

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Post Registration (Trademark Processing)**  
**OMB CONTROL NUMBER 0651-0055**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

This collection of information is required by the Trademark Act, 15 U.S.C. § 1051 et seq., which provides for the registration of trademarks, service marks, collective trademarks and collective 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 their marks with the United States Patent and Trademark Office (USPTO).

Such individuals and businesses may also submit various communications to the USPTO, including requests to correct or amend their registrations. Registered marks remain on the register for ten years and can be renewed, but will be cancelled unless the owner files with the USPTO a declaration attesting to the continued use (or excusable non-use) of the mark in commerce within specific deadlines. Applicants may also surrender a registration and, in limited situations, petition the Director to reinstate a registration that has been cancelled or expired.

The rules implementing the Trademark Act are set forth in 37 CFR Part 2. These rules require that each certificate of registration include a reproduction of the mark, the particular goods and/or services for which it is registered, ownership information, dates of use, the number and date of the registration, and certain other information. The USPTO provides similar information concerning pending applications. The information set forth in the register, and information provided in pending applications, can be accessed through the USPTO website by individuals and businesses to determine the availability of a mark. By searching the USPTO's database, parties may lessen the likelihood of initiating use of a mark that was previously adopted by another party. Additionally, the trademark registration process may lessen litigation between parties.

The USPTO is proposing to delete the non-electronic Section 7 Request from this collection as it has been re-evaluated and determined that it was a duplication of the Amendments and Corrections and the Surrenders categories.

The information in this collection can be submitted to the USPTO in paper or electronically through the Trademark Electronic Application System (TEAS). There are five electronic forms in this collection; however, there are only four official paper forms. Individuals and businesses can submit their own paper forms, following the USPTO's rules and guidelines to ensure that they provide all of the necessary information.

Applicants who choose to submit their applications electronically must use the TEAS forms.

Table 1 identifies the statutory and regulatory provisions pursuant to which the USPTO collects the information:

**Table 1: Information Requirements for Post Registration (Trademark Processing)**

Requirement	Statute	Rule
Declaration of continued use or excusable non-use under § 8	15 U.S.C. § 1058	37 CFR Part 2, 2.160, 2.161, 2.164 and 2.168
Combined renewal application/declaration of continued use of excusable non-use under §§ 8 & 9	15 U.S.C. §§ 1058 and 1059	37 CFR Part 2, 2.166, 2.168, 2.182, 2.183, and 2.185
Declaration of incontestability under § 15	15 U.S.C. § 1065	37 CFR Part 2, 2.167 and 2.168
Declaration of use/combined declaration of use and incontestability under §§ 8 & 15	15 U.S.C. §§ 1058 and 1065	37 CFR Part 2, 2.167 and 2.168
Amendments and Corrections	15 U.S.C. § 1057	37 CFR Part 2, 2.173-2.175
Surrenders	15 U.S.C. § 1057	37 CFR Part 2, 2.172
Section 7 Request	15 U.S.C. § 1057	37 CFR Part 2, 2.173-2.175

## 2. Needs and Uses

The USPTO uses the information described in this collection to process post registration submissions. 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 also can be accessed at the USPTO 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.

The Information Quality Guidelines set forth in 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 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 Post Registration (Trademark Processing)**

