can be used to show you pay utility bills or rent regularly, a sign of reliability.
- Apply for a department store credit card. Repaying credit card bills on time is a plus in credit histories.
- Ask whether you may deposit funds with a financial institution to serve as collateral for a credit card; some institutions will issue a credit card with a credit limit usually no greater than the amount on deposit.
- If you're new in town, write for a summary of any credit reports to.)
- If you don't qualify on the basis of your own credit standing, offer to have someone cosign your application.
- If you're turned down, find out why and try to clear up any misunderstandings.

## **What Laws Apply?**

The following laws can help you start your credit history and keep your record accurate:

THE EQUAL CREDIT OPPORTUNITY ACT gives women a way to start their own credit history and identity.

THE FAIR CREDIT REPORTING ACT sets up a procedure for correcting mistakes on your credit record.

## **Credit Histories for Women**

Under the Equal Credit Opportunity Act, reports to credit bureaus must be made in the names of both husband and wife if both use an account or are responsible for repaying the debt. Some women who are divorced or widowed might not have separate credit histories because in the past credit accounts were listed in their husband's name only. But they can still benefit from this record. Under the Equal Credit Opportunity Act, creditors must consider the credit history of accounts women have held jointly with their husbands. Creditors must also look at the record of any account held only in the husband's name if a woman can show it also reflects her own creditworthiness. If the record is unfavorable--if an ex-husband was a bad credit risk--she can try to show that the record does not reflect her own reputation. Remember that a wife may also open her own account to be sure of starting her own credit history.

Here's an example:

Mary Jones, when married to John Jones, always paid their credit card bills on time and from their joint checking account. But the card was issued in John's name, and the credit bureau kept all records in John's name. Now Mary is a widow and wants to take out a new card, but she's told she has no credit history. To benefit from the good credit record already on the books in John's name, Mary should point out that she handled all accounts properly when she was married and that bills were paid by checks from their joint checking account.

## **Keeping Up Credit Records**

Mistakes on your credit record--sometimes mistaken identities--can cloud your credit future. Your credit rating is important, so be sure credit bureau records are complete and accurate.

The Fair Credit Reporting Act says that you must be told what's in your credit file and have any errors corrected.

**Negative Information.** If a lender refuses you credit because of unfavorable information in your credit report, you have a right to the name and address of the agency that keeps your report. Then, you may either request information from the credit bureau by mail or in person. You will not get an exact copy of the file, but you will at least learn what's in the report. The law also says that the credit bureau must help you interpret the data--because it's raw data that takes experience to analyze. If you're questioning a credit refusal made within the past 30 days, the bureau is not allowed to charge a fee for giving you information.

Any error that you find must be investigated by the credit bureau with the creditor who supplied the data. The bureau will remove from your credit file any errors the creditor admits are there. If you disagree with the findings, you can file a short statement in your record giving your side of the story. Future reports to creditors must include this statement or a summary of it.

**Old Information.** Sometimes credit information is too old to give a good picture of your financial reputation.

There is a limit on how long certain kinds of information may be kept in your file:

- Bankruptcies must be taken off your credit history after 10 years.
- Suits and judgments, tax liens, arrest records, and most other kinds of unfavorable information must be dropped after 7 years.

Your credit record may not be given to anyone who does not have a legitimate business need for it.

Stores to which you are applying for credit or prospective employers may examine your record; curious neighbors may not.

**Billing Mistakes.** In the next chapter, you will find the steps to take if there's an error on your bill. By following these steps, you can protect your credit rating.

## Other aspects of using credit

The best way to keep up your credit standing is to repay all debts on time. But there may be complications. To protect your credit rating, you should learn how to correct mistakes and misunderstandings that can tangle up your credit accounts.

When there's a snag, first try to deal directly with the creditor. The credit laws can help withhold payments on defective goods; and requiring creditors to promptly credit your payments.

IN LENDING gives you three days to change your mind about certain credit transactions that use your home as collateral; it also limits your risk on lost or stolen credit cards.

### See:

[Billing Errors](#)

[Defective Goods or Services](#)

[Prompt Credit for Payments and Refunds for Credit Balances](#)

[Cancelling a Mortgage](#)

[Lost or Stolen Credit Cards](#)

[Unsolicited Cards](#)

## Billing Errors

Month after month John Jones was billed for a lawn mower he never ordered and never got. Finally, he tore up his bill and mailed back the pieces--just to try to explain things to a person instead of a computer. There's a more effective, easier way to straighten out these errors. The Fair Credit Billing Act requires creditors to correct errors promptly and without damage to your credit rating.

A Case of Error. The law defines a billing error as any charge:

- for something you didn't buy or for a purchase made by someone not authorized to use your account;
- that is not properly identified on your bill or is for an amount different from the actual purchase price or was entered on a date different from the purchase date; or
- for something that you did not accept on delivery or that was not delivered according to agreement.

Billing errors also include:

- errors in arithmetic;
- failure to show a payment or other credit to your account;
- failure to mail the bill to your current address, if you told the creditor about an address change at least 20 days before the end of the billing period; or
- a questionable item, or an item for which you need more information.

In Case of Error: If you think your bill is wrong, or want more information about it, follow these steps:

1. Notify the creditor in writing within 60 days after the first bill was mailed that showed the error. Be sure to write to the address the creditor lists for billing inquiries and to tell the creditor:

- your name and account number;
- that you believe the bill contains an error and why you believe it is wrong; and
- the date and suspected amount of the error or the item you want explained.

2. Pay all parts of the bill that are not in dispute. But, while waiting for an answer, you do not have to pay the amount in question (the "disputed amount") or any minimum payments or finance charges that apply to it.

The creditor must acknowledge your letter within 30 days, unless the problem can be resolved within that time. Within two billing periods--but in no case longer than 90 days--either your account must be corrected or you must be told why the creditor believes the bill is correct.

If the creditor made a mistake, you do not pay any finance charges on the disputed amount. Your account must be corrected, and you must be sent an explanation of any amount you still owe.

If no error is found, the creditor must send you an explanation of the reasons for that finding and promptly send a statement of what you owe, which may include any finance charges that have accumulated and any minimum payments you missed while you were questioning the bill. You then have the time usually given on your type of account to pay any balance, but not less than 10 days.

3. If you still are not satisfied, you should notify the creditor in writing within the time allowed to pay your bill.

Maintaining Your Credit Rating. A creditor may not threaten your credit rating while you're resolving a billing dispute.

Once you have written about a possible error, a creditor must not give out information to other creditors or credit bureaus that would hurt your credit reputation. And, until your complaint is answered, the creditor also may not take any action to collect the disputed amount.

After the creditor has explained the bill, if you do not pay in the time allowed, you may be reported as delinquent on the amount in dispute and the creditor may take action to collect. Even so, you can still disagree in writing. Then the creditor must report that you have challenged your bill and give you the name and address of each person who has received information about your account. When the matter is settled, the creditor must report the outcome to each person who has received information. Remember that you may also place your own side of the story in your credit record.



## **Defective Goods or Services**

Your new sofa arrives with only three legs. You try to return it; no luck. You ask the merchant to repair or replaceolve the problem with the merchant.

This right may be limited if the card was a bank or travel and entertainment card or any card not issued by the store where you made your purchase. In such cases, the sale:

- must have been for more than \$50; and
- must have taken place in your home state or within 100 miles of your home address.

## **Prompt Credit for Payments and Refunds for Credit Balances**

Some creditors will not charge a finance charge if you pay your account within a certain period of time. In this case, it is especially important that you get your bills, and get credit for paying them, promptly. Check your statements to make sure your creditor follows these rules:

**Billing.** Look at the date on the postmark. If your account is one on which no finance or other charge is added before a certain due date, then creditors must mail their statements at least 14 days before payment is due.

**Crediting.** Look at the payment date entered on the statement. Creditors must credit payments on the day they arrive, as long as you pay according to payment instructions. This means, for example, sending your payment to the address listed on the bill.

**Credit Balances.** If a credit balance results on your account (for example, because you pay more than the amount you owe, or you return a purchase and the purchase price is credited to your account), the creditor must make a refund to you. The refund must be made within seven business days after your written request, or automatically if the credit balance is still in existence after six months.

## **Cancelling a Mortgage**

Truth in Lending gives you a chance to change your mind on one important kind of transaction--when you use your home as security for a credit transaction. For example, when you are financing a major repair or remodeling and use your home as security, you have three business days, usually after you sign a contract, to think about the transaction and to cancel it if you wish. The creditor must give you written notice of your right to cancel, and, if you decide to cancel, you must notify the creditor in writing within the three-day period. The creditor must then return all fees paid and cancel the security interest in your home. No contractor may start work on your home, and no lender may pay you or the contractor until the three days are up. If you must have the credit immediately to meet a financial emergency, you may give up your right to cancel by providing a written explanation of the circumstances.

The right to cancel (or right of rescission) was provided to protect you against hasty decisions--or decisions made under pressure--that might put your home at risk if you are unable to repay the loan. The law does not apply to a mortgage to finance the purchase of your home; for that, you commit yourself as soon as you sign the mortgage contract. And, if you use your home to secure an open-end credit line--a home equity line, for instance--you have the right to cancel when you open the account or when your security interest or credit limit is increased. (In the case of an increase, only the increase would be cancelled.)

## **Lost or Stolen Credit Cards**

If your wallet is stolen, your greatest cost may be inconvenience, because your liability on lost or stolen cards is limited under Truth in Lending.

You do not have to pay for any unauthorized charges made after you notify the card company of loss or theft of your card. So keep a list of your credit card numbers and notify card issuers immediately if your card is lost or stolen. The most you will have to pay for unauthorized charges is \$50 on each card—even if someone runs up several hundred dollars worth of charges before you report a card missing.

## **Unsolicited Cards**

It is illegal for card issuers to send you a credit card unless you ask for or agree to receive one. However, a card issuer may send, without your request, a new card to replace an expiring one.

# **Electronic fund transfers**

Instant Money

EFT in Operation

What Law Applies?

What Record Will I Have of My Transactions?

How Easily Will I Be Able to Correct Errors?

What About Loss or Theft?

What About Solicitations?

Special Questions About Preauthorized Plans

## **Instant Money**

On his way home last Friday night, John Jones realized he had no cash for the weekend. The bank was closed, but John had his bank debit card and the code to use it. He inserted the card into an automated teller machine outside the front door of the bank; then, using a number keyboard, he entered his code and pressed the buttons for a withdrawal of \$50. John's cash was dispensed automatically from the machine, and his bank account was electronically debited for the \$50 cash withdrawal.

John's debit card is just one way to use electronic fund transfer (EFT) systems that allow payment between parties by substituting an electronic signal for cash or checks.

Are we heading for a checkless or checks in the country's banking system--or a reduction in the rate at which that number has been growing--is clearly one advantage to electronic banking.

Today, the cost of moving checks through the banking system is estimated to be approximately 80 cents per check, including the costs of paper, printing, and mailing. Moreover, checks--except your own check presented at your own bank--take time to cash: time for delivery, endorsement, presentation to another person's bank, and winding through various stations in the check clearing system. Technology now can lower the costs of the payment mechanism and make it more efficient and convenient by reducing paperwork.

## **EFT in Operation**

The national payment mechanism moves money between accounts in a fast, paperless way. These are some examples of EFT systems in operation:

**Teller Machines (ATMs).** Consumers can do their banking without the assistance of a teller, as John Jones did to get cash, or to make deposits, pay bills, or transfer funds from one account to another electronically. These machines are used with a debit or EFT card and a code, which is often called a personal identification number or "PIN."

**(POS) Transactions.** Some EFT cards can be used when shopping to allow the transfer of funds from the consumer's account to the merchant's. To pay for a purchase, the consumer presents an EFT card instead of a check or cash. Money is taken out of the consumer's account and put into the merchant's account electronically.

**Preauthorized Transfers.** This is a method of automatically depositing to or withdrawing funds from an individual's account, when the account holder authorizes the bank or a third party (such as an employer) to do so. For example, consumers can authorize direct electronic deposit of wages, Social Security or dividend payments to their accounts. Or, they can authorize financial institutions to make regular, ongoing payments of insurance, mortgage, utility or other bills.

**Telephone Transfers.** Consumers can transfer funds from one account to another--from savings to checking, for example--or can order payment of specific bills by phone.



## **What Law Applies?**

THE ELECTRONIC FUND TRANSFER ACT gives consumers answers to several basic questions about using EFT services.

A check is a piece of paper with information that authorizes a bank to withdraw a certain amount of money from one person's account and pay that amount to another person. Most consumer questions center on the fact that EFT systems transmit the information without the paper. Thus, they ask:

- What record--what evidence--will I have of my transactions?
- How easily will I be able to correct errors?
- What if someone steals money from my account?
- What about solicitations?
- Do I have to use EFT services?

Here are the answers the EFT Act gives to consumer questions about these systems.

## **What Record Will I Have of My Transactions?**

A cancelled check is permanent proof that a payment has been made. Is proof of payment available with EFT services?

The answer is yes. If you use an ATM to withdraw money or make deposits, or a point-of-sale terminal to pay for a purchase, you can get a written receipt--much like the sales receipt you get with a cash purchase--showing the amount of the transfer, the date it was made, and other information. This receipt is your record of transfers initiated at an electronic terminal.

Your periodic bank statement must also show all electronic transfers to and from your account, including those made with debit cards, by a preauthorized arrangement, or under a telephone transfer plan. It will also name the party to whom payment has been made and show any fees for EFT services (or the total amount charged for account maintenance) and your opening and closing balances.

Your monthly statement is proof of payment to another person, your record for tax or other purposes, and your way of checking and reconciling EFT transactions with your bank balance.

## **How Easily Will I Be Able to Correct Errors?**

The way to report errors is somewhat different with EFT services but no later than 60 days from the date the first statement that you think shows an error was mailed to you. Give your name and account number and explain why you believe there is an error, what kind of error, and the dollar amount and date in question. If you call, you may be asked to send this information in writing within 10 business days.

2. The financial institution must promptly investigate an error and resolve it within 45 days. However, if the financial institution takes longer than 10 business days to complete its investigation, generally it must put back into your account the amount in question while it finishes the investigation. (The time periods are longer for POS debit card transactions and for any EFT transaction initiated outside the United States.) In the meantime, you will have full use of the funds in question.

3. The financial institution must notify you of the results of its investigation. If there was an error, the institution must correct it promptly--for example, by making a recredit final.

If it finds no error, the financial institution must explain in writing why it believes no error occurred and let you know that it has deducted any amount recredited during the investigation. You may ask for copies of documents relied on in the investigation.

## **What About Loss or Theft?**

It's important to be aware of the potential risk in using an EFT card, which differs from the risk on a credit card.

On lost or stolen credit cards, your loss is limited to \$50 per card (see page 25). On an EFT card, your liability for an unauthorized withdrawal can vary:

-- Your loss is limited to \$50 if you notify the financial institution within two business days after learning of loss or theft of your card or code.

-- But, you could lose as much as \$500 if you do not tell the card issuer within two business days after learning of the loss or theft.

-- If you do not report an unauthorized transfer that appears on your statement within 60 days after the statement is mailed to you, you risk unlimited loss on transfers made after the 60-day period. That means you could lose all the money in your account plus your maximum overdraft line of credit.

Example:

On Monday, John's debit card and secret code were stolen. On Tuesday, the thief withdrew \$250, all the money John had in his checking account. Five days later, the thief withdrew another \$500, triggering John's overdraft line of credit. John did not realize his card was stolen until he received a statement from the bank, showing withdrawals of \$750 he did not make. He called the bank right away. John's liability is \$50.

Now suppose that when John got his bank statement he didn't look at it and didn't call the bank. Seventy days after the statement was mailed to John, the thief withdrew another \$1,000, reaching the limit on John's line of credit. In this case, John would be liable for \$1,050 (\$50 for transfers before the end of the 60 days; \$1,000 for transfers made more than 60 days after the statement was mailed).

## **What About Solicitations?**

A financial institution may send you an EFT card that is VALID FOR USE only if you ask for one, or to replace or renew an expiring card. The financial institution must also give you the following information about your rights and responsibilities:

- A notice of your liability in case the card is lost or stolen;
- A telephone number for reporting loss or theft of the card or an unauthorized transfer;
- A description of its error resolution procedures;
- The kinds of electronic fund transfers you may make and any limits on the frequency or dollar amounts of such transfers;
- Any charge by the institution for using EFT services;
- Your right to receive records of electronic fund transfers;
- How to stop payment of a preauthorized transfer;
- The financial institution's liability to you for any failure to make or to stop transfers; and
- The conditions under which a financial institution will give information to third parties about your account.

Generally, you must also get advance notice of any change in the account that would increase your costs or liability, or limit transfers.

A financial institution may send you a card you did not request only if the card is NOT VALID FOR USE. An "unsolicited" card can be validated only at your request and only after the institution makes sure that you are the person whoa loan or other credit by EFT, except in the case of overdraft checking plans. And, although your employer or a government agency can require you to receive your salary or a government benefit by electronic transfer, you have the right to choose the financial institution that will receive your funds.

## **Special Questions About Preauthorized Plans**

Q. How will I know a preauthorized credit has been made?

A. There are various ways you may be notified. Notice may be given by your employer (or whoever is sending the funds) that the deposit has been sent to your financial institution. Otherwise, a financial institution may provide notice when it has received the credit or will send you a notice only when it has not received the funds. Financial institutions also have the option of giving you a telephone number you can call to check on a preauthorized credit.

Q. How do I stop a preauthorized payment?

A. You may stop any preauthorized payment by calling or writing the financial institution, so that your order is received at least three business days before the payment date. Written confirmation of a telephone notice to stop payment may be required.

Q. If the payments I preauthorize vary in amount from month to month, how will I know how much will be transferred out of my account?

A. You have the right to be notified of all varying payments at least 10 days in advance.

Or, you may choose to specify a range of amounts and to be told only when a transfer falls outside that range. You may also choose to be told only when a transfer differs by a certain amount from the previous payment to the same company.

Q. Do the EFT Act protections apply to all preauthorized plans?

A. No. They do not apply to automatic transfers from your account to the institution that holds your account or vice versa. For example, they do not apply to automatic payments made on a mortgage held by the financial institution where you have your EFT account. The EFT Act also does not apply to automatic transfers among your accounts at one financial institution.

## Complaining about credit

### Complaining to Federal Enforcement Agencies

First try to solve your problem directly with a creditor. Only if that fails should you bring more formal complaint procedures. Here's the way to file a complaint with the Federal agencies responsible for carrying out consumer credit protection laws.

**Complaints About Banks.** If you have a complaint about a bank in connection with any of the Federal credit laws--or if you think any part of your business with a bank has been handled in an unfair or deceptive way--you may get advice and help from the Federal Reserve. The practice you complain about does not have to be covered by Federal law. Furthermore, you don't have to be a customer of the bank to file a complaint.

You should submit your complaint--in writing whenever possible--to the Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Reserve Bank nearest you, as listed on page 43 of this handbook. Be sure to describe the bank practice you are complaining about and give the name and address of the bank involved.

The Federal Reserve will write back within 15 days--sometimes with an answer, sometimes telling you that more time is needed to handle your complaint. The additional time is required when complex issues are involved or when the complaint will be investigated by a Federal Reserve Bank. When this is the case, the Federal Reserve will try to keep you informed about the progress being made.

The Board supervises only state--chartered banks that are members of the Federal Reserve System. It will refer complaints about other institutions to the appropriate Federal regulatory agency and let you know where your complaint has been referred. Or you may use the listing on page 42 of this booklet to write directly to the appropriate agency.

**Complaints About Other Institutions.** On page 42 of this booklet, you will also find the names of the regulatory agencies for other financial institutions and for businesses other than banks. Many of these agencies do not handle individual complaints; however, they will use information about your credit experiences to help enforce the credit laws.

### **See:**

[Penalties Under the Laws](#)

## **Penalties Under the Laws**

You may also take legal action against a creditor. If you decide to bring a lawsuit, here are the penalties a creditor gives inaccurate information, or does not comply with the rules about credit cards or the right to cancel certain home-secured loans, you as an individual may sue for actual damages--any money loss you suffer. In addition, you can sue for twice the finance charge in the case of certain credit disclosures, or, if a lease is concerned, 25 percent of total monthly payments. In either case, the least the court may award you if you win is \$100, and the most is \$1,000. In any lawsuit that you win, you are entitled to reimbursement for court costs and attorney's fees.

Class action suits are also permitted. A class action suit is one filed on behalf of a group of people with similar claims.

**Equal Credit Opportunity Act.** If you think you can prove that a creditor has discriminated against you for any reason prohibited by the Act, you as an individual may sue for actual damages plus punitive damages--that is, damages for the fact that the law has been violated--of up to \$10,000. In a successful lawsuit, the court will award you court costs and a reasonable amount for attorney's fees. Class action suits are also permitted.

**Fair Credit Billing Act.** A creditor who breaks the rules for the correction of billing errors automatically loses the amount owed on the item in question and any finance charges on it, up to a combined total of \$50--even if the bill was correct. You as an individual may also sue for actual damages plus twice the amount of any finance charges, but in any case not less than \$100 nor more than \$1,000. You are also entitled to court costs and attorney's fees in a successful lawsuit. Class action suits are also permitted.

**Fair Credit Reporting Act.** You may sue any credit reporting agency or creditor for breaking the rules about who may see your credit records or for not correcting errors in your file. Again, you are entitled to actual damages, plus punitive damages that the court may allow if the violation is proved to have been intentional. In any successful lawsuit, you will also be awarded court costs and attorney's fees. A person who obtains a credit report without proper authorization--or an employee of a credit reporting agency who gives a credit report to unauthorized persons--may be fined up to \$5,000 or imprisoned for one year, or both.

**Electronic Fund Transfer Act.** If a financial institution does not follow the provisions of the EFT Act, you may sue for actual damages (or in certain cases when the institution fails to correct an error or recredit an account, for three times actual damages) plus punitive damages of not less than \$100 nor more than \$1,000. You are also entitled to court costs and attorney's fees in a successful lawsuit. Class action suits are also permitted.

If an institution fails to make an electronic fund transfer, or to stop payment of a preauthorized transfer when properly instructed by you to do so, you may sue for all damages that result from the failure.



# Glossary

Annual Percentage Rate (APR) -- The cost of credit as a yearly rate.

Appraisal Fee -- The charge for estimating the value of property offered as security.

Asset -- Property that can be used to repay debt, such as stocks and bonds or a car.

Automated Teller Machines (ATMs) -- Electronic terminals located on bank premises or elsewhere, through which customers of financial institutions may make deposits, withdrawals, or other transactions as they would through a bank teller.

Balloon Payment -- A large extra payment that may be charged at the end of a loan or lease.

Billing Error -- Any mistake in your monthly statement as defined by the Fair Credit Billing Act.

Business Days -- Check with your institution to find out what days it counts as business days under the Truth in Lending and Electronic Fund Transfer Acts.

Collateral -- Property offered to support a loan and subject to seizure if you default.

Cosigner -- Another person who signs your loan and assumes equal responsibility for it.

Credit -- The right granted by a creditor to pay in the future in order to buy or borrow in the present; a sum of money due a person or business.

Credit Bureau -- An agency that keeps your credit record.

Credit Card -- Any card, plate, or coupon book used from time to time or over and over again to borrow money or buy goods or services on credit.

Credit History -- The record of how you've borrowed and repaid debts.

Creditor -- A person or business from whom you borrow or to whom you owe money.

Credit-related Insurance -- Health, life, or accident insurance designed to pay the outstanding balance of debt.

Credit Scoring System -- A ability to repay debts.

Debit Card (EFT Card) -- A plastic card, looks similar to a credit card, that consumers may use to make purchases, withdrawals, or other types of electronic fund transfers.

Default -- Failure to repay a loan or otherwise meet the terms of your credit agreement.

Disclosures -- Information that must be given to consumers about their financial dealings.

Elderly Applicant -- As defined in the Equal Credit Opportunity Act, a person 62 or older.

Electronic Fund Transfer (EFT) Systems -- A variety of systems and technologies for transferring funds electronically rather than by check.

Finance Charge -- The total dollar amount credit will cost.

Home Equity Line of Credit -- A form of openend credit in which the home serves as collateral.

Joint Account -- A credit account held by two or more people so that all can use the account and all assume legal responsibility to repay.

Late Payment -- A payment made later than agreed upon in a credit contract and on which additional charges may be imposed.

Lessee -- A person who signs a lease to get temporary use of property.

Lessor -- A company that provides temporary use of property usually in return for periodic payment.

Liability on an Account -- Legal responsibility to repay debt.

Open-End Credit -- A line of credit that may be used over and over again, including credit cards, overdraft credit accounts, and home equity lines.

Open-End Lease -- A lease which may involve a balloon payment based on the value of the property when it is returned.

Overdraft Checking -- A line of credit that allows you to write checks or draw funds by means of an EFT card for more than your actual balance, with an interest charge on the overdraft.

Point-of-Sale (POS) -- A method by which consumers can pay for purchases by having their deposit accounts debited electronically without the use of checks.

