

SF-83 SUPPORTING STATEMENT
UNITED STATES PATENT AND TRADEMARK OFFICE
Applications for Trademark Registration
OMB Control Number 0651-0009

A. JUSTIFICATION

1. Necessity of Information Collection

The United States Patent and Trademark Office (USPTO) administers the Trademark Act, 15 U.S.C. § 1051 et seq., which provides for the Federal registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses who use their marks, or intend to use their marks, in commerce may file an application with the USPTO to register their marks.

Registered marks remain on the register indefinitely so long as the owner of the registration files the necessary maintenance documents. These include the affidavit of use, due between the fifth and sixth year after registration and the combined affidavit of use and renewal application due every ten years after registration (these documents can be found under OMB control number 0651-0055 Post Registration (Trademark)).

The rules implementing the Trademark Act are set forth in 37 CFR Part 2. The Act and rules mandate that each certificate of registration include the mark, the particular goods and/or services for which the mark is registered, the owner's name, dates of use of the mark in commerce, and certain other information. The USPTO also provides similar information to the public concerning pending applications. The registered and pending application information may be accessed by individuals or businesses to determine availability of a mark through the USPTO's website. Accessing and reviewing the USPTO's publicly available database may reduce the possibility of initiating use of a mark previously registered or adopted by another. The Federal trademark registration process may lessen the filing of papers in court and between parties.

Trademarks can be registered on either the Principal or Supplemental Registers. Registrations on the Principal Register confer all of the benefits of registration provided under the Trademark Act. The Supplemental Register is for descriptive marks capable of functioning as a trademark that cannot be registered on the Principal Register. Registrations on the Supplemental Register do not have all of the benefits of marks on the Principal Register. Registrations on the Supplemental Register cannot be transferred to the Principal Register, but owners of registrations on the Supplemental Register may apply for registration of their marks on the Principal Register.

The information in this collection can be submitted in paper format or electronically through the Trademark Electronic Application System (TEAS). Applicants who choose to file electronically rather than filing on paper pay a reduced filing fee. Applicants who

file their applications through TEAS Plus must agree to provide a complete application at filing, in addition to certain other conditions, such as responding to Office actions within two months of the mailing date, filing communications regarding the application through TEAS, and agreeing to receive communications concerning the application by electronic mail (e-mail). In return for agreeing to these conditions, TEAS Plus applicants pay a further reduced filing fee. TEAS Plus applications are only available for the trademark/service mark applications. There are no TEAS Plus application forms available for certification marks, collective marks, collective membership marks, or applications for registration on the supplemental register at this time.

This collection contains three paper forms and six electronic forms. The information in this collection is available to the public.

Table 1 identifies the statutes and rules that permit the USPTO to collect the information needed to process trademark registration applications.

Table 1: Information Requirements for Trademark Registration Applications

Requirement	Statute	Rule
Registration of various use-based and intent to use trademark/service mark applications, paper and electronic	15 U.S.C. §§ 1051-1054, 1061-1062, 1091, 1094-1095, and 1126	37 CFR Part 2, 2.32, 2.34-2.38, 2.41-2.47, 2.51-2.54, 2.56, and 2.86
Registration of various trademark/service mark under §§ 44(d) and (e), paper and electronic	15 U.S.C. § 1126(d) and (e)	37 CFR Part 2, 2.32, 2.34-2.38, 2.45, 2.52, 2.56, 2.59 and 2.86
TEAS Plus registrations of various use-based, intent to use, and trademarks/service marks under §§ 44(d) and (e)	15 U.S.C. §§ 1051-1054, 1061-1062, 1091, 1094-1095, and 1126(d) and (e) 35 U.S.C. § 41	37 CFR Part 2, 2.22, 2.32, 2.34-2.38, 2.41-2.47, 2.51-2.54, 2.56, and 2.86

2. Needs and Uses

The information in this collection is a matter of public record and is used by the public for a variety of private business purposes related to establishing and enforcing trademark rights. The information is available at USPTO facilities and can also be accessed at the USPTO's website. Additionally, the USPTO provides the information to other entities, including Patent and Trademark Depository Libraries (PTDLs). The PTDLs maintain the information for use by the public.