Form and Function	Form #	Needs and Uses
Declaration of Use of a Mark in Commerce Under § 8 (Ref. B)	PTO Form 1583	<ul style="list-style-type: none"> <li>Used by the public to complete and file declarations of use or excusable non-use in commerce of a registered mark.</li> <li>Used by the USPTO to review declarations of use or excusable non-use in commerce of a registered mark.</li> </ul>
TEAS Declaration of Use of a Mark in Commerce Under § 8 (Ref. C)	PTO/TM/1553	<ul style="list-style-type: none"> <li>Used by the public to electronically complete and file declarations of use or excusable non-use in commerce of a registered mark.</li> <li>Used by the USPTO to review electronically-filed declarations of use or excusable non-use in commerce of a registered mark.</li> </ul>
Combined Declaration of Use of a Mark in Commerce & Application for Renewal of Registration of a Mark Under §§ 8 & 9 (Ref. D)	PTO Form 1963	<ul style="list-style-type: none"> <li>Used by the public to complete and file declarations of use or excusable non-use in commerce of a registered mark, and to file applications for renewal of the registration.</li> <li>Used by the USPTO to process declarations of use or excusable non-use in commerce of a registered mark, and to process applications for renewal of the registration.</li> </ul>
TEAS Combined Declaration of Use of a Mark in Commerce & Application for Renewal of Registration of a Mark Under §§ 8 & 9 (Ref. E)	PTO Form 1963	<ul style="list-style-type: none"> <li>Used by the public to complete and electronically file declarations of use or excusable non-use in commerce of a registered mark, and to electronically file applications for renewal of the registration.</li> <li>Used by the USPTO to process electronically-filed declarations of use or excusable non-use in commerce of a registered mark, and to process applications for renewal of the registration.</li> </ul>
Declaration of Incontestability of a Mark Under § 15 (Ref. F)	PTO Form 4.16	<ul style="list-style-type: none"> <li>Used by the public to complete and file assertions that a registration has become incontestable.</li> <li>Used by the USPTO to process declarations of incontestability.</li> </ul>
TEAS Declaration of Incontestability of a Mark Under § 15 (Ref. G)	PTO/TM/4.16	<ul style="list-style-type: none"> <li>Used by the public to complete and electronically file assertions that a registration has become incontestable.</li> <li>Used by the USPTO to process electronically-filed declarations of incontestability.</li> </ul>
Combined Declaration of Use and Incontestability of a Mark Under §§ 8 & 15 (Ref. H)	PTO Form 1583	<ul style="list-style-type: none"> <li>Used by the public to complete and file declarations of use or excusable non-use in commerce of a registered mark and to submit assertions that a registration has become incontestable.</li> <li>Used by the USPTO to process declarations of use or excusable non-use and to process declarations of incontestability.</li> </ul>
TEAS Combined Declaration of Use and Incontestability of a Mark Under §§ 8 and 15 (Ref. I)	PTO Form 1583	<ul style="list-style-type: none"> <li>Used by the public to complete and electronically file declarations of use or excusable non-use in commerce of a registered mark and to electronically submit assertions that a registration has become incontestable.</li> <li>Used by the USPTO to process electronically-filed declarations of use or excusable non-use and to process declarations of incontestability.</li> </ul>
Amendments and Corrections	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to submit substitutions, amendments, and corrections to an application; and to disclaim part of the mark.</li> <li>Used by the USPTO to process requests for various actions pertaining to the application during the approval process.</li> </ul>
Surrenders	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to surrender a registration for cancellation.</li> <li>Used by the USPTO to cancel a registration that has been surrendered.</li> </ul>

TEAS Section 7 Request (Ref. J)	PTO-1597	<ul style="list-style-type: none"> <li>• Used by the public to electronically request a correction or amendment to the information on a certificate of registration.</li> <li>• Used by the USPTO to review electronic requests for corrections or amendments to a registration and determine whether the change is acceptable or would result in a material alteration of the registration.</li> </ul>
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### 3. Use of Information Technology

The USPTO currently offers four IT systems in support of this collection that are accessible through the online Trademark Electronic Business Center (TEBC). The TEBC provides descriptions of the systems, and the systems feature online “help” programs. Thus, the USPTO offers the public a single source for a variety of IT systems useful both for making submissions to the USPTO and for tracking the status of these submissions.

The USPTO provides online electronic forms through the web-accessible Trademark Electronic Application System (TEAS). Once completed, TEAS forms are transmitted to the USPTO 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 application or registration 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.

Users do not affix digital signatures to the TEAS forms. Instead, these forms are signed using a combination of alphanumeric characters that the user selects and types between two forward slashes. TEAS forms can be signed in this manner, or the text form of the application can be e-mailed to a second party who can then electronically sign the application. The forms can also be signed by printing the signature page of the form, signing it in ink, scanning the signed page, and then transmitting the entire form and scanned signature page to the USPTO.

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 “standard character” drawings must attach digitized images of these drawings to their submissions.

The USPTO maintains an online image database of the electronic trademark application or registration file wrapper entitled the Trademark Document Retrieval (TDR) system. The USPTO also maintains an online system called the Trademark Application and Registration Retrieval (TARR) system, which provides users with information regarding the status of trademark applications and registrations. The data in the TARR system is updated daily.

The USPTO provides a web-based record of registered marks, and marks for which applications for registration have been submitted, called the Trademark Electronic Search System (TESS). 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 for the user to choose from four different search tools, is updated daily, and is easy to use.

