

POLICY

Rules and Regulations for Non-USPTO Personnel Visiting the USPTO



**UNITED STATES PATENT AND TRADEMARK OFFICE
OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER**

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I. PURPOSE

This policy provides conduct guidance to non-USPTO personnel visiting USPTO buildings. This policy does not apply to USPTO personnel.

II. AUTHORITY

This policy will be administered in accordance with:

- The Public Buildings Cooperative Use Act of 1976 (Public Law 94-541)
- Rules and Regulations Governing Conduct on Federal Property, Federal Management Regulation, Title 41, Code of Federal Regulations, Part 102-74, Subpart C

III. DEFINITIONS

- A. *USPTO building* shall mean any building and its grounds under the charge and control of the USPTO.
- B. *Public area* shall mean any area of a USPTO building or its grounds ordinarily open to members of the public. This includes areas such as lobbies, courtyards, auditoriums, meeting rooms, and other similar common areas.
- C. *Secure area* shall mean any area of a USPTO building that is behind the USPTO security envelope and is not ordinarily open to members of the public without USPTO escort.
- D. *Building Restriction Decision* shall mean a decision by the USPTO that an individual is prohibited from entering one or more USPTO buildings. A building restriction may be for a specified period of time or indefinite.
- E. *Director of Security* has responsibility for managing the security functions over USPTO buildings. This official will oversee the implementation of any building restrictions decisions.
- F. *Chief Administrative Officer* is the senior agency official responsible for deciding an appeal of a building restriction decision.

IV. SCREENING REQUIRED TO ENTER SECURE AREAS

Persons entering into any USPTO secure area are required to pass through a magnetometer and may also be screened by security personnel using a hand-held wand. Any packages, briefcases, or other containers brought into the secure area will be screened by x-ray or manual inspection.

V. CONDUCT IN USPTO BUILDINGS

Persons entering into USPTO buildings are subject to the Rules and Regulations Governing Conduct on Federal Property, attached as Appendix A to this policy.

VI. VIOLATIONS OF RULES AND REGULATIONS GOVERNING CONDUCT ON FEDERAL PROPERTY

A person found guilty of violating any provision of the Rules and Regulations Governing Conduct on Federal Property may be subject to penalties as outlined in the Federal Management Regulations, including any additional type of corrective action as prescribed by law.

In addition, the USPTO may decide that an individual who has violated one or more provisions of the Rules and Regulations Governing Conduct on Federal Property is to be restricted from entering USPTO buildings. The building restriction decision will be issued by an authorized USPTO employee (i.e., a senior management official or a Security representative). The building restriction may be for a specified period of time or indefinite. When the building restriction decision is put into place, the person whose access is being restricted will be notified in writing based on their known contact information. All USPTO facilities will be notified of any such building restriction.

VII. APPEAL OF BUILDING RESTRICTION DECISIONS

An individual who is issued a building restriction decision may appeal. This can be done by submitting a written notice of appeal to the USPTO's Chief Administrative Officer (CAO). Appeal requests must specify the reasons the restricted person believes the building restriction is not appropriate and include all relevant supporting documentation. Appeals will be sent to the following:

U. S. Patent and Trademark Office
Office of the Chief Administrative Officer
600 Dulany Street, Alexandria, VA 22314

The CAO shall consider the individual's submission and affirm, modify, or reverse the building restriction decision. The CAO shall decide the appeal within 30 business days after its receipt. Upon reaching a decision on an appeal, the CAO shall notify the individual of the decision and the reasons therefore. It is the responsibility of the individual who has been restricted to demonstrate the decision should be reversed. Therefore, the appeal must include all applicable justification and documentation to support the request to reverse the building restriction decision.

If the building restriction is upheld after appeal, further requests by the restricted individual will not be acted upon if received prior to the expiration of a period of one year from the date of the submission of the individual's most recent appeal, absent a material change in circumstance. Subsequent appeals may be submitted no more frequently than once per year. The CAO will decide, within 30 calendar days of receiving each appeal, whether the building restriction remains in place or is modified or rescinded. Notice of the decision in each appeal will be provided in writing to the restricted individual.

VIII. EFFECT ON OTHER ORDERS

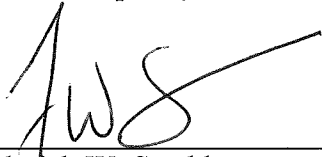
This policy supersedes any prior USPTO policy or guidance regarding Rules and Regulations for Non-USPTO Personnel Visiting the USPTO.

IX. POLICY REVIEW

This policy is subject to periodic review to maintain its effectiveness and the effectiveness of business operations of the USPTO.

X. APPROVAL AND EFFECTIVE DATE

This policy is effective on the date of signature.



