

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Applications for Trademark Registration**  
**OMB Control Number 0651-0009**  
**(October 3, 2011)**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

The United States Patent and Trademark Office (USPTO) administers the Trademark Act, 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 who use their marks, or intend to use their marks, in commerce regulable by Congress, may file an application with the USPTO to register their marks. Registered marks remain on the register indefinitely, so long as the owner of the registration files the necessary maintenance documents.

The rules implementing the Trademark Act are set forth in 37 CFR Part 2. The Act and rules mandate that each certificate of registration include the mark, the particular goods and/or services for which the mark is registered, the owner's name, dates of use of the mark in commerce, and certain other information. The USPTO also provides similar information to the public concerning pending applications. Individuals or businesses may access the register and pending application information through the USPTO's website to determine availability of a mark. Accessing and reviewing the USPTO's publicly available information may reduce the possibility of initiating use of a mark previously registered or adopted by another. Thus, the Federal trademark registration process may lessen the filing of papers in court and between parties.

Trademarks can be registered on either the Principal or Supplemental Register. Registrations on the Principal Register confer all of the benefits of registration provided under the Trademark Act. Certain marks that are not eligible for registration on the Principal Register, but are capable of functioning as a trademark, may be registered on the Supplemental Register. Registrations on the Supplemental Register do not have all of the benefits of marks on the Principal Register. Registrations on the Supplemental Register cannot be transferred to the Principal Register, but owners of registrations on the Supplemental Register may apply for registration of their marks on the Principal Register.

Table 1 identifies the statutes and rules that permit the USPTO to collect the information needed to process trademark registration applications.

**Table 1: Information Requirements for Trademark Registration Applications**

Requirement	Statute	Rule
Registration of use-based and intent to use trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks.	15 U.S.C. §§ 1051-1054, 1061-1063, 1091, 1094 and 1095	37 CFR Part 2, 2.32, 2.34-2.38, 2.41-2.47, 2.51-2.54, 2.56, 2.59, 2.76, 2.80-2.89
Registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks under § 44	15 U.S.C. § 1126	37 CFR Part 2, 2.32, 2.34-2.38, 2.41-2.47, 2.51-2.54, and 2.80-2.87

## 2. Needs and Uses

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 can also be accessed at the USPTO's website. Additionally, the USPTO provides the information to other entities, including Patent and Trademark Resource Centers (PTRCs). The PTRCs maintain the information for use by the public.

The information in this collection can be submitted in paper format or electronically through the Trademark Electronic Application System (TEAS) using a regular TEAS application form or a TEAS Plus application form. Applicants who choose to submit their applications electronically must use the available TEAS forms; user-created forms cannot be submitted through TEAS. Additionally, filers who submit drawings of marks that are not standard character marks must attach digitized images of these drawings to their submissions. Applicants who file their applications using the TEAS Plus form must file a complete application, agree to file certain communications regarding the application through TEAS, and agree to receive communications concerning the application by e-mail.

This collection contains three paper forms and six electronic forms. In addition to the TEAS and TEAS Plus forms for trademarks and service marks, TEAS also provides application forms for certification marks, collective marks, and collective membership marks and for the registration of a mark on the Supplemental Register. The separate form for registration of a mark on the Supplemental Register is only available in electronic format; applicants who file applications for the Supplemental Register on paper use the basic application form. In addition, TEAS Plus applications are only available for trademark/service mark applications. There are no TEAS Plus application forms available for certification marks, collective marks, collective membership marks, or applications for registration on the Supplemental Register at this time.

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.*, the OMB and specific operating unit guidelines.

This proposed collection of information will result in information that will be collected, maintained, and used in a way consistent with all applicable OMB and USPTO Information Quality Guidelines.

