SUPPORTING STATEMENT
UNITED STATES PATENT AND TRADEMARK OFFICE
Global Intellectual Property Academy (GIPA) Surveys
OMB Control Number 0651-0065
(May 2014)

A. JUSTIFICATION

1. Necessity of Information Collection

The United States Patent and Trademark Office (USPTO) is requesting approval to conduct voluntary customer satisfaction surveys to provide the agency with feedback on the effectiveness of the various services provided to participants in the agency's Global Intellectual Property Academy.

This collection will contain three surveys:

- Pre-Program – This survey is designed to obtain the background and experience of a participant. This survey will be delivered prior to a participant arriving for a GIPA training program.

- Post-Program – This survey will be used to analyze the overall effectiveness of the program. This survey will be done at the conclusion of the program.

- Alumni – This survey will be used to determine the value of the GIPA training program on the future job performance of the participant.

The Global Intellectual Property Academy (GIPA) was established in 2006 to offer training programs on enforcement of intellectual property rights, patents, trademarks, and copyrights. GIPA's training programs are designed to meet the specific needs of foreign government officials concerning the various intellectual property topics. By attending these programs, foreign government officials learn about global intellectual property rights protection and enforcement and discuss strategies to handle the protection and enforcement issues in their respective countries. It is through the GIPA training programs that the USPTO is instrumental in achieving its objectives of halting intellectual property theft and advancing intellectual property right policies.

The surveys will be given to international and domestic participants who have attended or are attending GIPA training programs. The groups surveyed will include foreign government officials (including judges, prosecutors, police, customs officials, patent, trademark and copyright officials and policy makers) who came to the United States to learn about global intellectual property rights protection and enforcement in hopes that they become equipped to improve protection and enforcement of intellectual property rights in their home countries. Domestic participants of GIPA's training programs (particularly Intellectual Property Awareness programs) may include intellectual property attorneys of small to medium size businesses learning strategies for protecting their company's intellectual property in an international market.

The surveys are designed to ask questions concerning satisfaction of linking means to ends in order to bring foreign government officials to the United States to learn, discuss, and strategize about global intellectual property rights protection and enforcement. The surveys may also ask for input from domestic participants concerning the information obtained concerning the protection of intellectual property rights in international markets.

The Global Intellectual Property Academy conducted a pilot survey of alumni participants of programs held in fiscal year 2008. The results from the pilot produced insights into how GIPA can make its services and programs more cost effective, efficient and responsive to its participants' needs. The results from the alumni survey were considered in the design of the pre-program and post-program surveys. The use of the three surveys will allow the USPTO to collect data spanning the life of the GIPA training cycle.

These voluntary participant satisfaction surveys will be used to evaluate the:

a) percentage of foreign officials trained by GIPA who have initiated or implemented a positive intellectual property change in their organization;

b) the percentage of foreign officials trained by GIPA who increased their expertise in intellectual property;

c) the satisfaction of the intellectual property program; and

c) the value of the experience as it relates to future job performance.

This information is being collected to improve the services that the USPTO provides and thus, better carry out part of its mission. The data captured will also be used to help meet organizational performance and accountability goals through the following three legislative mandates:

- Government Performance and Results Act of 1993 (GPRA), further information can be found at: http://www.whitehouse.gov/omb/mgmt-gpra/gplaw2m.html:
- President's Management Agenda (PMA), further information can be found at: http://www.whitehouse.gov/omb/budintegration/pma_index.html, http://spp.rm.state.gov/spp800x600template.cfm?ID=43, http://www.state.gov/s/d/rm/rls/perfrpt/2005/html/56281.htm; and
- OMB's Program Assessment Rating Tool (PART), further information can be found at: http://www.whitehouse.gov/omb/expectmore/summary/10004600.2006.html.

These voluntary surveys support various business goals developed by the USPTO to fulfill customer service and performance goals, to assist the USPTO in strategic planning for future initiatives, to verify existing service standards, and to establish new ones. The USPTO also uses these surveys to implement Executive Order 12862 of September 11, 1993, *Setting Customer Service Standards*, published in the *Federal Register* on September 14, 1993 (Volume 58, Number 176).