Points and Origination Fees -- Points are finance charges paid at the beginning of a mortgage in addition to monthly interest. One point equals one percent of the loan amount. An origination fee covers the lender's work in preparing your mortgage loan.

Punitive Damages -- Damages awarded by a court above actual damages as punishment for a violation of law.

Rescission -- The cancellation or "unwinding" of a contract.

Security -- Property pledged to the creditor in case of a default on a loan; see collateral.

Security Interest -- The creditor's right to take property or a portion of property offered as security.

Service Charge -- A component of some finance charges, such as the fee for triggering an overdraft checking account into use.

# Directory of federal agencies

National Banks  
Compliance Management  
Office of the Comptroller of the Currency  
250 E Street, S.W.  
Mail Stop 7-5  
Washington, D.C. 20219  
(202) 874-4820  
State Member Banks of the Federal Reserve System  
Division of Consumer and Community Affairs  
Federal Reserve Board  
Washington, D.C. 20551  
(202) 452-3693  
Nonmember Federally Insured State Banks  
Office of Consumer Programs  
Federal Deposit Insurance Corp.  
Washington, D.C. 20456  
(202) 898-3536 or (800) 934-FDIC  
Savings and Loan Associations  
Division of Consumer and Civil Rights  
Office of Community Investment  
Office of Thrift Supervision  
1700 G Street, N.W.  
Washington, D.C. 20552  
(202) 906-6237  
Federal Credit Unions  
Office of Public and Congressional Affairs  
Office of Consumer Programs  
National Credit Union Administration  
1776 G Street, N.W.  
Washington, D.C. 20456  
(202) 682-9640  
Other Lenders  
Division of Credit Practices  
Bureau of Consumer Protection  
Federal Trade Commission  
Washington, D.C. 20580  
(202) 326-3233  
Departation  
550 11th St., N.W.  
The Todd Building  
Room No. 6114  
Washington, D.C. 20530  
(202) 514-6786  
Federal Reserve Banks  
BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM  
Publication Services MS-138  
Washington, DC 20551  
(202) 452-3000  
ATLANTA, Georgia  
Public Affairs Department  
104 Marietta Street, N.W.  
ZIP 30303-2713  
(404) 521-8500

BOSTON, Massachusetts  
Public Services Department  
P.O. Box 2076  
ZIP 02106-2076  
(617) 973-3000  
CHICAGO, Illinois  
Public Information Center  
230 South LaSalle Street  
P.O. Box 834  
ZIP 60690-0834  
(312) 322-5322  
CLEVELAND, Ohio  
Public Affairs Department  
P.O. Box 6387  
ZIP 44101-1387  
(216) 579-2000  
DALLAS, Texas  
Public Affairs Department  
2200 North Pearl Street  
Zip 75201  
(214) 922-6000  
KANSAS CITY, Missouri  
Public Affairs Department  
925 Grand Avenue  
ZIP 64198-0001  
(816) 881-2000  
MINNEAPOLIS, Minnesota  
Public Affairs Department  
250 Marquette Avenue  
ZIP 55401-0291  
(612) 340-2345  
NEW YORK, New York  
Public Information Department  
33 Liberty Street  
ZIP 10045  
(212) 720-5000  
PHILADELPHIA, Pennsylvania  
Public Information Department  
P.O. Box 66  
ZIP 19105  
(215) 574-6000  
RICHMOND, Virginia  
Public Services Department  
P.O. Box 27622  
ZIP 23261  
(804) 697-8000  
ST. LOUIS, Missouri  
Public Information Office  
P.O. Box 442  
ZIP 63166  
(314) 444-8444  
SAN FRANCISCO, California  
Public Information Department  
P.O. Box 7702  
ZIP 94120  
(415) 974-2000



# United States Consumer Product Safety Commission

CPSC Fax-On-Demand Document #4178

**See:**

[Hotline](#)

[Who we are](#)

[Our hotline services](#)

[Our internet services](#)

[Recorded recall and safety information](#)

[Hotline standards](#)

[Your views are important to us](#)

## **Hotline**

To report a safety problem with a consumer product CALL US!  
1-800-638-CPSC

## **Who we are**

The U.S. Consumer Product Safety Commission (CPSC) is an independent federal regulatory agency created by Congress in 1972 under the Consumer Product Safety Act. Our agency's mission is to: "...protect the public against unreasonable risks of injuries and deaths associated with consumer products."

We have jurisdiction over about 15,000 types of consumer products, from coffee makers, to toys, to lawn mowers, to fireworks.

However, some types of consumer products are covered by other federal agencies. For example, cars, trucks and motorcycles are within the jurisdiction of the Department of Transportation; food, drugs and cosmetics are covered by the Food and Drug Administration.



## Our hotline services

You can call our toll-free Hotline to:

- \* report an unsafe product;
- \* report a product-related injury;
- \* find out whether a product has been recalled;
- \* learn how to return a recall product or arrange for its repair;
- \* get information on what to look for when buying a consumer product;
- \* get information on how to use a consumer product safely; and
- \* receive information about ordering CPSC safety publications. (For a list of publications, send a postcard to Publications List, CPSC, Washington, DC 20207).

If you have a product complaint or want to report a product-related injury, you will speak directly to a Hotline operator. The Hotline staff is available between 8:30 AM and 5:00 PM Eastern time, Monday through Friday, except holidays.

Our Hotline also has a TTY number for the hearing-or speech impaired (1-800-638-8270).

We have Hotline staff who speak both English and Spanish. In addition, arrangements can be made for callers to speak with someone in any of the following other languages: Arabic, Burmese, Cambodian, Cantonese Chinese, French, German, Greek, Hindi, Italian, Korean, Japanese, Punjabi, Ukrainian, Urdu, Vietnamese and Yiddish.

## **Our internet services**

You can contact us any time, day or night. To get product recall information, go to:  
[cpsc.gov](http://cpsc.gov)

To file a product complaint or report an injury, our

Internet address is:

[info@cpsc.gov](mailto:info@cpsc.gov)

## Recorded recall and safety information

Our Hotline has a wide variety of recorded messages on product recall, consumer products and product safety. The messages below are accessible with a touch-tone telephone 24 hours a day, seven days a week by pushing the three-digit number shown below after you have called our main Hotline number 1-800-638-2772).

Toys (including crayons)	211
Bunk beds, toddler beds	212
Children's furniture, indoor equipment	213
Clothing, children's apparel	214
Outdoor playground equipment	215
Bathroom equipment, personal care appliances (such as hairdryers)	216
Bicycles, exercise equipment, recreational and craft products	217
Disposable lighters, lighter fluids	218
Decorative and novelty products	219
Drug packaging	220
Fireworks	221
Furniture	222
Hardware and power tools	223
Home heating and cooling equipment (including fans, space heaters)	224
Home electrical systems (including garage door openers, flood lights)	225
Kitchen appliances and equipment (including coffeemakers, mixers, juicers)	226
Heavy- and light-duty household appliances (such as dishwashers, vacuum cleaners)	227
Lawn and garden equipment	228
Pest control devices	229
Pools, spas, hot tubs, patio equipment	230
Smoke detectors, fire extinguishers	231
Listing of CPSC publications	555

## Hotline standards

We take pride in meeting the standards we have set for our Hotline in our customer service plan. This plan was established as part of the Commission's implementation of Vice President Gore's National Performance Review.

When you call our Hotline, you can expect the following:

- \* to be given easy-to-follow instructions on how to use the hotline;
- \* to hear the most up-to-date and easy-to-understand recorded information on product safety recalls and consumer products, seven days a weeks, 24 hours a day;
- \* to be given courteous service;
- \* to have your complaint of an unsafe product or product- related injury taken accurately and a copy of the report sent to you so that you can confirm the information recorded by our Hotline staff; and
- \* to have your message left at night, weekends or holidays returned the next business day, or, if you do not want a return call, to receive a letter confirming receipt of your product-complaint message.

## **Your views are important to us**

We want to provide you with the best Hotline service possible and are always interested in learning how we can improve. If you have any comments or suggestions, we would like to hear from you. Simply ask to speak with the Hotline manager when you call: 1-800-638-CPSC 1-800-638-2772 1-800-638-8270 (TTY) or write us at:

CPSC Hotline

Washington, D.C. 20207

## **Reporting product-related injuries and deaths to CPSC**

The Consumer Product Safety Commission (CPSC) is interested in any incident in which a consumer product was involved with a risk of death or injury. The term "consumer product" is defined as any product or component part produced or distributed for sale to or use by consumers. Products used solely for commercial or industrial purposes are not considered consumer products. Also excluded from the definition are tobacco products, motor vehicles and motor vehicle equipment, boats and boat equipment, aircraft, medical devices, pesticides, firearms, and ammunition. In addition, the definition of consumer products excludes food, drugs, and cosmetics, other than the packaging of these products.

You may report a product-related injury or death to CPSC by sending an email message to: [amcdonal@cpsc.gov](mailto:amcdonal@cpsc.gov)

Please include as much of the following information as is available:

- a. Date of incident
- b. Description of the injuries incurred
- c. Type of consumer product involved
- d. Brief description of the incident sequence
- e. City and state where the incident occurred
- f. Manufacturer, model, brand, serial number
- g. Availability of the product for inspection
- h. Contact information for any state or local personnel who investigated the incident
- i. Your name, address and phone number

# Foreign Entry Requirements

United States Department of State  
Bureau of Consular Affairs

This listing is for U.S. citizens traveling on tourism/business and does not apply to persons planning to emigrate to foreign countries. Persons traveling on official business for the U.S. Government should obtain visa information from the agency sponsoring their travel. For purposes of this publication, a visa is an endorsement or stamp placed by officials of a foreign country on a U.S. passport that allows the bearer to visit that foreign country. Note: Wherever you see the words "photo(s) required" in this publication it means that you will need to submit passport-size photographs.

**IMPORTANT: THIS LISTING IS PREPARED FROM INFORMATION OBTAINED FROM FOREIGN EMBASSIES PRIOR TO MARCH 1995. THIS INFORMATION IS SUBJECT TO CHANGE. CHECK ENTRY REQUIREMENTS WITH THE CONSULAR OFFICIALS OF THE COUNTRIES TO BE VISITED WELL IN ADVANCE.**

**PASSPORTS:** U.S. citizens who travel to a country where a valid passport is not required will need documentary evidence of their U.S. citizenship and identity. Proof of U.S. citizenship includes an expired passport, a certified (original) birth certificate, Certificate of Naturalization, Certificate of Citizenship, or Report of Birth Abroad of a Citizen of the United States. To prove identity, a valid driver's license or government identification card are acceptable provided they identify you by physical description or photograph. However, for travel overseas and to facilitate reentry into the U.S., a valid U.S. passport is the best documentation available and it unquestionably proves your U.S. citizenship.

Some countries require that your passport be valid at least six months beyond the dates of your trip. If your passport expires before the required validity, you will have to apply for a new one. Please check with the embassy or nearest consulate of the country you plan to visit for their requirements.

Some Arab or African countries will not issue visas or allow entry if your passport indicates travel to Israel or South Africa. Consult the nearest U.S. passport agency for guidance if this applies to you.

**VISAS SHOULD BE OBTAINED BEFORE PROCEEDING ABROAD.** Allow sufficient time for processing your visa application, especially if you are applying by mail. Most foreign consular representatives are located in principal cities, and in many instances, a traveler may be required to obtain visas from the consular office in the area of his/her residence. The addresses of foreign consular offices in the United States may be obtained by consulting the Congressional Directory in the library. **IT IS THE RESPONSIBILITY OF THE TRAVELER TO OBTAIN VISAS, WHERE REQUIRED, FROM THE APPROPRIATE EMBASSY OR NEAREST CONSULATE OF THE COUNTRY YOU ARE PLANNING TO VISIT.**

**IMMUNIZATIONS:** Under the International Health Regulations adopted by the World Health Organization, a country may require International Certificates of Vaccination against yellow fever. A cholera immunization may be required if you are traveling from an infected area. Check with health care providers or your records to ensure other immunizations (e.g. tetanus and polio) are up-to-date. Prophylactic medication for malaria and certain other preventive measures are advisable for travel to some countries. No immunizations are required to return to the United States. Detailed health information is included in Health Information for International Travel, available from the U.S. Government Printing Office (address on page 20) for \$7 or may be obtained from your local health department or physician or by calling the Centers for Disease Control on 404/332-4559.

An increasing number of countries have established regulations regarding AIDS testing, particularly for long-term visitors. Although many are listed here, check with the embassy or consulate of the country you plan to visit to verify if this is a requirement for entry.

All international flights are subject to U.S. Immigration and U.S. Customs fees paid in advance as part of your ticket. In addition, many countries have departure fees that are sometimes collected at the time of ticket purchase.

**See:**

Countries:

Notes:

Other information:



## Countries:

**AFGHANISTAN** - Passport and visa required. No tourist or business visas are being issued at this time. For further information contact Embassy of the Republic of Afghanistan, 2341 Wyoming Ave., N.W., Washington, D.C. 20008 (202/234-3770/1).

**ALBANIA** - Passport required. Visa not required for tourist stay of up to 3 months. Departure tax \$10. For further information contact the Embassy of the Republic of Albania, 1819 L Street, N.W., Suite 400, Washington, D.C. 20036 (202/785-1156) or the Permanent Mission of the Republic of Albania to the U.N., 125 East 73rd Street, New York, NY 10021 (212/861-5656).  
Visa not granted to passports showing Israeli visas. Enclose prepaid self-addressed envelope for return of passport by registered, certified or express mail. For currency regulations and other information contact the Consular Section of the Embassy of the Democratic and Popular Republic of Algeria, 2137 Wyoming Ave., N.W., Washington, D.C. 20008 (202/265-2800).

**ANDORRA** - (See France.)

**ANGOLA** - Passport and visa required. Tourist/business visas require an application form, letter stating purpose of travel, and 2 recent photos. Applications by mail require prepaid return envelope. Yellow fever and cholera immunizations required. For additional information contact Embassy of Angola, 1819 L Street, N.W., Suite 400, Washington, D.C. 20036 (202/785-1156) or the Permanent Mission of the Republic of Angola to the U.N., 125 East 73rd Street, New York, NY 10021 (212/861-5656).

**ANTIGUA AND BARBUDA** - Passport or proof of U.S. citizenship required, return/onward ticket and/or proof of funds needed for tourist stay up to 6 months. Check Embassy of Antigua and Barbuda, Suite 4M, 3400 International Drive, N.W., Washington, D.C. 20008 (202/362-5122/5166/5211) for further information.

**ARGENTINA** - Passport required. Visa not required for tourist stay up to 3 months. Business visa requires company letter detailing purpose of trip and length of stay. For more information contact Argentine Embassy, 1600 New Hampshire Ave., N.W., Washington, D.C. 20009 (202/939-6400) or the nearest Consulate: CA (213/739-5959 and 415/982-3050), FL (305/373-1889), IL (312/263-7435), LA (504/523-2823), NY (212/603-0415), PR (809/754-6500) or TX (713/871-8935).

**ARMENIA** - Passport and visa required. Visa for stay of up to 21 days, requires 1 application form, 1 photo and \$50 fee. For stays longer than 21 days, an official invitation from a qualifying entity in Armenia is required. If applying by mail, enclose a SASE or prepaid airbill indicating type of mail service (i.e. Federal Express, etc). For more information contact the Consular Section of the Embassy of the Republic of Armenia, 1660 L Street, N.W., Suite 210, Washington, D.C. 20036 (202/393-5983).

**ARUBA** - Passport or proof of U.S. citizenship required. Visa not required for stay up to 14 days, extendable to 90 days after arrival. Proof of onward/return ticket or sufficient funds for stay may be required. Departure tax \$9.50. For further information consult Embassy of the Netherlands (202/244-5300), or nearest Consulate General: CA (212/380-3440), IL (314/856-1429), NY (212/246-1429) or TX (713/622-8000).

**AUSTRALIA** - Passport, visa and onward/return transportation required. Transit visa not necessary for up to 8-hour stay at airport. Visitor visa valid 1 year for multiple entries up to 3 months, no charge, requires 1 application and 1 photo. Applications for a stay of longer than 3 months or with a validity longer than 1 year, require fee of \$24 (U.S.). Need company letter for business visa. Departure tax, \$20 (Australian), paid at airport. Minors not accompanied by parent require notarized copy of the child's birth certificate and notarized written parental consent from both parents. AIDS test required for permanent resident visa applicants age 15 and over; U.S. test accepted. Send prepaid envelope for return of passport by mail.

Allow 3 to 4 weeks for processing. For further information contact the Embassy of Australia, 1601 Mass. Ave., N.W., Washington, D.C. 20036 (1-800-242-2878, 202/797-3145) or the nearest Consulate General: CA (213/469-4300 or 415-362-6160), HI (808/524-5050), NY (212/245-4000) or TX (713/629-9131).

**AUSTRIA** - Passport required. Tourist visa not required for stay of up to 3 months as a tourist. For information concerning longer stays, employment, or other types of visas check with the Embassy of Austria, 3524 International Court, N.W., Washington, D.C. 20008 (202/895-6767) or nearest Consulate General: Los Angeles (310/444-9310), Chicago (312/222-1515) or New York (212/737-6400).

**AZERBAIJAN** - Passport and visa required. Visa (no charge) requires 1 application form, 1 photo, and a letter of invitation. Please include SASE or prepaid airbill for return of documents. For additional information contact the Embassy of the Republic of Azerbaijan, 927 15th Street, N.W., Suite 700, Washington, D.C. 20005 (202/842-0001).



AZORES - (See Portugal.)

BAHAMAS - Proof of U.S. citizenship, photo ID and onward/return ticket required for stay up to 8 months. Passport and residence/work permit needed for residence and business. Permit required for fired at airport. For further information call Embassy of the Commonwealth of the Bahamas, 2220 Massachusetts Ave., N.W., Washington, D.C. 20008 (202/319-2660) or nearest Consulate: Miami (305/373-6295) or New York (212/421-6420).

BAHRAIN - Passport and visa required. No tourist visas issued at this time. Transit visa available upon arrival for stay up to 72 hours, must have return/onward ticket. Business, work, or resident visas valid for 3 months, single-entry, require 1 application form, 1 photo, letter from company or No Objection Certificate (NOC) from Immigration Dept. in Bahrain and \$30 fee (\$20 for bearer of NOC). Yellow fever vaccination needed if arriving from infected area. Send SASE for return of passport by mail. For departure tax and other information, contact Embassy of the State of Bahrain, 3502 International Drive, N.W., Washington, D.C. 20008 (202/342-0741); or the Permanent Mission to the U.N., 2 United Nations Plaza, East 44th Street, New York, NY 10017 (212/223-6200).

BANGLADESH - Passport, visa, and onward/return ticket required. Tourist/business visa requires 2 application forms, 2 photos and \$21 fee. Business visa also requires company letter. For longer stays and more information consult Embassy of the People's Republic of Bangladesh, 2201 Wisconsin Ave., N.W., Washington, D.C. 20007 (202/342-8373).

BARBADOS - U.S. tourists traveling directly from the U.S. to Barbados may enter for up to 3 months stay with proof of U.S. citizenship (original or certified copy of birth certificate), photo ID and onward/return ticket. Passport required for longer visits and other types of travel. Business visas \$25, single-entry and \$30 multiple-entry (may require work permit). Departure tax of \$12.50 US (\$25 BDS) is paid at airport. Check information with Embassy of Barbados, 2144 Wyoming Ave., N.W., Washington, D.C. 20008 (202/939-9200) or Consulate General in New York (212/867-8435).

BELARUS - Passport and visa required. Visa requires 1 application form, 1 photo, letter of invitation from a citizen of Belarus or a Belarus organization, company or agency. Tourist visa (for stay of up to 2 days) requires 1 application form, 1 photo, confirmation from receiving tourist organization in Belarus. The visa processing fee is \$30 for 7 working days, \$60 for next day, and \$100 for same day processing. Transit visa is required when traveling through Belarus (\$20). For additional information contact Embassy of Belarus, 1619 New Hampshire Ave., N.W., Washington, D.C. 20009 (202/986-1604), Consulate General, 708 3rd Ave., Suite 1802, New York, NY 10017 (212/682-5392).

BELGIUM - Passport required. Visa not required for business/tourist stay up to 90 days. Temporary residence permit required for longer stays. For residence authorization, consult Embassy of Belgium, 3330 Garfield St., N.W., Washington, D.C. 20008 (202/333-6900) or nearest Consulate General: Los Angeles (213/857-1244), Atlanta (404/659-2150), Chicago (312/263-6624) or New York (212/586-5110).

BELIZE - Passport, return/onward ticket and sufficient funds required. Visa not required for stay up to 30 days. If visit exceeds 1 month, a stay permit must be obtained from the Immigration Authorities in Belize. AIDS test required for those staying more than 3 months; U.S. test accepted if within 3 months of visit. For longer stays and other information contact Embassy of Belize, 2535 Massachusetts Ave., N.W., Washington, D.C. 20008 (202/332-9636) or the Belize Mission in New York at (212/599-0233).

BENIN - Passport and visa required. Entry/transit visa for stay up to 90 days, requires \$20 fee (money orders only), 2 application forms, 2 photos, vaccination certificates for yellow fever and cholera, proof of return/onward transportation (guarantee from travel agency or photocopy of round trip ticket) and letter of guarantee from employer. Send prepaid envelope for return of passport by certified or express mail. Apply at Embassy of the Republic of Benin, 2737 Cathedral Ave., N.W., Washington, D.C. 20008 (202/232-6656).

BERMUDA - Passport (or proof of U.S. citizenship with photo ID) and onward/return ticket required for tourist stay up to 3 months. Departure tax of \$10 is paid at airport. For further information consult British Embassy (202/986-0205).

BHUTAN - Passport and visa required. Visa requires \$20 fee, 1 application and 2 photos. Tourist visas arranged by Tourism Department and issued at entry checkpoints in Bhutan. Apply 2 months in advance. Yellow fever vaccination required if traveling from an infected area. For further information call the Consulate of the Kinport by mail. AIDS test required. A "Defined Purpose Visa" must be obtained for those wishing to obtain permanent residency, \$50 fee. For more information contact Embassy of Bolivia (Consular Section), 3014 Mass. Ave., N.W., Washington, D.C. 20008 (202/232-4828 or 483-4410) or nearest Consulate General: San Francisco (415/495-5173), Miami (305/358-3450), New York (212/687-

0530) or Houston (713/780-8001). (Check special requirements for pets.)

BOSNIA AND HERZEGOVINA - Passport required. At the time of publication, Bosnia-Herzegovina entry permission is being granted at the border on a case by-case basis.

BOTSWANA - Passport required. Visa not required for stay up to 90 days. For further information contact Embassy of the Republic of Botswana, Suite 7M, 3400 International Drive, N.W., Washington, D.C. 20008 (202/244-4990/1) or nearest Honorary Consulate: Los Angeles (213/626-8484), San Francisco (415/346-4435) or Houston (713/622-1900).

BRAZIL - Passport and visa required. Passport must be valid for at least six months at the time of first entry in Brazil. Visas are issued within 24 hours if submitted in person by the applicant. Multiple-entry visa valid for a stay of 90 days (renewable in Brazil for an equal period), requires 1 application form, 1 passport size photo, proof of onward/return transportation, and yellow fever vaccination if arriving from infected area. Tourist visas are granted free of charge if applications are submitted in person or by next of kin. There is a \$10 service fee for applications sent by mail (money orders, certified check or company check only). Provide SASE for return of passport by mail. For travel with children or business visa contact Brazilian Embassy (Consular Section), 3009 Whitehaven St., N.W., Washington, D.C. 20008 (202/745-2828) or nearest Consulate: CA (213/651-2664 or 415/981-8170), FL (305/285-6200), IL (312/464-0245), MA (617/542-4000), NY (212/757-3080), PR (809/754-7983) or TX (713/961-3063).

BRUNEI - Passport required. Visa not required for tourist/business stay up to 90 days. Yellow fever vaccination needed if arriving from infected area. For more information, contact Embassy of the State of Brunei Darussalam, Suite 300, 2600 Virginia Ave., N.W., Washington, D.C. 20037 (202/342-0159) or Brunei Permanent Mission to the U.N., 866 United Nations Plaza, Rm. 248, New York, NY 10017 (212/838-1600).

BULGARIA - Passport required. Tourist visa not required for stay up to 30 days. AIDS test may be required for those staying more than 1 month. For longer stays, business visas and other information contact Embassy of the Republic of Bulgaria, 1621 22nd St., N.W., Washington, D.C. 20008 (202/387-7969).

BURKINA FASO - Passport and visa required. Single-entry visa valid 3 months for visit up to 1 month, extendable, requires \$80 fee, 2 application forms, 2 photos and yellow fever vaccination (cholera immunization recommended). Send passport by registered mail and include postage or prepaid envelope for return by mail. Payment accepted in cash or money order only. For further information call Embassy of Burkina Faso, 2340 Mass. Ave., N.W., Washington, D.C. 20008 (202/332-5577) or Honorary Consulate in Decatur, GA (404/378-7278), Los Angeles, CA (213/824-5100) or New Orleans, LA (504/945-3152).