#### **4. Efforts to Identify Duplication**

This information is collected only when declarations of continued use or excusable non-use of a mark, continued renewal applications/declarations of continued use of excusable non-use of a mark, declarations of incontestability of a mark, declarations of use/combined declarations of use and incontestability, amendments and corrections, surrenders, and Section 7 requests are submitted to the USPTO. 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**

The USPTO believes that the submission of the information provided places no undue burden on small business or other small entities. 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, since the information is collected only when voluntarily submitted by the public. If the information were not collected, the public would not be able to submit declarations of use or excusable non-use of a mark in commerce, apply for renewal of registration of a mark, declare incontestability of a mark, surrender a mark, or submit Section 7 requests for a correction or amendment to the information appearing on the certificate of registration. If this information were not collected, 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 Notice was published in the *Federal Register* on March 27, 2008 (73 Fed Reg. 60). The public comment period ended on May 27, 2008. No public comments were received.

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**

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

Apart from the substantive components and burden statements, the TEAS forms also include a link to the USPTO's Web Privacy Policy. The "Privacy Policy Statement" link is located above the PRA Burden Statement found at the end of the "Wizard" and at the end of the forms themselves. The Web Privacy Policy Statement explains how the USPTO handles any personal information collected from the public through the website, and how it handles e-mails. Additionally, the statement also explains what information is collected through the USPTO's Kids Pages, and whether and why the USPTO uses cookies to collect information.

## **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 it will receive approximately 127,136 responses per year for this collection, with 106,527 of them filed electronically.
- **Burden Hour Calculation Factors**  
The USPTO estimates that it will take the public an average of 3 to 30 minutes (0.05 to 0.50 hours) to complete the collections of information described in this submission, depending on the nature of the information. This includes time to gather the necessary information, create the documents, and mail the completed paper request. 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 professional rate of \$310 per hour used in this submission to calculate respondent cost burden is the median rate for associate attorneys in private firms as published in the 2007 report of the Committee on Economics of Legal Practice of the American Intellectual Property Law Association. This report summarized the results of a survey with data on hourly billing rates. This is a fully-loaded hourly rate.

The USPTO expects that the information in this collection will primarily be prepared by attorneys, although some submissions may be prepared by *pro se* registrants.

**Table 3: Burden Hour/Burden Cost to Respondents for Post Registration (Trademark Processing)**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Declaration of Use of a Mark in Commerce Under § 8	0.18	1,525	275	\$310.00	\$85,250.00
TEAS Declaration of Use of a Mark in Commerce Under § 8 (PTO Form 1553)	0.17	11,550	1,964	\$310.00	\$608,840.00
Combined Declaration of Use in Commerce & Application for Renewal of Registration of a Mark Under §§ 8 & 9	0.23	2,708	623	\$310.00	\$193,130.00
TEAS Combined Declaration of Use in Commerce & Application for Renewal of Registration of a Mark Under §§ 8 & 9 (PTO Form 1963)	0.20	37,108	7,422	\$310.00	\$2,300,820.00
Declaration of Incontestability of a Mark Under § 15	0.05	92	5	\$310.00	\$1,550.00
TEAS Declaration of Incontestability of a Mark Under § 15 (PTO Form 4.16)	0.10	508	51	\$310.00	\$15,810.00
Combined Declaration of Use & Incontestability Under §§ 8 & 15	0.08	10,514	841	\$310.00	\$260,710.00
TEAS Combined Declaration of Use & Incontestability Under §§ 8 & 15 (PTO Form 1583)	0.05	55,461	2,773	\$310.00	\$859,630.00
Amendments and Corrections	0.50	5,304	2,652	\$310.00	\$822,120.00
Surrenders	0.50	466	233	\$310.00	\$72,230.00
TEAS Section 7 Request (PTO Form 1597 )	0.33	1,900	627	\$310.00	\$194,370.00
<b>Total</b>	- - - -	<b>127,136</b>	<b>17,466</b>	- - - -	<b>\$5,414,460.00</b>

### 13. Total Annualized Non-hour Cost Burden

There are no capital start-up, maintenance, or record keeping costs. There is, however, non-hour cost burden in the way of postage costs and filing fees.

