

SUPPORTING STATEMENT
United States Patent and Trademark Office
Madrid Protocol
OMB CONTROL NUMBER 0651-0051

A. JUSTIFICATION

1. Necessity of Information Collection

This collection of information is required by the Trademark Act of 1946, 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 that use or intend to use such marks in commerce may file an application to register the marks with the United States Patent and Trademark Office (USPTO). Both the register and the information provided in pending applications for registration may be accessed by the public in order to determine the availability of a mark and lessen the likelihood of initiating the use of a mark previously adopted by another.

The Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (“Madrid Protocol”) is an international treaty that allows a trademark owner to seek registration in any of the participating countries by filing a single international application. The International Bureau (IB) of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland, administers the international registration system. The Madrid Protocol Implementation Act of 2002 amended the Trademark Act to provide that: (1) the owner of a U.S. application or registration may seek protection of its mark in any of the participating countries by submitting a single international application to the IB through the USPTO, and (2) the holder of an international registration may request an extension of protection of the international registration to the United States. The Madrid Protocol became effective in the United States on November 2, 2003, and is implemented under 15 U.S.C. § 1141 *et seq.* and 37 CFR Part 2 and Part 7.

The Madrid Protocol provides a simple and efficient means for an applicant to seek protection for a trademark in any of the participating countries by filing a single international application in their home country. An international application submitted through the USPTO must be based on an active U.S. application or registration and must be filed by the owner of the application or registration. The applicant must be a national of the United States, be domiciled in the United States, or have a real and effective industrial or commercial establishment in the United States. The USPTO reviews the international application to certify that it corresponds to the data contained in the existing U.S. application or registration before forwarding the international application to the IB. The IB then reviews the international application to determine whether the Madrid filing requirements have been met and the required fees have been paid. If the international application is unacceptable, the IB will send a notice of irregularity to the USPTO and the applicant. The applicant must respond to the irregularities to avoid abandonment, unless a response from the USPTO is required. After any irregularities are corrected and the

application is accepted, the IB registers the mark, publishes the registration in the WIPO Gazette of International Marks, and sends a certificate to the holder.

When the mark is registered, the IB notifies each country designated in the application of the request for extension of protection. Each designated country then examines the request under its own laws. Once an international registration has been issued, the holder may also file subsequent designations to request an extension of protection to additional countries.

If the IB cancels an international registration due to the cancellation of the underlying basic application or registration, the USPTO will likewise cancel the corresponding extension of protection of the registration to the United States. Under certain circumstances, the holder of the international registration may request transformation of the cancelled extension of protection into a U.S. application under Section 1 or 44 of the Trademark Act.

An extension of protection to the United States remains in force for the term of the international registration on which it is based. Under Section 71 of the Trademark Act, a registered extension of protection to the United States will be cancelled unless the holder of the international registration periodically files affidavits of continued use in commerce or excusable nonuse. To retain the extension of protection, the holder must file an affidavit of continued use or excusable nonuse between the fifth and sixth year from the date of registration; and then also within a six-month period preceding, or during a three-month grace period following, the end of each ten-year period from the date of registration. These affidavits cannot be filed until five years after the USPTO registers an extension of protection. Since the USPTO will not be accepting these affidavits until February 1, 2010, the estimated burden for these affidavits will not be included in this collection at this time.

An international registration lasts for ten years and may be renewed for additional ten-year periods by making a request directly to the IB and paying the renewal fee. The USPTO does not process requests to renew international registrations.

This collection includes the information necessary for the USPTO to process applications for international registration and related requests under the Madrid Protocol. The USPTO provides electronic forms for filing the Application for International Registration, Subsequent Designation, and Response to a Notice of Irregularity online through the USPTO Web site. Electronic forms for the Request for Transformation and Request for Replacement are under development. Applicants may also submit the items in this collection on paper or by using the forms provided by the IB, which are available on the WIPO Web site. The Federal Rules of Practice in Filings Pursuant to the Madrid Protocol requires Applications for International Registration and Subsequent Designations that are filed on paper to be submitted on the official IB forms.