There are paper and electronic forms associated with these requirements. The USPTO also provides some additional electronic forms through TEAS that permit applicants to submit multiple applications and to apply for the registration of a mark on the Supplemental Register. The separate form for registration of a mark on the Supplemental Register is only available in electronic format; applicants who file applications for supplemental registration on paper use the basic application form. Applicants who choose to submit their applications electronically must use the TEAS forms.

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.*, the 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 Ref. A, the *USPTO Information Quality Guidelines*.)

Table 2 lists the information identified in this collection and explains how this information is used by the public and by the USPTO:

Table 2: Needs and Uses of Information Collected for Trademark Registration Applications

Form and Function	Form #	Needs and Uses
Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application (Ref B)	PTO Form 1478, 1478(a), 4.8 and 4.9	<ul style="list-style-type: none"> • Used by the public to apply for registration of trademarks/service marks, collective membership marks, and certification marks that identify goods and/or services classified in single or multiple classes. • Used by the public to apply to obtain concurrent registrations. • Used by the USPTO to determine whether marks may be registered.
TEAS Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service mark Application - Collective Membership Mark - Certification Mark Application (Ref C)	PTO Form 1478, 1478(a), 4.8, and 4.9	<ul style="list-style-type: none"> • Used by the public to complete and electronically submit applications for registration of trademarks/service marks, collective membership marks, and certification marks that identify goods and/or services classified in single or multiple classes. • Used by the public to complete and electronically submit applications to obtain concurrent registrations. • Used by the USPTO to receive and process electronically filed applications for registrations of trademarks/service marks. • Used by the USPTO to determine whether marks may be registered.
TEAS Plus Use-Based Trademark/Service Mark Application (Ref D)	PTO Form 1478	<ul style="list-style-type: none"> • Used by the public to complete and electronically submit applications for registration of trademarks/service marks for a reduced filing fee. • Used by the USPTO to determine whether marks may be registered.
Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application (Ref E)	PTO Form 1478, 1478(a), 4.8, and 4.9	<ul style="list-style-type: none"> • Used by the public to apply for registration of trademarks/service marks, collective membership marks, and certification marks that identify goods and/or services classified in single or multiple classes. • Used by the public to apply to obtain concurrent registrations. • Used by the USPTO to determine whether marks may be registered.
TEAS Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application (Ref F)	PTO Form 1478, 1478(a), 4.8, and 4.9	<ul style="list-style-type: none"> • Used by the public to complete and electronically submit applications for registration of trademarks/service marks, collective membership marks, and certification marks that identify goods and/or services classified in single or multiple classes. • Used by the public to complete and electronically submit applications for concurrent use registrations. • Used by the USPTO to receive and process electronically filed applications for registrations of trademarks/service marks. • Used by the USPTO to determine whether marks may be registered.

TEAS Plus Intent to Use Trademark/Service Mark Application (Ref G)	PTO Form 1478	<ul style="list-style-type: none"> Used by the public to complete and electronically submit applications for registration of trademarks/service marks for a reduced filing fee. Used by the USPTO to determine whether marks may be registered.
Application for Registration of Trademark/Service Mark under §§ 44(d) and (e), including: <ul style="list-style-type: none"> - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application (Ref H) 	PTO Form 1478, 1478(a), 4.8, and 4.9	<ul style="list-style-type: none"> Used by the public to apply for registrations based upon foreign registrations of a mark. Used by the USPTO to process applications for registration of a mark based upon earlier-filed foreign applications or a foreign registration, and to determine whether the marks may be registered.
TEAS Application for Registration of Trademark/Service Mark under §§ 44 (d) and (e), including: <ul style="list-style-type: none"> - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application (Ref I) 	PTO Form 1478, 1478(a), 4.8, and 4.9	<ul style="list-style-type: none"> Used by the public to complete and electronically submit applications for registrations based upon foreign registrations of a mark. Used by the USPTO to receive and process electronically filed applications for registration of marks based upon earlier filed foreign applications or a foreign registration, and to determine whether the marks may be registered.
TEAS Plus Application for Registration of Trademark/Service Mark under §§ 44(d) and (e) (Ref J)	PTO Form 1478	<ul style="list-style-type: none"> Used by the public to complete and electronically submit applications for registration of trademarks/service marks for a reduced filing fee. Used by the USPTO to determine whether the marks may be registered.

3. Use of Information Technology

The Trademark Electronic Application System (TEAS) allows filers to submit most trademark papers electronically, via the Internet. The TEAS forms are completed online and transmitted electronically. TEAS is an interactive, web-based system that anyone, regardless of experience, can use to file a trademark application. It improves the efficiency of the application process and lessens the processing time.

