

States to initiate a debit to an account, and (2) does not include transactions initiated at an ATM, including cash withdrawals and balance transfers initiated at an ATM.

- H. “Issuer,” as defined in 12 C.F.R. § 235.2(k) as of November 1, 2022, means any Person that authorizes the use of a Debit Card to perform an Electronic Debit Transaction.
- I. “Mastercard Token” means a Payment Token generated by a Token Service Provider owned by, operated by, or affiliated with Mastercard.
- J. “Merchant,” as defined in 12 C.F.R. § 235.2(l) as of November 1, 2022, means any Person that accepts Debit Cards as payment.
- K. “New Debit Product” means a new Mastercard product or service related to the initiation of Electronic Debit Transactions that is materially different from existing Mastercard products or services, and with respect to which, Mastercard must inform Acquirers and Issuers of the new product or service to ensure the completion of Electronic Debit Transactions using that product or service.
- L. “PAN” means the primary account number associated with a Debit Card holder’s account.
- M. “Payment Card Network,” as defined in 12 C.F.R. § 235.2(m) as of November 1, 2022, means an entity that (1) directly or indirectly provides the proprietary services, infrastructure, and software that Route information and data to an Issuer from an Acquirer to conduct the authorization, clearance, and settlement of Electronic Debit Transactions; and (2) a Merchant uses in order to accept as a form of payment a brand of Debit Card or other device that may be used to carry out Electronic Debit Transactions.
- N. “Payment Token” means a substitute credential used in place of a PAN in an Electronic Debit Transaction.
- O. “Person,” as defined in 12 C.F.R. § 235.2(n) as of November 1, 2022, means a natural person or an organization, including a corporation, government agency, estate trust, partnership, proprietorship, cooperative, or association.
- P. “Pilot Program or other Limited Launch” means the offering of a new product or service to a small number of customers for a limited time period for the purpose of determining the viability of a product or service or features/functions of a product or service.
- Q. “Route,” as defined in 12 C.F.R. § 235.2(p) as of November 1, 2022, means to direct and send information and data to an unaffiliated entity or to an affiliated entity acting on behalf of an unaffiliated entity.
- R. “Token Service Provider” means a Person responsible for the issuance and management of Payment Tokens.

II. Injunction

IT IS FURTHER ORDERED that:

A. Upon receiving a request from an Authorized Merchant, Authorized Acquirer, Authorized Competing Payment Card Network, or other Authorized Person in receipt of a Mastercard Token furnished for an Electronic Debit Transaction, Respondent shall make available a PAN for the purposes of routing to any Payment Card Network that is enabled by the Issuer on the Debit Card corresponding to that PAN. For e-commerce, card-not-present Electronic Debit Transactions, Respondent shall do so in the ordinary course, including consistent with the timeliness that Respondent provides PANs in response to requests in card-present transactions using Mastercard Tokens, and without requiring consideration for making the PAN available;

B. Respondent shall take no action that prohibits or inhibits any Person's efforts to serve as a Token Service Provider or provision Payment Tokens on Mastercard-branded Debit Cards;

Provided, however, that the issuance of standards for Payment Tokens shall not by itself be construed to violate this requirement; and

Provided further, however, that any improvement to Mastercard Tokens shall not by itself be construed to violate this requirement; and

C. Respondent shall comply with the requirements of 12 C.F.R. § 235.7(b) and its official commentary, which, as of November 1, 2022, require that Respondent shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any Person that accepts or honors debit cards for payments to direct the routing of Electronic Debit Transactions for processing over any Payment Card Network that may process such transactions.

III. Notice to Affected Persons

IT IS FURTHER ORDERED that Respondent shall, no later than 60 days from the date this Order is issued, publicize this Order by means of an ad hoc Mastercard bulletin to Competing Payment Card Networks, Acquirers, and Issuers, using the language found in Appendix A.

IV. Prior Notice

IT IS FURTHER ORDERED that, for the 5 years following from the date this Order is issued:

A. Respondent shall not, directly or indirectly, through subsidiaries or otherwise, without providing 60-days advance written notice to the Commission, commercially launch (not

including any Pilot Program or other Limited Launch), any New Debit Product that requires Merchants to Route Electronic Debit Transactions only to Mastercard; and

- B. Respondent shall include in the prior notification to the Commission a description with supporting documents of the details of the New Debit Product, how it differs from existing or current products, information relating to its launch schedule, and any other information that Respondent believes will assist the Commission in analyzing the New Debit Product.

V. Compliance Reports

IT IS FURTHER ORDERED that Respondent shall file verified written reports (“compliance reports”) in accordance with the following:

- A. Respondent shall submit:
 - 1. An interim compliance report 60 days after the date this Order is issued, and every 90 days thereafter for a period of one year;
 - 2. Annual compliance reports one year after the date this Order is issued and annually for the next 9 years on the anniversary of that date; and
 - 3. Additional compliance reports as the Commission or its staff may request.
- B. Each compliance report shall contain sufficient information and documentation to enable

authorized to perform this function. If the compliance report is verified by someone

IX. Term

IT IS FURTHER ORDERED that this Order shall terminate 10 years from the date it is issued;

Provided, however, that, if the United States or the Commission files a complaint in federal court alleging a violation of this Order, the Order shall terminate 10 years from the date of the complaint's filing;

Provided further, however, that if such a complaint is dismissed or a federal court rules that Respondent did not violate any provision of the Order, and the dismissal is final

APPENDIX A

Mastercard is required to send you this notice by the FTC's Decision and Order in *In re Mastercard Incorporated.*, C-