The collection also includes one petition, the Petition to Review Refusal to Certify an International Application. The USPTO does not provide forms for this petition or the other paper submissions in this collection. If filed on paper, a Request to Note the Replacement

of a U.S. Registration by a Registered Extension of Protection of an International Registration and a Request for Transformation do not require any particular form. As long as these submissions include the elements required by 37 CFR 7.28 and 7.31, they will be accepted.

Table 1 identifies the statutes and regulations that authorize the USPTO to collect the information discussed above:

Table 1: Information Requirements for the Madrid Protocol

Requirement	Statute	Rule
Application for International Registration	15 U.S.C. § 1141a	37 CFR 7.11
Subsequent Designation	15 U.S.C. § 1141d	37 CFR 7.21
Response to Notice of Irregularities Issued by the IB in Connection with International Applications	Not applicable	37 CFR 7.14
Request that the USPTO Replace a U.S. Registration with a Subsequently Registered Extension of Protection to the United States	15 U.S.C. § 1141m	37 CFR 7.28
Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration	15 U.S.C. § 1141l	37 CFR 7.23 and 7.24
Request that the USPTO Transform a Cancelled Extension of Protection into an Application for Registration under Section 1 or 44 of the Act	15 U.S.C. § 1141j(c)	37 CFR 7.31
Petition to Review Refusal to Certify an International Application	15 U.S.C. § 1141b	37 CFR 2.146, 7.4(b), and 7.13
Affidavit of Continued Use or Excusable Nonuse under Section 71 of the Act	15 U.S.C. § 1141k	37 CFR 7.36 and 7.37

2. Needs and Uses

The public uses this collection to submit applications for international registration and related requests to the USPTO under the Madrid Protocol. 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 international trademark rights. The information is available at USPTO facilities and may also be accessible through the USPTO Web site.

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.

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

Table 2: Needs and Uses of Information Collected for the Madrid Protocol

Form and Function	Form #	Needs and Uses
Application for International Registration	PTO-2131	<ul style="list-style-type: none"> Used by the public to apply for international trademark registration. Used by the USPTO to review applications for international trademark registration and forward them to the IB.
Subsequent Designation	PTO-2132	<ul style="list-style-type: none"> Used by the public to identify countries that were not named in an original international application but in which trademark protection is now sought. Used by the USPTO to forward additionally designated countries in an international application to the IB.
Response to Notice of Irregularity	PTO-2133	<ul style="list-style-type: none"> Used by the public to respond to irregularities in international applications identified by the IB. Used by the USPTO to forward responses to irregularities identified in international applications to the IB.
Request that the USPTO Replace a U.S. Registration with a Subsequently Registered Extension of Protection to the United States	No Form Associated; Electronic Form Under Development	<ul style="list-style-type: none"> Used by the public to request that the USPTO replace a U.S. trademark registration with a subsequently registered extension of protection to the United States. Used by the USPTO to review requests to replace a U.S. trademark registration with a subsequently registered extension of protection to the United States.
Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration	No Form Associated	<ul style="list-style-type: none"> Used by the public to request that the USPTO record an assignment of an international registration or a restriction of a holder's right to dispose of an international registration. Used by the USPTO to record assignments of an international registration or restrictions of a holder's right to dispose of an international registration.
Request that the USPTO Transform a Cancelled Extension of Protection into an Application for Registration under Section 1 or 44 of the Act	No Form Associated; Electronic Form Under Development	<ul style="list-style-type: none"> Used by the public to request that the USPTO transform a cancelled extension of protection into an application for registration under Section 1 or 44 of the Trademark Act. Used by the USPTO to review requests that the USPTO transform a cancelled extension of protection into an application for registration under Section 1 or 44 of the Trademark Act.
Petition to Review Refusal to Certify an International Application	No Form Associated	<ul style="list-style-type: none"> Used by the public to request that the USPTO review an examiner's refusal to certify an international application. Used by the USPTO to review claims that the refusal to certify an international application was erroneous.
Affidavit of Continued Use or Excusable Nonuse under Section 71 of the Act	No Form Associated; Electronic Form Under Development	<ul style="list-style-type: none"> Used by the public to submit an affidavit that a mark is in use or that any nonuse of a mark is excusable in order to retain an extension of protection to the United States. Used by the USPTO to review affidavits stating that a mark is in use or that any nonuse of a mark is excusable.

