

SUPPORTING STATEMENT
United States Patent and Trademark Office
International Design Applications (Hague Agreement)
OMB CONTROL NUMBER 0651-0075
7-25-14

A. JUSTIFICATION

1. Necessity of Information Collection

The United States Patent and Trademark Office (USPTO) published a notice of proposed rulemaking titled “Changes to Implement the Hague Agreement Concerning International Registration of Industrial Designs” (RIN 0651-AC87) in the *Federal Register* on November 29, 2013. In the notice, the USPTO proposed changes to the rules of practice to implement Title I of the Patent Law Treaties Implementation Act of 2012 (PLTIA) and to make the applicability dates of certain rules from prior *Federal Register* notices more accessible by stating the dates directly in the body of those rules.

The PLTIA amends the patent laws to implement the provisions of the Geneva Act of the Hague Agreement Concerning International Registration of Industrial Designs (Hague Agreement) in Title 1, and the Patent Law Treaty (PLT) in Title II. The Hague Agreement facilitates obtaining intellectual property protection for industrial designs by applicants in countries that are Contracting Parties¹ to the Hague Agreement through a single standardized application filed directly with the International Bureau (IB) of the World Intellectual Property Organization (WIPO) or indirectly through an appropriate Contracting Party’s Office, such as the United States Patent and Trademark Office (USPTO). It is administered by the IB of WIPO located in Geneva, Switzerland. The IB has issued Common Regulations² to interpret the Hague Agreement.

Thus, under the Hague Agreement, an applicant could file an international design application with the USPTO, which will forward the application to the IB. The industrial design or designs will be eligible for protection in each of the Contracting Parties designated by the applicant.

The IB ascertains whether the international design application complies with formal requirements of the treaty, and if so, publishes the “international registration” in the International Designs Bulletin. The international registration contains data from the international application, as well as any reproduction of the industrial design, the date of

1 A “Contracting Party” is any State or intergovernmental organization which is a party to the Hague Agreement.

2 The “Common Regulations” are the regulations set forth by WIPO governing the details of the implementation of the Hague Agreement and are available at http://www.wipo.int/treaties/en/text.jsp?file_id=318753.

the international registration, the identification number assigned to the international registration, and the relevant class of the International Classification.

The IB will make the publication of the international registration available to each Contracting Party designated by the applicant. A designated Contracting Party may perform a substantive examination of the design application. When the United States is designated in the application, the USPTO will perform a substantive examination for patentability of the international design application using the same criteria as it uses when examining domestic design applications.

The Hague Agreement enables applicants from a Contracting Party to obtain protection of their designs with minimal formality and expense. Additionally, under the Hague Agreement, the international registration can be centrally maintained by the IB. For example, through the IB, applicants can record changes of their representative or changes in ownership, and renew their international registration.

This collection of information is required by the provisions of the Hague Agreement. The U.S. Senate ratified the Hague Agreement on December 7, 2007, and Congress enacted Title I of the PLTIA on December 18, 2012, amending Title 35, United States Code, to implement the Hague Agreement. The provisions implemented by the PLTIA are in Part V of Title 35 of the U.S. Code (§§ 381-390).

In support of the rulemaking, the USPTO submitted a new information collection entitled International Design Applications (Hague Agreement). Parts 1, 3, 5, 11 and 41 of Title 37 of the Code of Federal Regulations. Are being amended in the final rules associated with this collection of information. Under the Hague Agreement, applicants may submit an international design application either directly to WIPO or indirectly to WIPO through a Contracting Party that has agreed to accept applications as an office of indirect filing. This collection of information covers all international design applications received by the USPTO as an office of indirect filing, regardless of whether the United States is designated, and all international design applications submitted directly to WIPO where the United States is designated.

Three types of fees (the basic fee, designation fees for each country designated, and publication fee) may be collected by the USPTO as an office of indirect filing, and forwarded by the USPTO to WIPO. These non-USPTO fees are combined into a single estimated fee amount in item 1 of Table 2, Annual (Non-Hour) Cost Burden, below. If the U.S. is designated, a First Part Individual Designation fee must be submitted to the USPTO to be forwarded to WIPO. This fee is equivalent to the filing, search and examination fees for domestic design applications, collected via 0651-0072 (America Invents Act Section 10 Patent Fee Adjustments).

The statutes and regulations necessitating that the USPTO collect this information are provided in Table 1 below.

2. Needs and Uses

The information requested in this collection is necessary for WIPO, Contracting Parties, and the USPTO to process international design applications and related correspondence under the Hague Agreement. As an initial matter, the IB uses this information to perform its formalities review under the treaty. Pursuant to Article 8 of the treaty, if the IB finds that the applicant has not fulfilled the requirements of the Hague Agreement and the Common Regulations, the IB will invite the applicant to make the required corrections within a prescribed time period. Once this review of the formalities of the application has been completed, the IB then issues an international registration, which includes the information collected from the international design application. The designated Contracting Parties then perform their review of the international design application. If this information were not collected, the USPTO would not be able to examine international design applications through the process created by the Hague Agreement and thus could not fulfill the United States' obligations under the treaty and the USPTO's obligations under the PLTIA.

Some of the information in this collection may be collected via forms identified in Table 1, Information Requirements and Needs and Uses, below. Use of the forms is not mandatory, but the USPTO suggests that applicants use these forms to ensure that all of the necessary information is provided and to assist both WIPO in reviewing and the USPTO in examining the international design applications quickly and efficiently.