The TEAS forms include online help instructions, as well as a “Form Wizard” that tailors the form to the particular characteristics of the applicant and the mark in question, based on responses provided by the user to questions posed by the “Wizard.” Payment of the fees for the applications, petitions, requests, and other associated papers transmitted electronically through TEAS is made by credit card, by an authorization to charge a USPTO deposit account, or by electronic funds transfer. The system also permits users who make multiple submissions to create multiple forms, each of which includes the elements that do not vary from form to form.

The TEAS forms can be signed by hand, with the signature page scanned into the system or by an electronic signature using a combination of alphanumeric characters that the user selects and types between two forward slashes. The forms are received at the USPTO within seconds after transmission, and a confirmation of filing is immediately issued via e-mail to the user.

In addition to providing a system that allows the electronic transmission of trademark submissions, the USPTO also provides the public with online access to various trademark records.

One such online product is the Trademark Electronic Search System (TESS), a web-based record of registered marks and marks in pending applications for registration. TESS can be used by potential applicants for trademark registration to assist in the determination of whether or not a particular mark may be available. The data in TESS is identical to the data reviewed by examining attorneys at the USPTO in their determination of whether marks for which registration is sought are confusingly similar to marks in existing registrations or to marks in pending applications for registration. TESS allows the user to choose from four different search tools, is updated daily, and is easy to use.

Another online record system provided by the USPTO is the Trademark Application and Registration Retrieval (TARR) system. TARR provides users with information regarding the status of trademark applications and registrations. The data in the TARR system is updated daily.

These systems are all accessible through the Trademark Electronic Business Center (TEBC), which in turn is accessed through the USPTO website. Thus, the USPTO offers a single source that provides a variety of systems useful both for making submissions to the USPTO and for tracking the status of these submissions. The TEBC also provides online descriptions of these systems and the systems feature online "help" programs.

The USPTO maintains an online image database called Trademark Document Retrieval (TDR). TDR features images of each of the documents that make up the "electronic file wrapper" of particular trademark applications or registrations. Currently, images of virtually all pending trademark applications are present in TDR, and TDR also features images of many trademark registration files. Over time, the USPTO will upload images of the files of all live trademark registrations into TDR. The public accesses TDR by clicking on a link entitled "view documents" that appears on the USPTO home page.

The USPTO also maintains the Trademark Reporting and Monitoring (TRAM) System. This system is an internal USPTO database only and provides support to all facets of Trademark operations. TRAM supports Trademark operations from the receipt of a new application in the USPTO, through processing and examination of the application, and into the post-registration activities required to maintain registered trademarks. Bibliographic data in TRAM for pending applications and active registrations is updated on a real time basis. The TRAM System maintains current location and status information on applications and registrations, enabling the USPTO to promptly determine the status of any file and to locate files. Data is received in an electronic format that permits expedited transfer to TRAM, thereby reducing processing steps and improving the reliability and quality of the data that is transferred.

Please note that electronic forms can only be submitted via TEAS; filers may not e-mail their own forms to the USPTO. Additionally, filers who submit drawings of marks that are not “typed” drawings must attach digitized images of these drawings to their submissions.

4. Efforts to Identify Duplication

This collection does not solicit any data already available at the USPTO. This collection does not create a duplication of effort.

5. Minimizing the Burden to Small Entities

Since registration of a trademark/service mark is a voluntary activity on the part of the public, the USPTO has not collected data to determine if the collection of information impacts small businesses or other small entities.

6. Consequences of Less Frequent Collection

Less frequent collection of this information is not possible, since the information is collected only when voluntarily submitted by the public. Failure to collect this information would leave trademark owners without the measure of certainty which a Federal registration can provide and the public would not have access to a Federal register of trademarks. The information could not be collected less frequently. If the collection of information were not conducted, the USPTO could not comply with the requirements of the Trademark Act, 15 U.S.C. § 1051 and 37 CFR Part 2.

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 Federal Register Notice was published on March 12, 2008 (73 Fed Reg. 49). The public comment period ended on May 12, 2008. The USPTO received no public comments in response to the Notice.