3. Use of Information Technology

The USPTO, in conjunction with delegates from WIPO and from various countries, defined procedures and formats for exchanging Madrid Protocol data electronically between WIPO and any member country of the Madrid Protocol. These standards cover both text and image data.

The USPTO provides electronic forms for filing Applications for International Registration, Subsequent Designations, and Responses to Notices of Irregularities through the Trademark Electronic Application System (TEAS), which is accessible via the USPTO Web site. Electronic forms for the Request for Transformation and Request for Replacement are under development.

TEAS forms are completed online and then transmitted to the USPTO electronically via the Internet. The TEAS forms include “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.” The forms filed are received within seconds after transmission, and a confirmation of filing is immediately issued via e-mail to the user. The forms allow users to pay any fees by credit card, electronic funds transfer, or by an authorization to charge a USPTO deposit account.

With respect to international applications and subsequent designations, filers can use the “pre-populated” forms. These forms allow users to enter the U.S. application serial number or registration number of the mark that will form the basis of the international application. Once entered, the data fields are automatically completed with the data that presently exists in the USPTO’s Trademark Reporting and Monitoring (TRAM) database. If no changes are made by the filer, the international application is automatically certified upon submission to the USPTO. Similarly, once a trademark owner has an international registration, the pre-populated subsequent designation form allows the filer to automatically insert the existing data and make further designations of new countries to which the data will be transmitted by the IB.

Please note that electronic forms can only be submitted via TEAS; filers may not e-mail their own forms to the USPTO. Petitions to the Director to reverse the denial of certification of the international application may be submitted via email to MPUPetitions@uspto.gov. All other forms submitted on paper must be delivered by U.S. Postal Service first-class mail to a special postal address or delivered by other means to the Trademark Assistance Center at the USPTO.

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 for which applications for registration have been submitted. 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 immediate access to 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 Web site. 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 also 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, including international applications. 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 may access TDR through the Trademark Electronic Business Center on the USPTO Web site.

4. Efforts to Identify Duplication

This information is collected only when a U.S. trademark owner or applicant submits an application for international registration or a related request. This information is not collected elsewhere and does not result in a duplication of effort. When submitting an international application online using TEAS, customers may enter the appropriate U.S. serial number or registration number in order to pre-populate the forms with the relevant application or registration information from the USPTO database and avoid re-entering this information. Use of the pre-populated version of the forms avoids manual entry errors and provides users with a faster means of submitting an application.

5. Minimizing Burden to Small Entities

This 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 collection could not be conducted less frequently. If the information were not collected, the USPTO would not be able to fulfill its obligations under the Madrid Protocol.

7. Special Circumstances in the Conduct of Information Collection

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

8. Consultations Outside the Agency

The 60-Day Notice was published in the *Federal Register* on February 6, 2009 (74 Fed. Reg. 6269). The comment period ended on April 7, 2009. No public comments were received.

Large and well-organized bar associations frequently communicate their views to the USPTO. In addition, 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 of Gifts to Respondents

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

10. Assurance of Confidentiality

The information collected is open to public inspection. Confidentiality is not required in the processing of trademark applications.

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 5,330 total responses per year for this collection, as shown in Table 3 below. No projections have been provided for the

Affidavit of Continued Use or Excusable Nonuse because the submission of these affidavits will not begin until February 2010.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately 15 minutes (0.25 hours) to one hour to complete the information in this collection, including the time to gather the necessary information, prepare the documents, and submit the completed request to the USPTO.

- **Cost Burden Calculation Factors**

In 2007, the Committee on Economics of Legal Practice of the American Intellectual Property Law Association published a report that summarized the results of a survey with data on hourly billing rates. The professional rate of \$310 per hour is the median rate for attorneys in private firms as published in that report. The USPTO expects that the information in this collection will be prepared by attorneys. This is a fully-loaded hourly rate.