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. This information collection and its supporting statement comply with applicable information quality guidelines.

Table 1 outlines how this collection of information is used by the public and the USPTO:

Table 1: Information Requirements and Needs and Uses

No.	Item/Form and Function	Statute	Rule	Form #	Needs and Uses
1	Application for International Registration ³	35 U.S.C §§ 382 and 383	37 CFR 1.1022	WIPO DM/1	<ul style="list-style-type: none"> Used by the public to supply the information required for an international design application under the Hague Agreement. Used by the USPTO to process and forward the international design application to the IB according to the Hague Agreement. Used by the IB to perform a formalities review of the international design application.

³ The English language version of the DM/1 form will be provided to OMB for review. The USPTO is currently working with WIPO to create an updated DM/1 form to accommodate the United States joining the Hague Union. Because the IB also accepts forms in Spanish and French, the DM/1 form will be translated into these languages. The information collected in the DM/1, regardless of the language in which it is collected, is the same across all versions of the form.

No.	Item/Form and Function	Statute	Rule	Form #	Needs and Uses
2	Claim and Reproductions (Drawings)	35 U.S.C §§ 382 and 383	37 CFR 1.1021	No Form	<ul style="list-style-type: none"> Used by the public as part of the international design application according to the Hague Agreement. Used by the USPTO to examine the international design application.
3	Transmittal Letter	35 U.S.C § 2(b)(2)	37 CFR 1.4, 1.5	No Form	<ul style="list-style-type: none"> Used by the public as a cover letter when submitting the international design application via Express Mail so that an applicant obtains a filing date as of the date of deposit with the postal authorities. Used by the public as a transmittal letter for power of attorney, fee payments, and other items.
4	Appointment of a Representative	35 U.S.C § 2(b)(2)	37 CFR 1.1041	No Form	<ul style="list-style-type: none"> Used by the public to allow for the appointment of an agent or attorney to represent an applicant for a given international design application filed under the Hague Agreement. Used by the USPTO to accept the appointment of an attorney or agent to represent an applicant for a given international design application filed under the Hague Agreement.
5	Petition to Excuse a Failure to Comply with a Time Limit	35 U.S.C § 387	37 CFR 1.1051	No Form	<ul style="list-style-type: none"> Used by the public to seek relief by the USPTO due to an applicant's failure to act within prescribed time limits in connection with requirements pertaining to an international design application relating to the Hague Agreement. Used by the USPTO to evaluate an applicant's requested relief from the prescribed time limits by determining whether the applicant's delay was unintentional.
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16	35 U.S.C § 384(a)	37 CFR 1.1052	No Form	<ul style="list-style-type: none"> Used by the public to treat the international design application, relating to The Hague Agreement, as an application for a design patent under 35 U.S.C. Chapter 16. Used by the USPTO to evaluate an applicant's request to treat the international design application, under the Hague Agreement, as an application for a design patent under 35 U.S.C. Chapter 16.
7	Petition to Review a Filing Date	35 U.S.C § 384(b)	37 CFR 1.1023(b)	No Form	<ul style="list-style-type: none"> Used by the public where the applicant believes the international design application, relating to The Hague Agreement, is entitled to a filing date in the United States other than the date of international registration. Used by the USPTO to evaluate an applicant's request for a different filing date.
8	Fee Authorization	35 U.S.C § 382(b)	37 CFR 1.125	No Form	<ul style="list-style-type: none"> Used by the public to authorize the USPTO to charge the applicant's deposit account along with instructions concerning how much to charge and for what purpose. Used by the USPTO Finance Branch to apply the charged fees to the applicant's deposit account.

No.	Item/Form and Function	Statute	Rule	Form #	Needs and Uses
9	Petitions to the Commissioner	35 U.S.C § 2(b)(2)	37 CFR 1.181, 1.182 and 1.183	No Form	<ul style="list-style-type: none"> Used by the public to petition for relief, relating to the Hague Agreement, due to Office error, for questions not otherwise provided for, and for relief in exceptional circumstances. Used by the USPTO to evaluate an applicant's request, relating to the Hague Agreement, for relief due to Office error, for questions not otherwise provided for, and for relief in exceptional circumstances.
10	Transmittal of Issue Fee to USPTO for an International Design Application	Article 7(3) of the Hague Agreement; 35 USC 383	Common Regulations Rule 29; 37 CFR 1.311	PTOL-85 Part B (Hague)	<ul style="list-style-type: none"> Used by the public to submit an issue fee payment to the USPTO. Used by the USPTO to determine whether all of the appropriate information is included at the time of payment of the issue fee.
11	Declaration on Inventorship for Purposes of Designation of the United States	Article 5 of the Hague Agreement; 35 USC 383; 35 USC 115(a)	Common Regulations Rules 7 and 8; 37 CFR 1.63	DM/1E Annex	<ul style="list-style-type: none"> Used by the public to file an oath or declaration with the IB.
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purpose of Designating the United States	Article 5 of the Hague Agreement; 35 USC 383; 35 USC 115(d)	Common Regulations Rules 7 and 8; 37 CFR 1.64	DM/1E Annex	<ul style="list-style-type: none"> Used by the public when an oath or declaration cannot be filed with the IB.
13	Assignment 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	PTO-1595	<ul style="list-style-type: none"> Used by the public when assigning applications, relating to the Hague Agreement, to another party.