BURMA - (See Myanmar.)

BURUNDI - Passport and visa required. Obtain visa before arrival to avoid long airport delay. Multi-entry visa valid for 2 months (must be used within 2 months of date of issue) requires \$11 fee, 3 application forms, 3 photos, yellow fever and cholera immunizations, return/onward ticket, and detailed itinerary (meningitis immunization recommended). Company letter needed for business travel. Send U.S. postal money order only and SASE for return of passport by mail. For further information consult Embassy of the Republic of Burundi, Suite 212, 2233 Wisconsin Ave., N.W., Washington, D.C. 20007 (202/342-2574) or Permanent Mission of Burundi to the U.N. (212/687-1180).

CAMBODIA (formerly Kampuchea) - Passport and visa required. Visa valid for a 1 month stay. Visa available through the Permanent Mission to the U.N. or upon arrival in Cambodia from the Ministry of National Security; requires 3 photos, 3 copies of applications and \$20 fee. For further information please consult the Cambodian Permanent Mission to the U.N. at 866 U.N. Plaza, Room 420, New York, New York 10017 (212/421-7626)

CAMEROON - Passport and visa required. Obtain visa before arrival to avoid difficulty at airport. Multiple-entry tourist visa for stay up to 90 days, requires \$65.22 fee, 2 application forms, 2 photos, yellow fever and cholera immunizations, proof of onward/return transportation and bank statement. If invited by family or friends, visa available for up to 3 months, may be extended 1 month. Invitation must be signed by authorities in Cameroon. Multiple-entry business visa, valid 12 months, requires company letter to guarantee financial and legal responsibility; include exact dates of travel. Enclose prepaid envelope for return of passport by registered, certified or express mail. For additional information contact Embassy of the Republic of Cameroon, 2349 Mass. Ave., N.W.16) traveling alone or in someone else's custody, must present written authorization signed before a notary from the parent(s) or guardian. Visa not required for U.S. tourists entering from the U.S. for a stay up to 180 days. Anyone with a criminal record (including a DWI charge) should contact the Canadian Embassy or nearest Consulate General before travel. U.S.

citizens entering Canada from a third country must have a valid passport. For student or business travel, check with the Canadian Embassy, 501 Pennsylvania Ave., N.W., Washington, D.C. 20001 (202/682-1740) or nearest Consulate General: CA (213/687-7412 ), MI (313/567-2085), NY (212/596-1700 or 716/852-1252), or WA (206/443-1377).

CAPE VERDE - Passport and visa required. Single-entry tourist visa (must be used within 120 days of issue), requires \$11 fee, 1 application form, 1 photo and yellow fever immunization if arriving from infected area. Include SASE for return of passport by mail. For further information contact the Embassy of the Republic of Cape Verde, 3415 Mass. Ave., N.W., Washington, D.C. 20007 (202/965-6820) or Consulate General, 535 Boylston St., 2nd Floor, Boston, MA 02116 (617/353-0014).

CAYMAN ISLANDS - (See West Indies, British.)

CENTRAL AFRICAN REPUBLIC - Passport and visa required. Visa must be obtained before arrival and are available for less than 90 days, \$60 fee; and over 90 days, \$150 fee. Requirements: 2 application forms, 2 recent photos, yellow fever immunization, onward/return ticket, and SASE for return of passport by mail. Company letter needed for business visa. For further information contact Embassy of Central African Republic, 1618 22nd St., N.W., Washington, D.C. 20008 (202/483-7800 or 7801).

CHAD - Passport and visa required. Transit visa valid for up to 1 week, requires onward ticket. Single-entry visa valid 2 months for tourist/business stay up to 30 days (extendable), requires \$25 fee (no personal checks), yellow fever and cholera vaccinations, 3 application forms and 3 photos. For business visa need company letter stating purpose of trip. Send prepaid envelope for registered/certified return of passport. Apply Embassy of the Republic of Chad, 2002 R St., N.W., Washington, D.C. 20009 (202/462-4009), and check specific requirements.

CHILE - Passport required. Visa not required for stay up to 3 months, may be extended. For other information consult Embassy of Chile, 1732 Mass. Ave., N.W., Washington, D.C. 20036 (202/785-3159) or nearest Consulate General: CA (310/785-0113 and 415/982-7662), FL (305/373-8623), IL (312/654-8780), PA (215/829-9520), NY (212/980-3366), TX (713/621-5853) or PR (809/725-6365).

CHINA, PEOPLE'S REPUBLIC OF - Passport and visa required. Transit visa required for any stop (even if you do not exit the plane or train) in China. Visitors must show hotel reservation and "letter of confirmation" from the China International Travel Service (CITS) or an invitation from an individual or institution in China. Business travelers are required to obtain formal invitation from Chinese business contact. CITS tours may be booked through several travel agencies and airlines in the United States and abroad and are often advertised in newspapers and magazines. Visas for tour group members are usually obtained by the travel agent as part of the tour package. Visa requires \$30 fee (no personal checks), 2 application forms and 2 photos. Allow at least 10 days processing time. Medical examination required for those staying 1 year or longer. AIDS test required for those staying more than 6 months. For further information contact Chinese Embassy, 2300 Connecticut Avenue, N.W., Washington, D.C. 20008 (202/328-2517) or nearest Consulate General: Chicago (312/346-0287), Houston (713/524-4311), Los Angeles (213/380-2506), New York (212/330-7409) or San Francisco (415/563-4857).

COLOMBIA - Passport, proof of onward/return ticket, and entry permit required for tourist stay. Entry permits are granted by the immigration authorities at the port of entry, for an initial stay of up to 90 days, extendable for multiple additional periods. Minors (under 18) traveling alone, with one parent or in someone else's custody, must present written authorization signed before a notary and authenticated by the Colombian Consulate from the absent parent(s) or guardian. Persons suspected of being HIV-positive may be denied entry. For information about longer stays, business and official travel contact Embassy of Colombia (Consulate), 1825 Conn. Ave., N.W., Suite 218, Washington, D.C. 20009 (202/332-7476) or nearest Consulate General: CA (213/382-1137 or 415/495-7191), FL (305/448-5558), GA (404/237-1045), IL (312/923-1196), LA (504/525-5580), MA (617/536-6222), MN (612/933-2408), MO (314/991-3636), OH (2, or WV (304/234-8561).

COMOROS ISLANDS - Passport and onward/return ticket required. Visa for up to 3 weeks (extendable) issued at airport upon arrival. Anti-malarial suppressants suggested. For further information consult Embassy of the Federal and Islamic Republic of Comoros, 336 East 45th St., 2nd Floor, New York, NY 10017 (212/972-8010).

CONGO - Passport and visa required. Single-entry \$30 or multiple-entry \$50, for tourist/business stay up to 3 months, requires yellow fever and cholera immunizations and onward/return ticket. First-time applicants need 2 application forms and 2 photos, returning visitors need only 2. For business visa must have company letter stating reason for trip. Include SASE for return of passport by mail. Letter of introduction stating reason for trip, 2 applications and 2 photos required. Apply Embassy of the Republic

of the Congo, 4891 Colorado Ave., N.W., Washington, D.C. 20011 (202/726-5500) or the Permanent Mission of the Congo to the UN, 14 East 65th St. New York, NY 10021 (212/744-7840). COOK ISLANDS - Passport and onward/return ticket required. Visa not needed for visit up to 31 days. For longer stays and further information contact Consulate for the Cook Islands, Kamehameha Schools, #16, Kapalama Heights, Honolulu, HI 96817 (808/847-6377).

COSTA RICA - Passport required. Travelers are sometimes admitted with (original) certified U.S. birth certificate and photo ID for tourist stay of up to 90 days. Tourist card issued upon arrival at airport upon presentation of aforementioned documents for approximately \$20. U.S. citizens must have onward/return ticket. For stays over 90 days, you must apply for an extension (within the first week of visit) with Costa Rican Immigration and, after 90 days, obtain exit visa and possess a valid U.S. passport. For travel with pets and other information contact the Consular Section of the Embassy of Costa Rica, 2112 S St. N.W., Washington, D.C. 20008 (202/328-6628) or nearest Consulate General: CA (415/392-8488), GA (404/951-7025), FL (305/371-7485), IL (312/263-2772), LA (504/887-8131), NY (212/425-2620) or TX (713/266-1527).

COTE D'IVOIRE (formerly Ivory Coast) - Passport required. Visa not required for stay up to 90 days. Visa \$33, requires 4 application forms, 4 photos, yellow fever vaccination, onward/return ticket and financial guarantee. Include postage for return of passport by registered mail. For further information contact Embassy of the Republic of Cote D'Ivoire, 2424 Mass. Ave., N.W., Washington, D.C. 20008 (202/797-0300) or Honorary Consulate: CA (415/391-0176).

CROATIA - Passport and visa required. Visa can be obtained at port of entry but obtaining it in advance may prevent potential complications at the border. There is no charge for business or tourist visa. Please provide SASE or prepaid airbill for return of documents. For further information consult the Embassy of Croatia, 236 Massachusetts Ave., N.E., Washington, D.C. 20002 (202/588-5899).

CUBA - Passport and visa required. Tourist visa \$26, business visa \$50, valid up to 6 months, requires 1 application and photo. Send money order only and SASE for return of passport. Apply Cuban Interests Section, 2639 16th Street, N.W., Washington, D.C. 20009 (202/797-8609 or 8518). AIDS test required for those staying longer than 90 days. Attention: U.S. citizens need a Treasury Dept. license in order to engage in any transactions related to travel to and within Cuba. Before planning any travel to Cuba, U.S. citizens should contact the Licensing Division, Office of Foreign Assets Control, Department of the Treasury, 1331 G St., N.W., Washington, D.C. 20220 (202/622-2480).

CURACAO - (See Netherlands Antilles.)

CYPRUS - Passport required. Visa not required for tourist/business up to 3 months. For employment and other travel, visa required and must be obtained in advance. AIDS test required for certain entertainers; U.S. test accepted. For additional information consult Embassy of the Republic of Cyprus, 2211 R St., N.W., Washington, D.C. 20008 (202/462-5772) or nearest Consulate: AR (602/264-9701), CA (310/397-0771, 510/286-1831), GA (404/941-3764), IN (219/481-6897), LA (504/388-8701), MA (617/497-0219), MI (513/582-1411), NY (212/686-6016), OR (503/227-1411), PA (215/928-4290), or TX (713/928-2264).

CZECH REPUBLIC - Passport required. Visa not required for stay up to 30 days. All visitors staying longer than 30 days must register with the appropriate authorities within 3 days after their arrival. For more information contact Embassy of the Czech Republic, 3900 Spring of Freedom Street., N.W., Washington, D.C. 20008 (202/363-6308).

DENMARK (including GREENLAND, Norway, Sweden. Special rules apply for entry into the U.S.-operated defense area in Greenland. For further information contact the Royal Danish Embassy, 3200 Whitehaven St., N.W., Washington, D.C. 20008 (202/234-4300) or nearest Consulate General: CA (213/387-4277), Chicago (312/787-8780) or New York (212/223-4545).

DJIBOUTI - Passport and visa required. Visas must be obtained before arrival. Single-entry visa valid for 30 days, extendable, requires \$30 fee, 2 applications, 2 photos, yellow fever immunization, onward/return ticket and sufficient funds. Company letter needed for business visa. Send prepaid envelope for return of passport by registered, certified, or express mail. Apply Embassy of the Republic of Djibouti, 1156 15th St., N.W., Suite 515, Washington, D.C. 20005 (202/331-0270) or the Djibouti Mission to the U.N., 866 United Nations Plaza, Suite 4011, New York, NY 10017 (212/753-3163).

DOMINICA - Proof of U.S. citizenship, photo ID and return/onward ticket required for tourist stay up to 6 months. For longer stays and other information consult Consulate of the Commonwealth of Dominica, 820 2nd Ave., Suite 900, New York, NY 10017 (212/599-8478).

DOMINICAN REPUBLIC - Passport or proof of U.S. citizenship and tourist card or visa required. Tourist card for stay up to 2 months, available from Consulate or from airline serving the Dominican Republic,

\$10 fee. Visa issued by Consulate, valid up to 5 years, no charge. All persons must pay \$10 airport departure fee. AIDS test required for residence permit. U.S. test not accepted. For business travel and other information call the Embassy of the Dominican Republic, 1715 22nd St., N.W., Washington, D.C. 20008 (202/332-6280) or nearest Consulate General: CA (415/982-5144), FL (305/358-3221), IL (312/772-6363), LA (504/522-1843), MA (617/482-8121), NY (212/768-2480), PA (215/923-3006), PR (809/725-9550), or TX (713/266-0165).

ECUADOR - Passport and return/onward ticket required for stay up to 3 months. For additional information contact the Embassy of Ecuador, 2535 15th St., N.W., Washington, D.C. 20009 (202/234-7166) or nearest Consulate General: CA (213/628-3014 or 415/957-5921), FL (305/539-8214), IL (312/329-0266), LA (504/523-3229), MA (617/523-2700), MD (410/889-4435), MI (313/332-7356), NJ (201/642-0208), NV (702/735-8193), NY (212/808-0170/71), PR (809/781-4408), or TX (713/622-8105).

EGYPT - Passport and visa required. Transit visa for stay up to 48 hours available. Tourist visa, valid 3 months, requires \$15 fee (cash or money order), 1 application form and 1 photo. Visa may be issued at airport upon arrival for fee of \$20. For business travel, need company letter stating purpose of trip. Enclose prepaid envelope for return of passport by certified mail. Proof of yellow fever immunization required if arriving from infected area. AIDS test required for workers and students staying over 30 days. Register with local authorities or at hotel within 7 days of arrival. Travelers must declare foreign currency on Form "D" on arrival and show Form "D" and bank receipts upon departure. Maximum Egyptian currency allowed into and out of Egypt is LE20. For additional information consult Embassy of the Arab Republic of Egypt, 3521 International Court, N.W., Washington, D.C. 20008 (202/966-6342/48) or nearest Consulate General: CA (415/346-9700), IL (312/828-9162), NY (212/759-7120) or Houston (713/961-4915).

EL SALVADOR - Passport and visa required. (Length of validity of visa will be determined by Consulate). Requires 1 application form and 2 photos. Allow 3 working days for processing. Send SASE for return of passport by mail. AIDS test required for permanent residence permit. U.S. test not accepted. Apply Consulate General of El Salvador, 1010 16th St., N.W., 3rd Floor, Washington, D.C. 20036 (202/331-4032) or nearest Consulate: CA (213/383-5776 or 415/781-7924), FL (305/371-8850), IL (312/322-1393), LA (504/522-4266), NY (212/889-3608) or TX (713/270-6239).

ENGLAND - (See United Kingdom.)

EQUATORIAL GUINEA - Passport and visa required. Obtain visa in advance. For further information contact the residence of the Ambassador of Equatorial Guinea at 57 Magnolia Ave., Mount Vernon, NY (914/667-9664).

ERITREA - Passport and visa required. Tourist/business visa valid for a stay of up to 6 months, requires 1 application, 1 photo, \$25 fee (no personal checks). Business visa can be extended up to 1 year, requires company letter stating purpose of travel. Include SASE for return of passport by mail. Allow 3 working days for processing. For more information contact the Embassy of Eritrea, 910 17th St., NW, Suite 400, Washington, D.C. U.S. test sometimes accepted. For further information contact the Consulate General of Estonia, 630 Fifth Avenue, Suite 2415, New York, NY 10020 (212/247-2131).

ETHIOPIA - Passport and visa required. Tourist/business visa valid for stay up to 2 years, fee \$70 or transit visa for 48 hours, \$40, requires 1 application, 1 photo and yellow fever immunization. Business visa requires company letter. Send \$2 postage for return of passport or \$15.30 for Federal Express and \$9.95 for Express Mail service. (Money orders only.) Allow 3-4 working days for processing. Exit visas are required of all visitors remaining in Ethiopia for more than 30 days. For longer stays and other information contact Embassy of Ethiopia, 2134 Kalorama Rd., N.W., Washington, D.C. 20008 (202/234-2281/2).

FIJI - Passport, proof of sufficient funds and onward/return ticket required. Visa issued on arrival for stay up to 30 days and may be extended up to 6 months. For further information contact Embassy of Fiji, 2233 Wisconsin Ave., N.W., #240, Washington, D.C. 20007 (202/337-8320) or Mission to the U.N., One United Nations Plaza, 26th Floor, New York, NY 10017 (212/355-7316).

FINLAND - Passport required. Tourist/business visa not required for stay up to 90 days. (90 day period begins when entering Scandinavian area: Sweden, Norway, Denmark, Iceland.) Check Embassy of Finland, 3301

Massachusetts Ave., N.W., Washington, D.C. 20008 (202/298-5800) or nearest Consulate General: Los Angeles (310/203-9903) or New York (212/750-4400).

FRANCE - Passport required to visit France, Andorra, Monaco, Corsica and French Polynesia. Visa not required for tourist/business stay up to 3 months in France, Andorra, Monaco and Corsica, and 1 month in French Polynesia. Journalists on assignment, ship or plane crew members, and students are required to obtain a visa in advance. For further information consult Embassy of France, 4101 Reservoir Rd., N.W.,

Washington, D.C. 20007 (202/944-6000/6200) or nearest Consulate: CA (310/479-4426 or 415/397-4330), FL (305/372-9798), GA (404/522-4226), HI (808/599-4458), IL (312/787-5359), LA (504/523-5774), MA (617/482-3650), NY (212/606-3600), PR (809/753-1700) or TX (713/528-2181).

FRENCH GUIANA - Proof of U.S. citizenship and photo ID required for visit up to 3 weeks. (For stays longer than 3 weeks, a passport is required.) No visa required for stay up to 3 months. For further information consult Embassy of France, 4101 Reservoir Rd., N.W., Washington, D.C. 20007 (202/944-6000/6200).

FRENCH POLYNESIA - Includes Society Islands, French Southern and Antarctic Lands, Tuamotu, Gambier, French Austral, Marquesas, Kerguelen, Crozet, New Caledonia, Tahiti, Wallis and Furtuna Islands. Passport required. Visa not required for visit up to 1 month. For longer stays and further information consult Embassy of France (202/944-6000/6200).

GABON - Passport and visa required. Visas must be obtained before arrival. Single-entry visa valid up to 1 month, multiple-entry visa valid for 1-4 months. Both visas require 2 application forms, 2 photos, yellow fever vaccinations, and \$50 fee (no personal checks accepted). Also need detailed travel arrangements, including flight numbers, arrival and departure dates, accommodations and next destination. A certificate of accommodation issued by the host family or institution in Gabon is required. Business visa requires company letter stating purpose of trip and contacts in Gabon. Accompanying family must be included in letter. For longer stays and other information call Embassy of the Gabonese Republic, 2034 20th St., N.W., Washington, D.C. 20009 (202/797-1000) or the Permanent Mission of the Gabonese Republic to the UN, 18 East 41st St., 6th Floor, New York, NY 10017 (212/686-9720).

GALAPAGOS ISLANDS - Passport and onward/return ticket required for visits up to 3 months. For further information consult Embassy of Ecuador (202/234-7166).

GAMBIA - Passport and visa required. Tourist/business visa for a stay of up to 12 months, requires 1 application, and 1 photo. For business visa, you also need company letter stating purpose of visit and itinerary. Allow at least 2 working days for processing. Include prepaid envelope for return of passport by mail. Apply Embassy of the Gambia, 1155 15th St., N.W., Washington, D.C. 20005 (202/785-1399) or Permanent Mission of The Gambia to the U.N., 820 2nd Ave., 9th floor, New York, NY 10017 (212/949-6640).

GEORGIA - Passport, visa and letter of invitation required. Visa requires 1 application, 1 photo, itinerary and processing fee. Please provide SASE or prepaid airbill for return of documeport required.

Tourist/business visa not required for stay up to 3 months. For longer stays (e.g. employment, students) obtain temporary residence permit upon arrival. Applicants of residence permits staying over 90 days may be asked to undergo a medical examination. Every foreign national entering Germany is required to provide proof of sufficient health insurance and funds. For further information contact the Embassy of the Federal Republic of Germany, 4645 Reservoir Rd., N.W., Washington, D.C. 20007 (202/298-4000) or nearest Consulate General: CA (415/775-1061, 213/930-2703), FL (305/358-0290), GA (404/659-4760), IL (312/580-1199), MA (617/536-4414), MI (313/962-6526), NY (212/308-8700), TX (713/627-7770), or WA (206/682-4312).

GHANA - Passport and visa required. Passport must be valid for at least six months at time of entry. Tourist visa required for stay up to 30 days (extendable). Requires 1 application form, 4 photos, photocopy of onward/return ticket, bank statement or pay stub and yellow fever immunization. Single-entry visa requires \$20 fee, multiple-entry \$50. Allow 3 working days for processing. Include prepaid envelope for return of passport by certified mail. For additional information contact Embassy of Ghana, 3512 International Drive, N.W., Washington, D.C. 20008 (202/686-4520) or Consulate General, 19 East 47th St., New York, NY 10017 (212/832-1300).

GIBRALTAR - Passport required. Visa not required for tourist stay up to 3 months. For further information consult British Embassy (202/986-0205). GILBERT ISLANDS - (See Kiribati.)

GREAT BRITAIN AND NORTHERN IRELAND - (See United Kingdom.)

GREECE - Passport required. Visa not required for tourist/business stay up to 3 months. AIDS test required for performing artists and students on Greek scholarships; U.S. test accepted. For additional information consult Consular Section of the Embassy of Greece, 2211 Mass. Ave., N.W., Washington, D.C. 20008 (202/232-8222) or nearest Consulate: CA (213/385-1447 or 415/775-2102), GA (404/261-3313), IL (312/372-5356), LA (504/523-1167), MA (617/542-3240), NY (212/988-5500) or TX (713/840-7522).

GREENLAND - (See Denmark.)

GRENADA - Passport is recommended, but tourists may enter with birth certificate and photo ID. Visa not

required for tourist stay up to 3 months, may be extended to maximum of 6 months. For additional information consult Embassy of Grenada, 1701 New Hampshire Ave., N.W., Washington, D.C. 20009 (202/265-2561) or Permanent Mission of Grenada to the U.N. (212/599-0301).

GADELOUPE - (See West Indies, French.)

GUATEMALA - Passport and visa or tourist card required. Visa is valid for 3 years with multiple entries of 30 days each. Requires passport and 1 application form. Tourist card of 30 days stay (extendable).

Requires passport and \$5 fee. Provide SASE for return of passport by mail. For travel by minors and general information about contact the Embassy of Guatemala, 2220 R St., N.W., Washington, D.C. 20008-4081 (202/745-4952), or nearest Consulate: CA (213/365-9251/2 or 415/788-5651), FL (305/443-4828/29), IL (312/332-3170), NY (212/686-3837) or TX (713/953-9531).

GUIANA, FRENCH - (See French Guiana.)

GUINEA - Passport and visa required. Tourist/business visa for stay up to three months, requires 3 application forms, 3 photos, yellow fever immunization and \$25 fee (cash or money order only). Malaria suppressants are recommended. For business visa need company letter stating purpose of trip and letter of invitation from company in Guinea. Provide SASE for return of passport by mail. For more information contact the Embassy of the Republic of Guinea, 2112 Leroy Pl., N.W., Washington, D.C. 20008 (202/483-9420).

GUINEA-BISSAU - Passport and visa required. Visa must be obtained in advance. Visa valid up to 90 days, requires 2 application forms, 2 photos, financial guarantee to cover stay, letter stating purpose of travel and \$12 fee (payment by money order only). Include prepaid envelope for return of passport by express mail. Apply Embassy of Guinea-Bissau, 918 16th St., N.W., Mezzanine Suite, Washington, D.C. 20006 (202/872-4222). GUYANA - Passport required. For more information consult Embassy of Guyanearrest Consulate: FL (305/859-2003), MA (617/266-36601), NY (212/697-9767), PR (809/764-1392), or IL (312/922-4004).

HOLY SEE, APOSTOLIC NUNCIATURE OF THE - Passport required (for entry into Italy). For further information consult Apostolic Nunciature of the Holy See, 3339 Mass. Ave., N.W., Washington, D.C. 20008 (202/333-7121) or call Embassy of Italy (202/328-5500).

HONDURAS - Passport and onward/return ticket required. For additional information contact Embassy of Honduras (Consular Section), Suite 310, 1612 K Street., N.W., Washington, D.C. 20006 (202/223-0185) or nearest Consulate: CA (213/383-9244 and 415/392-0076), FL (305/447-8927), IL (312/772-7090), LA (504/522-3118), NY (212/269-3611) or TX (713/622-4572).

HONG KONG - Passport and onward/return transportation by sea/air required. Visa not required for tourist stay up to 30 days, may be extended to 3 months. Confirmed hotel and flight reservations recommended during peak travel months. Departure tax 150 Hong Kong dollars (approx. \$20 U.S.) paid at airport. Visa required for work or study. For other types of travel consult British Embassy (202/986-0205). HUNGARY - Passport required. Visa not required for stay up to 90 days. For business travel and other information check Embassy of the Republic of Hungary, 3910 Shoemaker Street, N.W., Washington, D.C. 20008 (202/362-6730) or Consulate General, 8 East 75th Street, New York, NY 10021 (212/879-4127).