Table 3: Burden Hour/Burden Cost to Respondents for the Madrid Protocol

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
Application for International Registration (PTO-2131)	0.25	3,900	975	\$310.00	\$302,250.00
Subsequent Designation (PTO-2132)	0.25	400	100	\$310.00	\$31,000.00
Response to Notice of Irregularity (PTO-2133)	0.25	1,000	250	\$310.00	\$77,500.00
Request that the USPTO Replace a U.S. Registration with a Subsequently Registered Extension of Protection to the United States	0.50	4	2	\$310.00	\$620.00
Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration	0.50	5	3	\$310.00	\$930.00
Request that the USPTO Transform a Cancelled Extension of Protection into an Application for Registration under Section 1 or 44 of the Act	0.25	6	2	\$310.00	\$620.00
Petition to Review Refusal to Certify an International Application	1.00	15	15	\$310.00	\$4,650.00
Affidavit of Continued Use or Excusable Nonuse under Section 71 of the Act	0.25	None until Feb. 2010	0	\$310.00	\$0.00
Totals	- - - -	5,330	1,347	- - - - -	\$417,570.00

The USPTO estimates that approximately 99% of the total responses for this collection will be submitted electronically.

13. Total Annualized Cost Burden

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

The USPTO charges fees for processing international applications and related requests under the Madrid Protocol as set forth in 37 CFR 7.6. In addition to these USPTO fees, applicants must also pay international filing fees to the IB as indicated in 37 CFR 7.7. **The USPTO estimates that the total filing fees in the form of USPTO processing fees associated with this collection will be approximately \$529,650 per year.**

The total estimated annual filing fees for this collection are calculated in Table 4 below:

Table 4: Filing Fees to Respondents for the Madrid Protocol

Item	Responses (a)	Filing Fee (\$) (b)	Total Nonhour Cost Burden (c) (a) x (b)
Application for International Registration, for certifying an international application based on a single basic application or registration (per international class) (PTO-2131)	2,000	\$100.00	\$200,000.00
Application for International Registration, for certifying an international application based on more than one basic application or registration (per international class) (PTO-2131)	1,900	\$150.00	\$285,000.00
Subsequent Designation (PTO-2132)	400	\$100.00	\$40,000.00
Response to Notice of Irregularity (PTO-2133)	1,000	\$0.00	\$0.00
Request that the USPTO Replace a U.S. Registration with a Subsequently Registered Extension of Protection to the United States (per international class)	4	\$100.00	\$400.00
Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration	5	\$100.00	\$500.00
Request that the USPTO Transform a Cancelled Extension of Protection into an Application for Registration under Section 1 or 44 of the Act	6	\$375.00	\$2,250.00
Petition to Review Refusal to Certify an International Application	15	\$100.00	\$1,500.00
Affidavit of Continued Use or Excusable Nonuse under Section 71 of the Act (per international class)	None until Feb. 2010	\$100.00	\$0.00
Totals	5,330	- - - - -	\$529,650.00

The public may submit the items in this collection to the USPTO by mail through the United States Postal Service. The USPTO estimates that approximately 1% (53 out of 5,300) of the international applications, subsequent designations, and responses to notices of irregularities may be filed on paper, and that 15 of the 30 responses for the other items in

this collection will also be filed on paper, for a total of approximately 68 of the 5,330 total responses per year being submitted by mail. The average first-class postage cost for a mailed submission will be 75 cents. **Therefore, the USPTO estimates that the total postage costs associated with this collection will be approximately \$51 per year.**

The total annual (non-hour) cost burden for this collection in the form of filing fees (\$529,650) and postage costs (\$51) is estimated to be \$529,701.

14. Annual Cost to the Federal Government

Except for the petitions, the information in this collection is processed at the USPTO by a combination of employees at the following levels: GS-13, step 1; GS-12, step 1; GS-11, step 1; and GS-9, step 1. Based on the current hourly rates corresponding to these levels, the average hourly rate for USPTO staff processing this information is \$32.51. When 30% is added to account for a fully-loaded hourly rate (benefits and overhead), the average hourly rate for processing the items in this collection is \$42.26 (\$32.51 + \$9.75).