Evaluation and measurement efforts provide methodologically rigorous data collection and analyses in place of more subjective, ad hoc, non-standardized anecdotal material.

There are no statutes or regulations requiring the USPTO to conduct these customer surveys.

2. Needs and Uses

Surveys will be conducted in an effort to provide additional details on "who" participants are, what kind of positions they hold, length of time working in intellectual property area, type of organizations where respondents work, type of intellectual property functions, and the level of success with a GIPA program.

These surveys will primarily be conducted electronically using either a survey tool or e-mail. In cases of poor Internet connectivity or access restrictions, Word versions of the survey will be e-mailed to the participants. In-person surveys may potentially be conducted.

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. (See Ref. A, the *USPTO Information Quality Guidelines*.)

Table 1 outlines how these collections of information are used by the public and the USPTO.

Table 1: Needs and Uses of Information Collected from the Pre-Program, Post-Program, and Alumni Surveys

Form and Function	Form #	Needs and Uses
Pre-Program Survey (Ref. B)	No Form Associated	• Permits the customer to provide feedback on program expectations and training needs immediately prior to participating in the training program. • Allows the USPTO to collect data on performance measures.

Post-Program Survey (Ref. C)	No Form Associated	• Permits the customer to provide feedback on program effectiveness, service, facilities, teaching practices, and processes immediately after completing the training program. • Allows the USPTO to ask participants more direct questions concerning the service, facilities, teaching practices, and processes and to obtain customer feedback after a program has been completed.
Alumni Survey (Ref. D)	No Form Associated	• Permits the customer to provide feedback on program effectiveness approximately one year after completing the training program. • Allows the USPTO to obtain customer feedback after a program has been completed.

3. Use of Information Technology

The surveys in this collection will be primarily electronic (in HTML format) with paper options available in cases where there is poor Internet connectivity or access restrictions to the Internet. The paper versions of the survey will be in Word and will be e-mailed to the participants. During the pilot survey, the USPTO did not need to use paper copies of the surveys so the agency expects that paper copies of the surveys will only be needed in rare instances as a back-up to the electronic options.

The USPTO has engaged the assistance of the Federal Consulting Group of the U.S. Department of the Interior for this effort. The FCG is utilizing two web-based tools for the online delivery, tracking, and analysis system for the survey compilation. The first is SurveyMonkey (www.surveymonkey.com) with a dedicated account for GIPA surveys. The second tool is Snap, which also has a dedicated account for GIPA. This will be used for current surveying of GIPA customers as FCG develops a GIPA specific system that can integrate the survey data with other USPTO data systems. One pilot has been conducted using this new online tool and revisions are currently being made to this system.

The surveys will be sent to participants by an e-mail invitation. These e-mail invitations will contain a link to the survey which will take the participant to the web-based survey in question. If the participant wishes to opt out of the survey, he or she merely needs to click on the built-in link provided in the e-mail invitation.

The link to the survey in the e-mail invitation is an individualized link that is tied to a particular GIPA participant. Since this link is uniquely tied to the individual, the e-mail invitation cannot be forwarded to another individual or even to another computer. Participants do not need passwords, user ids, or usernames to access the survey.

Once the individual is taking the survey, he or she can take the survey in more than one sitting and their answers up to that point will be saved. However, once the survey is actually submitted, the participant will not be able to take the survey again. The data from the submitted survey will reside on SurveyMonkey's servers.

4. Efforts to Identify Duplication

This information is collected only when participants respond to the surveys. The information to be requested will not duplicate data affecting current programs or data currently provided by the respondents. No sources of similar information are available and there is no duplication of requirements.

5. Minimizing the Burden to Small Entities

Information collected under this information collection will have no impact on small businesses.

6. Consequences of Less Frequent Collection

If the information is not collected, the USPTO will be unable to document the effectiveness, impacts or outcomes of its vital training programs and capacity building initiatives on intellectual property protection and enforcement. The agency will not be able to meet accountability requirements or to assess the degree to which programs are meeting their goals. Information collected is needed for annual planning and resource allocation.

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 March 19, 2014 (79 Fed Reg. 15317). The public comment period ended on May 19, 2014. No comments from the public were received.