ICELAND - Passport required. Visa not required for stay up to 3 months. Period begins when entering Scandinavian area: Denmark, Finland, Norway, Sweden. For additional information call Embassy of Iceland, 1156 15th Street, N.W., Suite 1200, Washington, D.C. 20005 (202/265-6653-5) or Consulate General in New York (212/686-4100).

INDIA - Passport and visa required. Obtain visa in advance. Transit visa valid for stay up to 15 days, requires \$25 fee. Visas are available up to 3 months for \$40, up to 6 months for \$60, 1 year for \$70, and a 5 yr. visa for \$120 but given only on a strict basis. 1 application form, 2 photos, onward/return ticket and proof of sufficient funds. Visa must be obtained before arrival. Business visa requires \$70 fee, 1 application form, 2 photos and company letter stating purpose of trip and itinerary. Include prepaid envelope for return of passport by certified mail. Allow 1 weeks for processing if sent by mail. Yellow fever immunization needed if arriving from infected area. AIDS test required for all students and anyone over 18 staying more than 1 year; U.S. test from well known lab accepted. Check requirements with Embassy of India, 2536 Mass. Ave., N.W., Washington, D.C. 20008 (202/939-9839/9849) or nearest Consulate General: Chicago (312/718-6280), New York (212/879-7805/6) or San Francisco (415/668-0683).

INDONESIA - Valid passport and onward/return ticket required. Visa not required for tourist stay up to 2 months (non-extendable). For longer stays and additional information consult Embassy of the Republic of Indonesia, 2020 Mass. Ave., N.W., Washington, D.C. 20036 (202/775-5200) or nearest Consulate: CA

(213/383-5126 or 415/474-9571), IL (312/938-0101), NY (212/879-0600) or TX (713/785-1691).

IRAN - Passport and visa required. The United States does not maintain diplomatic or consular relations with Iran. Travel by U.S. citizens is not recommended. For visa information contact Embassy of Pakistan, Iranian Interests Section, 2209 Wisconsin Ave., N.W., Washington, D.C. 20007 (202/965-4990).

IRAQ - Passport and visa required. AIDS test required for stay over 5 days. The United States suspended diplomatic and consular operations in Iraq in 1990. Since February 1991, U.S. passports are not valid for travel in, to, or through Iraq without authorization from the Department of State. Application for exemptions to this restriction should be submitted in writing to Passport Services, U.S. Department of State, 1111 19th St., N.W., Washington, D.C. 20524, Attn.: CA/PPT/C. Attention: U.S. citizens need a Treasury Dept. license in order to engage in any transactions related to travel to and within Iraq. Before planning any travel to Iraq, U.S. citizens should contact the Licensing Division, Office of Foreign Assets Control, Department of the Treasury, 1331 G St., N.W., Washington, D.C. 20220 (202/622-2480). For visa information contact a country that maintains diplomatic relations with Iraq.

IRELAND - Passport required. Tourists are not required to obtain visas for stays under 90 days, but may be asked to show onward/return ticket. For further information consult Embassy of Ireland, 2234 Mass. Ave., N.W., Washington, D.C. 20008 (202/462-3939) or nearest Consulate General/funds required. Tourist visa issued upon arrival valid for 3 months, but can be renewed. Consult Embassy of Israel, 3514 International Dr., N.W., Washington, D.C. 20008 (202/364-5500) or nearest Consulate General: CA (213/651-5700 and 415/398-8885), FL (305/358-8111), GA (404/875-7851), IL (312/565-3300), MA (617/542-0041), NY (212/351-5200), PA (215/546-5556) or TX (713/627-3780).

ITALY - Passport required. Visa not required for tourist stay up to 3 months. For longer stays, employment or study, obtain visa in advance. For additional information consult Embassy of Italy, 1601 Fuller St., N.W., Washington, D.C. 20009 (202/328-5500) or nearest Consulate General: CA (310/820-0622 or 415/931-4924), FL (305/374-6322), IL (312/467-1550), LA (504/524-2272), MA (617/542-0483/4), MI (313/963-8560), NJ (201/643-1448), NY (212/737-9100), PA (215/592-7329) or TX (713/850-7520).

IVORY COAST - (See Cote d'Ivoire.)

JAMAICA - Passport (or original birth certificate and photo ID), onward/return ticket and proof of sufficient funds required. (Photo ID is not required for U.S. citizens under 16 using birth certificate.) Tourist card issued on arrival for stay up to 6 months; must be returned to immigration authorities on departure. For business or study, visa must be obtained in advance, no charge. Departure tax \$15 paid at airport. Check information with Embassy of Jamaica, 1520 New Hampshire Ave., N.W., Washington, D.C. 20036 (202/452-0660) or nearest Consulate: CA (310/559-3822 or 510/886-6061), FL (305/374-8431), GA (404/593-1500), IL (312/663-0023), NY (212/935-9000), or MA (617/266-8604).

JAPAN - Passport and onward/return ticket required. Visa not required for tourist/business stay up to 90 days. Departure tax \$20 (2,000 yen) paid at airport. For specific information consult Embassy of Japan, 2520 Mass. Ave., N.W., Washington, D.C. 20008 (202/939-6800) or nearest Consulate: AK (907/279-8428), CA (213/617-6700 or 415/777-3533), FL (305/530-9090), GA (404/892-2700), Guam (671/646-1290), HI (808/536-2226), IL (312/280-0400), LA (504/529-2101), MA (617/973-9772), MI (313/567-0120), MO (816/471-0111), NY (212/371-8222), OR (503/221-1811), TX (713/652-2977) or WA (206/682-9107).

JORDAN - Passport required. Visa required in advance only if entering Jordan via the King Hussein Bridge. For details consult the Embassy of the Hashemite Kingdom of Jordan, 3504 International Dr., N.W., Washington, D.C. 20008 (202/966-2664).

KAZAKHSTAN - Passport and visa required. Visa requires 1 application, 1 photo, original passport or travel document, a letter of invitation clearly stating dates of visit and itinerary, and confirmation of accommodations. Requirements for business travel include confirmation from inviting organization, registration with the Ministry of Foreign Affairs of Kazakhstan by inviting organization, cover letter from your company, and prepaid airbill or SASE. Visa fees should be paid by company check or money order, \$30 for 1 week processing, \$60 for three day processing, \$100 for same day processing, and \$120 for multi-entry processing. For home stay or other additional information contact the Embassy of Kazakhstan, 3421 Mass. Ave., N.W., Washington, D.C. 20007 (202/333-4507).

KENYA - Passport and visa required. Visa must be obtained in advance. Single-entry visa for tourist/business stay up to 6 months, \$30 (money order or cashier's check only); requires 1 application form, 2 photos and onward/return ticket. Yellow fever immunization is recommend. Anti-malarial pills are recommended for those travelling to the western or coastal regions. Multiple-entry business visa valid for up to 1 year, \$50. Payment by cashiers check or money order only. Airport departure tax is \$20. Consult the Embassy of Kenya, 2249 R St., N.W., Washington, D.C. 20008 (202/387-6101) or Consulate General:



Los Angeles (310/274-6635) or New York (212/486-1300).

KIRIBATI (formerly Gilbert Islands) - Passport and visa required. For additional information consult British Embassy (202/462-1340).

KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF (North Korea) - The United States does not maintain diplomatic or consular relations with North Korea and has no third country representing U.S. interests there. Attention: U.S. citizens need a Treasury Dept. license in order to engage in any transactions related to travel to and within North Korea. Before planning any travel to North Korea, U.S. citizens should contact the Licensing Division, Office of Foreign Assets Control, Department of the Treasury, 1331 G St., N.W., Washington, D.C. 20220 (202/622-2480). Visa information must be obtained from a consulate in a country that maintains diplomatic relations with North Korea. Tourist stay up to 15 days. For longer stays and other types of travel, visa must be obtained in advance, \$20 fee. Tourist visa for longer stay requires 1 application form and 1 photo. Business visa requires 1 application form, 1 photo and company letter. Fine imposed for overstaying visa and for long-term visa holders not registered within 60 days after entry. If applying by mail, enclose SASE or prepaid airbill. Vaccination certificate required if coming from infected area within 14 days of arrival in Korea. For further information check Embassy of the Republic of Korea, (Consular Division), 2320 Massachusetts Ave., N.W., Washington, D.C. 20008 (202/939-5660/63) or nearest Consulate General: AK (907/561-5488), CA (213/385-9300 and 415/921-2251/3), FL (305/372-1555), GA (404/522-1611/3), Guam (671/472-6109), HI (808/595-6109), IL (312/822-9485), MA (617/348-3660), NY (212/752-1700), TX (713/961-0186) or WA (206/441-1011/4).

KUWAIT - Passport and visa required. AIDS test required for work visa; U.S. test accepted. For further information contact the Embassy of the State of Kuwait, 2940 Tilden St., N.W., Washington, D.C. 20008 (202/966-0702) or Consulate, 321 East 44th St., New York, NY 10017 (212/973-4318).

KYRGYZ REPUBLIC (Kyrgyzstan) - Passport and visa required. Visa requires 1 application form, 2 photos and detailed itinerary. Visa valid for 60 days after date of issuance. Multi-entry visa \$100 (no personal checks). Include SASE for return of passport by mail (or proper fee for express mail service). For additional information contact the Embassy of the Kyrgyz Republic, 1511 K St., N.W., Suite 707, Washington, D.C. 20005 (202/628-0433).

LAOS - Passport and visa required. Visa requires \$35 fee, 3 application forms, 3 photos, onward/return transportation, sufficient funds, cholera immunization and SASE for return of passport by mail. Transit visas for stay up to 5 days requires onward/return ticket and visa for next destination. Period of stay: maximum 5 days in Vietiane only. Visitor visa are issued for 1 entry and must be used within 3 months of issue date. Period of stay: 1 month, can be extended for another 30 days (visitor visa application must be accompanied by letter from relative or friends in Laos). Tourist visas are issued only to those who apply through a tourist agency. Period of stay: 15 days which may be extended for another 15 days. Business visa requires letter from counterpart in Laos and is valid for 1 entry and must be used within 3 months of issue date. Period of stay: 1 month, can be extended for another 30 days. For more information, check with the Embassy of the Lao People's Democratic Republic, 2222 S St., N.W., Washington, D.C. 20008 (202/332-6416/7).

LATVIA - Passport and visa required. Tourist/business visa issued at Embassy. Require 1 application form, 1 photo, and \$5 fee. Please provide SASE or prepaid airbill for return of documents. For further information contact Embassy of Latvia, 4325 17th St., N.W., Washington, D.C. 20011 (202/726-8213).

LEBANON - Passport and visa required. AIDS test required for those seeking residence permits; U.S. test accepted. Since January 1987, U.S. passports are not valid for travel in, to, or through Lebanon without authorization from the Department of State. Application for exemptions to this restriction should be submitted in writing to Passport Services, U.S. Department of State, 1111 19th St., N.W., Washington, D.C. 20524, Attn.: CA/PPT/C. For further visa information contact Embassy of Lebanon, 2560 28th St., N.W., Washington, D.C. 20008 (202/939-6300) or nearest Consulate General: Los Angeles (213/467-1253), Detroit (313/567-0233) or New York (212/744-7905).

LEEWARD ISLANDS - (See Virgin Islands, British.)

LESOTHO - Passport and visa required. Visa requires 1 form. Single-entry visa requires \$7.50 fee and multiple-entry \$15. For more information, check Embassy of the Kingdom of Lesotho, 2511 Mass. Ave., N.W., Washington, D.C. 20008 (202/797-5533).

LIBERIA - Passport and visa required. Transit visitors with onward ticket can remain at airport up to 48 hours. Other travelers must have round trip ticket and obtain visas before arrival. Tourist/business entry visa valid 3 months, no fee, requires 2 application forms, 2 photos, cholera and yellow fever vaccinations and medical certificate to confirm that traveler is in good health and free of any communicable disease.

Company letter needed for business visa. Include SASE for return of passport by mail. Obtain exit permit from immigration authorities upon arrival, 1 photo required. For business requirements call Embassy of the R635), LA (504/523-7784), MI (313/342-3900) or NY (212/687-1025).

LIBYA - Passport and visa required. AIDS test required for those seeking residence permits; U.S. test accepted. Since December 1981, U.S. passports are not valid for travel in, to, or through Libya without authorization from the Department of State. Application for exemptions to this restriction should be submitted in writing to Passport Services, U.S. Department of State, 1111 19th St., N.W., Washington, D.C. 20524, Attn.: CA/PPT/C. Attention: U.S. citizens need a Treasury Dept. license in order to engage in any transactions related to travel to and within Libya. Before planning any travel to Libya, U.S. citizens should contact the Licensing Division, Office of Foreign Assets Control, Department of the Treasury, 1331 G St., N.W., Washington, D.C. 20220 (202/622-2480). Application and inquiries for visas must be made through a country that maintains diplomatic relations with Libya.

LIECHTENSTEIN - Passport required. Visa not required for tourist/business stay up to 3 months. For further information consult the Swiss Embassy (202/745-7900).

LITHUANIA - Passport required. For further information contact Embassy of Lithuania, 2622 16th St., N.W., Washington, D.C. 20009 (202/234-5860).

LUXEMBOURG - Passport required. Visa not required for tourist/business stay up to 3 months. For additional information contact Embassy of Luxembourg, 2200 Mass. Ave., N.W., Washington, D.C. 20008 (202/265-4171) or the nearest Consulate: CA (415/788-0816), FL (305/373-1300), GA (404/668-9811), IL (312/726-0355), MN (612/644-0942), MO (816/792-0841), NY (212/888-6664) or OH (513/422-4697).

MACAU - Passport required. Visa not required for visits up to 60 days. For further information consult nearest Portuguese Consulate: Washington, D.C. (202/332-3007), San Francisco (415/346-3400), New Bedford (508/997-6151), Newark (201/622-7300), NY (212/246-4580), Providence (401/272-2003) or Portuguese Consulate in Hong Kong (231-338).

MACEDONIA, FORMER YUGOSLAV REPUBLIC OF - Entry permission can be obtained at border points. Macedonia does not currently maintain an embassy in the U.S. For more information check with the Office of Macedonia, 3050 K St., N.W., Suite 210 20007 (202/337-3063).

MADAGASCAR - Passport and visa required. Visa allows entry in Madagascar within 6 months from the date of issue. Short term visa valid for single-entry up to 90 days, \$22.50; or double-entries, \$44.15 (no personal checks). Requires 4 blue application forms, 4 photos, yellow fever and cholera immunizations if arriving from infected areas, proof of onward/return transportation, and sufficient funds for stay. For business visa, the aforementioned is required including company letter. Include a prepaid envelope for return of passport by registered mail. For longer stays and additional information contact Embassy of the Democratic Republic of Madagascar, 2374 Mass. Ave., N.W., Washington, D.C. 20008 (202/265-5525/6) or nearest Consulate: NY (212/986-9491), PA (215/893-3067) or CA (1-800/856-2721).

MALAWI - Passport required. Visa not required for stay up to 1 year. No dress codes apply for anyone visiting Malawi. For further information contact the Embassy of Malawi, 2408 Mass. Ave., N.W., Washington, D.C. 20008 (202/797-1007) or Malawi Mission to the U.N., 600 3rd Ave., New York, NY 10016 (212/949-0180).

MALAYSIA (and the Borneo States, Sarawak and Sabah) - Passport required. Visa not required for stay up to 3 months. Yellow fever and cholera immunizations necessary if arriving from infected areas. AIDS test required for work permits. U.S. test sometimes accepted. For entry of pets or other types of visits, consult Embassy of Malaysia, 2401 Mass. Ave., N.W., Washington, D.C. 20008 (202/328-2700) or nearest Consulate: Los Angeles (213/621-2991) or New York (212/490-2722).

MALDIVES - Passport required. Tourist visa issued upon arrival for 30 days validity, no charge. Visitors must have proof of onward/return transportation and sufficient funds (minimum of \$25 per person per day). Yellow fever vaccination certificate is required for those arriving from infected areas. Check with the Maldives Mission to the U.N. in New York (212/599-6195) for further information.

MALI - Passport and visa required. Visa must be obtained in advance. Tourist/business visa for stay up to 4 weeks, may be extended after arrival, requires \$17 fee (cash or money order), 2 application forms, 2 photos, proof of onward/return transportation and yellow fever vaccination. (Cholera immunization is recommended.) For business travel, must have company letter stating purpose required. Visa not required for stay up to 3 months (extension must be applied for prior to end of 3-month period or expiration of original visa). Visa requires 3 application forms, 2 photos, proof of onward/return transportation and \$46 fee (check or money order). Transit visa available for \$31. For additional information consult Embassy of Malta, 2017 Conn. Ave., N.W., Washington, D.C. 20008 (202/462-3611/2)

or nearest Consulate: CA (213/939-5011 and 415/468-4321), FL (305/942-2491), MA (617/259-1391), MI (313/525-9777), MO (816/833-0033), MN (612/699-3433), NY (212/725-2345), PA (412/279-6170) or TX (713/497-2100 or 713/999-1812).

MARSHALL ISLANDS, REPUBLIC OF THE - Proof of U.S. citizenship, sufficient funds for stay and onward/return ticket required for stay up to 30 days (extendable up to 90 days from date of entry). Entry permit not needed to bring in sea-going vessel. Obtain necessary forms from airline or shipping agent serving Marshall Islands. Departure fee \$15 (those over age 60 exempt). Health certificate required if arriving from infected areas. AIDS test may be required for visits over 30 days; U.S. test accepted. Check information with Embassy of Marshall Islands, 2433 Massachusetts Avenue, N.W., Washington, D.C. 20008 (202/234-5414) or Permanent Mission to the U.N., 220 East 42nd St., New York, NY 10017 (211/983-3040) or the nearest Consulate General: CA (714/474-0331) or HI (808/942-4422).

MARTINIQUE - (See West Indies, French.)

MAURITANIA - Passport and visa required. Obtain visa before arrival. Visa valid 3 months, requires \$10 fee (money order only), 2 application forms, 4 photos, yellow fever and cholera immunizations and proof of onward/return transportation. Business travelers must have proof of sufficient funds (bank statement) or letter from sponsoring company. For further information contact Embassy of the Republic of Mauritania, 2129 Leroy Pl., N.W., Washington, D.C. 20008 (202/232-5700/01) or Permanent Mission to the U.N., 211 East 43rd Street, Suite 2000, New York, NY 10017 (212/986-7963).

MAURITIUS - Passport, sufficient funds for stay and onward/return ticket required. Visa not required for tourist/business stay up to 3 months. AIDS test required for permanent residence and work permits. U.S. test sometimes accepted. For further information consult Embassy of Mauritius, Suite 441, 4301 Conn. Ave., N.W., Washington, D.C. 20008 (202/244-1491/2) or Honorary Consulate in Los Angeles (818/788-3720).

MAYOTTE ISLAND - (See France.)

MEXICO - Passport and visa not required of U.S. citizens for tourist/transit stay up to 90 days. Tourist card is required. Tourist card valid 3 months for single entry up to 180 days, no charge, requires proof of U.S. citizenship, photo ID and proof of sufficient funds. Tourist cards may be obtained in advance from Consulate, Tourism Office, and most airlines serving Mexico upon arrival. Departure tax \$10 is paid at airport. Notarized consent from parent(s) required for children travelling alone, with one parent or in someone else's custody. (This permit is not necessary when a minor is in possession of a valid passport.) For other types of travel and details, check Embassy of Mexico's Consular Section, 2827 16th St., N.W., Washington, DC 20009-4260 (202/736-1000) or nearest Consulate General: CA (213/351-6800, 415/392-5554 and 619/231-8414), CO (303/830-0601), FL (305/716-4977), IL (312/855-1380), LA (504/522-3596), NY (212/689-0460), PR (809/764-0258) or TX (214/631-7772, 713/542-2300, 512/773-9255 and 915/533-3644).

MICRONESIA, FEDERATED STATES OF (Kosrae, Yap, Ponape, and Truk) - Proof of citizenship, sufficient funds, and onward/return ticket required for tourist visit up to 6 months, extendable (up to 12 months from date of entry) after arrival in Micronesia. Entry permit may be needed for other types of travel; obtain forms from airline. Departure fee \$5 (U.S.). Health certificate may be required if traveling from infected area. Typhoid and tetanus immunizations are recommended. AIDS test required if staying over 1 year. U.S. test is accepted. For further information contact Embassy of the Federated States of Micronesia, 1725 N St., N.W., Wasof Moldova. Visas can not be issued at the entry points along the Romanian and Ukrainian borders. Visa requirements: 1 application form and 1 photo. For additional information consult Embassy of the Republic of Moldova, 1533 K Street, N.W., Suite 333, Washington, D.C. 20005, (202/783-4218).

MONACO - Passport required. Visa not required for visit up to 3 months. For further information consult French Embassy (202/944-6000) or nearest Honorary Consulate of the Principality of Monaco: CA (213/655-8970 or 415/362-5050), IL (312/642-1242), LA (504/522-5700), NY (212/759-5227) or PR (809/721-4215).

MONGOLIA - Passport and visa required. Multiple-entry visa valid for period of 6 months may be issued for \$65. Transit visa for stay up to 48 hours requires copy of onward ticket, visa for next destination and \$15 fee (\$30 for double transit). Tourist visa for up to 90 days requires confirmation from Mongolian Travel Agency (Zhulchin) and \$25 fee. Business visa requires letter from company stating purpose of trip and invitation from Mongolian organization and \$25 fee. Submit 1 application form, 1 photo, itinerary and prepaid envelope for return of passport by certified or special delivery mail. AIDS test required for students and anyone staying longer than 3 months; U.S. test accepted. All foreigners are required to be

registered with the Civil Registration Information Center Police Department in Mongolia Upon arrival regardless of duration of stay and are warned to do so in order to avoid any inconveniences they may face upon departure. For additional information contact Embassy of Mongolia, 2833 M Street, N.W., Washington, D.C. 20007 (202/333-7117) or the UN Mission of Mongolia, 6 East 77th St., New York, NY 10021 (212/861-9460).

MOROCCO - Passport required. Passport must have 6 months validity. Visa not required for stay up to 3 months, extendable. For additional information consult Embassy of Morocco, 1601 21st St., N.W., Washington, D.C. 20009 (202/462-7979 to 7982) or Consulate General in New York (212/213-9644).

MOZAMBIQUE - Passport and visa required. Visa must be obtained in advance. Entry visa valid 30 days from date of issuance, requires 2 application forms, 2 photos, immunization for yellow fever and cholera, \$20 fee and letter (from company or individual) giving detailed itinerary. Visitors may have to exchange \$25 at point of entry and declare all foreign currency. Apply Embassy of the Republic of Mozambique, Suite 570, 1990 M St., N.W., Washington, D.C. 20036 (202/293-7146).

MYANMAR (formerly Burma) - Passport and visa required. Single-entry visas, for stay up to 28 days, requires \$18 fee, 2 application forms, 3 photos and itinerary. Single-entry business visa, for stay up to 28 days, requires \$30 fee, 3 application forms and 4 photos. Tourists visas are issued for package or group tours as well as Foreign Independent Travelers (FITs). FITs holding tourist visas must change a minimum of \$300 (U.S.) upon arrival. Business visa requires company letter and invitation from a Myanmarian company. Overland travel into and out of Myanmar is only permitted at certain points (check with Embassy). Enclose prepaid envelope for return of passport by registered/certified mail. Allow 24 hours for processing. For further information contact Embassy of the Union of Myanmar, 2300 S St., N.W., Washington, D.C. 20008 (202/332-9044-5) or the Permanent Mission of Myanmar to the U.N., 10 East 77th St., New York, NY 10021 (212/535-1311).

NAMIBIA - Passport, onward/return ticket and proof of sufficient funds required. Visa not required for tourist or business stay up to 90 days. Consult Embassy of Namibia, 1605 New Hampshire Ave., N.W., Washington, D.C. 20009 (202/986-0540) for further information on entry requirements.

NAURU - Passport, visa, onward/return ticket and sponsorship from a resident in Nauru required. For more information contact Consulate of the Republic of Nauru in Guam, P.O. Box Am, Agana, Guam 96910 (671/649-8300).

NEPAL - Passport and visa required. Tourist visa extendable to a maximum period of 150 days in one visa year (January to December). Single-entry visa for 15 days, \$15; single entry visa for 30 days, \$25; double entry visa for 30 days, \$40; and multiple entry visa with a validity for 60 days, \$60; requires 1 application form and 1 photo. Entry visas are valid for entry into Nepal within six months from the date of issue.

Tourist visa can also be obtained from Immigration Office at Kathmandu Airport and other specified ports of entry. Trekking permit is required for trekking purposes. For additional information contact Royal Nepalese Embassy, 2131 Leroy Pl., N.W., Washington, D.C. 20008 (202/667-4550) or Consulate General in New York (212/370-4188).