3. Use of Information Technology

The items in this collection may be submitted in various ways:

- Items may be submitted to the USPTO online using EFS-Web, the USPTO's Web-based electronic filing system.

EFS-Web allows customers to file patent applications and associated documents electronically through their standard Web browser without downloading special software, changing their document preparation tools, or altering their workflow processes. Typically, the customer will prepare the documents as standard PDF files and then upload them to the USPTO servers using the secure EFS-Web interface. EFS-Web offers many benefits to filers, including immediate notification that a submission has been received by the USPTO, automated processing of requests, and avoidance of postage or other paper delivery costs.

- Items may be submitted on paper to the USPTO. Note that when filing an international design application through the USPTO as an office of indirect filing, the

IB may apply their Common Regulations – Publication Fee to paper submissions. Because this Common Regulations – Publication Fee is collected and retained by the IB and the USPTO has no involvement in this collection, the USPTO has not included this charge in this information collection.

- Items may be submitted electronically to the IB using their web-based filing system. Although these items will be collected by the IB, if the United States is designated on the application as a Contracting Party in which the applicant desires patent protection, the IB will forward the relevant materials to the USPTO for action. As such, applications submitted to the IB that designate the United States are included in this submission.
- Items may be submitted on paper to the IB. Although these items will be collected by the IB, if the United States is designated on the application as a Contracting Party in which the applicant desires patent protection, the IB will forward the relevant materials to the USPTO for action. As such, applications submitted to the IB that designate the United States are included in this submission. Note that the IB may also apply their Common Regulations – Publication Fee to paper submissions collected in this manner. Because this Common Regulations – Publication Fee is collected and retained by the IB and the USPTO has no involvement in this collection, the USPTO has not included this charge in this information collection.

4. Efforts to Identify Duplication

In general, submissions under the Hague Agreement are designed to minimize the need for duplication across applications and submissions to multiple countries' patent offices by allowing an applicant to file a single design application that has the effect of a national design application filed in multiple countries or intergovernmental organizations that are Contracting Parties to the Hague Agreement.

Because much of the information requested in this information collection is also information necessary to process and examine a domestic design application, the USPTO has multiple forms that may be used by *different* respondents (applicants for a domestic design application versus applicants for an international design application that designate the United States) that collect the same information. As such, until the USPTO can update its existing information collections, it will be double-reporting the number of respondents and overreporting the paperwork burden. Each respondent, however, will only need to respond once to each information request and thus need not duplicate his or her efforts.

5. Minimizing the Burden to Small Entities

The Hague Agreement simplifies the application process and reduces the cost for inventors of industrial designs, including small-entity inventors, to obtain and preserve their rights. Applicants can file a single standardized application in English (or two other

languages) to seek protection in any country that is a Contracting Party. It will no longer be necessary for design owners to make separate national applications in each of the countries in which they desire protection, pay a series of national fees in various currencies, submit applications in various languages, or keep watch on the deadlines for renewal of a series of national deposits. This information collection will enable applicants to utilize the Hague process to take advantage of this burden savings.

This information collection minimizes the fee burden on small entities. In general, applicants who file an international design application must pay the same fees applicable to domestic applicants. As such, several of the fees in this information collection include small and micro entity discounts. See 35 USC 389, 37 CFR 1.27-1.29, 37 CFR 1.9, 1.17, and 1.1031.

Two new fees are associated with this collection of information: a fee for transmitting applications to the IB and a fee for converting an international design application to a domestic design application. Because the Office sets these fees under 35 U.S.C. 41(d), the fees are set at cost recovery and no small or micro entity discounts are available.

6. Consequences of Less Frequent Collection

The information is collected only when an applicant or representative submits information under the Hague Agreement. If this information were not collected, the USPTO would not be able to forward the international design application and fees to the IB, or to examine the application (in cases where the United States is designated). This collection of information is necessary to process and examine design applications and could not be conducted less frequently.

7. Special Circumstances in the Conduct of Information Collection

There are no special circumstances associated with this collection of information.

8. Consultations Outside the Agency

The Notice of Proposed Rulemaking for RIN 0651-AC87 was published in the *Federal Register*. See 78 FR 71870 (Nov. 29, 2013). The USPTO has considered all comments submitted on the rulemaking and addressed them in the rulemaking published concurrently with this Supporting Statement. The Office received no comments concerning this collection of information under the Paperwork Reduction Act.

In addition, the USPTO conducted a public meeting on January 14, 2014, concerning U.S. Implementation of the Hague Agreement. During this public meeting, the USPTO provided an overview of the Hague Agreement, a detailed explanation of key provisions of the proposed rules, and an explanation of the fees associated with the proposed rules. The USPTO encouraged public feedback through the submission of written comments to the notice of proposed rulemaking.

Several of the forms contained in this collection of information are developed by WIPO for use by applicants who will file their international design applications through the USPTO as an office of indirect filing (regardless of whether they designate the USPTO in their application) or who will file with WIPO or any Contracting Party and designate the United States in their application.

