

SF-83 SUPPORTING STATEMENT
PAPERWORK REDUCTION ACT - OMB CONTROL NUMBER 0651-0043
Proposed addition to
PATENT AND TRADEMARK FINANCIAL TRANSACTIONS

A. JUSTIFICATION

1. Necessity of Information Collection

Under 35 U.S.C. § 41 and 15 U.S.C. § 1113, the United States Patent and Trademark Office (USPTO) charges fees for processing and other services related to patents, trademarks, and information products. Customers may submit payments to the USPTO by several methods, including credit card, deposit account, electronic funds transfer (EFT), and paper check transactions. The provisions of 35 U.S.C. § 41 and 15 U.S.C. § 1113 are implemented in 37 CFR 1.16-1.28, 2.6-2.7, and 2.206-2.209.

This information collection includes the Credit Card Payment Form (PTO-2038), which provides the public with a convenient way to submit a credit card payment for fees related to a patent, trademark, or information product. Customers may also submit credit card payments via the Electronic Credit Card Payment Form (PTO-2231) when using online systems provided by the USPTO for paying fees related to patents, trademarks, or information products.

Customers may establish a deposit account for making fee payments by completing a Deposit Account Application Form (PTO-2232) and sending the required information, initial deposit, and service fee to the USPTO. Deposit accounts eliminate the need to submit a check, credit card information, or other form of payment for each transaction with the USPTO. As customers use their deposit accounts to make payments, they may deposit funds to replenish their accounts by mailing a check to the USPTO or making a deposit online via EFT using the Electronic Deposit Account Replenishment Form (PTO-2233) available at the USPTO web site.

In addition to credit cards and deposit accounts, customers may also use EFT to make online fee payments to the USPTO. Customers must first establish a user profile with their banking information by submitting the EFT User Profile Form (PTO-2236) through the USPTO web site. Once their profile is created, customers may use their User ID and password to perform EFT transactions.

The USPTO is developing a pilot program that will allow customers to access and manage their financial activity records online. Customers will be able to create a Financial Profile through the USPTO web site by registering a username and password, providing contact information, and specifying the types of notifications and alerts they would like to receive. After establishing a Financial Profile, customers may then add the relevant account information to the profile in order to track their credit card, deposit

account, and EFT transactions with the USPTO. The Financial Profiles are being added to this information collection.

Table 1 provides the specific statutes and regulations authorizing the USPTO to collect the information for Financial Profiles:

Table 1: Information Requirements for Financial Profiles

Requirement	Statute	Rule
Financial Profiles	35 U.S.C. § 41, 15 U.S.C. § 1113	37 CFR 1. 23, 1.25, and 2.206-2.208

2. Needs and Uses

This collection allows the public to pay for patent and trademark fees by credit card, establish and manage USPTO deposit accounts, set up a profile for EFT payments, and request refunds. The USPTO uses this collection to process credit card payments, handle deposit account requests, provide a user account for EFT transactions, and issue refunds.

This collection contains existing forms for credit card payments, deposit account management, EFT profiles, and refund requests. The USPTO is developing Financial Profiles that will allow customers to access and manage their financial activity records online. Customers will be able to create a Financial Profile through the USPTO web site by registering a username and password, providing contact information, and then adding the relevant account information to the profile in order to track their credit card, deposit account, EFT, and paper check transactions with the USPTO. The Financial Profiles are being added to this information collection.

The Information Quality Guidelines from Section 515 of Public Law 106-554, Treasury and General Government Appropriations Act for Fiscal Year 2001, apply to this information collection and comply with all applicable information quality guidelines, i.e. OMB and specific operating unit guidelines.

This proposed collection of information will result in information that will be collected, maintained, and used in a way consistent with all applicable OMB and USPTO Information Quality Guidelines. (See Attachment A, the USPTO Information Quality Guidelines.)

Table 2 outlines how this collection of information is used by the public and the USPTO:

Table 2: Needs and Uses of Information Collected for Financial Profiles

Form and Function	Form #	Needs and Uses
Financial Profiles (Attachment B)	No Form Number	<ul style="list-style-type: none"> Used by the public for online management of their financial transactions with the USPTO. Used by the USPTO to establish a financial profile to store account and transaction information for customers.

3. Use of Information Technology

The agency leverages information technology to support the ability of customers to use online systems provided by the USPTO for paying fees related to patents, trademarks, or information products. This information collection currently includes electronic forms used to make credit card payments, replenish deposit accounts, and establish a user profile for making EFT payments.