NETHERLANDS - Visitors may be asked to show onward/return ticket or proof of sufficient funds for stay. For further information contact Embassy of the Netherlands, 4200 Wisconsin Ave., N.W., Washington, D.C. 20016 (202/244-5300) or nearest Consulate General: CA (310/268-1598), IL (312/856-0110), NY (212/246-1429) or TX (713/622-8000).

NETHERLANDS ANTILLES - Islands include Bonaire, Curacao, Saba, Statia, St. Maarten. Passport or proof of U.S. citizenship (i.e. certified birth certificate or voter registration card with photo I.D.) required. Visa not required for stay up to 14 days, extendable to 90 days after arrival. Tourists may be asked to show onward/return ticket or proof of sufficient funds for stay. Departure tax \$10 when leaving Bonaire and Curacao, \$4 in Statia, \$10 in St. Maarten. For further information consult Embassy of the Netherlands (202/244-5300), or nearest Consulate General: CA (213/380-3440), IL (312/856-0110), NY (212/246-1429) or TX (713/622-8000). NEW CALEDONIA - (See French Polynesia.)

NEW ZEALAND - Passport and visitor's card (to be completed upon arrival) required. Passport must be valid until at least 3 months past the date you plan to leave New Zealand. Visa not required for tourist stay of up to 3 months, must have onward/return ticket, visa for next destination and proof of sufficient funds. For business or additional information contact Embassy of New Zealand, 37 Observatory Circle, N.W., Washington, D.C. 20008 (202/328-4800) or the Consulate General, Los Angeles (310/207-1605).

NICARAGUA - Passport valid 6 months beyond duration of stay and onward/return ticket required. For further information, travelers may contact the Consulate of Nicaragua, 1627 New Hampshire Ave., N.W., Washington, D.C. 20009 (202/939-6531/32) or the nearest Consulate in CA (213/252-1170 or 415/765-

6821), FL (305/220-6900), LA (504/523-1507), NY (212/983-1981), or TX (713/272-9628).

**NIGER** - Passport and visa required. Visa must be used within 3 months of issuance. All visas types require 3 application forms, 3 photos, yellow fever vaccination (cholera vaccination is recommended, but not required), proof of onward/return transportation and \$25.20 fee. Transit visas required for those travelers continuing through Niger. General requirements apply plus 2 copies of round trip ticket and/or 2 copies of itinerary, or letter from travel agent certifying round trip ticket has been purchased. For tourist visa the general requirements apply as well as 2 copies of bank statement certifying that traveler has at least \$500 in their bank account. Business visas require general requirements as well as 2 copies of a letter from the company that is being represented stating the purpose, activities, duration, and source of financial responsibility for the trip. Please provide SASE or prepaid airbill for return of documents. For further information and fees contact Embassy of the Republic of Niger, 2204 R St., N.W., Washington, D.C. 20008 (202/483-4224).

**NIGERIA** - Passport and visa required. Single-entry visa - \$20 fee and multiple entry visa - \$40 fee, both valid for 12 months, requires 1 photo, yellow fever vaccination, proof of onward/return transportation, and detailed itinerary. Business visa requires letter from counterpart in Nigeria and letter of introduction from U.S. company. For further information contact Embassy of the Republic of Nigeria, 2201 M St., N.W., Washington, D.C. 20037 (202/822-1500 or 1522) or the Consulate General in New York (212/715-7200).

**NIUE** - Passport, onward/return ticket and confirmed hotel accommodations required. Visa not required for stay up to 30 days. For additional information consult Embassy of New Zealand (202/328-4800).

**NORFOLK ISLAND** - Passport and visa required. Visa issued upon arrival for visit up to 30 days, extendable, requires confirmed accommodations and onward/return ticket. Australian transit visa must also be obtained in advance for travel to Norfolk Island. For both visas consult Australian Embassy (202/797-3000). **NORWAY** - Passport required. Visa not required for stay up to 3 months. Period begins when entering Scandinavian area: Finland, Sweden, Denmark, Iceland. For further information contact Royal Norwegian Embassy, 2720 34th St., N.W., Washington, D.C. 20008 (202/333-6000) or nearest Consulate General: CA (415/986-0766 to 7168 and 213/933-7717), MN (612/332-3338), NY (212/421-7333) or TX (713/521-2900).

**OMAN** - Passport and visa required. Tourist/business visas for multiple-entry issued for stay up to 6 months and valid for 2 years. Requires \$21 fee, 1 application form and cholera immunization if arriving from infected area. AIDS test required for work permits. U.S. test not accepted. Allow 1 week to 10 days for processing. Fo., N.W., Washington, D.C. 20008 (202/387-1980-2).

**PAKISTAN** - Passport and visa required. Visa must be obtained before arrival. Tourist visa requires 1 application form, 1 photo and proof of onward/return transportation. Validity depends on length of visit, multiple entries, \$20 fee. Need company cover letter and invitation for business visa. Include prepaid envelope for return of passport by registered mail. AIDS test required for stays over 1 year. For applications and inquiries in Washington area, contact Consular Section of the Embassy of Pakistan, 2315 Mass. Ave., N.W., Washington, D.C. 20008 (202/939-6295/61), or CA (310/441-5114), or NY (212/879-5800).

**PALAU, THE REPUBLIC OF** - Passport required. Onward/return ticket required. Obtain forms for entry permit from airline or shipping agent serving Palau. For further information consult with Representative Office, 444 N. Capitol St., Suite 619, Washington, D.C. 20001 (202/624-7793).

**PANAMA** - Passport, tourist card or visa and onward/return ticket required. Tourist card valid 30 days, available from airline serving Panama for \$5 fee. For longer stays and additional information regarding travel other than via a commercial airline, contact Embassy of Panama, 2862 McGill Terrace, N.W., Washington, D.C. 20008 (202/483-1407).

**PAPUA NEW GUINEA** - Passport, onward/return ticket and proof of sufficient funds required. Tourist visa for a stay of up to 30 days may be issued upon arrival. Business visa requires passport validity at least one year from the date visa is issued, 2 application forms, 2 photos, company letter, bio-data, recent annual report of parent company and \$10.25 fee (single entry) or \$154.00 (multiple entry). Single entry business visa is good for 3 weeks maximum stay. Multiple entry visa is valid for 1 year, with 8 weeks maximum stay each visit. AIDS test required for work and residency permits; U.S. test accepted. Please provide SASE or prepaid airbill for return of documents. For longer stays and further information contact Embassy of Papua New Guinea, Suite 300, 1615 New Hampshire Ave., N.W., Washington, D.C. 20009 (202/745-3680).

**PARAGUAY** - Passport required. Visa not required for tourist/business stay up to 90 days (extendable). AIDS test required for resident visas. U.S. test sometimes accepted. For additional information consult

Embassy of Paraguay, 2400 Mass. Ave., N.W., Washington, D.C. 20008 (202/483-6960).

PERU - Passport required. Visa not required for tourist stay up to 90 days, extendable after arrival. Tourists may need onward/return ticket. Business visa requires company letter stating purpose of trip and \$27 fee. For further information contact Embassy of Peru, 1700 Mass. Ave., N.W., Washington, D.C. 20036 (202/833-9860-9) or nearest Consulate: CA (213/383-9896 and 415/362-5185), FL (305/374-1407), IL (312/853-6173), NY (212/644-2850), PR (809/763-0679) or TX (713/781-5000).

PHILIPPINES - Passport and onward/return ticket required. For entry by Manila International Airport, visa not required for transit/tourist stay up to 21 days. Visa required for longer stay, maximum of 59 days, 1 application form, 1 photo, \$25 fee for single entry. Company letter needed for business visa. AIDS test required for permanent residency; U.S. test accepted. For longer stays or more information contact the Embassy of the Philippines, 1600 Mass. Ave., N.W., Washington, D.C. 20036 (202/467-9300) or nearest Consulate General: CA (213/387-5321 and 415/433-6666), HI (808/595-6316), IL (312/332-6458), NY (212/764-1330), or Guam (671/646-4620).

POLAND - Passport (must be valid at least 12 months past date of entry) required. Visa not required for stay up to 90 days. Visitors must register at hotel or with local authorities within 48 hours after arrival. Check with the Embassy of the Republic of Poland (Consular Division), 2224 Wyoming Ave., N.W., Washington, D.C. 20008 (202/232-4517) or nearest Consulate General: Chicago, IL, 1530 Lakeshore Dr., 60610 (312/337-8816), Los Angeles, CA, 12400 Wilshire Blvd., Suite 555, 90025 (310/442-8500) or New York, NY, 233 Madison Ave., 10016 (212/889-8360).

PORTUGAL - (Includes travel to the Azores and Madeira Islands.) Passport required. Passport must be valid for at least 3 months beyond the limit of allowed stay in Portugal. Visa not required for visit up to 60 days (extendable). For travel with pets and other information consult nearest Consulate: Washington, D.C. (202/332-3007, CA (415/346-3400), MA (617/536-8740 and 508/997-6151), NJ (201/622-7300), NY (212/246-4580) or RI (401/272-2003).

QATAR - Passport and visa required. Businesspersons, tourists, those attending scientific or cultural symposia, andred. Please provide a SASE for return of passport by mail. AIDS test required for work and student visas; U.S. test accepted if within 3 months of visit. For specific information contact Embassy of the State of Qatar, Suite 1180, 600 New Hampshire Ave., N.W., Washington, D.C. 20037 (202/338-0111).

REUNION - (See France.)

ROMANIA - Passport and visa required. Transit and tourist visa may be obtained at border in Romania or from the Romanian Embassy or Consulate before departure. Transit visa for stay up to 4 days, single-entry \$21 or double-entry \$31. Tourist/business visa, single-entry valid 6 months for stay up to 60 days, \$31 (multiple-entry \$68). No application or photos needed. Provide SASE for return of passport by mail. Allow 1 to 3 days for processing. For additional information consult Embassy of Romania, 1607 23rd St., N.W., Washington, D.C. 20008 (202/232-4747-9) or the Consulate General, New York (212/682-9120, 9121, 9122).

RUSSIA - Passport and visa required. Tourist visa requires 1 application form, 3 photos, confirmation from tourist agency in Russia and processing fee. Business visa requires 1 application, 3 photos, and letter of invitation from a Russian counterpart and visa processing fee. Visa processing fee for business and tourist visas is \$20 for 2 weeks, \$30 for one week and \$60 for four working days processing time. Multiple-entry business visa (needs confirmation through the Russian MFA) - \$120 precessing fee. Fee paid by money order or company check only. Provide SASE for return of passport by mail. AIDS test required for anyone staying over 3 months; U.S. test accepted. For additional information contact the Consular Section of the Embassy of Russia, 1825 Phelps Pl., N.W., Washington, D.C. 20008 (202/939-8907, 8913 or 8918) or the nearest Consulate General: NY (212/348-0926, 0955, 0626), CA (415/928-6878) or WA (206/728-1910).

RWANDA - Passport and visa required. Multiple-entry visa for stay up to 3 months (extendable) requires, \$30 fee, 2 application forms, 2 photos and immunizations for yellow fever. Exact date of entry and departure to and from Rwanda required with application. Include prepaid envelope or postage for return of passport by certified mail. Apply at one of the following: Embassy of the Republic of Rwanda, 1714 New Hampshire Ave., N.W., Washington, D.C. 20009 (202/232-2882), Permanent Mission of Rwanda to the U.N., 124 East 39th Street, New York, NY 10016 (212/696-0644/45/46), the Consulate General in Chicago (708/205-1188), or Denver (303/321-2400).

SAINT KITTS AND NEVIS - Proof of U.S. citizenship, photo ID and onward/return ticket required for stay up to 6 months. AIDS test required for work permit, residency or student visas; U.S. test is accepted. For further information consult Embassy of St. Kitts and Nevis, OECS Building, 3216 New Mexico Ave., N.W.,

Washington, D.C. 20016 (202/686-2636) or Permanent Mission to the U.N., 414 East 75th St., Fifth Floor, New York, NY 10021 (212/535-1234).

SAINT LUCIA - Passport (or proof of U.S. citizenship and photo ID) and return/onward ticket required for stay up to 6 months. For additional information contact Embassy of Saint Lucia, 3216 New Mexico Ave., Washington, D.C. 20016 (202/364-6792) or Permanent Mission to the U.N., 820 Second Ave., Suite 900E, New York, NY 10017 (212/697-9360).

ST. MARTIN (St. Maarten\*) - (See West Indies, French or \*Netherlands Antilles.) ST. PIERRE - Proof of U.S. citizenship and photo ID required for visit up to 3 months. For specific information consult Embassy of France (202/944-6000).

SAINT VINCENT AND THE GRENADINES - Proof of U.S. citizenship, photo ID, and onward/return ticket and/or proof of sufficient funds required for tourist stay up to 6 months. For more information consult the Embassy of Saint Vincent and the Grenadines, 3216 New Mexico Ave., Washington, D.C. 20016 (202/342-6734) or Consulate, 801 Second Ave., 21st Floor, New York, NY 10017 (212/687-4490).

SAN MARINO - Passport required. Visa not required for tourist stay up to 3 months. For additional information contact the nearest Honorary Consulate of the Republic of San Marino: Washington, D.C. (1899 L St., N.W., Suite 500, Washington, D.C. 20036, 202/223-3517), Detroit (313/528-1190) or New York (516/242-2212).

SAO TOME AND PRINCIPE - Passport and visa required. Tourist/business visa for single entry up to 3 months (\$25) or multiple entry up to 6 months (\$30), requires 2 application forms, 2 photos and yellow fever immunization card, and letter stating purpose of travel. Fees are to be paid by money order only. Company letter is required for a business visa. Enclose prepaid envelope or postage for the U.N., 122 East 42nd Street, Suite 1604, New York, NY 10168 (212/697-4211).

SAUDI ARABIA - Passport and visa required. (Tourist visas are not available for travel to Saudi Arabia.) Transit visa valid 24 hours for stay in airport, need onward/return ticket, 1 application form, no fee. Business visa requires \$54 fee (money order only), 1 application form, 1 photo, company letter stating purpose of visit, invitation from Foreign Ministry in Saudi Arabia and SASE for return of passport by mail. Meningitis and cholera vaccinations are highly recommended. Medical report, including AIDS test, required for work permits; U.S. test accepted. For details and requirements for family visits, contact The Royal Embassy of Saudi Arabia, 601 New Hampshire Ave., N.W., Washington, D.C. 20037 (202/342-3800) or nearest Consulate General: Los Angeles (213/208-6566), New York (212/752-2740) or Houston (713/785-5577).

SCOTLAND - (See United Kingdom.)

SENEGAL - Passport required. Visa not needed for stay up to 90 days. U.S. citizens need onward/return ticket and yellow fever vaccination (if you are arriving from an infected area). For further information contact Embassy of the Republic of Senegal, 2112 Wyoming Ave., N.W., Washington, D.C. 20008 (202/234-0540).

SERBIA AND MONTENEGRO - Passport and visa required. Required for tourist visa is 1 application form. No photograph is needed. For business visas an official letter is required stating the nature of business, name of the institution to be visited and its location, as well as the approximate duration of the visit. Please provide SASE or prepaid airbill for return of documents of applying by mail. For further information check with the Embassy of the Former Federal Republic of Yugoslavia (Serbia & Montenegro), 2410 California St., N.W., Washington, D.C. 20008 (202/462-6566) Attention: U.S. citizens need a Treasury Dept. license in order to engage in any commercial transactions within Serbia & Montenegro. Before planning any travel to Serbia & Montenegro, U.S. citizens should contact the Licensing Division, Office of Foreign Assets Control, Department of the Treasury, 1331 G St., N.W., Washington, D.C. 20220 (202/622-2480).

SEYCHELLES - Passport, onward/return ticket and proof of sufficient funds required. Visa issued upon arrival for stay up to 1 month, no charge, extendable up to 1 year. Consult Permanent Mission of Seychelles to the U.N., 820 Second Ave., Suite 900F, New York, NY 10017 (212/687-9766) for further information.

SIERRA LEONE - Passport and visa required. Single-entry visa valid 3 months, requires 1 application form, 1 photo, return/onward ticket, proof of financial support from bank or employer and \$20 fee (cash or money order only). Cholera and yellow fever immunizations required and malarial suppressants recommended. Provide SASE or prepaid airbill for return of documentation. For business and additional information consult Embassy of Sierra Leone, 1701 19th St., N.W., Washington, D.C. 20009 (202/939-9261).

SINGAPORE - Passport and onward/return ticket required. Visa not required for tourist/business stay up to 2 weeks, extendable to 3 months maximum. AIDS test required for some work visas. U.S. test is not accepted. For additional information contact Embassy of Singapore, 3501 Int'l Place, N.W., Washington, D.C. 20008 (202/537-3100).

SLOVAK REPUBLIC - Passport required. Visa not required for stay up to 30 days. For longer stays and other types of travel contact Embassy of the Slovak Republic, 2201 Wisconsin Ave., N.W., Suite 380, Washington, D.C. 20007 (202/965-5164).

SLOVENIA - Passport required. Visa not required for stay of up to 90 days. Additional information can be obtained from the Embassy of the Republic of Slovenia, 1525 New Hampshire Ave., N.W., Washington, D.C. 20036 (202/667-5363).

SOLOMON ISLANDS - Passport, onward/return ticket and proof of sufficient funds required. Visitors permit issued on arrival for stay up to 2 months in 1-year period. For further information consult British Embassy (202/986-0205).

SOMALIA - Passport required. For further information contact Consulate of the Somali Democratic Republic i(202/966-1650) or nearest Consulate in CA (310/657-9200), IL (312/939-7929), or NY (212/213-4880).

SPAIN - Passport required. Visa not required for tourist or business stay up to 3 months. For additional information check with Embassy of Spain, 2375 Pennsylvania Ave., N.W., Washington, D.C. 20037 (202/425-0100 and 728-2330) or nearest Consulate General in CA (415/922-2995 and 213/658-6050), FL (305/446-5511), IL (312/782-4588), LA (504/525-4951), MA (617/536-2506), NY (212/355-4080), PR (809/758-6090) or TX (713/783-6200).

SRI LANKA - Passport, onward/return ticket and proof of sufficient funds (\$15 per day) required. Tourist visa not required for stay up to 90 days (extendable in Sri Lanka). For business travel visa required and must be obtained in advance. Business visa valid 1 month, requires 1 application form, 2 photos, a company letter, a letter from sponsoring agency in Sri Lanka and employing company in U.S., a copy of an onward/return ticket, and \$5 fee. Include \$6 postage for return of passport by registered mail. Yellow fever and cholera immunizations needed if arriving from infected area. For further information contact Embassy of Sri Lanka, 2148 Wyoming Ave., N.W., Washington, D.C. 20008 (202/483-4025) or nearest Consulate: CA (805/323-8975 and 504/362-3232), HI (808/373-2040), NJ (201/627-7855) or NY (212/986-7040).

SUDAN - Passport and visa required. Visa must be obtained in advance. Transit visa valid up to 7 days, requires \$50 fee (cash or money order), onward/return ticket and visa for next destination, if appropriate. Tourist/business visa for single entry up to 3 months (extendable), requires \$50 fee, 1 application form, 1 photo, proof of sufficient funds for stay and SASE for return passport. Business visa requires company letter stating purpose of visit and invitation from Sudanese officials. Malarial suppressants and vaccinations for yellow fever, cholera, and meningitis recommended. Visas not granted to passports showing Israeli visas. Allow 4 weeks for processing. Travelers must declare currency upon arrival and departure. Check additional currency regulations for stays longer than 2 months. Contact Embassy of the Republic of the Sudan, 2210 Mass. Ave., N.W., Washington, D.C. 20008 (202/338-8565 to 8570) or Consulate General, 210 East 49th St., New York, NY 10017 (212/573-6035).

SURINAME - Passport and visa required. Multiple-entry visa requires 2 application forms and 2 photos. Business visa requires letter from sponsoring company. At the Johan Adolf Pengel International Airport the equivalent in convertible currency of NF 300.00 = three hundred Dutch guilders shall have to be changed at the airport bank, on the presentation of the completed H/A form, passport and ticket. Children younger than two years are exempted. The above mentioned amount shall be reduced by half for children between the ages of two and twelve. For the application of these regulations, the exchange rate will be SF 6 = six Surinamese guilders to NF 1 = one Dutch guilder. Hotel bills in Suriname shall be paid in convertible currencies. For return of passport by mail, send \$5 for registered mail or \$9.95 for Express Mail, or enclose SASE. Allow ten working days for processing. For additional requirements contact Embassy of the Republic of Suriname, Suite 108, 4301 Conn. Ave., N.W., Washington, D.C. 20008 (202/244-7488 and 7490) or the Consulate in Miami (305/593-2163).

SWAZILAND - Passport required. Visa not required for stay up to 60 days. Temporary residence permit available in Mbabane for longer stay. Visitors must report to immigration authorities or police station within 48 hours unless lodging in a hotel. Yellow fever and cholera immunizations required if arriving from infected area and anti-malarial treatment recommended. For further information consult Embassy of the Kingdom of Swaziland, 3400 International Dr., N.W., Suite 3M, Washington, D.C. (202/362-6683).



SWEDEN - Valid passport required. Visa not required for stay up to 3 months. Period begins when entering Scandinavian area: Finland, Norway, Denmark, Iceland. For further information consult the Embassy of Sweden, 1501 M St., N.W., Washington, D.C. 20005-1702 (202/467-2600) or nearest Consulate General: Los Angeles (310/575-3383) or New York (212/751-5900).

SWITZERLAND - Passport required. Visa not required for tourist/business stay up to 3 months. For further information contact Embassy of Switzerland, 2900 Cathedral Ave., N.W., Washington, D.C. 20008 (202/745-7900) or nearest Consulate General: CA (310/575-1145 or 415/788-2272), GA (404/870-2000), IL (312/915-0061), NY (212/758-2560) or TX (7ple-entry visa valid 6 months, \$30. Submit 2 application forms, 2 photos (signed) and fee (payment must be money order only). Enclose prepaid envelope (with correct postage) for return of passport by mail. AIDS test required for students and others staying over 1 year; U.S. test sometimes accepted. For group visas and other information contact Embassy of the Syrian Arab Republic, 2215 Wyoming Ave., N.W., Washington, D.C. 20008 (202/232-6313).

TAHITI - (See French Polynesia.)

TAIWAN - Passport required. Visa not required for stay up to 14 days. AIDS test mandatory for anyone staying over 3 months; U.S. test sometimes accepted. Visitors must hold passports valid for at least 6 months from the date of entry into Taiwan. For business travel, longer stays or other information contact Taipei Economic and Cultural Representative Office, 4201 Wisconsin Avenue, N.W., Washington, D.C. 20016-2137 (202/895-1800) or Taipei Economic and Cultural Office in Atlanta (404/872-0123), Boston (617/737-2050), Chicago (312/616-0100), Guam (671/472-5865), Honolulu (808/595-6347), Houston (713/626-7445), Kansas City (816/531-1298, Los Angeles (213/389-1215), Miami (305/443-8917), New York (213/370-6600), San Francisco (415-362-7680), and Seattle (206/441-4586).

TAJIKISTAN - Passport and visa required. At the time of publication, visa issuances are being handled by the Russian Consulate. The visa process must be initiated in Tajikistan by the sponsoring agency or by the travel agent involved; no visa request is initiated at the Russian Consulate. Visas are not issued until an approval cable arrives from the Ministry of Foreign Affairs in Tajikistan to the Russian Consulate.

TANZANIA - Passport and visa required. Obtain visa before departure. Visas for mainland Tanzania are valid for Zanzibar. Tourist visa (valid 6 months from date of issuance) for 1 entry up to 30 days, may be extended after arrival. Requires 1 application, 1 form and \$10.50 fee (no personal checks). Enclose prepaid envelope for return of passport by certified or registered mail. Yellow fever and cholera immunizations recommended (required if arriving from infected area) and malarial suppressants advised.

Allow 1 month for processing. For business visa and other information, consult Embassy of the United Republic of Tanzania, 2139 R St., N.W., Washington, D.C. 20008 (202/939-6125) or Tanzanian Permanent Mission to the U.N. 205 East 42nd St., 13th Floor, New York, NY 10017 (212/972-9160).

THAILAND - Passport and onward/return ticket required. Visa not needed for stay up to 15 days. For longer stays obtain a visa in advance. Transit visa, for stay up to 30 days, \$10 fee; or tourist visa for stay up to 60 days, \$15 fee. For business visa valid up to 90 days, need \$20 fee and company letter stating purpose of visit. Submit 1 application form, 2 photos and postage for return of passport by mail. Apply Embassy of Thailand, 1024 Wisconsin Ave., N.W., Washington, D.C. 20007 (202/944-3608) or nearest Consulate General: CA (213/937-1894), IL (312/236-2447) or NY (212/754-1770).

TOGO - Passport required. Visa not required for stay up to 3 months. Yellow fever and cholera vaccinations are required. Check further information with Embassy of the Republic of Togo, 2208 Mass. Ave., N.W., Washington, D.C. 20008 (202/234-4212/3).