Applicants and registrants incur postage costs when submitting non-electronic information to the USPTO by mail through the United States Postal Service. The USPTO estimates that 20,609 submissions are made via first class mail. First class postage is 42 cents. Therefore, a total estimated mailing cost of \$8,657 is incurred for this collection.

Table 4 calculates the postage costs for this collection of information:

**Table 4: Postage Costs for Post Registration (Trademark Processing)**

Item	Responses (yr) (a)	Postage Costs (b)	Total Cost (yr) (a) x (b)
Declaration of Use of a Mark in Commerce Under § 8	1,525	\$0.42	\$641.00
Combined Declaration of Use in Commerce & Application for Renewal of Registration of a Mark Under §§ 8 & 9	2,708	\$0.42	\$1,137.00
Declaration of Incontestability of a Mark Under § 15	92	\$0.42	\$39.00
Combined Declaration of Use & Incontestability Under §§ 8 & 15	10,514	\$0.42	\$4,416.00
Amendments and Corrections	5,304	\$0.42	\$2,228.00
Surrenders	466	\$0.42	\$196.00
<b>Total</b>	<b>20,609</b>	<b>- - - -</b>	<b>\$8,657.00</b>

Filing fees of \$41,785,100 are associated with this collection. The filing fees are based on per class filing of goods and services; therefore, the total filing fees can vary depending on the number of classes. There is a \$100 filing fee for Section 7 Requests unless the correction is due to a USPTO error, in which case there is no fee. The USPTO estimates that approximately 1,267 of the 1,900 expected Section 7 Requests would require the fee. The filing fees shown here are the minimum fees associated with this information collection.

Table 5 calculates the filing fees associated with this collection of information:

**Table 5: Filing Fees – Non-hour Cost Burden for Post Registration (Trademark Processing)**

Item	Responses (yr) (a)	Filing fee (\$) (b)	Total Non-Hour Cost Burden (yr) (a) x (b) (c)
Declaration of Use of a Mark in Commerce Under § 8	1,525	\$100.00	\$152,500.00
TEAS Declaration of Use of a Mark in Commerce Under § 8	11,550	\$100.00	\$1,155,000.00
Combined Declaration of Use in Commerce & Application for Renewal of Registration of a Mark Under §§ 8 & 9	2,708	\$500.00	\$1,354,000.00
TEAS Combined Declaration of Use in Commerce & Application for Renewal of Registration of a Mark Under §§ 8 & 9	37,108	\$500.00	\$18,554,000.00
Declaration of Incontestability of a Mark Under § 15	92	\$200.00	\$18,400.00



TEAS Declaration of Incontestability of a Mark Under § 15	508	\$200.00	\$101,600.00
Combined Declaration of Use & Incontestability Under §§ 8 & 15	10,514	\$300.00	\$3,154,200.00
TEAS Combined Declaration of Use & Incontestability Under §§ 8 & 15	55,461	\$300.00	\$16,638,300.00
Amendments and Corrections	5,304	\$100.00	\$530,400.00
Surrenders	466	\$0.00	\$0.00
TEAS Section 7 Request	1,267	\$100.00	\$126,700.00
<b>Total</b>	<b>126,503</b>	<b>- - - -</b>	<b>\$41,785,100.00</b>

In sum, the total annual non-hour cost burden for this collection in the form of postage costs (\$8,657) and filing fees (\$41,785,100) amounts to \$41,793,757.

#### 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 7 minutes (0.12 hours) to process the declaration of use of a mark in commerce under § 8, the combined declaration of use in commerce and application for renewal of registration of a mark under §§ 8 & 9, the declaration of incontestability of a mark under § 15, the combined declaration of use & incontestability under §§ 8 & 15, amendments and corrections, and surrenders if they are submitted on paper. In the case of the electronically filed submissions, the USPTO estimates that it takes 4 minutes (0.07 hours) to process that information. The USPTO estimates that it takes the combined efforts of a GS-9, step 5 and a GS-11, step 5 employee 30 minutes (0.50 hours) to process a Section 7 Request submitted online via TEAS.

The hourly rate for a GS-5, step 5 is currently \$18.07 and for a GS-7, step 5 it is currently \$22.38, for an average hourly rate of \$20.23. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour for these contractors is \$26.30 (\$20.23 + \$6.07). The hourly rate for a GS-9, step 5 is currently \$27.37 and for a GS-11, step 5 it is currently \$33.12, for an average hourly rate of \$30.25. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour for these contractors is \$39.33 (\$30.25 + \$9.08).

