

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Madrid Protocol**  
**OMB CONTROL NUMBER 0651-0051**  
**(September 2012)**

**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 can 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.

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.

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. The first affidavit must be filed five years after the USPTO registers an extension of protection.

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 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 items in this information collection online (except for the Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration) using the Trademark Electronic Application System (TEAS), which is available through the USPTO Web site.

The USPTO is proposing to add one item, the Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15, which is an existing information requirement that was not previously covered under this collection.

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 IB requires Applications for International Registration and Applications for Subsequent Designation that are filed on paper to be submitted on the official IB forms.

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

**Table 1: Information Requirements**

Requirement	Statute	Rule
Application for International Registration	15 U.S.C. § 1141a	37 CFR 7.11
Application for Subsequent Designation	15 U.S.C. § 1141d	37 CFR 7.21
Response to Notice of Irregularity	Not applicable	37 CFR 7.14
Replacement Request	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
Transformation Request	15 U.S.C. § 1141j(c)	37 CFR 7.31
Petition to Director to Review Denial of Certification of International Application	15 U.S.C. § 1141b	37 CFR 2.146, 7.4(b), and 7.13
Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71	15 U.S.C. § 1141k	37 CFR 7.36 and 7.37
Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15	15 U.S.C. §§ 1065 and 1141k	37 CFR 2.167, 2.168, 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 is also 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 this information collection and its supporting statement comply with all applicable information quality guidelines, i.e., OMB and specific operating-unit guidelines.

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

**Table 2: Needs and Uses of Information Collected**

Form and Function	Form #	Needs and Uses
Application for International Registration	PTO-2131 TEAS	<ul style="list-style-type: none"> <li>Used by the public to apply for international trademark registration.</li> <li>Used by the USPTO to review applications for international trademark registration and forward them to the IB.</li> </ul>
Application for Subsequent Designation	PTO-2132 TEAS	<ul style="list-style-type: none"> <li>Used by the public to identify countries that were not named in an original international application but in which trademark protection is now sought.</li> <li>Used by the USPTO to forward additionally designated countries in an international application to the IB.</li> </ul>

Form and Function	Form #	Needs and Uses
Response to Notice of Irregularity	PTO-2133 TEAS	<ul style="list-style-type: none"> <li>Used by the public to respond to irregularities in international applications identified by the IB.</li> <li>Used by the USPTO to forward responses to irregularities identified in international applications to the IB.</li> </ul>
Replacement Request	TEAS Global Form	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>
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"> <li>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.</li> <li>Used by the USPTO to record assignments of an international registration or restrictions of a holder's right to dispose of an international registration.</li> </ul>
Transformation Request	TEAS Global Form	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>
Petition to Director to Review Denial of Certification of International Application	TEAS Global Form	<ul style="list-style-type: none"> <li>Used by the public to request that the USPTO review an examiner's refusal to certify an international application.</li> <li>Used by the USPTO to review claims that the refusal to certify an international application was erroneous.</li> </ul>
Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71	PTO-1663 TEAS	<ul style="list-style-type: none"> <li>Used by the public to submit a declaration 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.</li> <li>Used by the USPTO to review declarations stating that a mark is in use or that any nonuse of a mark is excusable.</li> </ul>
Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15	PTO-1683 TEAS	<ul style="list-style-type: none"> <li>Used by the public to claim that a mark registered on the Principal Register is now incontestable and to submit a declaration 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.</li> <li>Used by the USPTO to review declarations stating that a mark is in use or that any nonuse of a mark is excusable.</li> </ul>

### 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 public may file the information in this collection electronically through the Trademark Electronic Application System (TEAS), which is accessible via the USPTO Web site. TEAS forms are completed online and 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 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 an authorization to charge a USPTO deposit account.

With respect to international applications and subsequent designations, filers can enter the U.S. application serial number or registration number of the mark that will form the basis of the international application on the appropriate form. Once entered, the data fields are automatically populated 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 must be submitted via TEAS; filers may not e-mail their own forms to the USPTO. 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.