The USPTO estimates that it takes the USPTO staff approximately 20 minutes (0.33 hours) to process an application for international registration or a request to record an assignment or restriction; and approximately 30 minutes (0.5 hours) to process a response to notice of irregularities, a request for replacement, or a request for transformation. For subsequent designations that are filed electronically, processing is fully automated with no staff involvement. The USPTO estimates that it takes staff approximately 15 minutes (0.25 hours) to process a subsequent designation that is submitted on paper and that approximately 1%, or 5 out of the 400 expected subsequent designations per year, will be paper filings.

The USPTO estimates that it takes a GS-14, step 1 employee approximately 2 hours to process a petition to review the refusal to certify an international application. The hourly rate for a GS-14, step 1 is currently \$49.22. When 30% is added for a fully-loaded hourly rate (benefits and overhead), the hourly rate for processing these petitions is \$63.99 (\$49.22 + \$14.77).

At this time no projections have been provided for the affidavits of continued use or excusable nonuse because the submission of these affidavits will not begin until February 2010.

Table 5 calculates the burden hours and costs to the Federal Government for processing this information collection:

Table 5: Burden Hour/Burden Cost to the Federal Government for the Madrid Protocol

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
Application for International Registration (PTO-2131)	0.33	3,900	1,287	\$42.26	\$54,389.00
Subsequent Designation (electronic) (PTO-2132)	0.00	395	0	\$0.00	\$0.00
Subsequent Designation (paper) (PTO-2132)	0.25	5	1	\$42.26	\$42.00
Response to Notice of Irregularity (PTO-2133)	0.50	1,000	500	\$42.26	\$21,130.00
Request that the USPTO Replace a U.S. Registration with a Subsequently Registered Extension of Protection to the United States	0.50	4	2	\$42.26	\$85.00
Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration	0.33	5	2	\$42.26	\$85.00
Request that the USPTO Transform a Cancelled Extension of Protection into an Application for Registration under Section 1 or 44 of the Act	0.50	6	3	\$42.26	\$127.00
Petition to Review Refusal to Certify an International Application	2.00	15	30	\$63.99	\$1,920.00
Affidavit of Continued Use or Excusable Nonuse under Section 71 of the Act	N/A	None until Feb. 2010	0	N/A	\$0.00
Totals	- - - -	5,330	1,825	- - - - - -	\$77,778.00

15. Reason for Change in BurdenSummary of Changes Since the Previous Approval

This collection was approved by OMB in July 2006 with a total of 4,308 responses and 1,008 burden hours per year. For this renewal, the USPTO estimates that the total annual responses will be 5,330 and the total burden hours will be 1,347, which is an increase of 1,022 responses and 339 hours over the currently approved burden for this collection. This change in burden hours is due to administrative adjustments.

The total annual (non-hour) cost burden for this renewal of \$529,701 is an increase of \$60,071 from the currently approved total of \$469,630 in annual costs for this collection. This increase in annual costs is due to administrative adjustments.

Change in Respondent Cost Burden

This collection was previously approved in July 2006 with an estimated total respondent cost burden of \$288,288 per year. The 2006 submission used an estimated rate of \$286 per hour for attorneys preparing the information in this collection. For this renewal, the

USPTO has updated the estimated rate for respondents to \$310 per hour. At this revised rate, the 1,347 burden hours for this renewal yield a total respondent cost burden of \$417,570, which is an increase of \$129,282 from the total respondent cost burden reported in the 2006 submission. This increase in total respondent cost burden is due to the increase in the estimated attorney rate as well as the increase in total burden hours from 1,008 hours in the 2006 submission to 1,347 hours in the current renewal.