Table 2 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 Information Collected for Trademark Registration Applications**

Form and Function	Form #	Needs and Uses
Use-Based Trademark/Service Mark Application, including: <ul style="list-style-type: none"> <li>- Trademark/Service Mark Application</li> <li>- Collective Trademark/Service Mark Application</li> <li>- Collective Membership Mark Application</li> <li>- Certification Mark Application</li> </ul>	PTO Form 1478, 1478(a), 4.8 and 4.9	<ul style="list-style-type: none"> <li>• Used by the public to apply for registration of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks that identify goods and/or services classified in single or multiple classes.</li> <li>• Used by the USPTO to receive and process applications for registrations of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks.</li> <li>• Used by the USPTO to determine whether marks may be registered.</li> </ul>
TEAS Use-Based Trademark/Service Mark Application, including: <ul style="list-style-type: none"> <li>- Trademark/Service Mark Application</li> <li>- Collective Trademark/Service Mark Application</li> <li>- Collective Membership Mark Application</li> <li>- Certification Mark Application</li> </ul>	PTO Form 1478, 1478(a), 4.8, and 4.9	<ul style="list-style-type: none"> <li>• Used by the public to complete and electronically submit applications for registration of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks that identify goods and/or services classified in single or multiple classes.</li> <li>• Used by the USPTO to receive and process electronically filed applications for registrations of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks.</li> <li>• Used by the USPTO to determine whether marks may be registered.</li> </ul>
TEAS Plus Use-Based Trademark/Service Mark Application	PTO Form 1478	<ul style="list-style-type: none"> <li>• Used by the public to complete and electronically submit applications for registration of trademarks/service marks for a reduced filing fee.</li> <li>• Used by the USPTO to receive and process electronically filed applications for registrations of trademarks/service marks.</li> <li>• Used by the USPTO to determine whether marks may be registered.</li> </ul>
Intent to Use Trademark/Service Mark Application, including: <ul style="list-style-type: none"> <li>- Trademark/Service Mark Application</li> <li>- Collective Trademark/Service Mark Application</li> <li>- Collective Membership Mark Application</li> <li>- Certification Mark Application</li> </ul>	PTO Form 1478, 1478(a), 4.8, and 4.9	<ul style="list-style-type: none"> <li>• Used by the public to apply for registration of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks that identify goods and/or services classified in single or multiple classes.</li> <li>• Used by the USPTO to receive and process applications for registrations of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks.</li> <li>• Used by the USPTO to determine whether marks may be registered.</li> </ul>
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Form and Function	Form #	Needs and Uses
TEAS Plus Intent to Use Trademark/Service Mark Application	PTO Form 1478	<ul style="list-style-type: none"> <li>• Used by the public to complete and electronically submit applications for registration of trademarks/service marks for a reduced filing fee.</li> <li>• Used by the USPTO to receive and process electronically filed applications for registrations of trademarks/service marks.</li> <li>• Used by the USPTO to determine whether marks may be registered.</li> </ul>
Application for Registration of Trademark/Service Mark under § 44, including: <ul style="list-style-type: none"> <li>- Trademark/Service Mark Application</li> <li>- Collective Trademark/Service Mark Application</li> <li>- Collective Membership Mark Application</li> <li>- Certification Mark Application</li> </ul>	PTO Form 1478, 1478(a), 4.8, and 4.9	<ul style="list-style-type: none"> <li>• Used by the public to apply for a priority filing date and/or for registration based upon foreign registration of a mark.</li> <li>• Used by the USPTO to process applications for registration of a mark based upon earlier-filed foreign applications or a foreign registration</li> <li>• Used by the USPTO to determine whether marks may be registered.</li> </ul>
TEAS Application for Registration of Trademark/Service Mark under § 44, including: <ul style="list-style-type: none"> <li>- Trademark/Service Mark Application</li> <li>- Collective Trademark/Service Mark Application</li> <li>- Collective Membership Mark Application</li> <li>- Certification Mark Application</li> </ul>	PTO Form 1478, 1478(a), 4.8, and 4.9	<ul style="list-style-type: none"> <li>• Used by the public to complete and electronically submit applications seeking a priority filing date and/or registration based upon foreign registration of a mark.</li> <li>• Used by the USPTO to receive and process electronically filed applications for registration of marks based upon earlier filed foreign applications or a foreign registration.</li> <li>• Used by the USPTO to determine whether marks may be registered.</li> </ul>
TEAS Plus Application for Registration of Trademark/Service Mark under § 44	PTO Form 1478	<ul style="list-style-type: none"> <li>• Used by the public to complete and electronically submit applications seeking a priority filing date and/or registration based upon foreign registration of a mark for a reduced filing fee.</li> <li>• Used by the USPTO to receive and process electronically filed applications for registration of marks based upon earlier filed foreign applications or a foreign registration.</li> <li>• Used by the USPTO to determine whether marks may be registered.</li> </ul>

