

**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**  
**United States Patent and Trademark Office**  
**Applications for Trademark Registration**  
**OMB Control Number 0651-0009**  
**(April 18, 2013)**

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to adjust the current inventory estimates for information collection 0651-0009 Applications for Trademark Registration.

The USPTO has determined that certain estimates were based on classes and would be better estimated based on applications.

The response estimates used to calculate the hour and cost burdens in the 2011 renewal (approved by OMB on December 6, 2011) were based on projections of the total number of classes that would be filed instead of the total number of applications that would be filed. A trademark application for registration of a mark can be filed with more than one class of goods and/or services designated. There is no requirement that a separate application be filed for each class.

Furthermore, the burden hour estimates were calculated using the projected number of classes multiplied by the time estimates for an applicant to complete one application and for the USPTO to process one application. Similarly, the cost estimates were calculated using projected class estimates, rather than being based on the per-class fee for a projected number of single-class applications. Therefore, the response, burden hour, and cost estimates reported in the renewal were higher than they would have been had they been based on projected applications filed.

Summary of Changes

- **Estimate of Hour and Cost Burden to Respondents** – The USPTO now estimates that this collection will have 296,747 responses, 103,084 burden hours, and \$35,048,560 in respondent costs. The complete calculations are shown in the table below:

**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	1,830	915	\$340.00	\$311,100.00

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	0.42	68,311	28,691	\$340.00	\$9,754,940.00
TEAS Plus Use-Based Trademark/Service Mark Application	0.42	40,732	17,107	\$340.00	\$5,816,380.00
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	2,772	1,053	\$340.00	\$358,020.00
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	103,470	31,041	\$340.00	\$10,553,940.00
TEAS Plus Intent to Use Trademark/Service Mark Application	0.30	61,697	18,509	\$340.00	\$6,293,060.00
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	296	124	\$340.00	\$42,160.00
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	11,050	3,536	\$340.00	\$1,202,240.00
TEAS Plus Application for Registration of Trademark/Service Mark under § 44	0.32	6,589	2,108	\$340.00	\$716,720.00
<b>Total</b>	- - - -	<b>296,747</b>	<b>103,084</b>	-----	<b>\$35,048,560.00</b>

- **Total Annualized Cost Burden** – The USPTO now estimates that this collection will have \$2,112 in postage costs, \$91,236,775 in filing fees, and \$117,100 in processing fees. The complete calculations are outlined below:

Postage Costs - The USPTO estimates that approximately 98% of the paper forms are submitted via first-class mail. Out of 4,898 paper forms, the USPTO estimates that 4,800 forms will be mailed, with a first-class postage cost of 44 cents.

Filing Fees - 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. The total filing fees associated with this collection can vary depending on the number of classes in each application. However, the estimates are based on submission of the filing fee for one class of goods or services.

Processing Fees – 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 TEAS Plus requirements. The USPTO estimates that out of the 109,018 TEAS Plus applications filed, 2,342 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. However, the estimates are based on submission of the processing fee for one class or goods or services.

**Annual (Non-hour) Cost Burden**

Type of Cost	Estimated Annual Responses	Amount	Totals
Postage for Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	1,793	\$0.44	\$789.00
Postage for Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	2,717	\$0.44	\$1,195.00
Postage for 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	290	\$0.44	\$128.00
<b>Total Postage</b>	-----	-----	<b>\$2,112.00</b>
Filing Fees for Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	1,830	\$375.00	\$686,250.00
Filing Fees for TEAS Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	68,311	\$325.00	\$22,201,075.00
Filing Fees for TEAS Plus Use-Based Trademark/Service Mark Application	40,732	\$275.00	\$11,201,300.00

Filing Fees for Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	2,772	\$375.00	\$1,039,500.00
Filing Fees for 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	103,470	\$325.00	\$33,627,750.00
Filing Fees for TEAS Plus Intent to Use Trademark/Service Mark Application	61,697	\$275.00	\$16,966,675.00
Filing Fees for 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	296	\$375.00	\$111,000.00
Filing Fees for 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	11,050	\$325.00	\$3,591,250.00
Filing Fees for TEAS Plus Application for Registration of Trademark/Service Mark under § 44	6,589	\$275.00	\$1,811,975.00
<b>Total Filing Fees</b>	-----	- - - - -	<b>\$91,236,775.00</b>
Processing Fees for TEAS Plus Use-Based Applications That Do Not Meet TEAS Plus Requirements	875	\$50.00	\$43,750.00
Processing Fees for TEAS Plus Intent-to-Use Applications That Do Not Meet TEAS Plus Requirements	1,325	\$50.00	\$66,250.00
Processing Fees for TEAS Plus Applications for Registration of a Trademark/Service Mark under § 44 That Do Not Meet TEAS Plus Requirements	142	\$50.00	\$7,100.00
<b>Total Processing Fees</b>	-----	-----	<b>\$117,100.00</b>
<b>Total Annual (Non-hour) Cost Burden</b>	-----	-----	<b>\$91,355,987.00</b>

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

- **Annual Cost to the Federal Government** – The USPTO now estimates that this collection will have \$635,620 in federal government processing costs, based on the same GS rating, hourly rate, and estimated processing times used in the 2011 renewal. The complete calculations are outlined below:

### 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	1,830	311	\$33.31	\$10,359.00
TEAS Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.07	68,311	4,782	\$33.31	\$159,288.00
TEAS Plus Use-Based Trademark/Service Mark Application	0.05	40,732	2,037	\$33.31	\$67,852.00
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	2,772	471	\$33.31	\$15,689.00
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	103,470	7,243	\$33.31	\$241,264.00
TEAS Plus Intent to Use Trademark/Service Mark Application	0.05	61,697	3,085	\$33.31	\$102,761.00
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	296	50	\$33.31	\$1,666.00
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	11,050	774	\$33.31	\$25,782.00
TEAS Plus Application for Registration of Trademark/Service Mark under § 44	0.05	6,589	329	\$33.31	\$10,959.00
<b>Total</b>	- - - - -	<b>296,747</b>	<b>19,082</b>	- - - - -	<b>\$635,620.00</b>

### Changes in Burden

Revising the response estimates in the 2011 renewal to reflect estimates of the total number of applications filed instead of estimates of the total number of classes filed will result in the following burden changes for this information collection:

Burden Type	Currently Approved	Proposed Change	New Estimates
Responses	380,289	(83,542)	296,747
Hours	132,106	(29,022)	103,084
Postage	\$2,703	(591)	\$2,112
Filing Fees	\$117,638,875	(\$26,402,100)	\$91,236,775
Processing Fees	\$150,000	(\$32,900)	\$117,100
Annual (non-hour) Costs	\$117,791,578	(\$26,435,591)	\$91,355,987.00

The USPTO estimates that revising the renewal estimates to reflect the projected total number of applications filed instead of the projected total number of classes filed will reduce the original response estimates by 83,542 responses. This reduction in turn will also reduce the burden hour and annual (non-hour) cost estimates originally reported for the renewal. **Therefore, this collection takes a net burden reduction of 83,542 responses, 29,022 burden hours, and \$26,435,591 in annual (non-hour) costs as an administrative adjustment.**

Therefore, this collection would have the following revised total burden:

- 296,747 responses
- 103,084 burden hours
- \$91,355,987 in annual (non-hour) costs