Large and well-organized bar associations frequently communicate their views to the USPTO. Also, the Trademark Public Advisory Committee (T-PAC) was created by the American Inventors Protection Act of 1999 to advise the Director of the USPTO on the agency’s operations, including its goals, performance, budget, and user fees. The T-PAC includes nine voting members who are appointed by and serve at the pleasure of the Secretary of Commerce. The statute also provides non-voting membership on the Committee for the agency’s three recognized unions. Members include inventors, lawyers, corporate executives, entrepreneurs, and academicians with significant experience in management, finance, science, technology, labor relations, and intellectual property issues. The members of the T-PAC reflect the broad array of

USPTO's stakeholders and embrace the USPTO's e-government initiative. This diversity of interests is an effective tool in helping the USPTO nurture and protect the intellectual property that is the underpinning of America's strong economy.

9. Payment or Gifts to Respondents

This information collection does not involve a payment or gift to any respondent. Response to this information collection is necessary for registration of a trademark or service mark.

10. Assurance of Confidentiality

Trademark applications are open to public inspection. Confidentiality is not required in the processing of trademark applications.

11. Justification for Sensitive Questions

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

12. Estimate of Hour and Cost Burden to Respondents

Table 3 calculates the anticipated 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 291,859 responses annually (including the trademark/service mark applications, collective trademark/service mark applications, collective membership mark applications, and certification mark applications), with 279,692 filed electronically.
- **Burden Hour Calculation Factors**
The USPTO estimates that it takes the public approximately 15 minutes (0.25 hours) to 23 minutes (0.38 hours) to complete this information, depending on the application. This includes the time to gather the necessary information, prepare the applications, and submit the completed request to the USPTO. The time estimates shown for the electronic forms in this collection are based on the average amount of time needed to complete and electronically file the associated form.
- **Cost Burden Calculation Factors**
The USPTO believes that associate attorneys will complete these applications. The professional hourly rate for associate attorneys in private firms is \$310. This rate is the median rate for associate attorneys in private firms that was published in the 2007 report of the Committee on Economics of Legal Practice of the American Intellectual Property Law Association. This report summarizes the results of a survey with data on hourly billing rates. These are fully loaded hourly rates.

Table 3: Burden Hour/Burden Cost to Respondents

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	0.38	5,889	2,238	\$310.00	\$693,780.00
TEAS Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	0.35	58,378	20,432	\$310.00	\$6,333,920.00
TEAS Plus Use-Based Trademark/Service Mark Application	0.35	37,260	13,041	\$310.00	\$4,042,710.00
Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	0.28	5,466	1,530	\$310.00	\$474,300.00
TEAS Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	0.25	117,014	29,254	\$310.00	\$9,068,740.00
TEAS Plus Intent to Use Trademark/Service Mark Application	0.25	48,514	12,129	\$310.00	\$3,759,990.00
Application for Registration of Trademark/Service Mark under §§ 44(d) and (e), including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	0.33	812	268	\$310.00	\$83,080.00
TEAS Application for Registration of Trademark/Service Mark under §§ 44(d) and (e), including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	0.32	12,396	3,967	\$310.00	\$1,229,770.00
TEAS Plus Application for Registration of Trademark/Service Mark under §§ 44(d) and (e)	0.32	6,130	1,962	\$310.00	\$608,220.00
Total	- - - -	291,859	84,821	- - - -	\$26,294,510.00

13. Total Annualized Cost Burden

There are no capital start-up, operating, maintenance, or recordkeeping costs associated with this collection. This collection does, however, have postage costs, as well as filing and processing fees.

Applicants incur postage costs when submitting the non-electronic information to the USPTO by mail through the United States Postal Service. The USPTO estimates that the majority (98%) of the paper forms are submitted to the USPTO via first class mail. Out of 12,167 paper forms, the USPTO estimates that 11,924 forms will be mailed, with a first class postage cost of 42 cents. Therefore, the USPTO estimates that the postage costs for this collection will be \$5,008.

Table 4 calculates the postage costs for the use-based and intent to use trademark applications and the applications for the registration of trademarks filed under §§ 44(d) and (e).