Due to the relatively simple nature of these surveys, further consultation outside of the *Federal Register* Notice is not expected. For significant efforts that do require outside consultation, we expect that the scope of the study would expand and a new information collection request would be made.

9. Payment or Gifts to Respondents

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

10. Assurance of Confidentiality

Confidential and proprietary information is protected in accordance with USPTO regulations, although there is no statutory or contractual basis for extending confidentiality. All survey results will be kept confidential, in that there is non-attribution of responses to an identifiable person in reporting the data. However, the survey responses are not anonymous (meaning that there is no identifier attached to the responses).

E-mail and IP addresses for each respondent will be collected and stored in SurveyMonkey or other survey systems. Only the survey administrator (FCG), an independent third-party, has the ability to link responses to personally identifiable information. Survey Monkey only provides anonymity or confidentiality in the data collection settings established by the survey administrator. The survey administrator has the ability to make survey anonymous or confidential without collecting e-mail addresses. SurveyMonkey provides options to the survey administrator to either collect or not collect personally identifiable information, e-mail addresses, and IP addresses. The survey administrator is not under any obligation to retain or store the e-mail and IP addresses.

The responses to the pre-program, post-program, and alumni surveys can be linked to the participants and to the demographic data collected from them during the various GIPA training programs. The actual data recorded from the survey will not be directly linked to the participant.

The data linking the individual to their response will not be retained after it has been aggregated. Survey respondents will be advised on the survey form or in a privacy statement that participation is voluntary and that the data provided will be kept confidential. Individuals given the opportunity to take a survey will be assured of the confidentiality of their replies under 5 U.S.C. § 552 (Freedom of Information Act), 5 U.S.C § 552a (Privacy Act of 1974) and OMB Circular No. A-130, as applicable. The USPTO and its external contractors follow all procedures and policies as stipulated under the Privacy Act of 1974.

All GIPA evaluation respondents are informed of the following:

- All personal information collected through surveys, interviews, and focus groups is considered confidential.
- All responses will be coded to ensure the confidentiality of individual responses.
- Data collected will not be shared, sold, or used for fundraising or any other purpose unrelated to the evaluation.
- Survey data and findings will be used only in an aggregate form for the express purposes of fulfilling the data needs of USPTO's GIPA Program's associated planning and reporting requirements.

The survey data will reside on SurveyMonkey's protected web server, but the actual distribution of the data will be controlled by FCG through their dedicated account. Since the data resides on a protected server and the distribution of the data is controlled, there are no usernames or passwords needed to access the survey data.

The USPTO will have limited access to the data. The only data that the USPTO can access will be the aggregated survey data and the frequency of the responses. The USPTO will not be able to view the individual responses or the data related to the survey. FCG will have access to individual survey responses for analysis purposes only. The raw data collected from the surveys is not released and is retained by FCG to ensure the confidentiality of the responses. FCG will only report the aggregated data and the frequency of the responses. They will not report the individual responses to the survey or report on any comments about the survey.

The USPTO does not intend to collect any personal identifying data from participants taking the survey. The USPTO intends to maintain contact information for the participants in a separate file from the quantitative data.

The survey responses, the contact and respondent information, and the e-mail invitation will reside in three different files in a secured folder on SurveyMonkey's server. One file will contain the survey results, which will be created from the survey responses. The second file will contain the contact information used to identify where to send the e-mail invitations and the demographic data obtained from the GIPA participants. The third file will identify the participants who were sent the e-mail invitation and will contain the e-mail invitation. These three files are relational files.

These surveys are electronic surveys that can be completed online. The only way that participants can access the surveys is through the individualized links to the survey contained in the e-mail invitations. These links are uniquely tied to the participant and are the only way that the survey results can be linked back to the participant and the demographic data which is being used to track the survey responses in order to ensure that the survey findings are representative across all of the variables.

SurveyMonkey.com, LLC is listed on the U.S. Department of Commerce's Safe Harbor List at https://safeharbor.export.gov/list.aspx. Copies of SurveyMonkey's Anonymity and Security Statements are included with this submission (Ref E), as is a copy of the Privacy Policy (Ref F).

11. Justification for Sensitive Questions

None of the required information in this collection is considered to be of a sensitive nature.