### 3. Use of Information Technology

The Trademark Electronic Application System (TEAS) allows filers to submit most trademark papers electronically, via the Internet. The TEAS forms are completed online and transmitted electronically. TEAS is an interactive, web-based system that anyone, regardless of experience, can use to file a trademark application. It improves the efficiency of the application process and lessens the processing time.

The TEAS forms include online help instructions, as well as a “Form Wizard” that tailors the form to the particular characteristics of the applicant and the mark in question, based on responses provided by the user to questions posed by the Form Wizard. Payment of the fees for the applications, petitions, requests, and other associated papers transmitted electronically through TEAS is made by credit card, by an authorization to charge a USPTO deposit account, or by electronic funds transfer. The system also permits users who make multiple submissions to create multiple forms, each of which includes the elements that do not vary from form to form.

The TEAS forms can be signed by hand, with the signature page scanned into the system, or by an electronic signature using a combination of alphanumeric characters

that the user selects and types between two forward slashes. The forms are received at the USPTO within seconds after transmission, and a confirmation of filing is immediately issued via e-mail to the user.

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 in pending applications for registration. TESS can be used by potential applicants for trademark registration to assist in the determination of whether or not a particular mark may be available. The data in TESS is identical to the data reviewed by examining attorneys at the USPTO in their determination of whether marks for which registration is sought are confusingly similar to marks in existing registrations or to marks in pending applications for registration. TESS allows the user to choose from four different search tools, is updated daily, and is easy to use.

Another online record system provided by the USPTO is the Trademark Application and Registration Retrieval (TARR) system. TARR provides users with information regarding the status of trademark applications and registrations. The data in the TARR system is updated daily.

These systems are all accessible through the Trademark Electronic Business Center (TEBC), which in turn is accessed through the USPTO website. Thus, the USPTO offers a single source that provides a variety of systems useful both for making submissions to the USPTO and for tracking the status of these submissions. The TEBC also provides online descriptions of these systems and the systems feature online "help" programs.

The USPTO maintains an online image database called Trademark Document Retrieval (TDR). TDR includes images of each of the documents that make up the "electronic file wrapper" of particular trademark applications or registrations. Currently, images of virtually all pending trademark application files and almost all live trademark registration files are present in TDR. The public accesses TDR by clicking on a link entitled "View and/or Order documents" that appears on the USPTO home page.

The USPTO also maintains the Trademark Reporting and Monitoring (TRAM) System. This system is an internal USPTO database only and provides support to all facets of Trademark operations. TRAM supports Trademark operations from the receipt of a new application in the USPTO, through processing and examination of the application, and into the post-registration activities required to maintain registered trademarks. Bibliographic data in TRAM for pending applications and active registrations is updated in real time. The TRAM System maintains current location and status information on applications and registrations, enabling the USPTO to promptly determine the status of any file and to locate files. Data is received in an electronic format that permits

expedited transfer to TRAM, thereby reducing processing steps and improving the reliability and quality of the data that is transferred.

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

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**

Since registration of a trademark/service mark is a voluntary activity on the part of the public, the USPTO has not collected data to determine if the collection of information impacts small businesses or other small entities.

