**Regulatory Authority and Policy**

Pursuant to Section 7 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.837, a signature ***must not be denied legal effect or enforceability solely because it is in electronic form, and if a law requires a signature, an electronic signature satisfies the law.***

DTMB currently accepts electronic signatures through Adobe, Onespan, signing and scanning documents, and the use of /s/ on a signature line. BSBP defaults to the SOM acceptance of the use of /s/ on a signature line in periods of emergency or other disasters where obtaining a physical signature may not be practical and the means for obtaining electronic signatures via other means is not feasible for whatever reason.

“S-signatures” have been accepted by the United State Patent and Trademark Office (USPTO) for several years now. An S-signature is an electronic signature between forward slashes and includes any signature made by non-handwritten means (i.e. electronic or mechanical).  See [MPEP 502.02](http://www.uspto.gov/web/offices/pac/mpep/documents/0500_502_02.htm) and [37 CFR 1.4(d)(2)](http://www.uspto.gov/web/offices/pac/mpep/documents/appxr_1_4.htm). This type of signature was part of the changes made in the USPTO to support the implementation of its 21st Century Strategic Plan and makes using the USPTO’s EFS-Web far more efficient and secure. There is no one acceptable form of an S-signature.  Rather, so long as the requirements for S-signatures are satisfied, almost any S-signature will be accepted by the USPTO.

37 CFR 1.4(d)(2) sets forth the following four requirements for a valid S-signature:

1. It must consist of only letters and/or Arabic numbers, along with appropriate spaces, commas, periods, apostrophes, or hyphens for punctuation;
2. It must be placed between forward slashes;
3. The person signing must insert his or her own signature; and
4. The name of the person signing must be printed or typed immediately adjacent to the S-signature, and be reasonably specific, so the identity of the signer can be readily recognized. In addition, the S-signature of a registered patent practitioner must be accompanied by a registration number.

This Rule places restrictions on the form of the S-signature.  However, it does not restrict content. Consequently, a wide variety of S-signature formats are acceptable. In fact, the USPTO instructs employees who review S-signatures not to reject or refuse correspondence based on the content of the S-signature so long as it complies with the broad criteria set forth above.

Example:

Respectfully submitted,

/John Smith/
John Smith

**Purpose and Background for this Covid-19 Policy Memo:**

The purpose of this memorandum is to formalize and memorialize the practices that were put in place upon receiving the Department directive to telework and the subsequent “Stay at Home” Emergency Order issued by the Governor.

By way of background, BSBP operations were substantially disrupted by the Covid-19 health emergency. See “Policy Covid-19 Operational Impact” for a chronological listing of operational disruption.

BSBP spending policies require management approvals in various circumstances which are documented by the signature of the responsible management personnel.

1. Internal approvals for authorization of expenditures required various levels of management approval. These approvals were handled by emailing the “approval memo” and management typing “Approved” and management then forwarding to administrative support who would affix an electronic signature of the approver to the memo. The authentication of approval is the email chain retained by the administrative support staff backed up by the emails sitting in the received/sent/deleted folders on the SOM email servers and user accounts. The Covid-19 Emergency **does not** alter this process which is easily performed teleworking.
2. Internal approvals of administrative invoices that required a physical signature and were scanned and attached to a payment request via SIGMA and/or forwarded to the Department for processing of a payment. Covid-19 Emergency does impact this process and this memorandum shall apply to this category of documents
3. Programmatic approvals to authorize services. Covid-19 Emergency does impact this process and this memorandum shall apply to this category of documents.
4. Any other procedure/process/form that required a physical signature. Covid-19 Emergency does impact this process and this memorandum shall apply to this category of documents.

**Covid 19 Response:**

BSBP may use the following in lieu of a “physical” signature effective March 10, 2020 per Governors Executive Order 2020-4 which declared a state of emergency throughout the State of Michigan, and effective for all subsequent COVID-19 state of emergency EO’s or directives.

1. Affixing a PDF/Word image of an approver’s signature to a memo or document.
2. Using the “voting buttons” in Outlook. Note: If this method is used then an image of the results should be included in SIGMA or other systems to memorialize the outcome of the “voting” approvals. Here is an example of a screenshot - 
3. Using /s/ signature
4. Citrix ShareFile electronic signature
5. A printed copy of the signature page mailed to signatories with a return envelope or mailing instructions for return of signed document.

Exceptions: If there is a document that requires a signature or approval in the normal course of business and none of the alternatives for signature/approval methods referenced above can be applied, then the Administrative Services Division Director must be informed to determine a risk assessment related to the absence of a signature or approval method prior to accepting a document without a signature or approval.

**Signature Procedure by Category:**

Category 2

1. Requestor utilizes “voting” buttons in Outlook.
2. Document(s) shall be circulated via email to approver(s) by requestor.
3. Approver(s) shall review the document(s) and use the “voting” buttons in Outlook to indicate approval or rejection of the request.
4. Assuming all approvers have voted favorable and no further work or explanation was required by requestor, a screen shot of the results of voting by the approvers in Outlook shall be used as the source document for approval of invoice, statement, etc.
5. Requestor shall utilize the screen shot for SIGMA or as needed to move the document or transaction to the next required step as appropriate and shall be required to maintain a record of the approval in their outlook folders.

Category 3

For Program specific forms such as Applications/Eligibilities/IPEs/Potentially eligible applications/TC virtual class-program registrations etc.

1. Document(s) shall be circulated via email to approver(s) by requestor.
2. Approver(s) should sign as follows:

**s/** Luke Skywalker **/s/** Darth Vader
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Name: Luke Skywalker **Per:** Authorized Signatory Name: Darth Vader Relationship: Father

1. Approver shall forward back to the requestor.
2. The email chain with “Approved” and /s/ signatures shall be retained consumers electronic case file by requestor and may be used as an attachment for System 7 documentation of signature. Example of attachments could be to IPE’s, applications etc.
3. The Covid 19 exception case note title in system 7 should be used to document the approval process as well as the reason for the need for the exception when obtaining physical, or electronic signatures is not possible. A detailed explanation within the case note as to why the signature cannot be obtained. Manager approval of any extensions for time sensitive documents such as eligibilities and plans as described in the Federal Code of regulations should also be documented within a case note.

/William A. Robinson, III/

William A. Robinson, III, BSBP Director

cc: Supervisors/Managers