

SF-83 SUPPORTING STATEMENT
United States Patent and Trademark Office
Fastener Quality Act Insignia Recordal Process
OMB CONTROL NUMBER 0651-0028

A. JUSTIFICATION

1. Necessity of Information Collection

Under Section 5 of the Fastener Quality Act of 1999 (FQA), 15 U.S.C. § 5401 *et seq.*, certain industrial fasteners must bear an insignia identifying the manufacturer. The manufacturer must record this fastener insignia with the United States Patent and Trademark Office (USPTO). The procedures for the recordal of fastener insignia under the FQA are set forth in 15 CFR 280.300 *et seq.*

The purpose of this collection is to ensure that certain fasteners can be traced to their manufacturers and to protect against the sale of mismarked, misrepresented or counterfeit fasteners. It is mandatory for manufacturers of fasteners covered by the FQA to submit an application to the USPTO for recordal of an insignia on the Fastener Insignia Register.

The insignia may either be a unique alphanumeric designation that the USPTO will issue upon request or a trademark that is either registered at the USPTO or is the subject of an application to obtain a registration. After a manufacturer submits a complete application for recordal, the USPTO issues a Certificate of Recordal. These certificates remain active for five years. Applications to maintain the certificates must be filed within six months of the expiration date, or, upon payment of an additional surcharge, within six months following the expiration date. If a recorded alphanumeric designation is assigned by the manufacturer, the designation becomes “inactive,” and the new owner must submit an application to reactivate the designation within six months of the date of assignment. If the recordal is based on a trademark application or registration, and that registration is assigned, the recordal becomes “inactive” and cannot be reactivated. Instead, the new owner of the trademark application or registration must apply for a new recordal. Manufacturers who record insignia must notify the USPTO of any changes of address.

This information collection includes one form, the Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act (Form PTO-1611), 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. Use of Form PTO-1611 is not mandatory, and applicants may instead prepare requests for recordal using their own format. In October of 2007 OMB approved a Change Worksheet to update the design of Form PTO-1611 and to include instructions for submitting the completed form by electronic mail.

Table 1 identifies the statutory and regulatory provisions that require the USPTO to collect the information discussed above:

Table 1: Information Requirements to Record an Insignia or Renew a Recordal

Requirement	Statute	Rule
Recordal of Insignia or Renewal of Recordal Under the Fastener Quality Act	15 U.S.C. § 5401	15 CFR 280.300 – 280.326

2. Needs and Uses

The public uses this information collection to comply with the insignia recordal provisions of the FQA. An applicant may choose to use either the Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act (PTO-1611) or prepare requests for recordal using its own document that includes the information required by 15 CFR 280.310(b)(1)-(8).

The USPTO uses the information in this collection to record or renew insignias under the FQA and to maintain the Fastener Insignia Register, which is open to public inspection. The public may download the Fastener Insignia register from the USPTO Web site or purchase printed copies from the USPTO.

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.

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

Table 2: Needs and Uses of Information Collected for Insignia Recordal/Renewal

Form and Function	Form #	Needs and Uses
Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act (Ref. A)	PTO-1611	<ul style="list-style-type: none"> Used by manufacturers of certain types of industrial fasteners to apply to the USPTO for recordal of fastener insignia. Used by the manufacturer to renew or reactivate the recordal of the fastener insignia. Used by the USPTO to process the information needed to issue and renew fastener insignia Certifications of Recordal. Used by the USPTO to establish and maintain the fastener insignia registry.

3. Use of Information Technology

The USPTO's Trademark Electronic Application System (TEAS), a very costly system to develop and pilot, has been extremely successful. Over 95% 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 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 portable document format (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. Third, international manufacturers can use electronic mail to avoid postal delays and the higher costs associated with international postage. 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 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.

4. Efforts to Identify Duplication

This information is collected only when a manufacturer requests that the USPTO record or renew a fastener insignia. This information is not collected elsewhere and does not result in a duplication of effort.

5. Minimizing the Burden to Small Entities

This collection does not impose a significant economic impact on small entities or small businesses. Only manufacturers of certain fasteners that are covered under the FQA are required to respond to this collection. This information is not available from any other source. The same information is required from every manufacturer who requests the recordal or renewal of a fastener insignia.

6. Consequences of Less Frequent Collection

This information is collected only when a manufacturer applies for recordal or renewal of a fastener insignia and is not found elsewhere. If this information were not collected, the manufacturers and the USPTO would be unable to comply with the regulations implementing the FQA. Renewal of the Certificate of Recordal is required every five years, and reactivation is required when ownership of a recorded alphanumeric designation is assigned to another entity. This collection of information could not be conducted less frequently. Less frequent collection would result in inaccurate or obsolete information in the fastener insignia registry.

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 October 17, 2008 [73 Fed. Reg. 61789]. The public comment period ended on December 16, 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. 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 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.

10. Assurance of Confidentiality

Fastener insignia applications are not confidential and are open to public inspection.

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

- **Respondent Calculation Factors**

The USPTO estimates that 130 Applications for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act will be submitted annually.

- Burden Hour Calculation Factors**
 The USPTO estimates that it will take the public approximately 15 minutes (0.25 hours), depending on the complexity of the situation, to gather the necessary information, prepare the form, and submit the completed request.
- Cost Burden Calculation Factors**
 The USPTO expects that the information in this collection will be prepared by para-professionals at an estimated rate of \$100 per hour. This is a fully-loaded hourly rate.