#### **6. Consequences of Less Frequent Collection**

Less frequent collection of this information is not possible, since the information is collected only when voluntarily submitted by the public. Failure to collect this information would leave trademark owners without the measure of certainty which a Federal registration can provide and the public would not have access to a Federal register of trademarks. The information could not be collected less frequently. If the collection of information were not conducted, 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 Federal Register Notice was published on June 17, 2011 (76 Fed Reg. 35411). The public comment period ended on August 16, 2011. 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. The T-PAC includes nine voting members who are appointed by and serve at the pleasure of the Secretary of Commerce. The statute also provides non-voting membership on the Committee for the agency's three recognized unions. Members include inventors, lawyers, corporate executives, entrepreneurs, and academicians with significant experience in management, finance, science, technology, labor relations, and intellectual property issues. The members of the T-PAC reflect the broad array of USPTO's stakeholders and embrace the USPTO's e-government initiative. This

diversity of interests is an effective tool in helping the USPTO nurture and protect the intellectual property that is the underpinning of America's strong economy.

## **9. Payment or Gifts to Respondents**

This information collection does not involve a payment or gift to any respondent. Response to this information collection is necessary for registration of a trademark or service mark.

## **10. Assurance of Confidentiality**

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

## **11. Justification for Sensitive Questions**

None of the required information 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 380,289 responses annually, with 374,020 applications filed electronically.
- **Burden Hour Calculation Factors**  
The USPTO estimates that it takes the public approximately 18 to 30 minutes (0.30 to 0.50 hours) to complete this information, depending on the application. This includes the time to gather the necessary information, prepare the application, and submit the completed request to the USPTO. 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 USPTO believes that attorneys will complete these applications. The USPTO uses a professional rate of \$340 per hour for respondent rate cost burden calculations. This is the median rate for attorneys in private firms as published in the 2011 *AIPLA Report of the Economic Survey*, from the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA). This report summarizes the results of a survey with data on hourly billing rates. These are fully loaded hourly rates.

**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 (\$/hr) (e) (c) x (d)
Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.50	2,342	1,171	\$340.00	\$398,140.00
TEAS Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.42	92,902	39,019	\$340.00	\$13,266,460.00
TEAS Plus Use-Based Trademark/Service Mark Application	0.42	46,842	19,674	\$340.00	\$6,689,160.00
Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.38	3,548	1,348	\$340.00	\$458,320.00
TEAS Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.30	140,720	42,216	\$340.00	\$14,353,440.00
TEAS Plus Intent to Use Trademark/Service Mark Application	0.30	70,951	21,285	\$340.00	\$7,236,900.00
Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.42	379	159	\$340.00	\$54,060.00
TEAS Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.32	15,028	4,809	\$340.00	\$1,635,060.00
TEAS Plus Application for Registration of Trademark/Service Mark under § 44	0.32	7,577	2,425	\$340.00	\$824,500.00
<b>Total</b>	- - - -	<b>380,289</b>	<b>132,106</b>	-----	<b>\$44,916,040.00</b>

**13. Total Annualized Cost Burden**

There are postage costs, as well as filing and processing fees, associated with this collection.



Applicants incur postage costs when submitting the non-electronic information to the USPTO by mail through the United States Postal Service. The USPTO estimates that approximately 98% of the paper forms are submitted via first-class mail. Out of 6,269 paper forms, the USPTO estimates that 6,143 forms will be mailed, with a first-class postage cost of 44 cents. Therefore, the USPTO estimates that the postage costs for this collection will be \$2,703.

Table 4 calculates the postage costs for the use-based and intent to use trademark applications and the applications for the registration of trademarks filed under §§ 44.