TONGA - Passport and onward/return ticket required. Visa not required for stay up to 30 days. For additional information consult the Consulate General of Tonga, 360 Post St., Suite 604, San Francisco, CA 94108 (415/781-0365).

TRINIDAD AND TOBAGO - Passport required. Visa not required for tourist/business stay up to 3 months. Business visa requires passport and company letter. For further information consult Embassy of Trinidad and Tobago, 1708 Mass. Ave., N.W., Washington, D.C. 20036 (202/467-6490) or nearest Consulate in New York (212/682-7272).

TUNISIA - Passport and onward/return ticket required. Visas not required for tourist/business stay up to 4 months. For further information consult Embassy of Tunisia, 1515 Mass. Ave., N.W., Washington, D.C. 20005 (202/862-1850) or nearest Consulate: San Francisco (415/922-9222) or New York (212/272-6962).

TURKEY - Passport required and visa required U.S. citizens with conventional passports may obtain visas at Turkish border crossing points for tourist/business visits up to three months or through overseas Turkish consular offices (1 application form required). Visa must be obtained in advance for visits lasting longer than the three month period, for study/research purposes, or for employment purposes. A visa fee

of \$20 is charged (cash or money order only). For further information contact Embassy of the Republic (202/949-0160) or TX (713/622-5849).

**TURKMENISTAN** - Passport and visa required. Visa requires 1 application, 1 photo, and letter of invitation. Ordinary visas are available in a variety of time periods: up to 10 days (fee \$10), up to 20 days (\$20), up to 1 month (\$30), from 1 to 3 months (\$30 per month), and from 3 to 12 months (\$20 per month). Multiple entry visas are available for 1 month (\$50), for 1 to 3 months (\$50 per month), and for 3 to 12 months (\$30 per month). Transit visas are \$10. Extensions are also available. Fees are payable by check or money order. Please provide SASE or prepaid airbill for document return. For further information consult the Embassy of Turkmenistan, 1511 K Street, N.W., Suite 412, Washington, D.C. 20005 (202/737-4800).

**TURKS AND CAICOS** - (See West Indies, British.)

**TUVALU** - Passport and onward/return ticket and proof of sufficient funds required. Visitors permit issued on arrival. For further information consult British Embassy (202/986-0205).

**UGANDA** - Passport required. Immunization certificates for yellow fever and cholera are required (typhoid and malarial suppressants recommended). For other information contact Embassy of the Republic of Uganda, 5909 16th St., N.W., Washington, D.C. 20011 (202/726-7100-02) or Permanent Mission to the U.N. (212/949-0110).

**UKRAINE** - Passport and visa required. Visas may be obtained at the Ukraine Embassy in the U.S. (visas limited to 3 days may be obtained at airports in Ukraine, or at any border crossing point). Visa requires 1 form, 1 photo and \$30-100 fee, depending upon processing time (cash, company check, or money order only). An invitation/confirmation letter from receiving party in Ukraine is required for business, tourist, or private trips. Multiple entry visas are being issued to business visitors who met specific requirements. For additional information contact Embassy of Ukraine, 3350 M St., N.W., Washington, D.C. 20007 (202/333-7507,08,09) or the nearest Consulate: IL (312/642-4388) or NY (212/371-5690).

**UNITED ARAB EMIRATES** - Passport and visa required. Tourist visa must be obtained by a hotel, relative, or sponsor in UAE, and sponsor must meet visitor at airport. Business visas issued only by Embassy, and require company letter and sponsor in UAE to send a fax or telex to Embassy confirming trip and accepting financial responsibility. Single-entry visa valid within 2 months from the date of issuance for stay up to 30 days, \$30 fee. Multiple-entry visa (for business only), valid 6 months from date of issue for maximum stay of 30 days per entry, \$225 fee, paid by cash, money order or certified check. Transit visas may be issued at the airport, and should be confirmed before departure, valid for stay of 15 days provided you are met at the airport by sponsor or relative. Submit 2 application forms, 2 photo and prepaid envelope for return of passport by certified/registered mail (typed not hand written). For further information contact Embassy of the United Arab Emirates, 3000 K St., N.W., Washington, D.C. 20007 (202/338-6500).

**UNITED KINGDOM** (England, Northern Ireland, Scotland, and Wales) - Passport required. Visa not required for stay up to 6 months. For additional information consult the Consular Section of the British Embassy, 19 Observatory Circle, N.W., Washington, D.C. 20008 (202/986-0205) or nearest Consulate General: CA (310/477-3322), GA (404/524-5856), IL (312/346-1810), MA (617/248-9555), NY (212/745-0200), OH (216/621-7674) or TX (713/659-6270).

**URUGUAY** - Passport required. Visa not required for stay up to 3 months. For additional information consult Embassy of Uruguay, 1918 F St., N.W., Washington, D.C. 20008 (202/331-1313-6) or nearest Consulate: CA (213/394-5777), FL (305/358-9350), IL (312/236-3366), LA (504/525-8354) or NY (212/753-8191/2).

**UZBEKISTAN** - Passport and visa required. Apply Uzbekistan Consulate, 866 United Nations Plaza, Suite 326, New York, NY 10017 (212/486-7570).

**VANUATU** - Passport and onward/return ticket required. Visa not required for stay up to 30 days. For further information consult the British Embassy (202/986-0205).

**VATICAN** - (See Holy See.)

**VENEZUELA** - Passport and tourist card required. Tourist card can be obtained from airlines serving Venezuela, no charge, valid 90 days, cannot be extended. Multiple-entry visa valid up to 1 year, extendable, available from any Venezuelan Consulate, requires \$30 fee (money order or company check), 1 application form, 1 photo, onward/return ticket, proof of sufficient funds and certification of employment. For business visa, need letter from company stating purpose of trip, responsibility for traveler, name and address of companies to be visited in Venezuela and \$60 fee. All travelers must pay departure tax (\$12) at airport. Business travelers must present a Declaration of Income Tax in the

Ministerio de Hacienda (Treasury Department). For additional information contact the Consular Section of the Embassy of Venezuela, 1099 30th Street, N.W., Washington, DC 20007 (202/342-2214) or the nearest Consulate: CA (415/512-8340), FL (305/577-3834), IL (312/236-9655), LA (504/522-3284), MA (617/266-9355), NY (212/826-1660), PR (809/766-4250/1) or TX (713/961-5141).

VIETNAM - Passport and visa required. Tourist visa, valid 3 months, requires 2 application forms, 3 photos, invitation and \$25 fee for single entry visa. Allow at least 2 to 3 weeks for processing for first time visitors. Tourist visas can be issued only after the Liaison Office receives visa approvals directly from Vietnam or through a travel agency. Business visas will be processed through the Liaison Office . Requires purpose of trip, names of agencies/companies, and names of business contacts including standard visa application. Provide SASE or prepaid airbill for return of documents. For more information contact the Chancery of the Vietnam Liaison Office at 1233 20th St., N.W., Suite 501, Washington, D.C. 20036 (202/861-0737) or Vietnamese Permanent Mission to the U.N., 20 Waterside Plaza, New York, NY 10010 (212/679-3779).

VIRGIN ISLANDS, British - Islands include Anegarda, Jost van Dyke, Tortola and Virgin Gorda. Proof of U.S. citizenship, photo ID, onward/return ticket and sufficient funds required for tourist stay up to 6 months. Consult British Embassy for further information (202/986-0205).

WALES - (See United Kingdom.)

WEST INDIES, British - Islands include Anguilla, Montserrat, Cayman Islands, Turks and Caicos. Proof of U.S. citizenship, photo ID, onward/return ticket and sufficient funds required for tourist stay up to 6 months. Consult British Embassy for further information (202/986-0205).

WEST INDIES, French - Islands include Guadeloupe, Isles des Saintes, La Desirade, Marie Galante, Saint Barthelemy, St. Martin and Martinique. Proof of U.S. citizenship and photo ID required for visit up to 3 weeks. (For stays longer than 3 weeks a passport is required.) No visa required for stay up to 30 days. For longer stays contact the Western Samoa Mission to the U.N., 820 2nd Avenue, Suite 800, New York, NY (212/599-6196) or the Honorary Consul HI (808/677-7197) .

YEMEN, REPUBLIC OF- Passport and visa required. Visa valid 30 days from date of issuance for single entry, requires 1 application form and 2 photos. For tourist visa need proof of onward/return transportation and employment and \$30 fee. Visitors visa requires letter of invitation and \$30 fee. Business visa requires \$30, company letter stating purpose of trip. Payment by money order only and include postage for return of passport by registered mail. Entry not granted to passports showing Israeli visas. Yellow fever and cholera vaccinations and malarial suppressants recommended. For more information contact the Embassy of the Republic of Yemen , Suite 705, 2600 Virginia Ave., N.W., Washington, D.C. 20037 (202/965-4760) or Yemen Mission to the U.N., 866 United Nations Plaza, Rm. 435, New York, NY 10017 (212/355-1730).

ZAIRE - Passport and visa required. Visa must be obtained before arrival. Transit visa for stay up to 8 days, single-entry \$45; double-entry \$70. Tourist/business visa, valid 1 month \$75-120, 2 months \$140-180, 3 months \$190-220 and 6 months \$264-360, requires 3 photos, 3 applications, yellow fever immunization and onward/return ticket. Business visa also requires company letter accepting financial responsibility for traveler. No personal checks, send money order and enclose SASE for return of passport by mail. Apply Embassy of the Republic of Zaire, 1800 New Hampshire Ave., N.W., Washington, D.C. 20009 (202/234-7690/1) or Permanent Mission to the U.N., 747 Third Ave., New York, NY 10017 (212/754-1966).

ZAMBIA - Passport and visa required. Obtain visa in advance. Multiple entry visa valid up to 12 months, requires \$20 fee (no personal checks), 2 application forms and 2 photos. Business visa also requires company letter. Yellow fever and cholera immunizations recommended. Apply Embassy of the Republic of Zambia, 2419 Mass. Ave., N.W., Washington, D.C. 20008 (202/265-9717 to 19).

ZANZIBAR - (See Tanzania.)

ZIMBABWE - Passport, onward/return ticket and proof of sufficient funds required. Visitors must declare currency upon arrival. For regulations check with Embassy of Zimbabwe, 1608 New Hampshire Ave., N.W., Washington, D.C. 20009 (202/332-7100).

## **Notes:**

SASE is self-addressed, stamped envelope.

If applying in person, remember to call about office hours. Many consulates are only open in the morning. This booklet is updated yearly and is available from the Consumer Information Center, Pueblo, CO 81009 for 50 cents.

## **Other information:**

The State Department issues Consular Information Sheets for every country in the world. They include such information as the location of the U.S. embassy or consulate in the subject country, health conditions, political disturbances, unusual currency and entry regulations, crime and security information, and drug penalties.

The State Department also issues Travel Warnings. Travel Warnings are issued when the State Department decides, based on all relevant information, to recommend that Americans avoid travel to a certain country. Countries where avoidance of travel is recommended will have Travel Warnings as well as Consular Information Sheets.

Consular Information Sheets and Travel Warnings may be heard anytime by dialing (202) 647-5225 from a touchtone phone. They are also available at any of the 13 regional U.S. passport agencies, at U.S. embassies and consulates abroad, and through the airline computer reservation systems, or, by writing and sending a self-addressed, stamped business size envelope to the Overseas Citizens Services, Bureau of Consular Affairs, Room 4811, U.S. Department of State, Washington, D.C. 20520-4818.

If you have a personal computer, modem and communications software, you can access them, and other consular handouts and publications through the Consular Affairs Bulletin Board (CABB). This service is free of charge.

To access CABB, dial the modem number: (202) 647-9225; set modem speed (will accommodate 300, 1200, 2400, 9600 or 14400 bps); and terminal communications program to N-8-1 (parity, 8 bits, 1 stop bit).

Or you can have Information Sheets, Warnings and publications faxed to you via the Consular Affairs automated fax system by dialing from your fax phone (202) 647-3000.

# About An IRS Audit

Fear of being audited by the Internal Revenue Service (IRS) can leave even an honest taxpayer unnerved. It's important to be truthful when filing your taxes, of course, but it's even more critical to be prepared to substantiate your return with complete records if and when the IRS comes knocking.

## **See:**

[What Is an Audit?](#)

[Why Me?](#)

[Which Deductions Are Likely to Be Challenged?](#)

[What Now?](#)

[Do I Need Professional Help?](#)

[Can I Appeal the Findings?](#)

[Audit Advice](#)

[Reference Materials](#)

## **What Is an Audit?**

An IRS audit is generally an impartial review of your tax return to determine its accuracy. It is not an accusation of wrongdoing. But it is important to know that you, the taxpayer, have the burden of proving that your return is accurate. The IRS does not have to disprove anything. For example, if you gave \$100 worth of old clothing to a charity but did not receive a receipt or have other proof that such a gift was made, you could be in trouble if you're audited. If the IRS questions the deduction and you cannot provide proper evidence that a gift, in such amount, was made, the deduction may be disallowed.

## Why Me?

There are three categories of people most likely to be audited: people in cash businesses, certain professionals and people taking unusually large deductions.

\* Cash businesses are easy targets for the IRS. Many people in these businesses don't declare all their income, and the IRS knows it. If, for example, your occupation is listed as a hairdresser, waiter or bartender, it may raise a red flag. If you regularly receive cash for your work, be sure to report all the money you earn, including tips.

\* Professionals such as doctors, lawyers and accountants are also targeted. That's because they generally run their own businesses and do their own bookkeeping. \* Large, unusual deductions are easily picked up by IRS computers. Although these deductions may be justified, they may still raise a red flag.



## **Which Deductions Are Likely to Be Challenged?**

The IRS mandates that certain deductions must exceed a minimum percentage of your income before you can claim them. For example, medical deductions must exceed 7.5% of your income, and casualty loss deductions must exceed 10% before you can claim them. Only a small number of taxpayers qualify, so if you claim these deductions, keep careful records.

The IRS is also likely to look at your contributions to charity. If you deduct more than the IRS's statistical norms, you may be audited. You must have a receipt (not just a canceled check) for any single donation of \$250 or more. If you do not have a receipt, the IRS may disallow the deduction.

A home office deduction may also be questioned. If you deduct expenses related to a home office, that office must be used solely for business-related activities. You must also perform the majority of your business in that office. A doctor who uses a room at home to do bookkeeping would not qualify for a deduction because it is not his or her main place of business.

The IRS may also audit if they receive a tip that you are cheating on your tax returns.

## What Now?

If you are notified that you will be audited, take it seriously but don't panic. First, read the letter from the IRS carefully and figure out what you are being asked to do. It may be as simple as signing your return. There are three basic types of audits, and the letter will explain which one applies to you:

\* A Correspondence Audit is for minor mistakes. A letter from the IRS will tell you what documentation to send them through the mail. Once the IRS is satisfied that it has the correct paperwork, the matter will be closed.

\* A Field Audit is one in which the auditor comes to your business or home to verify the accuracy of your return. This type of audit is usually done if the return is complicated and involves business operations. If your records are neat and in order, it will suggest to the auditor that you are a conscientious business person.

\* An Office Audit requires that you physically appear on a specific date and time at an IRS facility and bring your documentation. Bring only the documents asked for. Otherwise, you will leave yourself open to an examination of all your records, even if they are not in dispute. If you are unable to keep a scheduled audit appointment, phone and reschedule as soon as possible.

## **Do I Need Professional Help?**

Probably. Taxation is very complicated and technical, and you will benefit from having an expert on your side. If you had an attorney or CPA prepare your return, you may want to bring that person to the audit. Professional tax preparation services will sometimes send someone to accompany you to an audit. Weigh the amount of tax in question against the cost of bringing a professional with you.

## Can I Appeal the Findings?

You can either agree or disagree with the auditor's findings. If you agree, your experience with the IRS is finished upon completion of some paperwork and payment of any outstanding amounts. If you disagree with the auditor, the issues in question can be reviewed informally with the auditor's supervisor or you can appeal to the IRS appeals office, which is independent of the local IRS office that conducted the audit. If you do not reach an agreement with the appeals officer, you may take your case to the U.S. Tax Court, U.S. Claims Court or U.S. District Court. The Tax Court generally hears cases before any tax is assessed or paid. The Claims Court and District Court generally hear tax cases only after you have paid the tax and filed a claim for refund.

If you cannot decide to agree or disagree, the IRS has formal procedures to help you make up your mind. Within a few weeks of your audit, you will receive a letter that gives you 30 days to either agree with the auditor or file a formal appeal. The letter will explain the steps to take, depending on your choice of action. If you do not respond to the 30-day letter, or if you do not reach an agreement with the appeals officer, the IRS will send you a "statutory notice of deficiency," giving you 90 days to bring your case to the Tax Court. If you take no action, you lose your right to go to Tax Court, and the IRS will assess the additional tax against you.

## **Audit Advice**

- \* Don't rush. Respond promptly to a notification of audit, but don't hesitate to ask for a postponement if you need time to gather records.
  - \* Don't lie. Answer questions truthfully, but don't volunteer information that isn't asked for.
  - \* Be friendly. A positive attitude will go a long way.
  - \* Keep good records. The burden of proof is on you.
  - \* Keep records for seven years.
  - \* Educate yourself. Read IRS Publication 1, Your Rights as a Taxpayer. You can order this and other tax forms and publications by calling the IRS at 1-800/829-3676.
  - \* Ask for help. Call or visit the IRS for help in preparation of your tax return. Refer to your 1040 instruction booklet for a directory of telephone numbers for recorded information or "live" help.
  - \* Don't let the auditor keep your original documents.
  - \* Appeal the audit if you disagree with the findings.
  - \* Come clean. If you know one of your deductions is unsupportable, admit it and pay the tax.
- If you have prepared your tax return truthfully and have saved receipts to back up your deductions, notice of an IRS audit should not make you unduly nervous. IRS employees, after all, are only doing the job we pay them to do.

## **Reference Materials**

Stand Up to the IRS

Frederick W. Daily, Nolo Press. \$21.95

Life Advice

SM price \$17.95 Plus \$2 for shipping and handling. To order call 1-800/846-9455.

Winning Your Audit

Holmes Crouch, Allyear Tax Guides \$16.95

## **Introduction from Legal 911 Staff**

The following publications have been obtained from the United States government. They contain authoritative information concerning your legal employment rights. These explain the minimum rights that you have. State laws can give you MORE rights.

# Credit Reports: What Employers Should Know About Using Them

Facts for Business from the Federal Trade Commission

Credit Reports: What Employers Should Know About Using Them

Credit reports are gaining popularity with employers faced with the task of recruiting honest, reliable employees. Some employers use credit reports to screen applicants for sensitive positions, such as cashiers or couriers. Other employers use credit reports to give them a general indication of an applicant's financial honesty and personal integrity. But many employers may not know that a federal law, the Fair Credit Reporting Act (FCRA), governs their use of credit reports.

This brochure briefly explains the FCRA and then describes how you, as an employer, can use credit reports. It also discusses your legal responsibility under the FCRA to notify applicants if information in their credit reports influenced your decision not to hire them.

The Act

The FCRA, which has been in effect since 1971, is designed to protect the privacy of information in credit reports and to ensure that information supplied by credit bureaus about consumers is as accurate as possible. The law specifically permits credit bureaus to release to employers credit reports for employment purposes. While the FCRA does not supersede fair employment laws, it allows employers to review credit records for the purpose of evaluating anyone they may hire, promote, reassign, or retain, consistent with other laws.

The Disclosure Notice

When a decision to deny employment is based on information in a credit report, the employer must disclose this fact to the applicant along with the name and address of the credit bureau making the report. This is important because some credit reports may contain errors. The disclosure notice allows an applicant to obtain a free copy of the credit report and check it for accuracy and completeness. The disclosure is required even if credit-report information was not the main reason the applicant was turned down. It may have played a small part in the overall decision, but the applicant still must be notified.

The disclosure requirement also pertains to any current employee who applies (and is turned down) for a new position or whose employment is terminated because of information in a credit report.

A written disclosure is not required. However, employers often provide written notices, and keep copies of them for two years, to show compliance with the FCRA.

Some Common Situations

The following examples illustrate situations where the notice must be given to job applicants.

A business receives 100 applications for a cashier position. It obtains credit reports on all of them and dismisses 50 from further consideration based on information contained in the credit report. The remaining 50 have good credit histories. All but ten of them are ultimately rejected for other reasons.

The first 50 applicants are entitled to the notice. Their rejections were based solely on their credit reports.

A person with an unfavorable credit history is denied employment. Although the credit history was considered a negative factor, the applicant's lack of relevant experience for the position was even more important.

The applicant is entitled to the notice because the credit report played a part, however minor, in the employer's decision.

An employer is looking for an employee to fill a particularly sensitive position. It rejects one applicant with a good credit repayment history because the report shows a debt load that may be too great for the proposed salary. Another applicant is rejected because the credit report shows only one trade line, and the employer prefers to hire someone who has demonstrated financial responsibility.

Both applicants are entitled to notices. If any information in the report influences an adverse decision, even though the information may not be otherwise thought of as "negative", the disclosure must be given.

An employer obtains credit reports on applicants. It does not send rejection letters to those not hired. These applications are simply filed and later discarded.

Employers are not excused from their notification responsibilities merely because they had not communicated with the applicants. Once an applicant is no longer under consideration, in part because of something in a credit report, the notice must be given.



### Noncompliance with FCRA

Employers who do not provide the disclosure when it is required may face several consequences. Under the FCRA, individuals can sue employers in federal court for actual damages suffered from an FCRA violation that occurs because of negligence. A person who successfully sues under the FCRA is entitled to recover court costs and a reasonable attorney's fee. The law also permits suing for punitive damages if it is established that the employer willfully violated the law.

In addition, the FTC (and other Federal agencies) may sue users of credit reports who do not comply with the FCRA. Most employers (except banks and a few other employers) are subject to the FTC's jurisdiction.

# ADA Employer Responsibilities

Your Responsibilities As An Employer Under The Americans With Disabilities Act

Introduction

The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also outlaws discrimination against individuals with disabilities in State and local government services, public accommodations, transportation and telecommunications. This booklet explains the part of the ADA that prohibits job discrimination. This part of the law is enforced by the U.S. Equal Employment Opportunity Commission and State and local civil rights enforcement agencies that work with the Commission.

**See:**

[Are You Covered?](#)

[What Employment Practices are Covered?](#)

[Who Is Protected?](#)

[How Are Essential Functions Determined?](#)

[What Are My Obligations to Provide Reasonable Accommodations?](#)

[What is the Best Way to Identify a Reasonable Accommodation?](#)

[When Does a Reasonable Accommodation Become An Undue Hardship?](#)

[Can I Require Medical Examinations or Ask Questions About an Individual's Disability?](#)

[Do Individuals Who Use Drugs Illegally Have Rights Under the ADA?](#)

[How will the ADA Be Enforced and What Are the Available Remedies?](#)

[How Will EEOC Help Employers Who Want to Comply with the ADA?](#)

[Additional Questions and Answers on the Americans with Disabilities Act](#)

## **Are You Covered?**

Job discrimination against people with disabilities is illegal if practiced by:

private employers

state and local governments

employment agencies

labor organizations

labor-management committees

The part of the ADA enforced by the EEOC outlaws job discrimination by:

all employers, including State and local government employers, with 25 or more employees after July 26, 1992

all employers, including State and local government employers, with 15 or more employees after July 26, 1994.

Another part of the ADA, enforced by the U.S. Department of Justice, prohibits discrimination in State and local government programs and activities, including discrimination by all State and local governments, regardless of the number of employees, after January 26, 1992

Because the ADA establishes overlapping responsibilities in both EEOC and DOJ for employment by State and local governments, the Federal enforcement effort will be coordinated by EEOC and DOJ to avoid duplication in investigative and enforcement activities. In addition, since some private and governmental employers are already covered by nondiscrimination and affirmative action requirements under the Rehabilitation Act of 1973, EEOC, DOJ, and the Department of Labor will similarly coordinate the enforcement effort under the ADA and the Rehabilitation Act.

## What Employment Practices are Covered?

The ADA makes it unlawful to discriminate in all employment practices such as:

- recruitment
- pay
- hiring
- firing
- promotion
- job assignments
- training
- leave
- lay-off
- benefits

all other employment related activities

The ADA prohibits an employer from retaliating against an applicant or employee for asserting his rights under the ADA. The Act also makes it unlawful to discriminate against an applicant or employee, whether disabled or not, because of the individual's family, business, social or other relationship or association with an individual with a disability.

## Who Is Protected?

Title I of the ADA protects qualified individuals with disabilities from employment discrimination. Under the ADA, a person has a disability if he has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment, and people who are regarded as having a substantially limiting impairment.

To be protected under the ADA, an individual must have, have a record of, or be regarded as having a substantial, as opposed to a minor, impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working.

An individual with a disability must also be qualified to perform the essential functions of the job with or without reasonable accommodation, in order to be protected by the ADA. This means that the applicant or employee must:

satisfy your job requirements for educational background, employment experience, skills licenses, and any other qualification standards that are job related be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

The ADA does not interfere with your right to hire the best qualified applicant. Nor does the ADA impose any affirmative action obligations. The ADA simply prohibits you from discriminating against a qualified applicant or employee because of her disability.