12. Estimate of Hour and Cost Burden to Respondents

Table 2 calculates the anticipated burden hours and costs of this information collection to the public, based on the following calculation factors:

- **Respondent Calculation Factors**
  Based on the pilot survey and projections for the upcoming surveys, the USPTO estimates that it will receive a total of 650 responses for the pre-program, post-program, and alumni surveys.

- **Burden Hour Calculation Factors**
  The USPTO estimates that it will take the public approximately 15 minutes (0.25 hours) to complete the surveys in this collection. This includes the time to gather the necessary information, respond to the survey, and submit it to the USPTO.

- **Cost Burden Calculation Factors**
  The audience for the GIPA training programs typically consists of high-ranking government officials, judges, lawyers, examiners, and others. The USPTO estimates that roughly 20% of the attendees fall into the high-ranking categories, while the rest make up 80% of the attendees. The USPTO estimates that the hourly labor rate for 20% of the attendees would be roughly equivalent to the professional hourly rate of $389, while the rest would be roughly equivalent to the para-professional rate of $125. Using these U.S. hourly rates, the USPTO estimates a professional hourly rate of $78 (20% of $389) and a para-professional rate of $100 (80% of $125), for a total hourly rate of $178. This is a fully loaded rate.

  The USPTO uses a professional rate of $389 per hour for estimating high-ranking officials, which is the mean rate for attorneys in private firms as shown in the 2013 *Report of the Economic Survey*, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA). The USPTO uses a paraprofessional rate of $125 per hour for estimating mid-level respondent cost burden calculations, which is the average rate for paralegals as shown in the 2013 National Utilization and Compensation Survey published by the National Association of Legal Assistants (NALA). Both of these are fully loaded hourly rates.

Table 2: Burden Hour/Burden Cost to Respondents

Item	Minutes/ Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate ($/hr) (d)	Total Cost ($/hr) (e) (c) x (d)
Pre-Program Survey	15 minutes	200	50	$178.00	$8,900.00
Post-Program Survey	15 minutes	200	50	$178.00	$8,900.00
Alumni Survey	15 minutes	250	63	$178.00	$11,214.00
Total	**- - - -**	**650**	**163**	**- - - -**	**$29,014.00**

13. Total Annualized Cost Burden

This information collection does not impose any annual (non-hour) costs on the respondent. There are no capital start-up, maintenance, or operation costs associated with this information collection. These surveys do not have filing or other fees associated with them. The USPTO expects to conduct these surveys electronically using a survey tool. The USPTO may also conduct in-person surveys. In either case, there will be no postage costs associated with this information collection.

14. Annual Cost to the Federal Government

The USPTO plans to hire a contractor to conduct these surveys. At this time, the USPTO has not determined how much will be spent each year to conduct the surveys, process the data from them, and prepare a report on the survey findings, but estimates that the costs will be at least $50,000 per year. The contractor will set up the survey and provide results for each of the programs. The contractor will prepare a narrative report of selected programs held at GIPA. This report will be prepared by statisticians and will include the raw data from the survey, as well as the analytical findings.

15. Reason for Change in Burden

<u>Changes in Burden Estimates Since the Publication of the 60-Day Notice</u>

In the 60-Day *Federal Register* Notice published on March 19, 2014, the USPTO estimated that the hourly rate for the participants completing the surveys would be $178. This hourly rate was calculated by taking 20% of the professional rate ($389) and 80% of the para-professional rate ($122). This resulted in hourly rates of $78 and $98, respectively, for a combined hourly rate of $176. Since the notice was published, NALA published its 2013 National Utilization and Compensation Survey, which shows the hourly billing rates for para-professionals across the United States. Based on the survey results, the USPTO now estimates an hourly para-professional rate of $125. Taking 80% of this new rate, the USPTO estimates a para-professional hourly rate of $100, for a new composite hourly respondent cost rate of $178. Based on this change, the USPTO estimates that the respondent costs will increase by $326 from $28,688 to $29,014 per year.

<u>Summary of Changes Since the Previous Renewal</u>

OMB previously approved the renewal of this collection in May of 2011. This collection is currently approved with a total of 1,500 responses and 375 burden hours per year. For this renewal, the USPTO expects that the total annual responses will be 650 and the total annual burden hours will be 163, a decrease of 850 responses and 212 burden hours. This decrease in burden hours and responses is due to fewer programs being conducted.