**Table 4: Postage Costs for the Applications for Trademark Registration**

Item	Responses (yr) (a)	Postage Costs (b)	Total Cost (yr) (a) x (b)
Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	2,295	\$0.44	\$1,010.00
Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	3,477	\$0.44	\$1,530.00
Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	371	\$0.44	\$163.00
<b>Total</b>	<b>6,143</b>	-----	<b>\$2,703.00</b>

There is also a non-hour cost burden in filing fees associated with this collection. Applicants who choose to file their applications electronically instead of submitting them in paper pay a reduced filing fee. Those who choose to file TEAS Plus applications pay a further reduced fee, as long as they agree to certain conditions. An application must include a filing fee for each class of goods and services. Therefore, the total filing fees associated with this collection can vary depending on the number of classes in each application. The total filing fees of \$117,638,875 shown in Table 5 are based on the minimum fee of one class per application for trademark registration.

**Table 5: Filing Fees – Non-hour Cost Burden for the Applications for Trademark Registration**

Item	Responses (yr) (a)	Filing fee* (\$) (b)	Total Non-Hour Cost Burden (yr) (a) x (b) (c)
Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	2,342	\$375.00	\$878,250.00

Item	Responses (yr) (a)	Filing fee* (\$) (b)	Total Non-Hour Cost Burden (yr) (a) x (b) (c)
TEAS Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	92,902	\$325.00	\$30,193,150.00
TEAS Plus Use-Based Trademark/Service Mark Application	46,842	\$275.00	\$12,881,550.00
Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	3,548	\$375.00	\$1,330,500.00
TEAS Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	140,720	\$325.00	\$45,734,000.00
TEAS Plus Intent to Use Trademark/Service Mark Application	70,951	\$275.00	\$19,511,525.00
Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	379	\$375.00	\$142,125.00
TEAS Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	15,028	\$325.00	\$4,884,100.00
TEAS Plus Application for Registration of Trademark/Service Mark under § 44	7,577	\$275.00	\$2,083,675.00
<b>Total</b>	<b>380,289</b>	<b>- - - - -</b>	<b>\$117,638,875.00</b>

\*NOTE: All filing fees are based on per class filing.

In addition, the USPTO charges a processing fee of \$50 to process applications that were originally filed as TEAS Plus applications, but which failed to meet the application requirements. The USPTO estimates that out of the 125,370 TEAS Plus applications filed, 3,000 of them will be subject to the processing fee. A processing fee is charged for each class of goods and services in the application, so the total processing fee can vary depending on the number of classes. The total processing fees shown here are based on the minimum fee of one class per application. Therefore, the USPTO estimates that, at a minimum, the processing fees will add \$150,000 to the filing fees estimated above, as shown in Table 6.

**Table 6: Processing Fees – Non-hour Cost Burden for Applications That Do Not Meet TEAS Plus Requirements**

Item	Responses (yr) (a)	Processing Fee* (\$) (b)	Total Non-Hour Cost Burden (yr) (a) x (b) (c)
TEAS Plus Use-Based Applications That Do Not Meet TEAS Plus Requirements	1,121	\$50.00	\$56,050.00
TEAS Plus Intent- to- Use Applications That Do Not Meet TEAS Plus Requirements	1,698	\$50.00	\$84,900.00
TEAS Plus Applications for Registration of a Trademark/Service Mark under § 44 That Do Not Meet TEAS Plus Requirements	181	\$50.00	\$9,050.00
<b>Total</b>	<b>3,000</b>	-----	<b>\$150,000.00</b>

\*NOTE: All processing fees are based on per class filing.

The USPTO estimates that the total non-hour cost burden associated with the filing and processing fees for this collection will be \$117,788,875.

Therefore, the USPTO estimates that the total annual (non-hour) cost burden for this collection, in the form of postage costs, filing fees, and processing fees is \$117,791,578 per year.

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

The USPTO estimates that it takes a GS-7, step 9 employee 10 minutes (0.17 hours) to process the use-based, intent to use, and § 44 applications if they are submitted on paper. In the case of electronically filed applications, the USPTO estimates that it takes 4 minutes (0.07 hours) to process regular TEAS applications and 3 minutes (0.05 hours) to process TEAS Plus applications.