9. Payment or Gifts to Respondents

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

10. Assurance of Confidentiality

The confidentiality of international design patent applications is governed by 35 U.S.C. § 122 and 37 CFR 1.11 and 1.14, as well as Article 10(4) of the Hague Agreement. The USPTO has a legal obligation to maintain the confidentiality of the contents of unpublished design applications and related documents. Until international publication of the international registration takes place, generally six months after the date of the international registration of the international design application, no third party or authority is allowed access to the international design application unless such access is requested or authorized by the applicant. Upon publication of an international registration or issuance of a design patent, the patent application file is made available to the public.

In order to protect the confidentiality of credit card account information when making fee payments to the USPTO or through the USPTO as an office of indirect filing, customers should submit credit card payments on a separate credit card payment form provided by the USPTO for this purpose, which is covered under OMB Control Number 0651-0043. The USPTO will not include the credit card information submitted using the provided credit card payment forms among the patent records open to public inspection. If a customer supplies credit card information on a form or document (e.g., in correspondence related to a patent) other than a credit card payment form provided by the USPTO, the USPTO will not be liable if the credit card information becomes public knowledge.

11. Justification of 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 2, below, 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 4,935 responses per year for this collection, with approximately 50% of these responses submitted by small entities. The USPTO also estimates that 98% of the responses will be submitted electronically.

- **Burden Hour Calculation Factors**

The USPTO estimates that the responses in this collection will take the public approximately a total of 13,128 burden hours. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO or to the IB. The USPTO calculates that, on balance, it takes the same amount of time to gather the necessary information, create the document, and submit it to the USPTO, whether the public submits the information on paper form or electronically.

- **Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$389 per hour for respondent cost burden calculations for most items, which is the mean rate for intellectual property 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). Based on the USPTO's longstanding institutional knowledge of patent prosecution, the USPTO believes that this is a reasonable estimate of the professional rate of intellectual property attorneys completing these submissions.

The USPTO uses a paraprofessional rate of \$125 per hour, which is the mean billing rate for paralegals with an ACP (Advanced Certified Paralegal) credential, according to the 2013 *National Utilization and Compensation Survey Report* published by the National Association of Legal Assistants (NALA). Based on the USPTO's longstanding institutional knowledge of patent prosecution, the USPTO believes that paralegals rather than lawyers will complete the Issue Fee Transmittal (Hague) form because it is clerical in nature. As such, the USPTO uses the paralegal rate for that form.

Table 2: Burden Hours/Burden Costs 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)
1	Application for International Registration	6	1,000	6,000	\$389	\$2,334,000

	Item	Hours (a)	Responses (yr.) (b)	Burden (hrs. /yr.) (c) (a x b)	Rate (\$/hr.) (d)	Total Cost (\$/yr.) (e) (c x d)
2	Claim and Reproductions (Drawings)	4	1,000	4,000	\$389	\$1,556,000
3	Transmittal Letter	2	900	1,800	\$389	\$700,200
4	Appointment of a Representative	0.25	100	25	\$389	\$9,725
5	Petition to Excuse a Failure to Comply with a Time Limit	4	50	200	\$389	\$77,800
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16	4	20	80	\$389	\$31,120
7	Petition to Review al Filing Date	4	20	80	\$389	\$31,120
8	Fee Authorization	0.25	200	50	\$389	\$19,450
9	Petitions to the Commissioner	4	20	80	\$389	\$31,120
10	Transmittal of Issue Fee to USPTO for an International Design Application	0.5	800	400	\$125	\$50,000
10	Issue Fee Submitted without Form	0.5	100	50	\$125	\$6250
11	Declaration on Inventorship for Purposes of Designation of the United States	0.5	500	250	\$389	\$97,250
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purpose of Designating the United States	0.5	25	13	\$389	\$5,057
13	Assignment Cover Sheet	0.5	200	100	\$389	\$38,900
	Totals	31	4935	13,128	-	\$4,987,992

13. Total Annual (Non-hour) Cost Burden

The USPTO estimates that the total annual (non-hour) cost burden for this collection will be approximately \$2,740,011, with \$2,739,350 in fees and \$661 in postage. Of the fees added to this collection's inventory due to changes in this rulemaking; \$609,080, of this burden is double-counted in other collections and \$2,130,270 of this burden is added by this rulemaking. Tables 3a and 5d show the total (non-hour) rulemaking and non-rulemaking cost burden of fees created by this rulemaking. Table 3b shows the total (non-hour) cost burden of postage resulting from this rulemaking.

This collection has no capital start-up, maintenance, or record keeping costs.