## How Are Essential Functions Determined?

Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodation. You should carefully examine each job to determine which functions or tasks are essential to performance. (This is particularly important before taking an employment action such as recruiting, advertising, hiring, promoting or firing).

Factors to consider in determining if a function is essential include:

whether the reason the position exists is to perform that function

the number of other employees available to perform the function or among whom the performance of the function can be distributed

the degree of expertise or skill required to perform the function.

Your judgment as to which functions are essential, and a written job description prepared before advertising or interviewing for a job will be considered by EEOC as evidence of essential functions. Other kinds of evidence that EEOC will consider include:

the actual work experience of present or past employees in the job

the time spent performing a function

the consequences of not requiring that an employee perform a function

the terms of a collective bargaining agreement

## **What Are My Obligations to Provide Reasonable Accommodations?**

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include:

acquiring or modifying equipment or devices

job restructuring

part-time or modified work schedules

reassignment to a vacant position

adjusting or modifying examinations, training materials or policies

providing readers and interpreters

making the workplace readily accessible to and usable by people with disabilities

Reasonable accommodation also must be made to enable an individual with a disability to participate in the application process, and to enjoy benefits and privileges of employment equal to those available to other employees.

It is a violation of the ADA to fail to provide reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability, unless to do so would impose an undue hardship on the operation of your business. Undue hardship means that the accommodation would require significant difficulty or expense.

## **What is the Best Way to Identify a Reasonable Accommodation?**

Frequently, when a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is obvious. The individual may suggest a reasonable accommodation based upon her own life or work experience. However, when the appropriate accommodation is not readily apparent, you must make a reasonable effort to identify one. The best way to do this is to consult informally with the applicant or employee about potential accommodations that would enable the individual to participate in the application process or perform the essential functions of the job. If this consultation does not identify an appropriate accommodation, you may contact the EEOC, State or local vocational rehabilitation agencies, or State or local organizations representing or providing services to individuals with disabilities.

Another resource is the Job Accommodation Network (JAN). JAN is a free consultant service that helps employers make individualized accommodations. The telephone number is 1-800-526-7234.



## **When Does a Reasonable Accommodation Become An Undue Hardship?**

It is not necessary to provide a reasonable accommodation if doing so would cause an undue hardship. Undue hardship means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business. Among the factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the employer's size, financial resources and the nature and structure of its operation. If a particular accommodation would be an undue hardship, you must try to identify another accommodation that will not pose such a hardship. If cost causes the undue hardship, you must also consider whether funding for an accommodation is available from an outside source, such as a vocational rehabilitation agency, and if the cost of providing the accommodation can be offset by state or federal tax credits or deductions. You must also give the applicant or employee with a disability the opportunity to provide the accommodation or pay for the portion of the accommodation that constitutes an undue hardship.

## **Can I Require Medical Examinations or Ask Questions About an Individual's Disability?**

It is unlawful to:

ask an applicant whether she is disabled or about the nature or severity of a disability to require the applicant to take a medical examination before making a job offer

You can ask an applicant questions about ability to perform job-related functions, as long as the questions are not phrased in terms of a disability. You can also ask an applicant to describe or to demonstrate how, with or without reasonable accommodation, the applicant will perform job-related functions.

After a job offer is made and prior to the commencement of employment duties, you may require that an applicant take a medical examination if everyone who will be working in the job category must also take the examination. You may condition the job offer on the results of the medical examination. However, if an individual is not hired because a medical examination reveals the existence of a disability, you must be able to show that the reasons for exclusion are job related and necessary for conduct of your business. You also must be able to show that there was no reasonable accommodation that would have made it possible for the individual to perform the essential job functions.

Once you have hired an applicant, you cannot require a medical examination or ask an employee questions about disability unless you can show that these requirements are job related and necessary for the conduct of your business. You may conduct voluntary medical examinations that are part of an employee health program.

The results of all medical examinations or information from inquiries about a disability must be kept confidential, and maintained in separate medical files. You may provide medical information required by State workers' compensation laws to the agencies that administer such laws.

## **Do Individuals Who Use Drugs Illegally Have Rights Under the ADA?**

Anyone who is currently using drugs illegally is not protected by the ADA and may be denied employment or fired on the basis of such use. The ADA does not prevent employers from testing applicants or employees for current illegal drug use, or from making employment decisions based on verifiable results. A test for the illegal use of drugs is not considered a medical examination under the ADA; therefore, it is not a prohibited pre-employment medical examination and you will not have to show that the administration of the test is job related and consistent with business necessity. The ADA does not encourage, authorize or prohibit drug tests.

## **How will the ADA Be Enforced and What Are the Available Remedies?**

The provisions of the ADA which prohibit job discrimination will be enforced by the U.S. Equal Employment Opportunity Commission. After July 26, 1992, individuals who believe they have been discriminated against on the basis of their disability can file a charge with the Commission at any of its offices located throughout the United States. A charge of discrimination must be filed within 180 days of the discrimination, unless there is a state or local law that also provides relief for discrimination on the basis of disability. In those cases, the complainant has 300 days to file a charge.

The Commission will investigate and initially attempt to resolve the charge through conciliation, following the same procedures used to handle charges of discrimination filed under Title VII of the Civil Rights Act of 1964. The ADA also incorporates the remedies contained in Title VII. These remedies include hiring, promotion, reinstatement, back pay, and attorneys fees. Reasonable accommodation is also available as a remedy under the ADA.

## **How Will EEOC Help Employers Who Want to Comply with the ADA?**

The Commission believes that employers want to comply with the ADA, and that if they are given sufficient information on how to comply, they will do so voluntarily.

Accordingly, the Commission will conduct an active technical assistance program to promote voluntary compliance with the ADA. This program will be designed to help employers understand their responsibilities and assist people with disabilities to understand their rights and the law.

In January 1992, EEOC will publish a Technical Assistance Manual, providing practical application of legal requirements to specific employment activities, with a directory of resources to aid compliance. EEOC will publish other educational materials, provide training on the law for employers and for people with disabilities, and participate in meetings and training programs of other organizations. EEOC staff also will respond to individual requests for information and assistance. The Commission's technical assistance program will be separate and distinct from its enforcement responsibilities. Employers who seek information or assistance from the Commission will not be subject to any enforcement action because of such inquiries.

The Commission also recognizes that differences and disputes about the ADA requirements may arise between employers and people with disabilities as a result of misunderstandings. Such disputes frequently can be resolved more effectively through informal negotiation or mediation procedures, rather than through the formal enforcement process of the ADA. Accordingly, EEOC will encourage efforts to settle such differences through alternative dispute resolution, providing that such efforts do not deprive any individual of legal rights provided by the statute.

## **Additional Questions and Answers on the Americans with Disabilities Act**

Question: What is the relationship between the ADA and the Rehabilitation Act of 1973?

Answer: The Rehabilitation Act of 1973 prohibits discrimination on the basis of handicap by the federal government, federal contractors and by recipients of federal financial assistance. If you were covered by the Rehabilitation Act prior to the passage of the ADA, the ADA will not affect that coverage. Many of the provisions contained in the ADA are based on Section 504 of the Rehabilitation Act and its implementing regulations. If you are receiving federal financial assistance and are in compliance with Section 504, you are probably in compliance with the ADA requirements affecting employment except in those areas where the ADA contains additional requirements. Your nondiscrimination requirements as a federal contractor under Section 503 of the Rehabilitation Act will be essentially the same as those under the ADA; however, you will continue to have additional affirmative action requirements under Section 503 that do not exist under the ADA.

Question: If I have several qualified applicants for a job, does the ADA require that I hire the applicant with a disability?

Answer: No. You may hire the most qualified applicant. The ADA only makes it unlawful for you to discriminate against a qualified individual with a disability on the basis of disability.

Question: One of my employees is a diabetic, but takes insulin daily to control his diabetes. As a result, the diabetes has no significant impact on his employment. Is he protected by the ADA?

Answer: Yes. The determination as to whether a person has a disability under the ADA is made without regard to mitigating measures, such as medications, auxiliary aids and reasonable accommodations. If an individual has an impairment that substantially limits a major life activity, she is protected under the ADA, regardless of the fact that the disease or condition or its effects may be corrected or controlled.

Question: One of my employees has a broken arm that will heal but is temporarily unable to perform the essential functions of his job as a mechanic. Is this employee protected by the ADA?

Answer: No. Although this employee does have an impairment, it does not substantially limit a major life activity if it is of limited duration and will have no long term effect.

Question: Am I obligated to provide a reasonable accommodation for an individual if I am unaware of her physical or mental impairment?

Answer: No. An employer's obligation to provide reasonable accommodation applies only to known physical or mental limitations. However, this does not mean that an applicant or employee must always inform you of a disability. If a disability is obvious, e.g., the applicant uses a wheelchair, the employer "knows" of the disability even if the applicant never mentions it.

Question: How do I determine whether a reasonable accommodation is appropriate and the type of accommodation that should be made available?

Answer: The requirement generally will be triggered by a request from an individual with a disability, who frequently can suggest an appropriate accommodation. Accommodations must be made on a case-by-case basis, because the nature and extent of a disabling condition and the requirements of the job will vary. The principal test in selecting a particular type of accommodation is that of effectiveness, i.e., whether the accommodation will enable the person with a disability to perform the essential functions of the job. It need not be the best accommodation or the accommodation the individual with a disability would prefer, although primary consideration should be given to the preference of the individual involved. However, as the employer, you have the final discretion to choose between effective accommodations, and you may select one that is least expensive or easier to provide.

Question: When must I consider reassigning an employee with a disability to another job as a reasonable accommodation?

Answer: When an employee with a disability is unable to perform her present job even with the provision of a reasonable accommodation, you must consider reassigning the employee to an existing position that she can perform with or without a reasonable accommodation. The requirement to consider reassignment applies only to employees and not to applicants. You are not required to create a position or to bump another employee in order to create a vacancy. Nor are you required to promote an employee with a disability to a higher level position.

Question: What if an applicant or employee refuses to accept an accommodation that I offer?

Answer: The ADA provides that an employer cannot require a qualified individual with a disability to accept an accommodation that is neither requested nor needed by the individual. However, if a necessary reasonable accommodation is refused, the individual may be considered not qualified.

Question: If our business has a health spa in the building, must it be accessible to employees with disabilities?

Answer: Yes. Under the ADA, workers with disabilities must have equal access to all benefits and privileges of employment that are available to similarly situated employees without disabilities. The duty to provide reasonable accommodation applies to all non-work facilities provided or maintained by you for your employees. This includes cafeterias, lounges, auditoriums, company-provided transportation and counseling services. If making an existing facility accessible would be an undue hardship, you must provide a comparable facility that will enable a person with a disability to enjoy benefits and privileges of employment similar to those enjoyed by other employees, unless this would be an undue hardship.

Question: If I contract for a consulting firm to develop a training course for my employees, and the firm arranges for the course to be held at a hotel that is inaccessible to one of my employees, am I liable under the ADA?

Answer: Yes. An employer may not do through a contractual or other relationship what it is prohibited from doing directly. You would be required to provide a location that is readily accessible to, and usable by your employee with a disability unless to do so would create an undue hardship.

Question: What are my responsibilities as an employer for making my facilities accessible?

Answer: As an employer, you are responsible under Title I of the ADA for making facilities accessible to qualified applicants and employees with disabilities as a reasonable accommodation, unless this would cause undue hardship. Accessibility must be provided to enable a qualified applicant to participate in the application process, to enable a qualified individual to perform essential job functions and to enable an employee with a disability to enjoy benefits and privileges available to other employees. However, if your business is a place of public accommodation (such as a restaurant, retail store or bank) you have different obligations to provide accessibility to the general public, under Title III of the ADA. Title III also will require places of public accommodation and commercial facilities (such as office buildings, factories and warehouses) to provide accessibility in new construction or when making alterations to existing structures. Further information on these requirements may be obtained from the U.S. Department of Justice, which enforces Title III.

Question: Under the ADA, can an employer refuse to hire an individual or fire a current employee who uses drugs illegally?

Answer: Yes. Individuals who currently use drugs illegally are specifically excluded from the ADA's protections. However, the ADA does not exclude:

persons who have successfully completed or are currently in a rehabilitation program and are no longer illegally using drugs

persons erroneously regarded as engaging in the illegal use of drugs

Question: Does the ADA cover people with AIDS?

Answer: Yes. The legislative history indicates that Congress intended the ADA to protect persons with AIDS and HIV disease from discrimination.

Question: Can I consider health and safety in deciding whether to hire an applicant or retain an employee with a disability?

Answer: The ADA permits an employer to require that an individual not pose a direct threat to the health and safety of the individual or others in the work-place. A direct threat means a significant risk of substantial harm. You cannot refuse to hire or fire an individual because of a slightly increased risk of harm to himself or others. Nor can you do so based on a speculative or remote risk. The determination that an individual poses a direct threat must be based on objective, factual evidence regarding the individual's present ability to perform essential job functions. If an applicant or employee with a disability poses a direct threat to the health or safety of himself or others, you must consider whether the risk can be eliminated or reduced to an acceptable level with a reasonable accommodation.

Question: Am I required to provide additional insurance for employees with disabilities?

Answer: No. The ADA only requires that you provide an employee with a disability equal access to whatever health insurance coverage you provide to other employees. For example, if your health insurance coverage for certain treatments is limited to a specified number per year, and an employee, because of a disability, needs more than the specified number, the ADA does not require that you provide additional coverage to meet that employee's health insurance needs. The ADA also does not require

changes in insurance plans that exclude or limit coverage for pre-existing conditions.

Question: Does the ADA require that I post a notice explaining its requirements?

Answer: The ADA requires that you post a notice in an accessible format to applicants, employees and members of labor organizations, describing the provisions of the Act. EEOC will provide employers with a poster summarizing these and other Federal legal requirements for nondiscrimination. EEOC will also provide guidance on making this information available in accessible formats for people with disabilities.



# ADA Employment Rights

Your Employment Rights As An Individual With A Disability Under The Americans With Disabilities Act Of 1990

## Introduction

The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also outlaws discrimination against individuals with disabilities in State and local government services, public accommodations, transportation and telecommunications. This booklet explains the part of the ADA that prohibits job discrimination. This part of the law is enforced by the U.S. Equal Employment Opportunity Commission and State and local civil rights enforcement agencies that work with the Commission.

This page answers some of the commonly asked questions.

## See:

[What Employers Are Covered by the ADA?](#)

[Are You Protected by The ADA?](#)

[What Employment Practices are Covered?](#)

[Can an Employer Require Medical Examinations or Ask Questions About a Disability?](#)

[Do Individuals Who Use Drugs Illegally Have Rights Under the ADA?](#)

[What Do I Do If I Think That I'm Being Discriminated Against?](#)

[Can I Get Additional ADA Information and Assistance?](#)

[More Questions and Answers About the ADA](#)

## **What Employers Are Covered by the ADA?**

Job discrimination against people with disabilities is illegal if practiced by:

private employers

state and local governments

employment agencies

labor organizations

labor-management committees

The part of the ADA enforced by the EEOC outlaws job discrimination by:

all employers, including State and local government employers, with 25 or more employees after July 26, 1992

all employers, including State and local government employers, with 15 or more employees after July 26, 1994.

Another part of the ADA, enforced by the U.S. Department of Justice, prohibits discrimination in State and local government programs and activities, including discrimination by all State and local governments, regardless of the number of employees, after January 26, 1992.

Because the ADA establishes overlapping responsibilities in both EEOC and DOJ for employment by State and local governments, the Federal enforcement effort will be coordinated by EEOC and DOJ to avoid duplication in investigative and enforcement activities. In addition, since some private and governmental employers are already covered by nondiscrimination and affirmative action requirements under the Rehabilitation Act of 1973, EEOC, DOJ, and the Department of Labor will similarly coordinate the enforcement effort under the ADA and the Rehabilitation Act.

## Are You Protected by The ADA?

If you have a disability and are qualified to do a job, the ADA protects you from job discrimination on the basis of your disability. Under the ADA, you have a disability if you have a physical or mental impairment that substantially limits a major life activity. The ADA also protects you if you have a history of such a disability, or if an employer believes that you have such a disability, even if you don't.

To be protected under the ADA, you must have, have a record of, or be regarded as having a substantial, as opposed to a minor, impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, walking, breathing, performing manual tasks, caring for oneself, learning or working.

If you have a disability, you must also be qualified to perform the essential functions or duties of a job, with or without reasonable accommodation, in order to be protected from job discrimination by the ADA. This means two things. First, you must satisfy the employer's requirements for the job, such as education, employment experience, skills or licenses. Second, you must be able to perform the essential functions of the job with or without reasonable accommodation. Essential functions are the fundamental job duties that you must be able to perform on your own or with the help of a reasonable accommodation. An employer cannot refuse to hire you because your disability prevents you from performing duties that are not essential to the job.

What is Reasonable Accommodation?

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include:

providing or modifying equipment or devices

job restructuring

part-time or modified work schedules

reassignment to a vacant position

adjusting or modifying examinations, training materials, or policies

providing readers and interpreters

making the workplace readily accessible to and usable by people with disabilities

An employer is required to provide a reasonable accommodation to a qualified applicant or employee with a disability unless the employer can show that the accommodation would be an undue hardship -- that is, that it would require significant difficulty or expense.

## What Employment Practices are Covered?

The ADA makes it unlawful to discriminate in all employment practices such as:

- recruitment
- firing
- hiring
- training
- job assignments
- promotions
- pay
- benefits
- lay off
- leave
- all other employment related activities

It is also unlawful for an employer to retaliate against you for asserting your rights under the ADA. The Act also protects you if you are a victim of discrimination because of your family, business, social or other relationship or association with an individual with a disability.

## **Can an Employer Require Medical Examinations or Ask Questions About a Disability?**

If you are applying for a job, an employer cannot ask you if you are disabled or ask about the nature or severity of your disability. An employer can ask if you can perform the duties of the job with or without reasonable accommodation. An employer can also ask you to describe or to demonstrate how, with or without reasonable accommodation, you will perform the duties of the job.

An employer cannot require you to take a medical examination before you are offered a job. Following a job offer, an employer can condition the offer on your passing a required medical examination, but only if all entering employees for that job category have to take the examination. However, an employer cannot reject you because of information about your disability revealed by the medical examination, unless the reasons for rejection are job-related and necessary for the conduct of the employer's business. The employer cannot refuse to hire you because of your disability if you can perform the essential functions of the job with an accommodation.

Once you have been hired and started work, your employer cannot require that you take a medical examination or ask questions about your disability unless they are related to your job and necessary for the conduct of your employer's business. Your employer may conduct voluntary medical examinations that are part of an employee health program, and may provide medical information required by State workers' compensation laws to the agencies that administer such laws.

The results of all medical examinations must be kept confidential, and maintained in separate medical files.

## **Do Individuals Who Use Drugs Illegally Have Rights Under the ADA?**

Anyone who is currently using drugs illegally is not protected by the ADA and may be denied employment or fired on the basis of such use. The ADA does not prevent employers from testing applicants or employees for current illegal drug use.

## **What Do I Do If I Think That I'm Being Discriminated Against?**

If you think you have been discriminated against in employment on the basis of disability after July 26, 1992, you should contact the U.S. Equal Employment Opportunity Commission. A charge of discrimination generally must be filed within 180 days of the alleged discrimination. You may have up to 300 days to file a charge if there is a State or local law that provides relief for discrimination on the basis of disability. However, to protect your rights, it is best to contact EEOC promptly if discrimination is suspected.

You may file a charge of discrimination on the basis of disability by contacting any EEOC field office, located in cities throughout the United States. If you have been discriminated against, you are entitled to a remedy that will place you in the position you would have been in if the discrimination had never occurred. You may be entitled to hiring, promotion, reinstatement, back pay, or reasonable accommodation, including reassignment. You may also be entitled to attorneys fees.

While the EEOC can only process ADA charges based on actions occurring on or after July 26, 1992, you may already be protected by State or local laws or by other current federal laws. EEOC field offices can refer you to the agencies that enforce those laws.

To contact the EEOC, look in your telephone directory under "U.S. Government." For information and instructions on reaching your local office, call:

202-663-4900 (voice) or 1-800-800-3302 (TDD). (In the Washington, D.C. 202 Area Code, call 202-296-6312 (voice) or 202-663-4494 (TDD).)

## **Can I Get Additional ADA Information and Assistance?**

The EEOC will conduct an active technical assistance program to promote voluntary compliance with the ADA. This program will be designed to help people with disabilities understand their rights and to help employers understand their responsibilities under the law.

In January 1992, EEOC will publish a Technical Assistance Manual, providing practical application of legal requirements to specific employment activities, with a directory of resources to aid compliance. EEOC will publish other educational materials, provide training on the law for people with disabilities and for employers, and participate in meetings and training programs of other organizations. EEOC staff also will respond to individual requests for information and assistance. The Commission's technical assistance program will be separate and distinct from its enforcement responsibilities. Employers who seek information or assistance from the Commission will not be subject to any enforcement action because of such inquiries.

The Commission also recognizes that differences and disputes about ADA requirements may arise between employers and people with disabilities as a result of misunderstandings. Such disputes frequently can be resolved more effectively through informal negotiation or mediation procedures, rather than through the formal enforcement process of the ADA. Accordingly, EEOC will encourage efforts of employers and individuals with disabilities to settle such differences through alternative methods of dispute resolution, providing that such efforts do not deprive any individual of legal rights provided by the statute.



## More Questions and Answers About the ADA

Questions answered in this section:

Is an employer required to provide reasonable accommodation when I apply for a job?

Should I tell my employer that I have a disability?

Do I have to pay for a needed reasonable accommodation?

Can an employer lower my salary or pay me less than other employees doing the same job because I need a reasonable accommodation?

Does an employer have to make non-work areas used by employees, such as cafeterias, lounges, or employer-provided transportation accessible to people with disabilities?

If an employer has several qualified applicants for a job, is the employer required to select a qualified applicant with a disability over other applicants without a disability?

Can an employer refuse to hire me because he believes that it would be unsafe, because of my disability, for me to work with certain machinery required to perform the essential functions of the job?

Can an employer offer a health insurance policy that excludes coverage for pre-existing conditions?

If the health insurance offered by my employer does not cover all of the medical expenses related to my disability, does the company have to obtain additional coverage for me?

I think I was discriminated against because my wife is disabled. Can I file a charge with the EEOC?

Are people with AIDS covered by the ADA?

Question: Is an employer required to provide reasonable accommodation when I apply for a job?

Answer: Yes. Applicants, as well as employees, are entitled to reasonable accommodation. For example, an employer may be required to provide a sign language interpreter during a job interview for an applicant who is deaf or hearing impaired, unless to do so would impose an undue hardship.

Question: Should I tell my employer that I have a disability?

Answer: If you think you will need a reasonable accommodation in order to participate in the application process or to perform essential job functions, you should inform the employer that an accommodation will be needed. Employers are required to provide reasonable accommodation only for the physical or mental limitations of a qualified individual with a disability of which they are aware. Generally, it is the responsibility of the employee to inform the employer that an accommodation is needed.

Question: Do I have to pay for a needed reasonable accommodation?

Answer: No. The ADA requires that the employer provide the accommodation unless to do so would impose an undue hardship on the operation of the employer's business. If the cost of providing the needed accommodation would be an undue hardship, the employee must be given the choice of providing the accommodation or paying for the portion of the accommodation that causes the undue hardship.

Question: Can an employer lower my salary or pay me less than other employees doing the same job because I need a reasonable accommodation?

Answer: No. An employer cannot make up the cost of providing a reasonable accommodation by lowering your salary or paying you less than other employees in similar positions.

Question: Does an employer have to make non-work areas used by employees, such as cafeterias, lounges, or employer-provided transportation accessible to people with disabilities?

Answer: Yes. The requirement to provide reasonable accommodation covers all services, programs, and non-work facilities provided by the employer. If making an existing facility accessible would be an undue hardship, the employer must provide a comparable facility that will enable a person with a disability to enjoy benefits and privileges of employment similar to those enjoyed by other employees, unless to do so would be an undue hardship.

Question: If an employer has several qualified applicants for a job, is the employer required to select a qualified applicant with a disability over other applicants without a disability?

Answer: No. The ADA does not require that an employer hire an applicant with a disability over other applicants because the person has a disability. The ADA only prohibits discrimination on the basis of disability. It makes it unlawful to refuse to hire a qualified applicant with a disability because he is disabled or because a reasonable accommodation is required to make it possible for this person to perform essential job functions.

Question: Can an employer refuse to hire me because he believes that it would be unsafe, because of my disability, for me to work with certain machinery required to perform the essential functions of the job?

Answer: The ADA permits an employer to refuse to hire an individual if she poses a direct threat to the health or safety of herself or others. A direct threat means a significant risk of substantial harm. The determination that there is a direct threat must be based on objective, factual evidence regarding an individual's present ability to perform essential functions of a job. An employer cannot refuse to hire you because of a slightly increased risk or because of fears that there might be a significant risk sometime in the future. The employer must also consider whether a risk can be eliminated or reduced to an acceptable level with a reasonable accommodation.