The current hourly rate for a GS-7, step 9 is \$25.62. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the rate per hour for a GS-7, step 9 is \$33.31 (\$25.62 + \$7.69).

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**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.17	2,342	398	\$33.31	\$13,257.00

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
TEAS Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.07	92,902	6,503	\$33.31	\$216,615.00
TEAS Plus Use-Based Trademark/Service Mark Application	0.05	46,842	2,342	\$33.31	\$78,012.00
Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.17	3,548	603	\$33.31	\$20,086.00
TEAS Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.07	140,720	9,850	\$33.31	\$328,104.00
TEAS Plus Intent to Use Trademark/Service Mark Application	0.05	70,951	3,548	\$33.31	\$118,184.00
Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.17	379	64	\$33.31	\$2,132.00
TEAS Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.07	15,028	1,052	\$33.31	\$35,042.00
TEAS Plus Application for Registration of Trademark/Service Mark under § 44	0.05	7,577	379	\$33.31	\$12,624.00
<b>Total</b>	- - - - -	<b>380,289</b>	<b>24,739</b>	- - - - -	<b>\$824,056.00</b>

## 15. Summary of Changes in Burden Since Previous Renewal

OMB previously approved this information collection on December 3, 2008, with 291,859 responses, 84,821 burden hours, and \$91,050,433 in annualized (non-hour) costs. There have been no interim approvals.

With this renewal, the USPTO estimates that the total burden and annualized (non-hour) costs for this collection will be 380,289 responses, 132,106 burden hours, and \$117,791,578 in annualized costs, which is an increase of 88,430 responses, 47,285 burden hours, and \$26,741,145 in annualized costs over the currently approved burden for this collection. The increases in burden are due to administrative adjustments.

## Changes Since the 60-Day Federal Register Notice

Adjustments in the estimated hourly rates for attorneys have been made since the June 2011 Federal Register Notice publication. Respondent Cost Burden reflects the most current estimated hourly rate for attorneys. See “Changes in Respondent Cost Burden” below for more details.

## Changes in Respondent Cost Burden

As noted in Section 12 above, the USPTO estimates the hourly rate for respondents at rates published in American Intellectual Property Law Association (or AIPLA) *Reports of the Economic Survey*, which is published every two years. In 2008 the USPTO estimated the hourly respondent cost burden based on a rate of \$310 per hour from the 2007 *Report*. In the June 2011 Federal Register Notice, the USPTO increased that rate to \$325 an hour, based on the 2009 *Report*. Since the publication of that Federal Register Notice, the estimated rate has increased to \$340 an hour, based on the 2011 *Report*.

The rate updates (in addition to increased submissions and adjusted completion times for the applications) have resulted in the following changes in annual respondent cost burden:

- An \$18,621,530 increase from \$26,294,510 to \$44,916,040 (reflecting a rate change from \$310 to \$340 per hour)
- An \$1,981,590 increase from \$42,934,450 to \$44,916,040 (reflecting a rate change from \$325 to \$340 per hour)
- Overall, an increase from \$26,294,510 to \$44,916,040

## Changes in Responses and Burden Hours

Estimates reflect a **net burden increase of 47,285 hours per year, with an increase of 88,430 responses per year**. There is a total reduction of 1,358 hours per year, but that reduction is offset by an increase of 48,643 hours per year. These changes are due solely to administrative adjustments, as follows:

- **Decrease of 3,547 in estimated annual responses** for the use-based trademark/service mark applications filed on paper from 5,889 to 2,342 responses, which offsets a 7-minute increase in time to complete these applications from 23 to 30 minutes; for a final **burden decrease of 1,067 hours**.
- **Increase of 34,524 in estimated annual responses** for the TEAS use-based trademark/service mark applications from 58,378 to 92,902 responses and a 4-minute increase in time to complete these applications from 21 to 25 minutes, for a final **burden increase of 18,587 hours**.