The total annual (non-hour) cost burden for this renewal of $29,014 is a decrease of $32,111 over the currently approved total of $61,125. This decrease in burden hours and responses is due to fewer programs being conducted.

<u>Change in Respondent Cost Burden</u>

When the renewal of this collection was approved in May 2011, the estimated hourly rate for respondents was $163 for the reported 375 burden hours, yielding a respondent cost burden of $61,125.

For this renewal, the USPTO is using the hourly rate of $178. At this rate, the 163 burden hours yield a respondent cost burden of $29,014, which is a decrease of $32,111 over the currently approved burden at the previous hourly rate. This decrease in burden hours and responses is due to fewer programs being conducted.

Table 6a illustrates the changes by item in respondent cost burden for this inventory.

Table 6a: Changes in Respondent Cost Burden from the Current Inventory

Item	Currently approved respondent cost burden	Updated respondent cost burden	Change in respondent cost burden
Pre-Program Survey	$20,375.00	$8,900.00	$11,475.00
Post-Program Survey	$20,375.00	$8,900.00	$11,475.00
Alumni Survey	$20,375.00	$11,214.00	$9,161.00
Total	**$61,125.00**	**$29,014.00**	**$32,111.00**

Changes in Responses and Burden Hours

The USPTO expects that the annual responses for this renewal will decrease by 850 from 1,500 to 650. Consequently, the USPTO expects that the total annual burden hours will decrease by 212, from 375 to 163. This decrease in burden hours and responses is due to fewer programs being conducted.

Tables 6b and 6c illustrate the changes by item in responses and burden hours, respectively, for this inventory.

Table 6b: Changes in Responses from the Current Inventory

Item	Currently approved responses	Updated responses	Change in responses
Pre-Program Survey	500	200	-300
Post-Program Survey	500	200	-300
Alumni Survey	500	250	-250
Total	**1,500**	**650**	**-850**

Table 6c: Changes in Burden Hours from the Current Inventory

Item	Currently approved burden hours	Updated burden hours	Change in burden hours
Pre-Program Survey	125	50	-75
Post-Program Survey	125	50	-75
Alumni Survey	125	63	-62
Total	**375**	**163**	**-212**

16. Project Schedule

The USPTO will not publish this information for public use, nor will the raw data be released. Some aggregate data is made available to the public through reports generated by FCG Survey Analysts. There are no plans to publish the statistical data. Reporting of the data will not be used to incentivize participant response rates.

The pre-program and post-program surveys are conducted for each GIPA course and will result in a course specific brief report which tabulates frequencies of responses and average ratings to close-ended questions and content analysis of qualitative responses from open-ended questions. These reports will be distributed to the USPTO course manager, GIPA staff, and other internal stakeholders. It is not anticipated that course-specific summaries will be distributed outside of USPTO. However, aggregated data will be included with the report from the alumni survey. The alumni survey will be conducted annually, generally occurring in the late summer with data available by December. Analysis of the alumni data will include tabulation of response frequencies and average ratings for close-ended questions and content analysis for open-ended questions. As data is gathered, filtering and cross-tabulation will be used to identify trends with specific audience subsets (e.g. by country, experience in the IP filed, level of official, etc.). Standard error calculation will be used.

FCG is responsible for submitting to USPTO all evaluation data collection information, tabulation, and analysis, and a Final Report and Executive Summary for publication. The contractor will also submit preliminary and draft reports to USPTO for iterative review. The USPTO disseminates Final Reports to USPTO program managers, partner organizations, and other internal and external stakeholders. In addition, Final Reports are made available to the general public.

These reports are not published by any third-party entity. All products of the collections are the property of the USPTO.

17. Display of Expiration Date of OMB Approval

These surveys, once approved, will display the OMB Control Number and the expiration date.

18. Exception to the Certificate Statement

This collection of information does not include any exceptions to the certificate statement.

References

A. The USPTO Information Quality Guidelines
B. Pre-Program Survey
C. Post-Program Survey
D. Alumni Survey
E. Survey Monkey Anonymity and Security Statements
F. Survey Monkey Privacy Policy