Table 4: Postage Costs for the Applications for Trademark Registration

Item	Responses (yr) (a)	Postage Costs (b)	Total Cost (yr) (a) x (b)
Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	5,771	\$0.42	\$2,424.00
Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	5,357	\$0.42	\$2,250.00
Application for Registration of Trademark/Service Mark under §§ 44(d) and (e), including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	796	\$0.42	\$334.00
Total	11,924	-----	\$5,008.00

There is also annual non-hour cost burden in the way of filing fees associated with this collection. Applicants who choose to file their applications electronically instead of submitting them in paper pay a reduced filing fee. Those who choose to file TEAS Plus applications pay a further reduced fee. The filing fees for the applications are based per class of goods and services, therefore the total filing fees can vary depending on the number of classes. The total filing fees of \$90,867,325 shown here are the minimum fees associated with this information collection.

Table 5 calculates the filing fees associated with the applications for trademark registration:

Table 5: Filing Fees – Non-hour Cost Burden for the Applications for Trademark Registration

Item	Responses (yr) (a)	Filing fee* (\$) (b)	Total Non-Hour Cost Burden (yr) (a) x (b) (c)
Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	5,889	\$375.00	\$2,208,375.00
TEAS Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	58,378	\$325.00	\$18,972,850.00
TEAS Plus Use-Based Trademark/Service Mark Application	37,260	\$275.00	\$10,246,500.00
Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	5,466	\$375.00	\$2,049,750.00
TEAS Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	117,014	\$325.00	\$38,029,550.00
TEAS Plus Intent to Use Trademark/Service Mark Application	48,514	\$275.00	\$13,341,350.00
Application for Registration of Trademark/Service Mark under §§ 44(d) and (e), including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	812	\$375.00	\$304,500.00
TEAS Application for Registration of Trademark/Service Mark under §§ 44(d) and (e), including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	12,396	\$325.00	\$4,028,700.00
TEAS Plus Application for Registration of Trademark/Service Mark under §§ 44(d) and (e)	6,130	\$275.00	\$1,685,750.00
Total	291,859	- - - -	\$90,867,325.00

**NOTE: All filing fees are based on per class filing.*

In addition, the USPTO charges a processing fee of \$50 to process applications that were originally filed as TEAS Plus applications, but which failed to meet the requirements. The USPTO estimates that out of the 91,904 TEAS Plus use-based, intent to use, and 44(d) and (e) applications filed, 3,562 will be subject to the processing fee. The processing fees are based on per class of goods and services, so the total processing fee can vary depending on the number of classes. The total processing fees

shown here are the minimum fees associated with this information collection. Therefore, the USPTO estimates that at a minimum, the processing fees will add \$178,100 to the filing fees estimated above.

Table 6 calculates the processing fees that can be incurred for TEAS Plus applications that do not meet the requirements:

Table 6: Processing Fees – Non-hour Cost Burden for the Applications for Trademark Registration

Item	Responses (yr) (a)	Processing Fee* (\$) (b)	Total Non-Hour Cost Burden (yr) (a) x (b) (c)
TEAS Plus Use-Based Applications That Do Not Meet TEAS Plus Requirements	1,880	\$50.00	\$94,000.00
TEAS Plus Intent- to- Use Applications That Do Not Meet TEAS Plus Requirements	1,444	\$50.00	\$72,200.00
TEAS Plus Applications for Registrations of a Trademark/Service Mark under §§ 44(d) and (e) That Do Not Meet TEAS Plus Requirements	238	\$50.00	\$11,900.00
Total	3,562	-----	\$178,100.00

**NOTE: All processing fees are based on per class filing.*

The USPTO estimates that the total non-hour cost burden associated with the filing and processing fees for this collection will be \$91,045,425.

Therefore, the USPTO estimates that the total annual (non-hour) cost burden for this collection, in the form of postage costs and filing and processing fees is \$91,050,433 per year.

14. Annual Cost to the Federal Government

The USPTO estimates that it takes the combined efforts of a GS-5, step 5 and a GS-7, step 5 employee 14 minutes to process the use-based and intent to use trademark/service marks applications and the applications for registration of trademarks/service marks under §§ 44(d) and (e) if they are submitted in paper. In the case of the electronically-filed applications, the USPTO estimates that it takes 5 minutes to process the regular TEAS applications and 4 minutes to process the proposed TEAS Plus applications.

The current hourly rate for a GS-5, step 5 is \$17.24, while the current hourly rate for a GS-7, step 5 is \$21.36. The combined efforts of a GS-5, step 5 and a GS-7, step 5 results in an average hourly rate of \$19.30 for processing these applications. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the combined cost per hour for a GS-5, step 5 and a GS-7, step 5 is \$19.30 + \$5.79, for a rate of \$25.09.

