

SUPPORTING STATEMENT
United States Patent and Trademark Office
Recording Assignments
OMB CONTROL NUMBER 0651-0027
(March 2012)

A. JUSTIFICATION

1. Necessity of Information Collection

This collection of information is required by 35 U.S.C. §§ 261 and 262 for patents and 15 U.S.C. §§ 1057 and 1060 for trademarks. These statutes authorize the United States Patent and Trademark Office (USPTO) to record patent and trademark assignment documents, including transfers of properties (i.e. patents and trademarks), liens, licenses, assignments of interest, security interests, mergers, and explanations of transactions or other documents that record the transfer of ownership of a particular patent or trademark property from one party to another. Assignments are recorded for applications, patents, and trademark registrations.

The USPTO administers these statutes through 37 CFR 2.146, 2.171, and 37 CFR Part 3. These rules permit the public, corporations, other federal agencies, and Government-owned or Government-controlled corporations to submit patent and trademark assignment documents and other documents related to title transfers to the USPTO to be recorded. In accordance with 37 CFR 3.54, the recording of an assignment document by the USPTO is an administrative action and not a determination of the validity of the document or of the effect that the document has on the title to an application, patent, or trademark.

Once the assignment documents are recorded, they are available for public inspection. The only exceptions are those documents that are sealed under secrecy orders according to 37 CFR 3.58 or related to unpublished patent applications maintained in confidence under 35 U.S.C. § 122 and 37 CFR 1.14. The public uses these records to conduct ownership and chain-of-title searches. The public may view these records either at the USPTO Public Search Facilities or at the National Archives and Records Administration, depending on the date they were recorded. The public may also search patent and trademark assignment information online through the USPTO Web site.

In order to file a request to record an assignment, the respondent must submit an appropriate cover sheet along with copies of the assignment documents to be recorded. The USPTO provides two paper forms for this purpose, the Patent Recordation Form Cover Sheet (PTO-1595) and the Trademark Recordation Form Cover Sheet (PTO-1594), which capture all of the necessary data for accurately recording various assignment documents. These forms may be downloaded in PDF format from the USPTO Web site.

Customers may also submit assignments online by using the Electronic Patent Assignment System (EPAS) and the Electronic Trademark Assignment System (ETAS), which are

available through the USPTO Web site. These systems allow customers to fill out the required cover sheet information online using Web-based forms and then attach the electronic assignment documents to be submitted for recordation.

Table 1 provides the specific statutes and regulations authorizing the USPTO to collect the information discussed above:

Table 1: Information Requirements

Requirement	Statute	Rule
Patent Recordation Form Cover Sheet	35 U.S.C. §§ 261 and 262	37 CFR 3.11, 3.21, 3.24, 3.26, 3.28, 3.31, 3.34, and 3.41
Trademark Recordation Form Cover Sheet	15 U.S.C. §§ 1057 and 1060	37 CFR 3.11, 3.16, 3.25, 3.26, 3.28, 3.31, 3.34, and 3.41; 37 CFR 2.146 and 2.171
Electronic Patent Assignment System (EPAS)	35 U.S.C. §§ 261 and 262	37 CFR 3.11, 3.21, 3.24, 3.26, 3.28, 3.31, 3.34, and 3.41
Electronic Trademark Assignment System (ETAS)	15 U.S.C. §§ 1057 and 1060	37 CFR 3.11, 3.16, 3.25, 3.26, 3.28, 3.31, and 3.34, 3.41; 37 CFR 2.146 and 2.171

2. Needs and Uses

The public uses this information collection to submit patent and trademark assignment documents to be recorded by the USPTO. Except for those documents sealed under secrecy orders or related to unpublished patent applications, patent and trademark assignment records may be inspected by the public after they are recorded.

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.

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 collection of information is used by the public and the USPTO:

Table 2: Needs and Uses

Form and Function	Form #	Needs and Uses
Patent Recordation Form Cover Sheet	PTO-1595	<ul style="list-style-type: none"> • Used by the public to submit assignment documents indicating the transfer of rights, title, and interest in a patent property from one party to another for recording by the USPTO. • Used by the public to submit corrected cover sheets or documents to the USPTO for recording. • Used by the USPTO to process and record patents, patent assignments, or other associated documents. • Used by the USPTO to ensure that all relevant bibliographic data is entered in the files and the searchable public database.
Trademark Recordation Form Cover Sheet	PTO-1594	<ul style="list-style-type: none"> • Used by the public to submit assignment documents indicating the transfer of rights, title, and interest in a trademark property from one party to another for recording by the USPTO. • Used by the public to submit corrected cover sheets or documents to the USPTO for recording. • Used by the USPTO to process and record marks, assignments, or other associated documents. • Used by the USPTO to ensure that all relevant bibliographic data is entered in the files and the searchable public database.
Electronic Patent Assignment System (EPAS)	PTO-1595	<ul style="list-style-type: none"> • Used by the public to submit patent assignment documents online through the USPTO Web site. • Used by the public to submit corrected cover sheets or documents to the USPTO for recording. • Used by the USPTO to process and record patents, patent assignments, or other associated documents. • Used by the USPTO to ensure that all relevant bibliographic data is entered in the files and the searchable public database.
Electronic Trademark Assignment System (ETAS)	PTO-1594	<ul style="list-style-type: none"> • Used by the public to submit trademark assignment documents online through the USPTO Web site. • Used by the public to submit corrected cover sheets or documents to the USPTO for recording. • Used by the USPTO to process and record marks, assignments, or other associated documents. • Used by the USPTO to ensure that all relevant bibliographic data is entered in the files and the searchable public database.