The TEAS Global Forms are an interim workaround as the USPTO develops additional TEAS forms covering items that are currently collected only in paper. This method allows for electronic filing of documents when there is not currently a TEAS form with dedicated data fields for the particular purpose. A TEAS Global Form allows the user to submit documents electronically by identifying a document type through a drop-down list, entering text in a free-text box, and attaching files in JPG or PDF format.

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 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 several search tools, is updated daily, and is easy to use.

The USPTO also maintains an online database called Trademark Status and Document Retrieval (TSDR), which features information regarding the status of trademark applications and registrations as well as images of each of the documents that make up the "electronic file wrapper" of a particular trademark application or registration. Currently, images of virtually all pending trademark application and registration files are present in TSDR.

These systems are all accessible on the USPTO Web site. Thus, the USPTO offers a single source for a variety of systems useful both for making submissions to the USPTO and for tracking the status of these submissions.

#### **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 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 January 12, 2012 (77 Fed. Reg. 1917). The comment period ended on March 12, 2012.

The USPTO received one public comment, from an intellectual property law firm. The comment supported the proposed addition of the electronic (TEAS) form for Combined Declarations of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 and noted the efficiency in time and cost of offering a combined form for these items, which are often filed together.

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 has 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.

## **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 sensitive.

## **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 6,620 total responses per year for this collection and that approximately 96% of the responses will be submitted electronically.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately 15 minutes to one hour and 15 minutes (0.25 to 1.25 hours) to complete the information in this collection, including the time to gather the necessary information, prepare the forms or documents, and submit the completed request to the USPTO.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected and the length of time necessary to complete responses containing similar or like information.

- Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$371 per hour for respondent cost burden calculations, which is the mean rate for attorneys in private firms as shown in the 2011 Report of the Economic Survey published by the American Intellectual Property Law Association (AIPLA). Based on the Agency's long-standing institutional knowledge of and experience with the type of information collected, the Agency believes \$371 is an accurate estimate of the cost per hour to collect this information.

**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 (\$/yr) (e) (c) x (d)
Application for International Registration (PTO-2131 TEAS)	0.25	3,900	975	\$371.00	\$361,725.00
Application for International Registration (paper, no form)	0.50	20	10	\$371.00	\$3,710.00
Application for Subsequent Designation (PTO-2132 TEAS)	0.25	400	100	\$371.00	\$37,100.00
Application for Subsequent Designation (paper, no form)	0.33	5	2	\$371.00	\$742.00
Response to Notice of Irregularity (PTO-2133 TEAS)	0.25	1,000	250	\$371.00	\$92,750.00
Response to Notice of Irregularity (paper, no form)	0.50	5	3	\$371.00	\$1,113.00
Replacement Request (TEAS Global form)	0.50	15	8	\$371.00	\$2,968.00
Replacement Request (paper, no form)	0.75	5	4	\$371.00	\$1,484.00
Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration (paper, no form)	0.50	5	3	\$371.00	\$1,113.00
Transformation Request (TEAS Global form)	0.25	20	5	\$371.00	\$1,855.00
Transformation Request (paper, no form)	0.50	10	5	\$371.00	\$1,855.00
Petition to Director to Review Denial of Certification of International Application (TEAS Global form)	1.00	30	30	\$371.00	\$11,130.00
Petition to Director to Review Denial of Certification of International Application (paper, no form)	1.25	5	6	\$371.00	\$2,226.00
Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (PTO-1663 TEAS)	0.25	700	175	\$371.00	\$64,925.00
Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (paper, no form)	0.30	100	30	\$371.00	\$11,130.00
Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (PTO-1683 TEAS)	0.25	300	75	\$371.00	\$27,825.00



Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (paper, no form)	0.30	100	30	\$371.00	\$11,130.00
<b>Totals</b>	- - - -	<b>6,620</b>	<b>1,711</b>	- - - - -	<b>\$634,781.00</b>

### 13. Total Annual (Non-hour) Cost Burden

The total annual (non-hour) respondent cost burden for this collection is estimated to be \$745,480 per year, which includes \$745,250 in fees and \$230 in postage.