Frederick W. Steckler
Chief Administrative Officer

7/26/2018
Date



Rules and Regulations Governing Conduct on Federal Property

November, 2005

Federal Management Regulation Title 41, Code of Federal Regulations, Part 102-74, Subpart C

Applicability (41 CFR 102-74.365). The rules in this subpart apply to all property under the authority of GSA and to all persons entering in or on such property. Each occupant agency shall be responsible for the observance of these rules and regulations. Federal agencies must post the notice in the Appendix to this part at each public entrance to each Federal facility.

Inspection (41 CFR 102-74.370). Federal agencies may, at their discretion, inspect packages, briefcases and other containers in the immediate possession of visitors, employees or other persons arriving on, working at, visiting, or departing from Federal property. Federal agencies may conduct a full search of a person and the vehicle the person is driving or occupying upon his or her arrest.

Admission to Property (41 CFR 102-74.375). Federal agencies must:

- (a) Except as otherwise permitted, close property to the public during other than normal working hours. In those instances where a Federal agency has approved the after-normal-working hours use of buildings or portions thereof for activities authorized by subpart D of this part, Federal agencies must not close the property (or affected portions thereof) to the public;
- (b) Close property to the public during working hours only when situations require this action to ensure the orderly conduct of Government business. The designated official under the Occupant Emergency Program may make such decision only after consultation with the buildings manager and the highest ranking representative of the law enforcement organization responsible for protection of the property or the area. The designated official is defined in Sec. 102-71.20 of this chapter as the highest ranking official of the primary occupant agency, or the alternate highest ranking official or designee selected by mutual agreement by other occupant agency officials; and
- (c) When property or a portion thereof is closed to the public, restrict admission to the property, or the affected portion, to authorized persons who must register upon entry to the property and must, when requested, display Government or other identifying credentials to Federal police officers or other authorized individuals when entering, leaving or while on the property. Failure to comply with any of the applicable provisions is a violation of these regulations.

Preservation of Property (41 CFR 102-74.380). All persons entering in or on Federal property are prohibited from:

- (a) Improperly disposing of rubbish on property;
- (b) Willfully destroying or damaging property;
- (c) Stealing property;
- (d) Creating any hazard on property to persons or things; or
- (e) Throwing articles of any kind from or at a building or climbing upon statues, fountains or any part of the building.

Conformity with Signs and Directions (41 CFR 102-74.385). Persons in and on property must at all times comply with official signs of a prohibitory, regulatory or directory nature and with the lawful direction of Federal police officers and other authorized individuals.

Disturbances (41 CFR 102-74.390). All persons entering

in or on Federal property are prohibited from loitering, exhibiting disorderly conduct or exhibiting other conduct on property that:

- (a) Creates loud or unusual noise or a nuisance;
- (b) Unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots;
- (c) Otherwise impedes or disrupts the performance of official duties by Government employees; or
- (d) Prevents the general public from obtaining the administrative services provided on the property in a timely manner.

Gambling (41 CFR 102-74.395). (a) Except for the vending or exchange of chances by licensed blind operators of vending facilities for any lottery set forth in a State law and authorized by section 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C. 107 et seq.), all persons entering in or on Federal property are prohibited from:

- (1) Participating in games for money or other personal property;
 - (2) Operating gambling devices;
 - (3) Conducting a lottery or pool; or
 - (4) Selling or purchasing numbers tickets.
- (b) This provision is not intended to prohibit prize drawings for personal property at otherwise permitted functions on Federal property, provided that the game or drawing does not constitute gambling per se. Gambling per se means a game of chance where the participant risks something of value for the chance to gain or win a prize.

Narcotics and Other Drugs (41 CFR 102-74.400). Except in cases where the drug is being used as prescribed for a patient by a licensed physician, all persons entering in or on Federal property are prohibited from:

- (a) Being under the influence, using or possessing any narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines; or
- (b) Operating a motor vehicle on the property while under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines.

Alcoholic Beverages (41 CFR 102-74.405). Except where the head of the responsible agency or his or her designee has granted an exemption in writing for the appropriate official use of alcoholic beverages, all persons entering in or on Federal property are prohibited from being under the influence or using alcoholic beverages. The head of the responsible agency or his or her designee must provide a copy of all exemptions granted to the buildings manager and the highest ranking representative of the law enforcement organization, or other authorized officials, responsible for the security of the property.