3. Use of Information Technology

The paper forms associated with this collection, the Patent Recordation Form Cover Sheet (PTO-1595) and the Trademark Recordation Form Cover Sheet (PTO-1594), may be downloaded from the USPTO Web site as PDF files, filled out on the computer, and then printed for mailing or faxing to the USPTO. Once received, the cover sheets and associated assignment documents are scanned directly into the assignment document workflow system. Fax submission streamlines the processing of assignment documents by enabling the USPTO to skip the paper scanning stage and provide the customer with the resulting Notice of Recordation by return fax.

The USPTO also offers electronic filing options for both patent and trademark assignments. The Electronic Patent Assignment System (EPAS) and the Electronic Trademark Assignment System (ETAS) are both available to customers on the USPTO Web site. EPAS and ETAS allow customers to enter the required assignment data, attach the

supporting documentation in electronic format, and submit the assignment recordation request online. Payment of filing fees can be made by credit card, USPTO deposit account, or electronic fund transfer (EFT). After the payment transaction is completed, an electronic confirmation receipt is displayed on the screen and emailed to the customer.

After being electronically processed and recorded, the assignment information is fed into the appropriate patent or trademark database system. Information about recorded patent and trademark assignments is disseminated to the public through the USPTO Web site, where customers may search for the assignment information associated with a specific application, patent, or trademark registration.

4. Efforts to Identify Duplication

The information collected is required for the USPTO to record an assignment transaction and is not collected elsewhere, with one exception. The information regarding the current owner(s) of the interest (address and type of entity) is already maintained by the USPTO. However, this information is submitted routinely and could be required to distinguish between entities of the same name. Customers who file electronically using EPAS or ETAS may save this data from an assignment request as a template to be reused in future submissions.

5. Minimizing Burden to Small Entities

The information collected is the minimum needed to execute the transaction and to ensure that the recording of the assignment is complete. This collection of information does not impose a significant economic impact or put an unnecessary burden on small entities or small businesses. The same information is required of every applicant and is not available from any other source.

6. Consequences of Less Frequent Collection

This information is collected only when an applicant submits a patent or trademark assignment document or other associated documents to the USPTO to be recorded. This information collection could not be conducted less frequently. If the collection of information were not conducted, the USPTO could not comply with the requirements of 35 U.S.C. §§ 261 and 262 and 15 U.S.C. §§ 1057 and 1060 of the Trademark Act.

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 September 9, 2011 (76 Fed. Reg. 55880). The comment period ended on November 8, 2011. No public comments were received.

The USPTO has long-standing relationships with groups from whom patent application information is collected, such as the American Intellectual Property Law Association, as well as patent bar associations, independent inventor groups, and users of our public search facilities. Their views are expressed in regularly scheduled meetings and considered in developing proposals for information collection requirements. There have been no comments or concerns expressed by these or similar organizations concerning the time to provide the information required under this program.

9. Payments or Gifts to Respondents

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

10. Assurance of Confidentiality

Assignment records related to unpublished patent applications are maintained in confidence in accordance with 35 U.S.C. § 122 and 37 CFR 1.11 and 1.14. Except for those documents that are related to unpublished patent applications maintained in confidence or sealed under secrecy orders, the records for patents and trademarks, assignments, and other associated documents can be inspected by the public under 37 CFR 1.11, 1.12, and 2.200. Recorded serial numbers are not provided to the public until the patent is actually issued. These records can be viewed either at the USPTO or at the National Archives and Records Administration (NARA), depending on the date that they were recorded, and via a searchable database on the USPTO Web site.

Anyone wishing to view documents recorded under secrecy orders or view recorded documents in which the federal government has an interest must submit authorization in writing before the USPTO will release the documents for inspection according to 37 CFR 3.58. Also, documents sealed under secrecy orders cannot be filed electronically due to national security concerns. In accordance with the Privacy Act of 1974 (P.L. 93-579), a Privacy Act Notice covering patent assignments and their associated system of records has been published in the *Federal Register*.

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 468,826 total responses per year for this collection.