Table 3a: Annual (Non-Hour) Cost Burden: Fees

	Type of Cost	Estimated Annual Responses (a)	Amount (b)	Non-rulemaking Impact (Responses double-counted with other collections)	Information Collection of Double-Counted Items	Totals (a) x (b)
1	Application for International Registration* (electronic) a) Average Fee per registration to WIPO (collecting for WIPO) b) Designation Fee (first part) for the U.S. (collecting for WIPO) c) Transmittal Fee (set by and collected by USPTO)	490	a) \$1,672 b) \$760 c) \$120 Total: \$2,552	b) \$260,680	b) 0651-0072	\$1,250,480
1	Application for International Registration* (non-electronic) a) Average Fee per registration to WIPO (collecting for WIPO) b) Designation Fee (first part) for the U.S. (collecting for WIPO) c) Transmittal Fee (set by and collected by USPTO)	10	a) \$1,672 b) \$760 c) \$120 Total: \$2,552	b) \$5320	b) 0651-0072	\$25,520
1	Application for International Registration* (small entity) (electronic) a) Average Fee per registration to WIPO (collecting for WIPO) b) Designation Fee (first part) for the U.S. (collecting for WIPO) c) Transmittal Fee (set by and collected by USPTO)	245	a) \$1,672 b) \$380 c) \$120 Total: \$2,172	b) \$65,360	b) 0651-0072	\$532,140
1	Application for International Registration* (small entity) (non-electronic) a) Average Fee per registration to WIPO (collecting for WIPO) b) Designation Fee (first part) for the U.S.(collecting for WIPO) c) Transmittal Fee (set by and collected by USPTO)	5	a) \$1,672 b) \$380 c) \$120 Total: \$2,172	b) \$1,520	b) 0651-0072	\$10,860
1	Application for International Registration* (micro entity) (electronic) a) Average Fee per registration to WIPO (collecting for WIPO) b) Designation Fee (first part) for the U.S. (collecting for WIPO) c) Transmittal Fee (set by and collected by USPTO)	245	a) \$1,672 b) \$190 c) \$120 Total: \$1,982	b) \$32,680	b) 0651-0072	\$485,590

	Type of Cost	Estimated Annual Responses (a)	Amount (b)	Non-rulemaking Impact (Responses double-counted with other collections)	Information Collection of Double-Counted Items	Totals (a) x (b)
1	Application for International Registration* (micro entity) (non-electronic) a) Average Fee per registration to WIPO (collecting for WIPO) b) Designation Fee (first part) for the U.S. (collecting for WIPO) c) Transmittal Fee (set by and collected by USPTO)	5	a) \$1,672 b) \$190 c) \$120 Total: \$1,982	b) \$760	b) 0651-0072	\$9,910
2	Claim and Reproductions (Drawings) (electronic)	490	\$0	N/A		\$0
2	Claim and Reproductions (Drawings) (non-electronic)	10	\$0	N/A		\$0
2	Claim and Reproductions (Drawings) (small entity) (electronic)	245	\$0	N/A		\$0
2	Claim and Reproductions (Drawings) (small entity) (non-electronic)	5	\$0	N/A		\$0
2	Claim and Reproductions (Drawings) (micro entity) (electronic)	245	\$0	N/A		\$0
2	Claim and Reproductions (Drawings) (micro entity) (non-electronic)	5	\$0	N/A		\$0
3	Transmittal Letter (electronic)	441	\$0	N/A		\$0
3	Transmittal Letter (non-electronic)	9	\$0	N/A		\$0
3	Transmittal Letter (small entity) (electronic)	220	\$0	N/A		\$0
3	Transmittal Letter (small entity) (non-electronic)	5	\$0	N/A		\$0
3	Transmittal Letter (micro entity)	220	\$0	N/A		\$0
3	Transmittal Letter (micro entity) (non-electronic)	5	\$0	N/A		\$0
4	Appointment of a Representative (electronic)	49	\$0	N/A		\$0
4	Appointment of a Representative (non-electronic)	1	\$0	N/A		\$0
4	Appointment of a Representative (small entity) (electronic)	24	\$0	N/A		\$0
4	Appointment of a Representative (small entity) (non-electronic)	1	\$0	N/A		\$0
4	Appointment of a Representative (micro entity) (electronic)	24	\$0	N/A		\$0
4	Appointment of a Representative (micro entity) (non-electronic)	1	\$0	N/A		\$0
5	Petition to Excuse a Failure to Comply with a Time Limit (electronic)	24	\$1,700	0		\$40,800
5	Petition to Excuse a Failure to Comply with a Time Limit (non-electronic)	1	\$1,700	0		\$1,700

	Type of Cost	Estimated Annual Responses (a)	Amount (b)	Non-rulemaking Impact (Responses double-counted with other collections)	Information Collection of Double-Counted Items	Totals (a) x (b)
5	Petition to Excuse a Failure to Comply with a Time Limit (small entity) (electronic)	12	\$850	0		\$10,200
5	Petition to Excuse a Failure to Comply with a Time Limit (small entity) (non-electronic)	1	\$850	0		\$850
5	Petition to Excuse a Failure to Comply with a Time Limit (micro entity) (electronic)	11	\$850	0		\$9,350
5	Petition to Excuse a Failure to Comply with a Time Limit (micro entity) (non-electronic)	1	\$850	0		\$850
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16 (electronic)	8	\$180	0		\$1,440
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16 (non-electronic)	2	\$180	0		\$360
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16 (small entity) (electronic)	4	\$180	0		\$720
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16 (small entity) (non-electronic)	1	\$180	0		\$180
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16 (micro entity) (electronic)	4	\$180	0		\$720
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16 (micro entity) (non-electronic)	1	\$180	0		\$180
7	Petition to Review a Filing Date (electronic)	8	\$400	0		\$3,200
7	Petition to Review a Filing Date (non-electronic)	2	\$400	0		\$800
7	Petition to Review a Filing Date (small entity) (electronic)	4	\$200	0		\$800
7	Petition to Review a Filing Date (small entity) (non-electronic)	1	\$200	0		\$200
7	Petition to Review a Filing Date (micro entity) (electronic)	4	\$100	0		\$400
7	Petition to Review a Filing Date (micro entity) (non-electronic)	1	\$100	0		\$100
8	Fee Authorization (electronic)	98	\$0	N/A		\$0
8	Fee Authorization (non-electronic)	2	\$0	N/A		\$0
8	Fee Authorization (small entity) (electronic)	49	\$0	N/A		\$0
8	Fee Authorization (small entity) (non-electronic)	1	\$0	N/A		\$0
8	Fee Authorization (micro entity) (electronic)	49	\$0	N/A		\$0
8	Fee Authorization (micro entity) (non-electronic)	1	\$0	N/A		\$0