#### Fees

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 \$745,250 per year as calculated in Table 4 below:

**Table 4: Filing Fees to Respondents**

Item	Responses (a)	Filing Fee (\$) (b)	Total Non-hour 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 TEAS)	2,000	\$100.00	\$200,000.00
Application for International Registration (for certifying an international application based on a single basic application or registration, per international class) (paper, no form)	10	\$100.00	\$1,000.00
Application for International Registration (for certifying an international application based on more than one basic application or registration, per international class) (PTO-2131 TEAS)	1,900	\$150.00	\$285,000.00
Application for International Registration (for certifying an international application based on a single basic application or registration, per international class) (paper, no form)	10	\$150.00	\$1,500.00
Application for Subsequent Designation (PTO-2132 TEAS)	400	\$100.00	\$40,000.00
Application for Subsequent Designation (paper, no form)	5	\$100.00	\$500.00
Response to Notice of Irregularity (PTO-2133 TEAS)	1,000	\$0.00	\$0.00
Response to Notice of Irregularity (paper, no form)	5	\$0.00	\$0.00
Replacement Request (per international class) (TEAS Global form)	15	\$100.00	\$1,500.00

Item	Responses (a)	Filing Fee (\$) (b)	Total Non-hour Cost Burden (c) (a) x (b)
Replacement Request (per international class) (paper, no form)	5	\$100.00	\$500.00
Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration (paper, no form)	5	\$100.00	\$500.00
Transformation Request (TEAS Global form)	20	\$375.00	\$7,500.00
Transformation Request (paper, no form)	10	\$375.00	\$3,750.00
Petition to Director to Review Denial of Certification of International Application (TEAS Global form)	30	\$100.00	\$3,000.00
Petition to Director to Review Denial of Certification of International Application (paper, no form)	5	\$100.00	\$500.00
Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (per international class) (PTO-1663 TEAS)	700	\$100.00	\$70,000.00
Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (per international class) (paper, no form)	100	\$100.00	\$10,000.00
Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (per international class) (PTO-1683 TEAS)	300	\$300.00	\$90,000.00
Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (per international class) (paper, no form)	100	\$300.00	\$30,000.00
<b>Totals</b>	<b>6,620</b>	<b>- - - - -</b>	<b>\$745,250.00</b>

## Postage

The USPTO estimates that approximately 255 of the 6,620 total responses for this collection may be filed on paper and submitted by mail at an average first-class postage cost of 90 cents per submission, for a total postage cost of approximately \$230 per year.

## **14. Annual Cost to the Federal Government**

Except for the petitions and declarations, 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 USPTO estimates that the average cost of USPTO staff processing this information is \$43.29 per hour (average of indicated GS hourly rates is \$33.30 with 30% (\$9.99) added for benefits and overhead).

The petitions in this collection are processed by GS-15, step 4 employees at an estimated cost of \$84.80 per hour (GS hourly rate of \$65.23 with 30% (\$19.57) added for benefits and

overhead).

The declarations and combined declarations are processed by USPTO staff at level GS-11, steps 5 through 7. Based on the current hourly rates, the USPTO estimates that the average cost of USPTO staff processing this information is \$45.40 per hour (average of indicated GS hourly rates is \$34.92 with 30% (\$10.48) added for benefits and overhead).

The USPTO estimates that it takes the USPTO staff approximately 10 minutes to one hour and 15 minutes (0.17 to 1.25 hours) to process the information in this collection. For subsequent designations that are filed electronically, processing is fully automated with no staff time required.