Soliciting, Vending and Debt Collection (41 CFR 102-74.410). All persons entering in or on Federal property are prohibited from soliciting alms (including money and non-monetary items) or commercial or political donations, vending merchandise of all kinds, displaying or distributing commercial advertising, or collecting private debts, except to:

- (a) National or local drives for funds for welfare, health or other purposes as authorized by 5 CFR part 950, entitled "Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations," and sponsored or approved by the occupant agencies;
- (b) Concessions or personal notices posted by employees on authorized bulletin boards;
- (c) Solicitation of labor organization membership or dues authorized by occupant agencies under the Civil Service Reform Act of 1978 (Pub. L. 95-454);
- (d) Lessee, or its agents and employees, with respect to space leased for commercial, cultural, educational, or recreational use under 40 U.S.C. 581(h). Public areas of GSA-controlled property may be used for other activities in accordance with subpart D of this part;
- (e) Collection of non-monetary items that are sponsored or approved by the occupant agencies; and
- (f) Commercial activities sponsored by recognized Federal employee associations and on-site child care centers.

Posting and Distributing Materials (41 CFR 102-74.415). All persons entering in or on Federal property are prohibited from:

- (a) Distributing free samples of tobacco products in or around Federal buildings, as mandated by Section 636 of Public Law 104-52;
- (b) Posting or affixing materials, such as pamphlets, handbills, or flyers, on bulletin boards or elsewhere on GSA-controlled property, except as authorized in Sec. 102-74.410, or when these displays are conducted as part of authorized Government activities; and
- (c) Distributing materials, such as pamphlets, handbills or flyers, unless conducted as part of authorized Government activities. This prohibition does not apply to public areas of the property as defined in Sec. 102-71.20 of this chapter. However, any person or organization proposing to distribute materials in a public area under this section must first obtain a permit from the building manager as specified in subpart D of this part. Any such person or organization must distribute materials only in accordance with the provisions of subpart D of this part. Failure to comply with those provisions is a violation of these regulations.

Photographs for News, Advertising, or Commercial Purposes (41 CFR 102-74.420). Except where security regulations, rules, orders, or directives apply or a Federal court order or rule prohibits it, persons entering in or on Federal property may take photographs of:

- (a) Space occupied by a tenant agency for non-commercial purposes only with the permission of the occupying agency concerned;
- (b) Space occupied by a tenant agency for commercial purposes only with written permission of an authorized official of the occupying agency concerned; and
- (c) Building entrances, lobbies, foyers, corridors, or auditoriums for news purposes.

Dogs and Other Animals (41 CFR 102-74.425). No person may bring dogs or other animals on Federal property for other than official purposes. However, a disabled person may bring

a seeing-eye dog, a guide dog, or other animal assisting or being trained to assist that individual.

Breastfeeding (41 CFR 102-74.426). Public Law 108-199, Section 629, Division F, Title VI (January 23, 2004), provides that a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

Vehicular and Pedestrian Traffic (41 CFR 102-74.430). All vehicle drivers entering or while on Federal property:

- (a) Must drive in a careful and safe manner at all times;
- (b) Must comply with the signals and directions of Federal police officers or other authorized individuals;
- (c) Must comply with all posted traffic signs;
- (d) Must comply with any additional posted traffic directives approved by the GSA Regional Administrator, which will have the same force and effect as these regulations;
- (e) Are prohibited from blocking entrances, driveways, walks, loading platforms, or fire hydrants; and
- (f) Are prohibited from parking on Federal property without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, are subject to removal at the owner's risk and expense. Federal agencies may take as proof that a motor vehicle was parked in violation of these regulations or directives as prima facie evidence that the registered owner was responsible for the violation.

Explosives (41 CFR 102-74.435). No person entering or while on Federal property may carry or possess explosives, or items intended to be used to fabricate an explosive or incendiary device, either openly or concealed, except for official purposes.

Weapons (41 CFR 102-74.440). Federal law prohibits the possession of firearms or other dangerous weapons in Federal facilities and Federal court facilities by all persons not specifically authorized by 18 U.S.C. 930. Violators will be subject to fine and/or imprisonment for periods up to five (5) years.

Nondiscrimination (41 CFR 102-74.445). Federal agencies must not discriminate by segregation or otherwise against any person or persons because of race, creed, religion, age, sex, color, disability, or national origin in furnishing or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided on the property.

Penalties (41 CFR 102-74.450). A person found guilty of violating any rule or regulation in this subpart while on any property under the charge and control of GSA shall be fined under title 18 of the United States Code, imprisoned for not more than 30 days, or both.

Impact on Other Laws or Regulations (41 CFR 102-74.455). No rule or regulation in this subpart may be construed to nullify any other Federal laws or regulations or any State and local laws and regulations applicable to any area in which the property is situated (40 U.S.C. 121(c)).

WARNING WEAPONS PROHIBITED

Federal law prohibits the possession of firearms or other dangerous weapons in Federal facilities and Federal court facilities by all persons not specifically authorized by Title 18, United States Code, Section 930. Violators will be subject to fine and/or imprisonment for periods up to five (5) years.