After mailing in a Deposit Account Application to set up the account, customers may then use the Electronic Deposit Account Replenishment Form to add funds to the deposit account online through the USPTO web site. Customers wishing to make payments to the USPTO via EFT must complete the online EFT User Profile Form with the required banking information and choose a unique User ID and password, then submit this electronically. After establishing an EFT User Profile, customers can then simply use their User ID and password to make all EFT payments to the USPTO.

The payment portion of these online transactions is handled by an electronic revenue system maintained by the USPTO. The customer uses the web as an interface to the revenue system, which maintains a secure payment server. The online payment system uses Secure Sockets Layer (SSL) technology in order to encrypt the credit card data and transmit it securely over the Internet. The customer is presented with an electronic confirmation receipt after the payment is submitted and may print it out as a record of payment.

The information for Financial Profiles will be collected electronically. Customers with a Financial Profile at the USPTO web site may request to receive notification and alerts. They also may add the relevant account information to their profile in order to track their credit card, deposit account, EFT, and paper check transactions with the USPTO.

In the future, customers will be able to use their Financial Profiles to perform transactions with the USPTO by using their previously stored financial information, eliminating the need to enter a credit card or deposit account number each time a payment is made.

4. Efforts to Identify Duplication

This information is collected only when a customer makes a credit card payment, establishes or maintains a deposit account, sets up a user profile, or requests a refund from the USPTO. This information is not collected elsewhere and does not result in a duplication of effort.

5. Minimizing Burden to Small Entities

The collection does not impose a significant economic burden on small entities or small businesses. The same information is required from every customer and is not available from any other source.

6. Consequences of Less Frequent Collection

This information is collected only when a customer makes a credit card payment, establishes or maintains a deposit account, sets up a user profile, or requests a refund from the USPTO. This information is collected only when a customer makes the relevant transaction with the USPTO and could not be conducted less frequently. If the information were not collected, the USPTO would not be able to accept payments using credit cards, deposit accounts, or EFT and process related requests.

7. Special Circumstances in the Conduct of Information Collection

There are no special circumstances associated with this collection of information.

8. Consultation Outside the Agency

The 60-Day Notice was published in the *Federal Register* on April 10, 2007 (72 Fed. Reg. 17875) (Attachment C). The comment period ended on June 11, 2007. No public comments were received.

The USPTO has long-standing relationships with groups from whom patent application data is collected, such as the American Intellectual Property Law Association (AIPLA), as well as patent bar associations, independent inventor groups, and users of our public facilities. Their views are expressed in regularly scheduled meetings and considered in developing proposals for information collection requirements. There have been no comments or concerns expressed by these or similar organizations concerning the time required to provide the information required under this program.

9. Payment or Gifts to Respondents

This information collection does not involve a payment or gift to any respondent.

10. Assurance of Confidentiality

This collection contains personal information that is subject to the Privacy Act. Personal information associated with deposit accounts and EFT profiles will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. § 552) and the Privacy Act (5 U.S.C. § 552a). The USPTO has published a

corresponding system of records notice entitled "PAT/TM-10 Deposit Accounts and Electronic Funds Transfer Profiles" (71 Fed. Reg. 38387).

The Credit Card Payment Form includes a statement advising the cardholder that if a credit card number is included on any form or document other than the Credit Card Payment Form, the USPTO will not be liable in the event that the credit card number becomes public knowledge. The USPTO originally included this warning statement on the form because patent and trademark applicants may submit fees on forms or documents other than the Credit Card Payment Form. These other forms and documents also contain this warning and directions to use the official Credit Card Payment Form for submitting credit card payment information.

This warning statement is necessary because of the different confidentiality requirements for patents and trademarks. Confidentiality of information concerning patent applications is governed by statute (35 U.S.C. § 122) and regulation (37 CFR 1.14). Upon publication of an application or issuance of a patent, the entire patent application file is available to the public, subject to the provisions for providing only a redacted copy of the file contents. Trademark applications and registrations are also open to public inspection. Confidentiality is not required in the processing of trademark applications.

In order to protect confidentiality, the USPTO will not include the credit card information submitted using the provided credit card payment forms among the patent or trademark records open to public inspection. If a customer supplies credit card information on a form or document (e.g. in correspondence related to a patent or trademark) other than a credit card payment form provided by the USPTO, the credit card information may become part of a patent or trademark file that is open to public inspection. In such cases, the USPTO will not be liable if the credit card information becomes public knowledge.