- **Increase of 9,582 in estimated annual responses** for the TEAS Plus use-based trademark/service mark applications from 37,260 to 46,842 responses and a 4-minute increase in completion time from 21 to 25 minutes, for a final **burden increase of 6,633 hours**.
- **Decrease of 1,918 in estimated annual responses** for the paper intent to use trademark/service mark applications from 5,466 to 3,548 responses, which offsets a 6-minute increase in time to complete these applications from 17 to 23 minutes, for a final **burden decrease of 182 hours**.
- **Increase of 23,706 in estimated annual responses** for the TEAS intent to use trademark/service mark applications from 117,014 to 140,720 responses and a 3-minute increase in the time to complete these applications from 15 to 18 minutes, for a final **burden increase of 12,962 hours**.
- **Increase of 22,437 in estimated annual responses** for the TEAS Plus intent to use trademark/service mark applications from 48,514 to 70,951 responses and a 3-minute increase in the time to complete these applications from 15 to 18 minutes, for a final **burden increase of 9,156 hours**.
- **Decrease of 433 in estimated annual responses** for the paper applications for registration of trademark/service mark under § 44 from 812 to 379 responses, which offsets a 5-minute increase in time to complete these applications from 20 to 25 minutes, for a final **burden decrease of 109 hours**.
- **Increase of 2,632 in estimated annual responses** for the TEAS applications for registration of trademark/service mark under § 44 from 12,396 to 15,028 responses, for a final **burden increase of 842 hours**.
- **Increase of 1,447 in estimated annual responses** for the TEAS Plus applications for registration of trademark/service mark under § 44 from 6,130 to 7,577 responses, for a final **burden increase of 463 hours**.

#### Changes in Annual (Non-Hour) Costs

There is a **net burden increase of \$26,741,145 in annual (non-hour) costs per year due to administrative adjustments**. The USPTO estimates that \$2,242,155 per year will be reduced from this collection, but that this reduction will be offset by an increase of \$28,983,300 per year. Changes are as follows:

- **Decrease of \$2,305 in estimated annual postage costs** from \$5,008 to \$2,703 (including an increase in postal rates).
- **Decrease of \$1,330,125 in estimated annual filing fee costs** for the paper use-based trademark/service mark applications, from \$2,208,375 to \$878,250.

- **Increase of \$11,220,300 in estimated annual filing fee costs** for the TEAS use-based trademark/service mark applications, from \$18,972,850 to \$30,193,150.
- **Increase of \$2,635,050 in estimated annual filing fee costs** for the TEAS Plus use-based trademark/service mark applications, from \$10,246,500 to \$12,881,550.
- **Decrease of \$719,250 in estimated annual filing fee costs** for the paper intent to use trademark/service mark applications, from \$2,049,750 to \$1,330,500.
- **Increase of \$7,704,450 in estimated annual filing fee costs** for the TEAS intent to use trademark/service mark applications, from \$38,029,550 to \$45,734,000.
- **Increase of \$6,170,175 in estimated annual filing fee costs** for the TEAS Plus intent to use trademark/service mark applications, from \$13,341,350 to \$19,511,525.
- **Decrease of \$162,375 in estimated annual filing fee costs** for the paper applications for registration of a trademark/service mark under § 44, from \$304,500 to \$142,125.
- **Increase of \$855,400 in estimated annual filing fee costs** for the TEAS applications for registration of a trademark/service mark under § 44, from \$4,028,700 to \$4,884,100.
- **Increase of \$397,925 in estimated annual filing fee costs** for the TEAS Plus applications for registration of a trademark/service mark under § 44, from \$1,685,750 to \$2,083,675.
- **Decrease of \$28,100 in estimated annual processing fee costs** for applications originally filed as TEAS Plus applications that failed to meet the requirements and thus required the additional \$50 processing fee, from \$178,100 to \$150,000.

## **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.