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**

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 TEAS)	0.33	3,900	1,287	\$43.29	\$55,714.00
Application for International Registration (paper, no form)	0.50	20	10	\$43.29	\$433.00
Application for Subsequent Designation (PTO-2132 TEAS)	0.00	400	0	\$0.00	\$0.00
Application for Subsequent Designation (paper, no form)	0.25	5	1	\$43.29	\$43.00
Response to Notice of Irregularity (PTO-2133 TEAS)	0.50	1,000	500	\$43.29	\$21,645.00
Response to Notice of Irregularity (paper, no form)	0.75	5	4	\$43.29	\$173.00
Replacement Request (TEAS Global form)	0.50	15	8	\$43.29	\$346.00
Replacement Request (paper, no form)	0.60	5	3	\$43.29	\$130.00
Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration (paper, no form)	0.33	5	2	\$43.29	\$87.00
Transformation Request (TEAS Global form)	0.50	20	10	\$43.29	\$433.00
Transformation Request (paper, no form)	0.60	10	6	\$43.29	\$260.00
Petition to Director to Review Denial of Certification of International Application (TEAS Global form)	1.00	30	30	\$84.80	\$2,544.00
Petition to Director to Review Denial of Certification of International Application (paper, no form)	1.25	5	6	\$84.80	\$509.00

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (PTO-1663 TEAS)	0.17	700	119	\$45.40	\$5,403.00
Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (paper, no form)	0.25	100	25	\$45.40	\$1,135.00
Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (PTO-1683 TEAS)	0.17	300	51	\$45.40	\$2,315.00
Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (paper, no form)	0.25	100	25	\$45.40	\$1,135.00
<b>Totals</b>	- - - -	<b>6,620</b>	<b>2,087</b>	- - - -	<b>\$92,305.00</b>

## 15. Summary of Changes in Burden

OMB previously approved this information collection in June 2009 with a total of 5,330 responses, 1,347 burden hours, and \$529,701 in annual (non-hour) costs. There have been no interim approvals.

For this renewal, the USPTO estimates that the total annual responses will be 6,620 and the total burden hours will be 1,711, which is an increase of 1,290 responses and 364 hours from the currently approved burden for this collection. This increase in responses and burden hours is due to program changes and administrative adjustments.

The total annual (non-hour) cost burden for this renewal of \$745,480 is an increase of \$215,779 from the currently approved total of \$529,701 in annual costs for this collection. This increase in annual costs is due to program changes and administrative adjustments.

### Change in Respondent Cost Burden

The total respondent cost burden has increased by \$217,211, from \$417,570 to \$634,781, from the submission of this collection that was approved in June 2009, due to:

- Increases in estimated hourly rates.** The submission approved in June 2009 used an estimated median rate of \$310 per hour for attorneys to prepare the items in this collection. For the current renewal, the USPTO is using an updated estimated mean rate of \$371 per hour for attorneys. (The 60-Day Notice that was published for this renewal used an estimated median rate of \$340 for attorneys.)

- **Increases in estimated burden hours.** The total estimated burden hours have increased from 1,347 approved in June 2009 to 1,711 for the current renewal due to increases in the estimated total annual responses for this collection and changes in the estimated time per response for some information requirements.

#### Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the total annual responses will increase by 1,290 (from 5,330 to 6,620) and the total burden hours will increase by 364 (from 1,347 to 1,711) from the currently approved burden for this collection due to program changes and administrative adjustments, as follows:

#### **Program Changes (increase of 1,200 responses and 310 hours):**

- **Increase of 700 estimated annual responses** for the Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (PTO-1663 TEAS); **a burden increase of 175 hours.** No response estimates or burden hours were provided for this item in the previous 2009 submission because collection of this item did not begin until February 2010.
- **Increase of 100 estimated annual responses** for the Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (paper, no form) and revised the time estimate per response from 15 minutes to 18 minutes; **a burden increase of 30 hours.** No response estimates or burden hours were provided for this item in the previous 2009 submission because collection of this item did not begin until February 2010.
- **Increase of 300 estimated annual responses** for adding the Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (PTO-1683 TEAS); **a burden increase of 75 hours.**
- **Increase of 100 estimated annual responses** for adding the Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (paper, no form); **a burden increase of 30 hours.**