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses for this collection will increase by 1,022, from 4,308 to 5,330 responses per year. The USPTO also estimates that the total burden hours for this collection will increase by 339, from 1,008 to 1,347 hours per year. This increase is due to administrative adjustments, as follows:

- The USPTO is adjusting the estimated annual responses for the Application for International Registration to 3,900, an increase of 300 from the previous estimate of 3,600. **Therefore, this collection takes a burden increase of 75 hours as an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for the Subsequent Designation to 400, an increase of 265 from the previous estimate of 135. The USPTO is also adjusting the estimated time per response from 3 minutes to 15 minutes to better reflect the average time needed by the public to submit this information. **Therefore, this collection takes a burden increase of 93 hours as an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for the Response to Notice of Irregularity to 1,000, an increase of 460 from the previous estimate of 540. The USPTO is also adjusting the estimated time per response from 10 minutes to 15 minutes to better reflect the average time needed by the public to submit this information. **Therefore, this collection takes a burden increase of 158 hours as an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for the Request for Replacement to 4, a decrease of 3 from the previous estimate of 7. However, the USPTO is also adjusting the estimated time per response from 2 minutes to 30 minutes to better reflect the average time needed by the public to submit this information. **Therefore, this collection takes a burden increase of 1 hour as an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for the Request to Record an Assignment or Restriction to 5, a decrease of 5 from the previous estimate of 10. However, the USPTO is also adjusting the estimated time per response from 5 minutes to 30 minutes to better reflect the average time needed by the public to submit this

information. **Therefore, this collection takes a burden increase of 2 hours as an administrative adjustment.**

- The USPTO is adjusting the estimated annual responses for the Request for Transformation to 6, a decrease of 4 from the previous estimate of 10. However, the USPTO is also adjusting the estimated time per response from 5 minutes to 15 minutes to better reflect the average time needed by the public to submit this information. **Therefore, this collection takes a burden increase of 1 hour as an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for the Petition to Review Refusal to Certify an International Application to 15, an increase of 9 from the previous estimate of 6. **Therefore, this collection takes a burden increase of 9 hours as an administrative adjustment.**
- No estimates have been provided at this time for the Affidavits of Continued Use or Excusable Nonuse because the submission of these affidavits will not begin until February 2010. The USPTO is adjusting the estimated time per response from 14 minutes to 15 minutes to reflect the expected average time needed by the public to submit this information.

In sum, this information collection has a total net burden increase of 339 hours due to administrative adjustments.

Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs for this collection will increase by \$60,071, from \$469,630 to \$529,701 per year. The increase in total annual (non-hour) costs is due to administrative adjustments, as follows:

- This collection is currently approved with \$469,550 in filing fees payable to the USPTO for processing Applications for International Registration and related requests under the Madrid Protocol. For this renewal, the USPTO estimates that the total filing fees will be \$529,650 based on revised estimates for the number of annual filings. **Therefore, this collection takes a burden increase of \$60,100 in filing fees as an administrative adjustment.**
- This collection is currently approved with a total of \$80 in postage costs associated with submitting items in this collection to the USPTO by mail. For this renewal the USPTO estimates that the total postage costs will be \$51 based primarily on revised estimates that fewer responses will be submitted by mail. This decrease is partially offset by an increased estimated postage cost of 75 cents per mailed response. **Therefore, this collection takes a burden decrease of \$29 in postage costs as an administrative adjustment.**

In sum, this collection has an annual (non-hour) cost burden of \$529,701, with \$529,650 in the form of filing fees and \$51 in the form of postage costs. **Therefore, this collection has a total increase in annual (non-hour) cost burden of \$60,071 due to administrative adjustments.**

[Note: The previously approved estimate of \$469,630 in annual costs for this collection is listed as \$470,000 in the current inventory system. The \$370 difference is due to rounding the estimate to the nearest thousand dollars 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 net annual cost burden increase of \$60,071 for this collection is displayed as an increase of \$59,701 in the current inventory system in order to compensate for the previously rounded figure and to result in the new annual cost burden of \$529,701 for this collection as described above.]

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.

REFERENCES

- A. The USPTO Information Quality Guidelines
- B. Application for International Registration (PTO-2131)
- C. Subsequent Designation (PTO-2132)
- D. Response to Notice of Irregularity (PTO-2133)