	Type of Cost	Estimated Annual Responses (a)	Amount (b)	Non-rulemaking Impact (Responses double-counted with other collections)	Information Collection of Double-Counted Items	Totals (a) x (b)
9	Petitions to the Commissioner (electronic)	8	\$400	0		\$3,200
9	Petitions to the Commissioner (non-electronic)	2	\$400	0		\$800
9	Petitions to the Commissioner (small entity) (electronic)	4	\$200	0		\$800
9	Petitions to the Commissioner (small entity) (non-electronic)	1	\$200	0		\$200
9	Petitions to the Commissioner (micro entity) (electronic)	4	\$100	0		\$400
9	Petitions to the Commissioner (micro entity) (non-electronic)	1	\$100	0		\$100
10	Issue Fee (electronic)	441	\$560	\$173,040	0651-0072	\$246,960
10	Issue Fee (non-electronic)	9	\$560	\$3,360	0651-0072	\$5,040
10	Issue Fee (small entity) (electronic)	220	\$280	\$43,120	0651-0072	\$61,600
10	Issue Fee (small entity) (non-electronic)	5	\$280	\$1,120	0651-0072	\$1,400
10	Issue Fee (micro entity) (electronic)	220	\$140	\$21,560	0651-0072	\$30,800
10	Issue Fee (micro entity) (non-electronic)	5	\$140	\$560	0651-0072	\$700
11	Declaration on Inventorship for Purposes of Designation of the United States (electronic)	245	\$0	N/A		\$0
11	Declaration on Inventorship for Purposes of Designation of the United States (non-electronic)	5	\$0	N/A		\$0
11	Declaration on Inventorship for Purposes of Designation of the United States (small entity) (electronic)	122	\$0	N/A		\$0
11	Declaration on Inventorship for Purposes of Designation of the United States (small entity) (non-electronic)	3	\$0	N/A		\$0
11	Declaration on Inventorship for Purposes of Designation of the United States (micro entity) (electronic)	122	\$0	N/A		\$0
11	Declaration on Inventorship for Purposes of Designation of the United States (micro entity) (non-electronic)	3	\$0	N/A		\$0
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purpose of Designating the United States (electronic)	12	\$0	N/A		\$0
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purpose of Designating the United States (non-electronic)	1	\$0	N/A		\$0
12	Substitute Statement in Lieu of a Declaration of Inventorship for	5	\$0	N/A		\$0

	Type of Cost	Estimated Annual Responses (a)	Amount (b)	Non-rulemaking Impact (Responses double-counted with other collections)	Information Collection of Double-Counted Items	Totals (a) x (b)
	the Purpose of Designating the United States (small entity) (electronic)					
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purpose of Designating the United States (small entity) (non-electronic)	1	\$0	N/A		\$0
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purpose of Designating the United States (micro entity) (electronic)	5	\$0	N/A		\$0
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purpose of Designating the United States (micro entity) (non-electronic)	1	\$0	N/A		\$0
13	Assignment Cover Sheet (electronic)	98	\$0	N/A		\$0
13	Assignment Cover Sheet (non-electronic)	2	\$0	N/A		\$0
13	Assignment Cover Sheet (small entity) (electronic)	49	\$0	N/A		\$0
13	Assignment Cover Sheet (small entity) (non-electronic)	1	\$0	N/A		\$0
13	Assignment Cover Sheet (micro entity) (electronic)	49	\$0	N/A		\$0
13	Assignment Cover Sheet (micro entity) (non-electronic)	1	\$0	N/A		\$0
	Totals:	4935	-	609,080		\$2,739,350

*The breakout of the Application for International Registration Fee includes the average fees paid to WIPO in 2011, and the transmittal fee which is set by USPTO under 35 U.S.C. 41(d). WIPO fees are collected by the USPTO (on behalf of WIPO) and then transmitted to WIPO under the Hague Agreement.

The USPTO estimates that the average postage cost for a paper submission will be \$5.60 (USPS Priority Mail, flat rate envelope) and that 118 submissions will be mailed to the USPTO per year.

Table 3b shows the breakdown of the total annual (non-hour) cost burden for this collection.