#### **Administrative Adjustments (increase of 90 responses and 54 hours):**

- **Increase of 39 estimated annual responses** for the Application for International Registration (PTO-2131 TEAS); **a burden increase of 10 hours.**
- **Decrease of 19 estimated annual responses** for the Application for International Registration (paper, no form) and revised the time estimate per response from 15 minutes to 30 minutes; **no net change in burden hours.**

- **Increase of 4 estimated annual responses** for the Application for Subsequent Designation (PTO-2132 TEAS); **a burden increase of 1 hour.**
- **Increase of 1 estimated annual response** for the Application for Subsequent Designation (paper, no form) and revised the time estimate per response from 15 minutes to 20 minutes; **a burden increase of 1 hour.**
- **Increase of 10 estimated annual responses** for the Response to Notice of Irregularity (PTO-2133 TEAS); **a burden increase of 3 hours.**
- **Decrease of 5 estimated annual responses** for the Response to Notice of Irregularity (paper, no form) and revised the time estimate per response from 15 minutes to 30 minutes; **no net change in burden hours.**
- **Increase of 13 estimated annual responses** for the Replacement Request (TEAS Global form); **a burden increase of 7 hours.**
- **Increase of 3 estimated annual responses** for the Replacement Request (paper, no form) and revised the time estimate per response from 30 minutes to 45 minutes; **a burden increase of 3 hours.**
- **No change in estimated annual responses or burden hours** for the Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration (paper, no form).
- **Increase of 17 estimated annual responses** for the Transformation Request (TEAS Global form); **a burden increase of 4 hours.**
- **Increase of 7 estimated annual responses** for the Transformation Request (paper, no form) and revised the time estimate per response from 15 minutes to 30 minutes; **a burden increase of 4 hours.**
- **Increase of 22 estimated annual responses** for the Petition to Director to Review Denial of Certification of International Application (TEAS Global form); **a burden increase of 22 hours.**
- **Decrease of 2 estimated annual responses** for the Petition to Director to Review Denial of Certification of International Application (paper, no form) and revised the time estimate per response from 1 hour to 1 hour and 15 minutes; **a burden decrease of 1 hour.**

## Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$215,779 (from \$529,701 to \$745,480) due to program changes and administrative adjustments, as follows:

### **Program Changes (increase of \$200,180):**

- **Increase of \$200,000.** This collection is currently approved with a total of \$529,650 in 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 total fees will increase to \$745,250 due to several factors, including an increase of \$200,000 associated with Declarations of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (an approved item that did not include any fee burden in the previous 2009 renewal because collection of this item did not begin until 2010) and Combined Declarations of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (a new item being added to this collection).
- **Increase of \$180.** This collection is currently approved with a total of \$51 in postage costs associated with mailing responses to the USPTO. For this submission, the USPTO estimates that the postage costs for mailed items will increase to \$230 due to several factors, including an increase of \$180 associated with mailing Declarations of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 and Combined Declarations of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15.

### **Administrative Adjustments (increase of \$15,599):**

- **Increase of \$15,600.** This collection is currently approved with a total of \$529,650 in 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 total fees will increase to \$745,250 due to several factors, including an increase of \$15,600 associated with adjustments to estimated responses for several items in this collection.
- **Decrease of \$1.** This collection is currently approved with a total of \$51 in postage costs associated with mailing responses to the USPTO. For this submission, the USPTO estimates that the postage costs for mailed items will increase to \$230 due to several factors, including a net decrease of \$1 associated with several items in this collection. Although the estimated average postage cost has increased from 75 cents to 90 cents per mailed submission, the estimated number of mailed submissions (other than Declarations of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 and Combined Declarations of Continued

Use/Excusable Nonuse and Incontestability Under Sections 71 and 15) has decreased.

**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 of OMB approval.

**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.