

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
United States Patent and Trademark Office
Fastener Quality Act Insignia Recordal Process
OMB CONTROL NUMBER 0651-0028

The United States Patent and Trademark Office (USPTO) is submitting this change worksheet for the revision of the form included in information collection 0651-0028 Fastener Quality Act Insignia Recordal Process, which was previously approved by OMB on 4/21/2006. This collection includes one form, PTO-1611 Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act, which provides manufacturers with a convenient way to submit a request for the recordal of a fastener insignia or to renew or reactivate an existing Certificate of Recordal. The USPTO uses this collection to maintain the Fastener Insignia Register, which is available to the public.

The USPTO is revising the existing Form PTO-1611 in order to update the design of the form and to include instructions for submitting the completed form by electronic mail. Applications are currently submitted in paper form by mail, facsimile or hand delivery. Improvements to the digital format of the form will enable users to complete the form online and submit it to the USPTO via electronic mail. The USPTO believes that electronic filing of these forms would improve the efficiency in processing, reduce the risks associated with lost documents, and provide filers with a faster method of transmitting the mandatory submissions. Use of a fillable form will also streamline the process of completing the form, as applicants will be able to complete and print the form at the same time rather than printing the empty form to be completed manually. The fastener insignia application and renewal form may be downloaded in portable document format (PDF) from the USPTO website.

The USPTO's Trademark Electronic Application System (TEAS), a very costly system to develop and pilot, has been extremely successful. Over 94% of new trademark applications are filed electronically. As a result, USPTO customers are now accustomed to filing a variety of documents electronically and consider the use of paper forms for their Fastener Quality Act (FQA) filings to be tedious and time consuming. While developing a similar system for FQA filings would not be a cost effective method given the comparatively small number of annual FQA filings versus trademark filings, using a relatively inexpensive method of setting up an electronic mail box to receive electronically completed PDF versions of the FQA form provides numerous advantages.

First, by allowing users to fill the forms out electronically, fewer errors in transcription of the data will be made. Frequently, the USPTO receives forms that were completed by hand, which are often difficult to read. Second, by allowing the completed forms to be sent via electronic mail, there is less likelihood of the form being misrouted or lost in the regular mail. Finally, the current modifications to the form will allow for more efficient development in the future. Use of a fillable form for entering data will enable the USPTO to establish field-specific data capture, which will eventually be used to

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automatically transfer the data to the corresponding database and eliminate the process of manually entering the new applications one at a time. Presently, a clerk must enter each field of data into a database, which repeats work done by the customer and potentially leads to errors.

The revised form does not include any additional information requirements. However, the USPTO is updating the response estimates to reflect the current number of filings for this collection and adjusting the annual (non-hour) costs accordingly.

Change in Burden

The Fastener Quality Act was enacted in 1996, with the majority of manufacturers seeking insignia recordal in 1997 and 1998. The Act also requires holders of certificates of recordal to renew them every five years. Fiscal Year 2007 saw an increase in renewals, since it had been 10 years since many of the initially filed recordals, as well as an increase of new applications for recordal of insignias that had either lapsed or been assigned in the interceding period. Calendar Year 2008 will again be the 10-year renewal point for a number of initial filings.

In addition, the USPTO recently updated the recordal register to deactivate a number of fastener insignia recordals based on trademark applications or registrations because the corresponding applications and registrations had been assigned, abandoned or cancelled. Dead trademark applications and registrations cannot form the basis of a fastener insignia recordal, and once assigned, the new owner of a trademark application or registration must apply for an insignia recordal in their own name. Thus, holders are now likely to reapply for their trademarks and must also reapply for recordal of the fastener insignia based on a new trademark application serial number or registration number.

The information collection 0651-0028 Fastener Quality Act Insignia Recordal Process is currently approved with an estimated burden of 37 responses, 6 hours, and \$863 in annual (non-hour) costs in the form of filing fees and postage costs. Due to expected increases in filings, the USPTO is increasing the estimated responses to 115 and the total burden hours to 20. This estimated increase of 14 burden hours is due to an administrative adjustment.

The estimated increase in annual responses will also result in an increase in estimated fees and postage costs for this collection. There is a \$20 fee for recordal or renewal of fastener insignia and an additional \$20 surcharge for late renewals. The USPTO estimates that of the 115 responses per year, approximately five will be late renewals. Therefore, the USPTO estimates that this collection will have a total of \$2,400 in fees per year. The USPTO also estimates that approximately 75 of the 115 responses per year will be submitted to the USPTO by mail at an average postage cost of 58 cents per response, for a total of \$44 in postage costs for this collection.

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The total annual (non-hour) costs for this collection of \$2,444 is an increase of \$1,581 over the currently approved \$863 in annual costs for this collection. Since the increase in costs is primarily due to the expected increase in filings, this collection will have an increase of \$1,581 in annual (non-hour) costs as an administrative adjustment.

[Note: Due to the limitations of the legacy system that preceded ROCIS, annual cost burdens were previously listed in the inventory as rounded to the nearest \$1,000. Therefore, the previously approved amount of \$863 in annual costs for this collection was rounded to \$1,000 in the current inventory, and this rounded figure was carried over when the legacy data was migrated to ROCIS. Consequently, since the previously approved annual costs are listed in the inventory as \$1,000, the estimated increase to \$2,444 results in an apparent increase of \$1,444 as displayed in ROCIS.]

A sample copy of the proposed revised version of Form PTO-1611 has been included with this submission.