

**MEMO# 25572**

October 20, 2011

# **IRS Releases Draft Publication 1179; Includes Rules Regarding Logos on Substitute Forms**

[25572]

October 20, 2011

TO: TAX COMMITTEE No. 63-11  
TRANSFER AGENT ADVISORY COMMITTEE No. 87-11  
BANK, TRUST AND RETIREMENT ADVISORY COMMITTEE No. 61-11  
BROKER/DEALER ADVISORY COMMITTEE No. 66-11  
OPERATIONS COMMITTEE No. 40-11  
SMALL FUNDS COMMITTEE No. 42-11  
PENSION COMMITTEE No. 29-11  
BDAC COST BASIS REPORTING TASK FORCE No. 29-11 RE: IRS RELEASES DRAFT  
PUBLICATION 1179; INCLUDES RULES REGARDING LOGOS ON SUBSTITUTE FORMS

The Internal Revenue Service (“IRS”) has issued a draft of Publication 1179, “General Rules and Specifications for Substitute Forms 1096, 1098, 1099, 5498, and Certain Other Information Returns” for 2011. [\[1\]](#) Several changes have been made to the publication, including:

- A new section 4.3 to include additional information for reporting cost basis on substitute recipient copies of Form 1099-B;
- The inclusion of new Form 1097-BTC;
- Changes to Form 1099-B; and
- New rules regarding the use of logos, slogans, and advertising. [\[2\]](#)

## **Logos, Slogans, and Advertisements**

The draft Publication 1179 provides that logos, slogans, and advertising will not be allowed on Forms 1096 or Copy A of Forms 1097-BTC, 1098, 1099, 3921, 3922, 5498, W-2G, 1042-S, 8935, or any payee copies reporting amounts paid during the 2011 calendar year and thereafter. The draft publication does provide, however, for the following exceptions:

- The substitute forms may include the exact name of the payer, broker, or agent; primary trade name, trademark, service mark, or symbol of the payer, broker, or agent; or an embossment or watermark on the information return and payee copies that is a representation of the name, a primary trade name, trademark, service mark,

or symbol of the payer, broker or agent.

- These items may be presented in any typeface, font, stylized fashion, or print color normally used by the payer, broker, or agent, and used in a non-intrusive manner.
- These items may not materially interfere with the ability of the recipient to recognize, understand, and use the tax information on the payee copies.
- The prohibition on the use of logos, slogans, and advertisements does not apply to corrected information for amounts paid before January 1, 2011.

## Comments Requested

The IRS is accepting comments on the draft Publication 1179 and the rules regarding the use of logos on substitute forms. Please provide any comments to me (at 202-371-5432 or [kgibian@ici.org](mailto:kgibian@ici.org)) no later than the close of business on Tuesday, November 1, 2011.

Karen Lau Gibian  
Associate Counsel

### endnotes

[1] The draft publication can be found on the IRS website at:  
<http://www.irs.gov/pub/irs-dft/p1179--dft.pdf>.

[2] The IRS announced in Rev. Proc. 2008-36 that it would prohibit the use of corporate logos or slogans on substitute and composite forms. See Institute [Memorandum](#) (23302), dated March 5, 2009. The IRS postponed these new rules until the 2011 calendar year to provide payors further advance notice.

---

Copyright © by the Investment Company Institute. All rights reserved. Information may be abridged and therefore incomplete. Communications from the Institute do not constitute, and should not be considered a substitute for, legal advice.