The USPTO estimates that approximately 77% of the annual responses for this collection will be submitted electronically via EPAS or ETAS, which customers may access through the USPTO Web site.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately 30 minutes (0.5 hours) to prepare and submit a patent or trademark recordation request.

- **Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$340 per hour for respondent cost burden calculations, which is the median 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).

The USPTO uses a paraprofessional rate of \$122 per hour for respondent cost burden calculations, which is the average rate for paralegals as shown in the 2010 *National Utilization and Compensation Survey* published by the National Association of Legal Assistants (NALA).

The USPTO expects that the information in this collection will be prepared by both attorneys and paraprofessionals, for an average rate of approximately \$231 per hour.

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)
Patent Recordation Form Cover Sheet (PTO-1595)	0.50	100,115	50,058	\$231.00	\$11,563,398.00
Trademark Recordation Form Cover Sheet (PTO-1594)	0.50	5,443	2,722	\$231.00	\$628,782.00
Electronic Patent Assignment System (EPAS)	0.50	330,390	165,195	\$231.00	\$38,160,045.00
Electronic Trademark Assignment System (ETAS)	0.50	32,878	16,439	\$231.00	\$3,797,409.00
Totals	468,826	234,414	\$54,149,634.00

13. Total Annual (Non-hour) Cost Burden

The total (non-hour) respondent cost burden for this collection is estimated to be \$36,979,716 per year, which includes \$36,931,265 in fees and \$48,451 in postage.

Fees

There are fees associated with submitting patent and trademark assignment documents to be recorded, for a total of \$36,931,265 per year as outlined in Table 4 below.

The fees for recording patent and trademark assignments are the same for both paper and electronic submissions. However, the filing cost for recording patent or trademark assignments varies according to the number of properties involved in each submission. The filing fee for submitting a patent assignment as indicated by 37 CFR 1.21(h) is \$40 per property for recording each document, while the filing fee for submitting a trademark assignment as indicated by 37 CFR 2.6(b)(6) is \$40 for recording the first property in a document and \$25 for each additional property in the same document. The USPTO estimates that the average fee for a patent assignment recordation request is approximately \$80 and that the average fee for a trademark assignment recordation request is approximately \$65.

Table 4: Filing Fees/Non-hour Cost Burden to Respondents

Item	Responses (a)	Filing Fees (\$) (b)	Total Non-hour Cost Burden (c) (a) x (b)
Patent Recordation Form Cover Sheet (PTO-1595)	100,115	\$80.00	\$8,009,200.00
Trademark Recordation Form Cover Sheet (PTO-1594)	5,443	\$65.00	\$353,795.00
Electronic Patent Assignment System (EPAS)	330,390	\$80.00	\$26,431,200.00
Electronic Trademark Assignment System (ETAS)	32,878	\$65.00	\$2,137,070.00
Totals	468,826	\$36,931,265.00

Postage Costs

The non-electronic items in this collection have associated first-class postage costs when submitted by mail, for a total of \$48,451 per year:

- 51,059 Patent Recordation Form Cover Sheets (PTO-1595) (approximately 51% of the 100,115 total submitted) that are submitted by mail, at \$0.90 postage: \$45,953
- 2,776 Trademark Recordation Form Cover Sheets (PTO-1594) (approximately 51% of the 5,443 total submitted) that are submitted by mail, at \$0.90 postage: \$2,498

14. Annual Cost to the Federal Government

The USPTO employs both GS-7 Legal Instrument Examiners and GS-9 Paralegals to process submissions for this information collection. The USPTO estimates that approximately 80% of the employees processing these submissions are GS-7, step 1 and 20% are GS-9, step 1.

The USPTO estimates that the cost of a GS-7, step 1 employee is \$26.29 per hour (GS hourly rate of \$20.22 with 30% (\$6.07) added for benefits and overhead). The USPTO estimates that the cost of a GS-9, step 1 employee is \$32.16 per hour (GS hourly rate of \$24.74 with 30% (\$7.42) added for benefits and overhead).

Based on the percentages of the employees processing these submissions, the average hourly rate for the USPTO staff processing these submissions is \$27.46 (80% of the GS-7, step 1 hourly cost of \$26.29 is \$21.03; and 20% of the GS-9, step 1 hourly cost of \$32.16 is \$6.43; for a total of \$27.46).

The USPTO estimates that it takes an employee 30 minutes (0.5 hours) to process a request to record a patent or trademark assignment submitted with a paper cover sheet and 15 minutes (0.25 hours) to process an online submission via EPAS or ETAS.