Credit card and deposit account records are kept under a variety of administrative controls to ensure that the information is kept confidential. Systems are maintained in areas that are only accessible by authorized personnel and in buildings protected by security systems after business hours. The USPTO maintains paper records in lockable file cabinets or in file cabinets in secure areas. Electronic records are stored in secured premises with appropriate measures taken to limit electronic access to authorized personnel who require access for the performance of their official duties.

11. Justification for Sensitive Questions

None of the required information in this collection is considered to be of a sensitive nature.

12. Estimate of Hour and Cost Burden to Respondents

Table 3 calculates the burden hours and costs of this information collection to the public, based on the following factors:

- Respondent Calculation Factors**
 The USPTO estimates that it will receive approximately 1,929,205 responses per year for this collection, including 500 responses per year for Financial Profiles as shown in Table 3 below.
- Burden Hour Calculation Factors**
 The USPTO estimates that it will take the public approximately two to four minutes (0.03 to 0.07 hours) to prepare and submit the existing items in this collection. The USPTO estimates that it will take the public approximately six minutes (0.10 hours) to complete and submit a Financial Profile.
- Cost Burden Calculation Factors**
 The USPTO expects that approximately 75% of the submissions for this information collection will be prepared by fee administrators/coordinators and that 25% of the submissions will be prepared by paraprofessionals. Using those proportions and the estimated rates of \$30 per hour for fee administrators/coordinators and \$90 per hour for paraprofessionals, the USPTO estimates that the average rate for all respondents will be approximately \$45 per hour. This is a fully-loaded hourly rate.

Using this estimated rate of \$45 per hour, the USPTO estimates that the respondent cost burden for submitting the information in this collection will be approximately \$2,617,470 per year, including \$2,250 in respondent cost burden for the Financial Profiles being added to the collection.

Table 3: Burden Hour/Burden Cost to Respondents for Financial Profiles

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
Financial Profiles	0.10	500	50	\$45.00	\$2,250.00
Totals	-----	500	50	-----	\$2,250.00

The USPTO estimates that approximately 54% of the total responses for this collection will be submitted electronically using the Electronic Credit Card Payment Form, Electronic Deposit Account Replenishment Form, the EFT User Profile Form, and the Financial Profiles which customers may access through the USPTO web site.

13. Total Annualized Cost Burden

This collection is currently approved with a total of \$237,168 in annual (non-hour) cost burden in the form of service fees for deposit accounts and returned payments, postage costs for mailing submissions to the USPTO, and recordkeeping costs related to

electronic credit card payments and electronic deposit account replenishments. There are no additional annual costs associated with the Financial Profiles.

The total annual (non-hour) cost burden for this collection in the form of service fees (\$125,780), postage costs (\$27,553), and recordkeeping costs (\$83,835) is estimated to be \$237,168.

14. Annual Cost to the Federal Government

When a customer creates a Financial Profile online through the USPTO web site, the information is processed electronically and the profile established with no staff time required. Therefore, the Financial Profiles will not impact the total government processing cost of this information collection, which is approximately \$5,734,489 per year.

15. Reason for Change in Burden

Summary of Changes Since the Previous Renewal

This collection was previously approved by OMB in February 2006 with a total of 1,928,705 responses and 58,116 burden hours per year. With the addition of 500 responses and 50 hours for the Financial Profiles, the USPTO estimates that the revised burden for this collection will be 1,929,205 responses and 58,166 burden hours per year. **Therefore, this collection takes a burden increase of 50 hours as a program change.**

This information collection is currently approved with a total of \$237,168 in annual (non-hour) costs. The Financial Profiles will not result in any changes to the annual costs for this collection.

Change in Respondent Cost Burden

This collection was previously approved in February 2006 with an estimated respondent cost burden of \$2,498,988. Using the revised rate of \$45 per hour for respondents, the USPTO estimates that the respondent cost burden for submitting the information in this collection will be approximately \$2,617,470 per year, including \$2,250 in respondent cost burden for the Financial Profiles being added to the collection.

16. Project Schedule

The USPTO does not intend to publish this information for statistical use.

17. Display of Expiration Date of OMB Approval

The forms in this information collection will display the OMB Control Number and the expiration date.

18. Exceptions to the Certificate Statement

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.

List of Attachments

- A. The USPTO Information Quality Guidelines
- B. Financial Profiles
- C. 60-Day Notice published in the *Federal Register* on April 10, 2007 (72 Fed. Reg. 17875)