Table 3b: Postage Cost

	Item	Responses (yr.) (a)	Postage Costs (b)	Total Cost (yr.) (a) x (b)
1	Application for International Registration	20	\$5.60	\$112
2	Claim and Reproductions (Drawings)	20	\$5.60	\$112
3	Transmittal Letter	19	\$5.60	\$106.40
4	Appointment of a Representative	3	\$5.60	\$16.80
5	Petition to Excuse a Failure to Comply with a Time Limit	3	\$5.60	\$16.80
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16	4	\$5.60	\$22.40
7	Petition to Review a Filing Date	4	\$5.60	\$22.40
8	Fee Authorization	4	\$5.60	\$22.40
9	Petitions to the Commissioner	4	\$5.60	\$22.40
10	Submission of Issue Fee with or without Transmittal of Issue Fee to USPTO for an International Design Application	19	\$5.60	\$106.40
11	Declaration on Inventorship for Purposes of Designation of the United States	11	\$5.60	\$61.60
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purpose of Designating the United States	3	\$5.60	\$16.80
13	Assignment Cover Sheet	4	\$5.60	\$22.40
	Total Annual (Non-hour) Cost Burden	118	-	\$661

14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-7, step 1, employee approximately 18 minutes (0.3 hours) to one hour on average to process the items in this collection. It is estimated that it will take a GS-5, step 1, employee approximately 0.5 hour (30 minutes) to process a transmittal of issue fee

The hourly rate for a GS-7, step 1, employee is currently \$20.43 according to the U.S. Office of Personnel Management's (OPM's) 2014 wage chart, including locality pay for the Washington, DC area. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the rate per hour for a GS-7, step 1, employee is \$26.55 (\$20.43 with \$6.12 added for benefits and overhead).

The hourly rate for a GS-5, step 1, employee is currently \$16.49 according to the U.S. Office of Personnel Management's (OPM's) 2014 wage chart, including locality pay for the Washington, DC area. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the rate per hour for a GS-5, step 1, employee is \$21.96 (\$16.49 with \$5.47 added for benefits and overhead).

Table 4 calculates the burden hours and costs to the Federal Government for processing this information collection:

Table 4: Burden Hours/Burden Costs to the Federal Government

	Item/Form No.	Hours	Responses	Burden	Rate	Total Cost
1	Application for International Registration	1	1,000	1,000	\$26.55	\$26,550
2	Claim and Reproductions (Drawings)	0.5	1,000	500	\$26.55	\$13,275
3	Transmittal Letter	0.5	900	450	\$26.55	\$11,948
4	Appointment of a Representative	0.3	100	30	\$26.55	\$797
5	Petition to Excuse a Failure to Comply with a Time Limit	0.5	50	25	\$26.55	\$664
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16	0.5	20	10	\$26.55	\$266
7	Petition to Review a Filing Date	0.5	20	10	\$26.55	\$266
8	Fee Authorization	0.3	200	60	\$26.55	\$1,593
9	Petitions to the Commissioner	0.5	20	10	\$26.55	\$266
10	Transmittal of Issue Fee to USPTO for an International Design Application	0.5	800	400	\$21.96	\$8,784
10	Issue Fee submitted without form	0.5	100	50	\$21.96	\$1,098
11	Declaration on Inventorship for Purposes of Designation of the United States	0.5	500	250	\$26.55	\$6,638
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purpose of Designating the United States	0.5	25	13	\$26.55	\$345
13	Assignment Cover Sheet	0.5	200	100	\$26.55	\$2655
	Totals	7.1	4,935	2,908	-	75,145

15. Summary of Changes in Annual Burden

The USPTO is submitting this information collection request in support of the Final rulemaking “Changes to Implement the Hague Agreement” (RIN 0651-AC87), which changes the rules of practice to implement Title I of the PLTIA and other miscellaneous changes that clarify existing practices.

As explained above, because this rulemaking merely provides a new avenue by which applicants may submit design patent applications, several items in this collection displace responses that the USPTO counts in other information collections, specifically Information Collections 0651-0032 (Initial Patent Applications), 0651-0043 (Patent and Trademark Financial Transactions), and 0651-0072 (America Invents Act Section 10 Patent Fee Adjustments). As such, the USPTO will temporarily double count those responses in both this collection and their original collections. The USPTO has

accounted for this double-counting as a non-rulemaking impact as demonstrated in the “Non-rulemaking Impact (Responses double-counted with other collections)” columns of Tables 5a through 5d below. The USPTO estimates that it will receive 4,935 responses for this collection annually, 2,800 of which will displace responses in other collections. The USPTO estimates that the total associated burden hours for this collection will be 13,128 hours per year, of which 8,610 hours are double-counted in other collections and 4,518 hours are newly added by this collection.

The USPTO estimates that there is \$2,740,011 in non-hour cost burden, in the form of filing fees and postage costs, associated with this information collection. Of the total costs added by this collection \$609,416 of this burden is double-counted in other collections and \$2,130,595 of this burden is added by this rulemaking.

Table 5a shows the impact of the rulemaking and non-rulemaking changes to the estimated number of responses for this information collection:

Table 5a: Response Changes – Rulemaking/Non-Rulemaking Impact

	Item	Current Inventory Responses	Non-rulemaking Impact (Responses double-counted with other collections)	Information Collection of Double-Counted Items	Rulemaking Impact	Total Change in Burden	Total Burden Estimate
1	Application for International Registration	30,300	700	0651-0032	300	300	1,000
2	Claim and Reproductions (Drawings)	30,300	700	0651-0032	300	300	1,000
3	Transmittal Letter	2,379	630	0651-0032	270	270	900
4	Appointment of a Representative	0	0	N/A	100	100	100
5	Petition to Excuse a Failure to Comply with a Time Limit	0	0	N/A	50	50	50
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16	0	0	N/A	20	20	20
7	Petition to Review a Filing Date	0	0	N/A	20	20	20
8	Fee Authorization	6,399	140	0651-0043	60	60	200