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 Post Registration (Trademark Processing)**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Declaration of Use of a Mark in Commerce Under § 8	0.12	1,525	183	\$26.30	\$4,813.00
TEAS Declaration of Use of a mark in Commerce Under § 8	0.07	11,550	809	\$26.30	\$21,277.00

Combined Declaration of Use in Commerce & Application for Renewal of Registration of a Mark Under §§ 8 & 9	0.12	2,708	325	\$26.30	\$8,548.00
TEAS Combined Declaration of Use in Commerce & Application for Renewal of Registration of a Mark Under §§ 8 & 9	0.07	37,108	2,598	\$26.30	\$68,327.00
Declaration of Incontestability of a Mark Under § 15	0.12	92	11	\$26.30	\$289.00
TEAS Declaration of Incontestability Under § 15	0.07	508	36	\$26.30	\$947.00
Combined Declaration of Use & Incontestability Under §§ 8 & 15	0.12	10,514	1,262	\$26.30	\$33,191.00
TEAS Combined Declaration of Use & Incontestability Under §§ 8 & 15	0.07	55,461	3,882	\$26.30	\$102,097.00
Amendments and Corrections	0.12	5,304	636	\$26.30	\$16,727.00
Surrenders	0.12	466	56	\$26.30	\$1,473.00
TEAS Section 7 Request	0.50	1,900	950	\$39.33	\$37,364.00
<b>Total</b>	- - - - -	<b>127,136</b>	<b>10,748</b>	- - - - -	<b>\$295,053.00</b>

## 15. Reason for Change in Burden

### Summary of Changes Since the Previous Renewal

The renewal of this information collection was approved by OMB in October of 2005 with a total of 129,787 responses and 19,748 burden hours per year. A proposed addition of the Section 7 Request was approved by OMB on 12/03/08, increasing the annual responses to 133,587 and the annual burden hours to 21,097. With this renewal, the USPTO estimates that the responses will be 127,136 and the burden hours 17,466, which is a decrease of 6,451 responses and 3,631 burden hours from the currently approved burden for this collection.

The USPTO estimates that the total annual (non-hour) cost burden will increase by \$3,361,678 for this renewal, from \$38,432,079 currently reported on the OMB inventory to the present \$41,793,757 per year.

### Change in Burden Estimates Since the 60-Day *Federal Register* Notice

The 60-Day *Federal Register* Notice, published in March 2008, reported that the USPTO estimated it would receive 106,030 responses resulting in 16,689 burden hours per year. Since that publication there have been adjustments in the number of responses, increasing the responses by 21,106 and the burden hours by 777, resulting in the present 127,136 responses and 17,466 burden hours being reported for this submission.

The 60-Day Federal *Register Notice* reported total (non-hour) cost burden in the amount of \$37,153,771. (Non-hour) cost burden is being increased in this submission to \$41,793,757 due to an increase in the number of responses.

#### Change in Respondent Cost Burden

In 2005, the estimated hourly rate for attorneys was \$286. Using that rate, the reported burden hours yielded a respondent cost burden of \$5,647,928. The proposed addition of the Section 7 Requests reported an updated estimated hourly rate for attorneys of \$304 for those two items, adding \$410,096 to the respondent cost burden, for a total of \$6,058,024. This renewal reports an estimated hourly rate of \$310 for a respondent cost burden of \$5,414,460, a decrease of \$643,564 due to the decrease in total burden hours for the collection.

#### Changes in Response and Burden Hours

With this renewal, the number of responses decreased by 6,451, from 133,587 to 127,136 and the burden hours decreased by 3,631, from 21,097 to the present 17,466 per year. The decrease in burden hours is due to a revised number of submissions as an administrative adjustment and the elimination of the paper Section 7 Requests as a program change, as follows:

- The USPTO believes that the number of Declarations of Use of a Mark in Commerce Under § 8 submitted per year will decrease by 6,695 responses, from 8,220 to 1,525. **Therefore, this submission takes a burden decrease of 1,205 hours as an administrative adjustment.**
- The USPTO believes that the number of TEAS Declarations of Use of a Mark in Commerce Under § 8 submitted per year will decrease by 21,330 responses, from 32,880 to 11,550. **Therefore, this submission takes a burden decrease of 3,626 hours as an administrative adjustment.**
- The USPTO believes that the number of Combined Declarations of Use in Commerce & Applications for Renewal of Registrations of a Mark Under §§ 8 & 9 submitted per year will decrease by 5,512 responses, from 8,220 to 2,708. **Therefore, this submission takes a burden decrease of 1,268 hours as an administrative adjustment.**
- The USPTO believes that the number of TEAS Combined Declarations of Use in Commerce & Applications for Renewal of Registrations of a Mark Under §§ 8 & 9 submitted per year will increase by 4,228 responses, from 32,880 to 37,108. **Therefore, this submission takes a burden increase of 846 hours as an administrative adjustment.**
- The USPTO believes that the number of Declarations of Incontestability of a Mark Under § 15 submitted per year will increase by 5 responses, from 87 to 92.

**Therefore, this submission takes a burden increase of 1 hour as an administrative adjustment.**

- The USPTO believes that the number of TEAS Declarations of Incontestability of a Mark Under § 15 submitted per year will increase by 158 responses, from 350 to 508. **Therefore, this submission takes a burden increase of 16 hours as an administrative adjustment.**
- The USPTO believes that the number of Combined Declarations of Use & Incontestability Under §§ 8 & 15 submitted per year will increase by 1,774 responses, from 8,740 to 10,514. **Therefore, this submission takes a burden increase of 142 hours as an administrative adjustment.**
- The USPTO believes that the number of TEAS Combined Declarations of Use & Incontestability Under §§ 8 & 15 submitted per year will increase by 20,501 responses, from 34,960 to 55,461. **Therefore, this submission takes a burden increase of 1,025 hours as an administrative adjustment.**
- The USPTO believes that the number of Amendments and Corrections submitted per year will increase by 2,204 responses, from 3,100 to 5,304. **Therefore, this submission takes a burden increase of 1,102 hours as an administrative adjustment.**
- The USPTO believes that the number of Surrenders submitted per year will increase by 100 responses, from 350 to 466. **Therefore, this submission takes a burden increase of 58 hours as an administrative adjustment.**
- The USPTO is proposing to delete the paper Section 7 Request information requirement that was added into the collection as a proposed amendment as it has been re-evaluated and determined that it was a duplication of the Amendments and Corrections and the Surrenders categories. **Therefore, this collection takes a burden decrease of 722 hours as a program change.**

**A total of 3,631 burden hours have been reduced from this collection due to a decrease in submissions and the elimination of the paper Section 7 Requests category. This results in a total net burden hour decrease of 2,909 hours as an administrative adjustment and 722 hours as a program change.**

#### Changes in Annualized (Non-hour) Cost Burden

For this renewal, the USPTO estimates that the total annual non-hour costs will increase by \$3,361,678, from \$38,432,079 currently reported on the OMB inventory to the present \$41,793,757 per year. This increase is due to the adjustments in estimated responses and an increase in postage rates, but is partially offset by the elimination of the paper Section 7 Requests. **Therefore, this collection has a net increase in annualized (non-hour) cost burden of \$3,361,678, with an increase of \$3,489,107**

**as an administrative adjustment offset by a decrease of \$127,429 as a program change.**

**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 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. USPTO Information Quality Guidelines
- B. Declaration of Use of a Mark in Commerce Under § 8 (PTO Form 1583)
- C. TEAS Declaration of Use of a Mark in Commerce Under § 8 (PTO/TM/1553)
- D. Combined Declaration of Use of a Mark in Commerce & Application for Renewal of Registration of a Mark under §§ 8 & 9 (PTO Form 1963)
- E. TEAS Combined Declaration of Use of a Mark in Commerce & Application for Renewal of Registration of a Mark under §§ 8 & 9 (PTO Form 1963)
- F. Declaration of Incontestability of a Mark Under § 15 (PTO Form 4.16)
- G. TEAS Declaration of Incontestability of a Mark Under § 15 (PTO/TM/4.16)
- H. Combined Declaration of Use and Incontestability of a Mark Under §§ 8 and 15 (PTO Form 1583)
- I. TEAS Combined Declaration of Use and Incontestability of a Mark Under §§ 8 and 15 (PTO Form 1583)
- J. TEAS Section 7 Request (PTO Form 1597)