Table 6 calculates the processing hours and costs of this information collection to the Federal Government:

Table 6: Burden Hour/Burden Cost to the Federal Government

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	0.23	5,889	1,354	\$25.09	\$33,972.00
TEAS Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	0.08	58,378	4,670	\$25.09	\$117,170.00
TEAS Plus Use-Based Trademark/Service Mark Application	0.07	37,260	2,608	\$25.09	\$65,435.00
Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	0.23	5,466	1,257	\$25.09	\$31,538.00
TEAS Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	0.08	117,014	9,361	\$25.09	\$234,867.00
TEAS Plus Intent to Use Trademark/Service Mark Application	0.07	48,514	3,396	\$25.09	\$85,206.00
Application for Registration of Trademark/Service Mark under §§ 44(d) and (e), including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	0.23	812	187	\$25.09	\$4,692.00
TEAS Application for Registration of Trademark/Service Mark under §§ 44(d) and (e), including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark - Certification Mark Application	0.08	12,396	992	\$25.09	\$24,889.00
TEAS Plus Application for Registration of Trademark/Service Mark under §§ 44(d) and (e)	0.07	6,130	429	\$25.09	\$10,764.00
Total	- - - - -	291,859	24,254	- - - - -	\$608,533.00

15. Reason for Change in Burden

Summary of Changes Since the Previous Renewal

The OMB approved the renewal for this information collection on September 15, 2005, with 253,801 responses, 74,593 burden hours, and \$82,377,256 in annualized (non-hour) costs.

With this renewal, the USPTO estimates that the total burden and annualized (non-hour) costs for this collection will be 291,859 responses, 84,821 burden hours, and \$91,050,433 in annualized costs, which is an increase of 38,058 responses, 10,228 burden hours, and \$8,673,177 in annualized costs over the currently approved burden for this collection. The increases in the responses, burden hours, annualized (non-hour) costs are due to administrative adjustments.

Changes in Burden Estimates Since the 60-Day Federal Register Notice

In the 60-Day Federal Register Notice published on March 12, 2008, the USPTO estimated that the renewal of this collection would have postage costs of \$4,888 and a total annual respondent cost burden of \$25,785,584 per year.

On May 12, 2008 the United States Postal Service increase the postage rates for first class mail from 41 cents to 42 cents. The USPTO now estimates that the postage costs for this collection will be \$5,008 as a result. This is an increase of \$120 over the postage costs reported in the Notice.

At the time of publication, the USPTO used an hourly rate of \$304 to determine the annual respondent cost burden for the associate attorneys. The USPTO has since discovered a newer rate of \$310, as reported in the 2007 report of the Committee on Economics of Legal Practice of the American Intellectual Property Law Association. This has increased the respondent cost burden by \$508,926, from \$25,785,584 as reported in the Notice to \$26,294,510 as estimated in the current submission.

Changes in Respondent Cost Burden

The annual respondent cost burden has increased since the last renewal, due to an increased number of submissions and an increase in the hourly rate for associate attorneys. As in the last renewal, the USPTO still believes that associate attorneys are most likely to complete the trademark applications. In the previous renewal, the hourly rate for associate attorneys was \$286, as reported in the 2003 report of the Committee on Economics of Legal Practice of the American Intellectual Property Law Association. For this submission, the USPTO is using an hourly rate of \$310 as reported in the 2007 report. The USPTO estimates that the annual respondent cost burden will increase by \$4,958,912, from \$21,335,598 from the previous renewal to \$26,294,510 in this submission.

Changes in Responses and Burden Hours

The USPTO estimates that the number of responses submitted annually for this collection will increase by 38,058, from 253,801 to 291,859 responses. Consequently, the USPTO estimates that the total burden hours for this collection will increase by 10,228 hours, from 74,593 to 84,821 burden hours per year. These changes are due to administrative adjustments, as follows:

- The USPTO believes that the total number of use-based trademark/service mark applications submitted will increase during this renewal period. The USPTO estimates that the majority of these applications will be submitted electronically through TEAS, with fewer applications submitted in paper. The USPTO believes that the total number of applications will increase by 15,959 responses, from 85,568 to 101,527 responses per year. As a result, the USPTO estimates that the total burden for this collection will increase by 5,249 hours, from 30,462 to 35,711 burden hours per year. **Therefore, this collection takes a burden increase of 5,249 hours as an administrative adjustment.**
- The USPTO believes that the total number of intent to use trademark/service mark applications submitted will increase during this renewal period. The USPTO estimates that the majority of these applications will be submitted electronically through TEAS, with fewer applications submitted in paper. The USPTO believes that the total number of applications will increase by 18,871 responses, from 152,123 to 170,994 responses per year. As a result, the USPTO estimates that the total burden for this collection will increase by 3,970 hours, from 38,943 to 42,913 burden hours per year. **Therefore, this collection takes a burden increase of 3,970 as an administrative adjustment.**
- The USPTO believes that the total application for registration of trademark/service mark under §§44(d) and (e) submitted will increase during this renewal period. The USPTO estimates that the majority of these applications will be submitted electronically through TEAS, with fewer applications submitted in paper. The USPTO believes that the total number of applications will increase by 3,228 responses, from 16,110 to 19,338 responses per year. As a result, the USPTO estimates that the total burden for this collection will increase by 1,009 hours, from 5,188 to 6,197 burden hours per year. **Therefore, this collection takes a burden increase of 1,009 hours as an administrative adjustment.**

The USPTO estimates that a net total of 10,228 burden hours will be added to this collection, from 74,593 to 84,821 burden hours per year. The USPTO believes that these increases are all due to administrative adjustments. **In sum, this information collection has a net burden increase of 10,228 hours per year due to administrative adjustments.**

Changes in Annual (Non-Hour) Costs

For this renewal, the USPTO estimates that the annual (non-hour) costs for this collection will increase by \$8,673,177, from \$82,377,256 to \$91,050,433 per year. This change is due to administrative adjustments, as follows:

- The USPTO estimates that the postage costs for this collection will decrease from \$18,781 to \$5,008, for a reduction of \$13,773 per year. This reduction is due to the steady decrease in the number of paper applications that are being mailed per year. These decreases are offset the yearly increases in the postage rates. **Therefore, this collection has a reduction of \$13,773 in annual (non-hour) postage costs due to an administrative adjustment.**
- The USPTO estimates that the total filing fee costs for all of the use-based trademark/service mark applications will increase by \$4,045,925, from \$27,381,800 to \$31,427,725 per year. This increase is due to the steadily increasing numbers of applications that are being submitted through TEAS, at fees of \$325 and \$275. These increases offset the reduction in the filing fees resulting from the decreasing numbers of paper applications that are being filed per year, at a fee of \$375. The USPTO estimates that the paper filings of these applications will decrease by 11,225 responses, from 17,114 to 5,889 responses per year. In turn, this will reduce the filing fees for the paper filings by \$4,209,375, from \$6,417,750 to \$2,208,375 per year. In comparison, the USPTO estimates that TEAS filings of these applications will increase by 27,184 responses, from 68,454 to 95,638 responses per year. This will increase the filing fees for the TEAS applications by \$8,255,300, from \$20,964,050 to \$29,219,350 per year. **Therefore, this collection has an increase of \$4,045,925 in annual (non-hour) filing fee costs due to an administrative adjustment.**
- The USPTO estimates that the total filing fee costs for all of the intent to use trademark/service mark applications will increase by \$4,741,275, from \$48,679,375 to \$53,420,650 per year. This increase is due to the steadily increasing numbers of applications that are being submitted through TEAS, at fees of \$325 and \$275. These increases offset the reduction in the filing fees resulting from the decreasing numbers of paper applications that are being filed per year, at a fee of \$375. The USPTO estimates that the paper filings of these applications will decrease by 24,959 responses, from 30,425 to 5,466 responses per year. In turn, this will reduce the filing fees for the paper filings by \$9,359,625 from \$11,409,375 to \$2,049,750 per year. In comparison, the USPTO estimates that TEAS filings of these applications will increase by 43,830 responses, from 121,698 to 165,528 responses per year. This will increase the filing fees for the TEAS applications by \$14,100,900, from \$37,270,000 to \$51,370,900 per year. **Therefore, this collection has an increase of \$4,741,275 in annual (non-hour) filing fee costs due to an administrative adjustment.**