Table 3: Burden Hour/Burden Cost to Respondents for Insignia Recordal/Renewal

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act	0.25	130	33	\$100.00	\$3,300.00
Total	- - - -	130	33	- - - -	\$3,300.00

13. Total Annualized (Non-Hour) Cost Burden

There are no capital start-up, recordkeeping, or maintenance costs associated with this information collection. However, this collection does have annual (non-hour) costs in the form of filing fees and postage costs.

Under 37 CFR 2.7, the filing fee for a recordal of fastener insignia is \$20, whether it be a new recordal, renewal, or a request for reactivation. The USPTO estimates that it will receive 125 new recordals or renewals of fastener insignia per year for a total of \$2,500 in filing fees. If a manufacturer submits a renewal after the expiration date but within six months of that date, then the manufacturer must pay an additional \$20 late renewal surcharge. The USPTO estimates that approximately 10 of the estimated 125 responses per year will be late renewals that incur the surcharge, for a total of \$200 in additional charges. If a manufacturer fails to renew or assign an alphanumeric designation assigned by the USPTO to a new owner, the current owner may submit a request for reactivation of that same alphanumeric designation for a fee of \$20. The USPTO estimates approximately 5 reactivation requests will be received per year, for a total of \$100. Therefore, the total estimated filing costs for this collection will be \$2,800.

The public may submit the information for this collection to the USPTO by mail through the United States Postal Service. The USPTO estimates that approximately 60 of the 130 responses per year will be submitted to the USPTO by mail at an average first-class postage cost of 75 cents per response, for a total postage cost of \$45.

The total annualized (non-hour) cost burden for this collection in the form of filing fees (\$2,800) and postage costs (\$45) is estimated to be \$2,845 per year.

14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-7, step 3 employee approximately 10 minutes (0.17 hours) to process the applications for recording insignias and renewing recordals. The current hourly rate for a GS-7, step 3 is \$20.10. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the combined cost for a GS-7, step 3 is \$20.10 + \$6.03, for a rate of \$26.13.

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 for Insignia Recordal/Renewal

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Application for Recordal of Insignia or Renewal of Recordal Under the Fastener Quality Act	0.17	130	22	\$26.13	\$575.00
Total	- - - -	130	22	- - - -	\$575.00

15. Reason for Change in Burden

Summary of Changes Since the Previous Renewal

OMB previously approved the renewal of this collection in April of 2006. Since then, OMB approved a change worksheet in October of 2007, which increased the number of responses, burden hours, and annualized (non-hour) costs for this collection.

This collection is currently approved with a total of 115 responses and 20 burden hours per year. For this renewal, the USPTO estimates that the total annual responses will be 130 and the total annual burden hours will be 33. This increase of 13 burden hours is due to an administrative adjustment.

The currently approved annual (non-hour) cost burden for this collection is \$2,444. For this renewal, the USPTO estimates that the total annual (non-hour) costs will be \$2,845. This increase of \$401 is due to an administrative adjustment.

Changes in Respondent Cost Burden

The USPTO believes that paraprofessionals will provide the information covered in this collection. In the previous renewal, the hourly rate of \$81 was used for the paraprofessionals. For this renewal, the USPTO is using the current professional hourly rate of \$100. This increase in the hourly rate, along with the estimated increase in the number of filings has increased the estimated total respondent cost burden for this collection.

The total respondent cost burden for the currently approved collection is \$1,620. With this renewal, the USPTO estimates that the total respondent cost burden will increase by \$1,680, to \$3,300 per year.

Changes in Responses and Burden Hours

The USPTO estimates that the number of responses will increase by 15, from 115 to 130 responses. Consequently, the total burden hours for this collection will increase as well by 13, from 20 to 33 burden hours per year. **Therefore, this information collection has a net burden increase of 13 hours due to an administrative adjustment.**

Changes in Annual (Non-Hour) Costs

The USPTO estimates that the annual (non-hour) costs for this collection will increase by \$401, from \$2,444 to \$2,845 per year. This change is due to administrative adjustments, as follows:

- The USPTO estimates that applications for the recordal or renewal of an insignia under the Fastener Quality Act submitted to the USPTO will increase, from 115 to 130 responses per year. Consequently, the USPTO estimates that the filing fee costs associated with these applications will increase by \$400, from \$2,400 to \$2,800 per year. **Therefore, this collection has an increase of \$400 in annual (non-hour) filing fee costs due to an administrative adjustment.**
- The USPTO believes that the applications for recordal of insignias or renewal of recordals under the Fastener Quality Act will be mailed through the United States Postal Service by first-class mail. Previously, the USPTO estimated that the average first-class postage cost would be 58 cents. The United States Postal Service has since increased first-class postage costs, leading to a revised estimate of 75 cents. However, with the introduction of electronic mail transmission of applications, the number of applications sent via U.S. mail is expected to decrease, offset by the increase in the number of submissions and increased postage costs. Consequently, the USPTO estimates that the postage cost for this collection will increase by \$1, from \$44 to \$45 per year. **Therefore, this collection has an increase of \$1 in annual (non-hour) postage costs due to an administrative adjustment.**

Therefore, this information collection has a net burden increase of \$401 in annual (non-hour) costs associated with filing fees and postage costs due to administrative adjustments.

16. Project Schedule

There is no plan to publish this information for statistical use. However, the USPTO does publish a register of active fastener insignia that is available for public inspection.

The Fastener Insignia Register may be downloaded or viewed from the USPTO Web site, and printed copies may be purchased from the USPTO.

17. Display of Expiration Date of OMB Approval

The form 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.

REFERENCES

- A. Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act (PTO-1611)