Question: Can an employer offer a health insurance policy that excludes coverage for pre-existing conditions?

Answer: Yes. The ADA does not affect pre-existing condition clauses contained in health insurance policies even though such clauses may adversely affect employees with disabilities more than other employees.

Question: If the health insurance offered by my employer does not cover all of the medical expenses related to my disability, does the company have to obtain additional coverage for me?

Answer: No. The ADA only requires that an employer provide employees with disabilities equal access to whatever health insurance coverage is offered to other employees.

Question: I think I was discriminated against because my wife is disabled. Can I file a charge with the EEOC?

Answer: Yes. The ADA makes it unlawful to discriminate against an individual, whether disabled or not, because of a relationship or association with an individual with a known disability.

Question: Are people with AIDS covered by the ADA?

Answer: Yes. The legislative history indicates that Congress intended the ADA to protect persons with AIDS and HIV disease from discrimination.

# Discrimination overview

GSA OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

From IRS Document 6491

Discrimination is defined in civil rights law as unfavorable or unfair treatment of a person or class of persons in comparison to others who are not members of the protected class because of race, color, religion, sex, national origin, age, or handicapping condition, or in reprisal for opposition to discriminatory practices or participation in the EEO process. Federal EEO laws prohibit an employer from discriminating against persons in all aspects of employment, including recruitment, selection, evaluation, promotion, training, compensation, discipline, retention and working conditions, because of their protected status. All GSA employees, managers, and applicants for employment are covered by these EEO laws. For example, the protection against racial discrimination afforded employees and job applicants is not limited to members of any particular race. White employees also are protected under Title VII of the Civil Rights Act of 1964, as amended.

## Unfair Treatment versus Unlawful Discrimination

Unfair treatment is not necessarily unlawful discrimination. Treating a person unfavorably in comparison to others may violate EEO laws only when that person's protected status is a factor in the treatment. For example, giving one white female better assignments than another white female similarly qualified may be unfair, but not discriminatory. Giving a white female better assignments than a similarly qualified minority female may be discriminatory.

Employment decisions should be based only on job-related merit factors. All employees should avoid conduct which undermines fair and equal treatment. Although all unfair treatment may not be discriminatory, it is poor personnel management and should be avoided.

## EEO versus Preferential Treatment

Federal EEO laws do not require an employer to extend preferential treatment to any person or group because of race, color, religion, sex, national origin, age, or handicapping condition. EEO merely demands that all persons receive the same opportunities for hiring, training, promotion, etc. When those opportunities have not been available to all groups in the past because of discrimination, affirmative employment is required to overcome the effect of such bias.

# Job-Hunting: Should You Pay?

Facts for Consumers from the Federal Trade Commission

If you are looking for a job in the U.S. or overseas, you may come across ads that promise results placed by employment assistance businesses. Although many of these firms may be legitimate and helpful, others may misrepresent their services, promote fictitious and out-dated job offerings, or charge large upfront fees for services that often may not lead to a job. Some ads may direct you to call a '900' telephone number for job information. You will be charged either a flat fee or a per-minute charge for each '900' call, and the charge usually is much greater than the toll for an ordinary long-distance call. Other ads may ask you to visit the company's place of business for assistance in resume preparation, letter writing, and interviewing skills.

Before you contact any employment service firm, follow the suggestions at the end of this brochure for choosing a firm that is right for you. Also, before you pay or commit to pay for domestic or overseas job information or placement -- whether by calling a '900' number or by signing an employment services contract -- know what you will get for your money. This brochure explains how different types of employment firms operate and what questions you should ask when considering their services.

## Types of Employment Service Firms

Do not judge an employment firm by its name. Classified advertising and telephone book listings do not always make clear the differences among employment services. Many names are used loosely and interchangeably, such as "employment agency," "personnel placement service," "executive search firm," or "executive counseling service." What is important to find out is what services the firm offers, how much those services cost, and who pays. If you, rather than an employer, are required to pay the fee, find out if you must pay even if the employment service does not find you a job.

This publication discusses six basic types of service companies/agencies that offer assistance in obtaining employment. They include: public employment services; employment agencies; executive search services; temporary help services; executive counseling services; and job listing services. Here are some descriptions to help you identify each type.

The federally-funded and state-operated public Employment Service, also known as the Job Service, operates in all fifty states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. There are some 2,300 points of service nationwide, of which approximately 1,700 are considered full-time, full service offices. The Employment Service provides its services free of charge to both employers and job seekers. Openings range from entry level positions to technical and professional positions. The Employment Service provides access to the Interstate Job Bank -- a nationwide source of job opportunities. It also provides links to numerous employment and training programs in each state, including programs for the disabled, minorities, older workers, veterans, welfare recipients, and young people.

Employment agencies or personnel placement services work to fill specific positions available within companies. Their purpose is to bring applicants and employers together. In many cases, the placement fee is paid by the hiring company, but in some instances, where state law permits, the fee may be shared by you and your employer are billed to you, usually after a job is secured. Employment agencies are commonly licensed in the state in which they do business.

Executive search firms or executive recruiters are hired by businesses to find the "right" person for a particular job within a company. (These recruiters are sometimes referred to as "headhunters.") The executive who is hired does not pay the fee; fee payment is part of the agreement between the hiring business and the search firm. Executive search firms usually subscribe to a code of ethics established by industry members, and some are licensed by the states in which they do business, as required by state law.

Temporary help services are companies who provide workers to businesses on a temporary basis. Businesses pay an agreed upon wage to the temporary service for work performed by its employees. Workers are then paid by the temporary service firm, not by the temporary employer.

Executive counseling services or career counseling services assist job seekers with career decisions more than job placement. They may provide such services as skill identification and self evaluation, resume preparation and letter writing, and general information about companies in a particular geographical area or job field. Fees can range up to \$4,000, and payment is often required before services are provided. You probably will have to pay this fee even if you do not find a job. Placement is

not guaranteed. Executive counseling firms may or may not be licensed, depending on state law. Job listing services or advisory services sell information, sometimes through '900' telephone numbers, about obtaining employment in the U.S. or abroad. Information may include lists of job openings, general tips on conducting a successful job search or interview, and broad guidance in resume writing. Advisory firms often require an upfront fee, which usually is charged even if you do not find a job through the firm. Be aware that some listing services and advisory firms may place ads that appear to offer jobs when, in fact, the firms are selling only employment information.

#### Choosing the Right Employment Service Firm

Consider your needs carefully. What type of employment assistance do you want and what will it cost?

Know what a '900' number call to an employment listing service will cost before you make the call.

Reputable companies will state these costs upfront. If you have fraudulent '900' number charges on your telephone bill, ask your phone company to delete them, although the company is not legally obligated to do so.

Ask any employment assistance company you contact who pays for its services, you or the employer, before you sign a contract.

When you are required to pay, ask the company if payment must be made before services are given and if you are required to pay even though you do not find a job.

Look for an employment service that regularly fills the sort of position you are seeking. If you are a writer, look for a firm that hires people with that skill. Classified ads in newspapers or trade magazines are a good source for finding specialized employment agencies as well as positions.

Realize that employment service firms only can promise to help you find a job; they cannot guarantee that they will find you a suitable one.

Check with your local consumer protection agency and the state Attorney General's Office to find if they have received any complaints about an employment company with whom you intend to sign a contract.

You also can ask these agencies about any state laws concerning employment.

Most important, read the contract carefully before you sign it. If the sales representative makes claims that are not in the contract, remember the contract is what counts.

#### Free Resources

There are a number of free sources of employment information, in addition to the newspaper classified ad section.

Job Service offices post job vacancies. They also provide some counseling and referrals to other job resources.

Local and county human resources offices and information referral services offer some placement assistance. They can give you the names of other groups that can help, such as labor unions or federally-funded vocational programs.

University and college career service offices usually limit their assistance to students and alumni, but some may let you look at their job listings. They may be a good reference for free job information.

Local libraries also can be a good source of information. Ask the librarian to direct you to material that can help you write a resume, conduct an interview, or compile a list of companies whom you might contact about job openings.

# Compliance Guide to the Family and Medical Leave Act

U.S. Department of Labor Employment Standards Administration, Wage and Hour Division, WH  
Publication 1421

This material will be made available to sensory impaired individuals upon request.

Voice phone: 202-219-8743 TDD\* phone: 1-800-326-2577

\*Telecommunications Device for the Deaf.

Compliance Guide to the Family and Medical Leave Act

The "Family and" Medical Leave Act (FMLA) becomes effective on August 5, 1993. The Secretary of Labor has issued regulations to implement the FMLA. [Note 1] This "Guide to Compliance" begins by summarizing those regulations, explaining the basic provisions of the new law, and the rights and responsibilities of affected employers and employees. After this summary of the FMLA's requirements; specific questions are addressed. The information provided in response to the questions posed below, or the regulations themselves, will provide greater detail on how the law works.

[Note 1] See the Federal Register dated June 4, 1993, Vol 58, No. 106, pages 31794-31839. Similar provisions also apply to most federal and Congressional employees, which are administered by the U.S. Office of Personnel Management (OPM) or the Congress.

## **See:**

[Summary](#)

[Purposes of the FMLA](#)

[Employer Coverage](#)

[Employee Eligibility](#)

[Leave Entitlement](#)

[Maintenance of Health Benefits](#)

[Job Restoration](#)

[Notice and Certification](#)

[Unlawful Acts](#)

[Enforcement](#)

[Other Provisions](#)

[Questions](#)

## Summary

The Family and Medical Leave Act was enacted on February 5, 1993.

The new law is in effective on August 5, 1993, for most employers. If a collective bargaining agreement (CBA) is in effect on that date, the Act becomes effective on the expiration date of the CBA or February 5, 1994, whichever is earlier. This delay in the effective date applies only to employees covered by a CBA in effect on August 5, 1993, and not -- for example -- to non-bargaining unit employees.

The Wage and Hour Division of the U.S. Department of Labor's Employment Standards Administration administers and enforces FMLA for all private, State and local government employees, and some federal employees.

FMLA entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave each year for specified family and medical reasons. An eligible employee's right to FMLA leave begins on August 5, 1993. Any leave taken before that date does not count as FMLA leave. However, events qualifying under the Act for FMLA leave purposes (e.g., the birth of a child) occurring before August 5, 1993, still entitle eligible employees to the benefits of FMLA on and after August 5, 1993.

The new law contains provisions relating to employer coverage; employee eligibility for the benefits of the law; entitlement to leave, maintenance of health benefits during leave, and job restoration after leave; notice and certification of the need for FMLA leave; and protections for employees who request or take FMLA leave. In addition, the law includes certain employer recordkeeping requirements.

## **Purposes of the FMLA**

The FMLA allows employees to balance their work and family life by taking reasonable unpaid leave for certain reasons. The FMLA is intended to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity. The FMLA seeks to accomplish these purposes in a manner that accommodates the legitimate interests of employers, and which minimizes the potential for employment discrimination on the basis of sex, while promoting equal employment opportunity for men and women. The enactment of the FMLA was predicated on two fundamental concerns -- the needs of the U.S. workforce and the development of high-performance organizations. Increasingly, American children and growing numbers of the elderly are dependent on working family members who spend long hours on the job. When family emergencies arise, requiring employees to attend to their seriously-ill children or parents, or to newly-born or adopted infants, or even to their own serious illness, workers need reassurance that they will not need to choose between their job security and meeting their personal and family obligations or tending to vital needs at home.



## **Employer Coverage**

FMLA applies to all:

\* public agencies, including State, local and federal employers, and local education agencies (schools);  
and,

\* private sector employers who employ 50 or more employees for at least 20 workweeks in the current or preceding calendar year and who are engaged in commerce or in any industry or activity affecting commerce -- including joint employers and successors of covered employers.

For FMLA purposes, most federal and Congressional employees are under the jurisdiction of the U.S. Office of Personnel Management (OPM) or the Congress.

## **Employee Eligibility**

To be eligible for FMLA benefits, an employee must:

- (1) work for a covered employer;
- (2) have worked for the employer for at least a total of 12 months;
- (3) have worked at least 1,250 hours over the prior 12 months; and,
- (4) work at a location where at least 50 employees are employed by the employer within 75 miles.

## Leave Entitlement

A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- \* for the birth or placement of a child for adoption or foster care;
- \* to care for an immediate family member (spouse, child, or parent) with a serious health condition; or,
- \* to take medical leave when the employee is unable to work because of a serious health condition.

Spouses employed by the same employer are jointly entitled to a combined total of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for parent (but not a parent "inlaw") who has a serious health condition.

Leave for birth or adoption (including foster care placement) must conclude within 12 months of the birth or placement.

Intermittent Leave -- Under some circumstances, employees may take FMLA leave intermittently -- which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

Where FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to the employer's approval.

FMLA leave may be taken intermittently whenever it is medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work. If the need for intermittent leave is foreseeable based on planned medical treatment, the employee is responsible for scheduling the treatment in a manner that does not unduly disrupt the employer's operations, subject to the approval of the health care provider.

In such cases, the employer may also transfer the employee temporarily to an alternative job with equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular job.

Substitution of Paid Leave -- Subject to certain conditions, employees or employers may choose to use or require the use of accrued paid leave (such as sick or vacation leave) to cover some or all of the otherwise unpaid FMLA leave.

The employer is responsible for designating if paid leave used by an employee counts as FMLA leave, based on information provided by the employee. In no case can an employee's paid leave be credited as FMLA leave after the leave has been completed.

Serious Health Condition -- "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- \* any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
- \* any period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or,
- \* continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days, and for prenatal care.

Health Care Provider -- Health care providers who qualify under the regulations to provide certification of a serious health condition for an employee or an immediate family member include:

- \* doctors of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or,
- \* podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice under State law; or,
- \* nurse; practitioners and nurse-midwives authorized to practice under State law and performing within the scope of their practice as defined under State law; or,
- \* Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

## **Maintenance of Health Benefits**

A covered employer is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken, and on the same terms as if the employee had continued to work.

Where appropriate, arrangements will need to be made for employees taking unpaid FMLA leave to pay their share of health insurance premiums while on leave. For example, if the group health plan involves co-payments by the employer and the employee, an employee on FMLA leave must continue making insurance premium payments to maintain insurance coverage, as must the employer. The employee and employer need to work out the method for the employee to pay his; or her share of health insurance premiums while on unpaid FMLA leave.

An employer's obligation to maintain health benefits under FMLA will stop if and when an employee informs the employer of an intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is used up.

In some instances, the employer may recover premiums it paid to maintain health insurance coverage for an employee who fails to return to work from FMLA leave.

**Other Benefits** -- Certain types of earned benefits, such as seniority, need not continue to accrue during periods of unpaid FMLA leave. For other benefits, such as elected life insurance coverage, the employer and the employee need to make arrangements so that the benefits may be maintained during periods of unpaid FMLA leave. Except for accrued or earned benefits (such as seniority), the employee must be restored to the same benefits upon return from FMLA leave as if the employee had continued to work the entire FMLA leave period. Use of FMLA leave cannot result in the loss of any benefit that accrued before the employee's leave began. Accordingly, an FMLA leave period cannot be counted as a break in service for purposes of vesting or eligibility to participate in benefit programs.

## Job Restoration

Upon return from FMLA leave, an employee must be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

In addition, an employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.

"Key" Employee Exception -- Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, the employer may refuse to reinstate certain highly-paid "key" employees after using FMLA leave during which health benefits are maintained.

In order to do so, the employer must:

- \* notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take FMLA leave;

- \* notify the employee as soon as the employer decides it will deny job restoration and explain the reasons for this decision;

- \* offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and,

- \* make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.

A "key" employee is a salaried "eligible" employee who is among the highest paid ten percent of employees within 75 miles of the work site.

## Notice and Certification

Employees seeking to use FMLA leave may be required to provide:

- \* 30-day advance notice of the need to take FMLA leave when the need is foreseeable;
- \* medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;
- \* second or third medical opinions and periodic recertification, at the employer's expense;
- \* periodic reports during FMLA leave on the employee's status and intent to return to work; and,
- \* a "fitness-for-duty" certification to return to work.

When leave is needed to care for an immediate family member or the employee's own illness and is for planned medical treatment, the employee must attempt to schedule treatment so that it will not unduly disrupt the employer's operation.

Employer Notices -- Covered employers must post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA. An employer that willfully violates this posting requirement may be subject to a fine of up to \$100 for each separate offense.

In addition, covered employers are obliged to provide information to their employees about their rights and responsibilities under FMLA, including specific information- in response to an employee's notice of the need for FMLA leave -- regarding just what will be required of the employee and what might happen in certain circumstances, such as if the employee fails to return to work from FMLA leave.

## **Unlawful Acts**

FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by this law. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to FMLA.

## **Enforcement**

FMLA will be enforced by the Wage and Hour Division of the U.S. Labor Department's Employment Standards Administration. This agency will investigate complaints of violations. If violations cannot be satisfactorily resolved, the Department may bring action in court to compel compliance. An eligible employee may bring a private civil action against an employer for violations.



## Other Provisions

Special rules apply to employees of local education agencies. Generally, these rules provide for FMLA leave to be taken in blocks of time when the leave is needed intermittently or when leave is required near the end of a school term (semester).

Salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under Regulations, 29 CFR Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for FLSA's exemption extends only to "eligible" employees' use of leave required by FMLA;

The FMLA does not affect any other federal or State law which prohibits discrimination. It does not supersede any State or local law which provides more generous family or medical leave protection. Nor does it affect an employer's obligation to provide greater leave rights under a collective bargaining agreement or employment benefit plan. The FMLA also encourages employers to provide more generous leave rights.

## Questions

Q: Does the law guarantee paid time off?

No. FMLA leave is generally unpaid leave. However, in certain circumstances the use of accrued paid leave -- such as vacation or sick leave -- may be substituted for the unpaid leave required by the law.

Q: How much unpaid leave am I entitled to?

If you are an "eligible" employee of a covered employer, you are entitled to 12 weeks of leave for certain family and medical reasons during a 12-month period.

Q: Am I entitled to any paid leave while on FMLA leave?

The law permits you to substitute accrued paid leave under certain conditions, or your employer may require you to substitute paid leave.

Q: What if an employer already provides paid leave for the purposes covered by FMLA?

FMLA is intended to encourage generous family and medical leave policies. For this reason, the law does not diminish more generous existing leave policies or laws, though employers are entitled to conform their employment policies and practices with the FMLA's requirements.

Q: Who is considered a "family member" for purposes of taking FMLA leave?

An employee's spouse, son or daughter, and parents are immediate family members for purposes of FMLA. The term "parent" does not include a parent "inlaw."

Q: Does FMLA leave have to be taken in whole days or whole weeks, or in one continuous block of time?

The FMLA permits leave for birth or placement for adoption or foster care to be taken intermittently -- that is, in blocks of time or by reducing the normal weekly or daily work schedule -- subject to approval by the employer. Leave for a serious health condition may be taken intermittently when "medically necessary."

Q: Is there a limit to the number of times FMLA leave can be taken in one year?

No. An employee is entitled to take up to 12 weeks of leave in a 12-month period for any of the family and medical reasons that qualify for FMLA leave, without limitation.

Q: Can I take FMLA leave for visits to a therapist, if my doctor prescribes the therapy?

Yes. FMLA permits you to take leave to receive "continuing treatment by a health care provider," which can include recurring absences for therapy treatments ordered by a doctor such as, for example, physical therapy after a hospital stay, or for treatment of severe arthritis. "Continuing treatment" includes a single visit with a health care provider that results in a regimen of continuing therapy under the supervision of the health care provider.

Q: Are there any employees who are not covered by this law?

Yes. It's been estimated that about 60 percent of U.S. workers (and about 95 percent of U.S. employers) are not covered by the law. To be eligible for FMLA benefits, an employee must: (1) work for a covered employer; (2) have worked for the employer for at least a total of 12 months; (3) have worked at least 1,250 hours over the prior 12 months; and, (4) work at a location where at least 50 employees are employed by the employer within 75 miles.

Q: What about spouses who work for the same employer?

If a husband and wife work for the same employer, they may be limited to a combined total of 12 weeks of FMLA leave in a 12-month period for the birth of a child, placement of a child for adoption or foster care, or the care of a parent with a serious health condition.

Q: What do I have to do to request FMLA leave from my employer?

You may be required to provide your employer with 30 days advance notice when the need for leave is "foreseeable." When such an advance notice is not possible or the need for the leave cannot be foreseen, you must give your employer notice as soon as "practicable."

Q: What kind of proof is required for my illness or that of an immediate family member?

You may be required to submit documentation -- called a medical certification -- from the health care provider who is treating you or your immediate family member.

Q: Can my employer require additional proof?

Your employer may require you to obtain additional medical certification from a health care provider of the employer's choice, and at the employer's expense.

Q: Can my employer require me to return to work before I exhaust my leave?

Subject to certain limitations, your employer may deny the continuation of FMLA leave due to a serious health condition if you fail to fulfill obligations to provide supporting medical certification as required by the law.

Q: Are there any restrictions on how I spend my time while on leave?

Generally no, provided the leave is taken for a legitimate family or medical reason and all appropriate notice and certification requirements are met. However, employers with established policies regarding outside employment while on paid or unpaid leave may uniformly apply this policy to employees on FMLA leave.

Q: Can my employer make inquiries about my leave during my absence?

Yes, but only to you. Your employer may have reason to confirm whether the leave needed or being taken qualifies for FMLA purposes, and may require periodic reports on your status and intent to return to work after leave. Also, if the employer has reason to doubt the validity of a medical certification or wishes to obtain another opinion, you may be required to obtain additional medical certification at the employer's expense, or recertification during a period of unpaid FMLA leave.

Q: Can my employer refuse to grant me FMLA leave?

If you are an "eligible" employee who has met FMLA's notice and certification requirements (and you have not exhausted your FMLA leave entitlement for the year) you may not be denied FMLA leave.

Q: Will I lose my job if I take FMLA leave?

Generally, no. It is unlawful for any employer to interfere with or restrain or deny the exercise of any right provided under the law. However, an employer may deny reinstatement to work -- but not the use of FMLA leave or maintenance of health insurance coverage during the leave -- to certain highly-paid salaried ("key") employees under certain circumstances.

Q: Are there other circumstances in which my employer can deny me my job after using FMLA leave?

In addition to denying reinstatement in certain circumstances to "key" employees, employers are not required to reinstate employees who would have been laid off or otherwise had their employment terminated had they continued to work during the period leave was used (for example, employees hired for a specific term of employment that expires). Also, under certain circumstances, employers who advise employees experiencing a serious health condition that they will require a medical certificate of fitness for duty to return to work may deny reinstatement to an employee who fails to provide such a certificate until it is provided.

Q: Can my employer fire me for complaining about a violation of FMLA?

No, nor can the employer take any other adverse employment action on this basis. It is unlawful for any employer to discharge or otherwise discriminate against an employee for opposing a practice made unlawful under FMLA.

Q: Will I be allowed to return to my same job after my leave?

Generally, yes. Ordinarily you will be restored to the same position you held prior to the leave, with the same pay and benefits, if the position remains available. You may be restored to an "equivalent position" rather than the position you held before taking leave if the previous position is not available. An equivalent position must have equivalent pay, benefits, and terms and conditions of employment as the original job.

Q: Do I lose all my benefits when I take unpaid FMLA leave?

Your employer is required to maintain health insurance coverage on the same terms it was provided before the leave commences, as if you continued to work.

In addition, the use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of your leave. Certain other earned benefits, such as seniority, do not need to continue to accrue during a period of unpaid FMLA leave. And for still other kinds of benefits, such as elected life insurance coverage, arrangements may need to be made between you and your employer so that they are continued during a period of FMLA leave. With the sole exception of accrued or earned benefits such as seniority, unless you elect otherwise, you must be restored to the same benefits upon return from FMLA leave as if you had continued to work during the period of the leave.

Q: Are there any differences in how the law applies to private and public sector employees or employers?

The 50-employee coverage test does not apply to public sector employers or to public or private education agencies (schools). However, the public agency or school system must employ 50 employees within a 75-mile area around the work site in order for an employee to be "eligible" and entitled to FMLA benefits.

Q: Are there any special rules that apply to any groups of employees?

Special rules apply to instructional employees of "local educational agencies," including public school boards and elementary and secondary schools under their jurisdiction, and private elementary and secondary schools. Generally, these rules provide for FMLA leave to be taken in blocks of time when the leave is needed intermittently or is required near the end of a school term.

Q: What if my employer does not know about the Family and Medical Leave Act?

Your employer may contact the nearest office of the Wage and Hour Division, Employment Standards Administration, of the U.S. Department of Labor for information and guidance.

Q: What if I believe my employer is violating the law?

You have the choice of filing, or having another person file on your behalf, a complaint with the Employment Standards Administration, Wage and Hour Division, or you can elect to file a private lawsuit. For more information, please contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor, Employment Standards Administration.