- The USPTO estimates that the total filing fee costs for all of the applications for registrations of trademark/service marks under §§44(d) and (e) will increase by \$863,750, from \$5,155,200 to \$6,018,950 per year. This increase is due to the steadily increasing numbers of applications that are being submitted through TEAS, at fees of \$325 and \$275. These increases offset the reduction in the filing fees resulting from the decreasing numbers of paper applications that are being filed per year, at a fee of \$375. The USPTO estimates that the paper filings of these applications will decrease by 2,410 responses, from 3,222 to 812 responses per year. In turn, this will reduce the filing fees for the paper filings by \$903,750, from \$1,208,250 to \$304,500 per year. In comparison, the USPTO estimates that TEAS filings of these applications will increase by 5,638 responses, from 12,888 to 18,526 responses per year. This will increase the filing fees for the TEAS applications by \$1,767,500, from \$3,946,950 to \$5,714,450 per year. **Therefore, this collection has an increase of \$863,750 in annual (non-hour) filing fee costs due to an administrative adjustment.**
- The USPTO believes that the processing costs for processing applications that were originally filed as TEAS Plus applications, but which failed to meet the requirements, will decrease with this renewal. The USPTO charges \$50 for those TEAS Plus applications that did not meet all of the requirements. The USPTO originally estimated that an average of 22,842 TEAS Plus applications would require this new processing fee. Now that the processing fee has been in use, the USPTO has more data on the number of TEAS Plus applications that require the processing fee. The USPTO now estimates that an average of 3,562 TEAS Plus applications will require the processing fee. Based on this readjusted estimate, the USPTO estimates that the total processing fees for this collection will decrease by \$964,000, from \$1,142,100 to \$178,100 per year. **Therefore, this collection has a decrease of \$964,000 in annual (non-hour) processing fee costs due to an administrative adjustment.**

The USPTO estimates that the annual (non-hour) costs for this collection will increase by \$8,673,177, from \$82,377,256 to \$91,050,433 per year. The USPTO estimates that \$9,650,950 will be added to this collection as a result of administrative adjustments. The USPTO also believes that \$977,773 will be reduced from this collection as a result of an administrative adjustment. This reduction, however, is offset by the increases. **In sum, this information collection has a net total increase of \$8,673,177 in the annual (non-hour) costs as a result of administrative adjustments.**

[Note: The previously approved estimate of \$82,377,256 in annual costs for this collection is listed as \$82,377,000 in the current inventory system. The \$256 difference is due to rounding the estimate to the nearest thousands in order to accommodate the legacy inventory system. This rounded figure was carried over when the legacy data was migrated to the current inventory system. Consequently, the annual cost burden increase of \$8,673,177 for this collection that is due to administrative adjustments is displayed as an increase of \$8,673,433 in the current inventory system in order to

compensate for the previously rounded figure and to result in the new annual cost burden of \$91,050,433 for this collection as described above.]

16. Project Schedule

There is no plan 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 date on which the OMB's approval of this information collection expires.

18. Exception to the Certificate Statement

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

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.

LIST OF REFERENCES

- A. USPTO Information Quality Guidelines
- B. Use-Based Trademark/Service Mark Application, including Trademark/Service Mark Application, Collective Trademark/Service Mark Application, Collective Membership Mark, and Certification Mark Application
- C. TEAS Use-Based Trademark/Service Mark Application, including Trademark/Service Mark Application, Collective Trademark/Service Mark Application, Collective Membership Mark, and Certification Mark Application
- D. TEAS Plus Use-Based Trademark/Service Mark Application
- E. Intent to Use Trademark/Service Mark Application, including Trademark/Service Mark Application, Collective Trademark/Service Mark Application, Collective Membership Mark, and Certification Mark Application
- F. TEAS Intent to Use Trademark/Service Mark Application, including Trademark/Service Mark Application, Collective Trademark/Service Mark Application, Collective Membership Mark, and Certification Mark Application
- G. TEAS Plus Intent to Use Trademark/Service Mark Application
- H. Application for Registration of Trademark/Service Mark under §§ 44(d) and (e), including Trademark/Service Mark Application, Collective Trademark/Service Mark Application, Collective Membership Mark, and Certification Mark Application

- I. TEAS Application for Registration of Trademark/Service Mark under §§ 44(d) and (e), including Trademark/Service Mark Application, Collective Trademark/Service Mark Application, Collective Membership Mark, and Certification Mark Application
- J. TEAS Plus Application for Registration of Trademark/Service Mark under §§ 44(d) and (e)