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

Table 5: Burden Hour/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)
Patent Recordation Form Cover Sheet	0.50	100,115	50,058	\$27.46	\$1,374,593.00
Trademark Recordation Form Cover Sheet	0.50	5,443	2,722	\$27.46	\$74,746.00
Electronic Patent Assignment System (EPAS)	0.25	330,390	82,598	\$27.46	\$2,268,141.00
Electronic Trademark Assignment System (ETAS)	0.25	32,878	8,220	\$27.46	\$225,721.00
Totals	-----	468,826	143,598	-----	\$3,943,201.00

15. Reason for Change in Burden

Changes from the 60-Day *Federal Register* Notice

- **Decreases in estimated annual responses, burden hours, and respondent cost burden.** The total estimated annual responses and burden hours for this renewal have decreased from the 481,826 responses and 240,914 burden hours published

in the 60-Day *Federal Register* Notice to the revised estimates of 468,826 responses and 234,414 burden hours. This change is due to a revision to the estimated annual responses for Trademark Recordation Form Cover Sheets (PTO-1594). As a result, the total annual respondent cost burden has also been decreased from the \$55,651,134 published in the 60-Day *Federal Register* Notice to \$54,149,634.

- **Decrease in annual (non-hour) cost burden.** The total estimated annual (non-hour) cost burden for this collection has been decreased from the \$37,829,474 that was reported in the 60-Day *Federal Register* Notice to \$36,979,716. This revised estimate is due to the decreased estimate in total annual responses for the Trademark Recordation Form Cover Sheet (PTO-1594), which consequently decreased the total fees and postage costs. This decrease was slightly offset by the increases in USPS postage rates effective January 22, 2012, which increased the estimated cost of mailing a Patent or Trademark Recordation Form Cover Sheet from \$0.88 to \$0.90 based on the new rate for 1 ounce flat large (9" by 12") envelopes.

Change in Respondent Cost Burden

The total respondent cost burden for this collection has increased by \$18,355,719 (from \$35,793,915 to \$54,149,634) from the previous renewal of this collection in March 2009, due to:

- **Increases in estimated hourly rates.** The 2009 renewal used an estimated rate of \$197 per hour for respondents to this collection, which was an average of the estimated attorney rate of \$304 per hour and the paraprofessional rate of \$90 per hour. For the current renewal, the USPTO is using updated hourly rates of \$340 for attorneys and \$122 for paraprofessionals, which yields a revised average estimated rate of \$231 per hour for respondents.
- **Increases in estimated burden hours.** The total estimated burden hours have increased from 181,695 in the 2009 renewal to 234,414 for the current renewal due to overall increases in the estimated annual responses for this collection.

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses will increase by 105,438 (from 363,388 to 468,826) and the total burden hours will increase by 52,719 (from 181,695 to 234,414) from the currently approved burden for this collection. These changes are due to the following administrative adjustments:

- **Decrease of 30,272 estimated annual responses** for the Patent Recordation Form Cover Sheet (PTO-1595) from 130,387 to 100,115; a **burden decrease of 15,136 hours**.
- **Increase of 859 estimated annual responses** for the Trademark Recordation Form Cover Sheet (PTO-1594) from 4,584 to 5,443; a **burden increase of 430 hours**.
- **Increase of 126,421 estimated annual responses** for the Electronic Patent Assignment System (EPAS) from 203,969 to 330,390; a **burden increase of 63,210 hours**.
- **Increase of 8,430 estimated annual responses** for Electronic Trademark Assignment System (ETAS) from 24,448 to 32,878; a **burden increase of 4,215 hours**.

Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$9,814,113 (from \$27,165,603 to \$36,979,716), with a decrease of \$20,520 due to program changes that is offset by a net increase of \$9,834,633 due to administrative adjustments, as follows:

Program Changes:

- **Decrease of \$20,520.** This collection was previously approved with a total of \$20,520 in recordkeeping costs associated with printing and retaining a copy of the acknowledgment receipt after submitting an assignment recordation request online using EPAS or ETAS. The USPTO is removing these recordkeeping costs from this collection because keeping a copy of the acknowledgment receipt is a suggestion and not a requirement.

Administrative Adjustments:

- **Increase of \$9,856,237.** This collection is currently approved with a total of \$27,075,028 in fees associated with paper and online assignment submissions. For this renewal, the USPTO estimates that total fees will be \$36,931,265, primarily due to an overall increase in the estimated total responses. The USPTO has also adjusted its estimates for the average fees for a patent or trademark assignment recordation request.
- **Decrease of \$21,604.** This collection is currently approved with a total of \$70,055 in postage costs associated with mailing assignment recordation requests to the USPTO. For this renewal, the USPTO estimates that the postage costs for mailed

items will decrease to \$48,451, primarily due to a decrease in the expected number of mailed submissions from 87,569 to 53,835 per year. This decrease is partially offset by an increase in first-class postage rates since the previous renewal in 2009.

16. Project Schedule

The USPTO does not plan to publish this information for statistical use. However, patent and trademark assignment records are available to the public at the USPTO Public Search Facilities and on the USPTO Web site.

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. 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.