	Item	Current Inventory Responses	Non-rulemaking Impact (Responses double-counted with other collections)	Information Collection of Double-Counted Items	Rulemaking Impact	Total Change in Burden	Total Burden Estimate
9	Petitions to the Commissioner	0	0	N/A	20	20	20
10	Issue Fee, with or without Transmittal of Issue Fee to USPTO for an International Design Application	22854	630	0651-0072	270	270	900
11	Declaration on Inventorship for Purposes of Designation of the United States	0	0	N/A	500	500	500
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purpose of Designating the United States	0	0	N/A	25	25	25
13	Assignment Cover Sheet	0	0	N/A	200	200	200
	TOTAL	92,232	2,800	-	2,135	2,135	4,935

Table 5b shows the impact of the rulemaking and non-rulemaking changes to the burden hour estimates for this information collection:

Table 5b: Burden Hour Changes – Rulemaking/Non-Rulemaking Impact

	Item	Current Inventory Burden Hours	Non-rulemaking Impact (Burden double-counted with other collections)	Rulemaking Impact	Total Change in Burden	Total Burden Estimate
1	Application for International Registration	181,800	4200	1800	1800	6000
2	Claim and Reproductions (Drawings)	121,200	2800	1200	1200	4000
3	Transmittal Letter	4,758	1260	540	540	1800
4	Appointment of a Representative	0	0	25	25	25
5	Petition to Excuse a Failure to Comply with a Time Limit	0	0	200	200	200

	Item	Current Inventory Burden Hours	Non-rulemaking Impact (Burden double-counted with other collections)	Rulemaking Impact	Total Change in Burden	Total Burden Estimate
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16	0	0	80	80	80
7	Petition to Review a Filing Date	0	0	80	80	80
8	Fee Authorization	1,600	35	15	15	50
9	Petitions to the Commissioner	0	0	80	80	80
10	Issue Fee, with or without Transmittal of Issue Fee to USPTO for an International Design Application	11,427	315	135	135	450
11	Declaration on Inventorship for Purposes of Designation of the United States	0	0	250	250	250
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purpose of Designating the United States	0	0	13	13	13
13	Assignment Cover Sheet	0	0	100	100	100
	Total	320,785	8,610	4,518	4,518	13,128

Table 5c shows the impact of the rulemaking and non-rulemaking changes to the hourly cost burden estimates for this information collection:

Table 5c: Respondent (Hourly) Cost Burden Changes – Rulemaking/Non-Rulemaking Impact

	Item	Current Inventory Hourly Cost Burden	Non-rulemaking Impact (Responses double-counted with other collections)	Rulemaking Impact	Total Change in Burden	Total Burden Estimate
1	Application for International Registration	\$72,356,400	\$1,633,800	\$700,200	\$700,200	\$2,334,000
2	Claim and Reproductions (Drawings)	\$48,237,600	\$1,089,200	\$466,800	\$466,800	\$1,556,000
3	Transmittal Letter	\$1,893,684	\$490,140	\$210,060	\$210,060	\$700,200

	Item	Current Inventory Hourly Cost Burden	Non-rulemaking Impact (Responses double-counted with other collections)	Rulemaking Impact	Total Change in Burden	Total Burden Estimate
4	Appointment of a Representative	\$0	\$0	\$9,725	\$9,725	\$9,725
5	Petition to Excuse a Failure to Comply with a Time Limit	\$0	\$0	\$77,800	\$77,800	\$77,800
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16	\$0	\$0	\$31,120	\$31,120	\$31,120
7	Petition to Review a Filing Date	\$0	\$0	\$31,120	\$31,120	\$31,120
8	Fee Authorization	\$636,701	\$13,615	\$5,835	\$5,835	\$19,450
9	Petitions to the Commissioner	\$0	\$0	\$31,120	\$31,120	\$31,120
10	Issue Fee with or without Transmittal of Issue Fee to USPTO for an International Design Application	\$1,142,700	\$39,375	\$16,875	\$16,875	\$56,250
11	Declaration on Inventorship for Purposes of Designation of the United States	\$0	\$0	\$97,250	\$97,250	\$97,250
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purpose of Designating the United States	\$0	\$0	\$5,057	\$5,057	\$5,057
13	Assignment Cover Sheet	\$0	\$0	\$38,900	\$38,900	\$38,900
	Total	\$124,267,085	\$3,226,130	\$1,721,862	\$1,721,862	\$4,987,992

Table 5d shows the impact of the rulemaking and non-rulemaking changes to the annual (non-hour) cost burden estimates for this information collection:

Table 5d: Annual (Non-Hour) Cost Burden Changes – Rulemaking/Non-Rulemaking Impact

	Current Inventory Non-Hour Costs	Non-rulemaking Impact (Responses double-counted with other collections)	Rulemaking Impact	Total Change in Burden	Total Burden Estimate
Filing Fees	\$50,661,600	\$609,080	\$2,130,270	\$2,130,270	\$2,739,350
Processing Fees	\$0	\$0	\$0	\$0	\$0
Postage	\$7,770	\$336	\$325	\$325	\$661
Total Annual (Non-hour) Cost Burden	\$50,669,370	609,416	2,130,595	2,130,595	2,740,011

16. Project Schedule

The USPTO does not plan to publish this information for statistical use or any other purpose.

17. Display of Expiration Date of OMB Approval

The final rules will include the control number and expiration date for this information collection.

18. Exceptions to the Certificate Statement

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

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.