

SUPPORTING STATEMENT
United States Patent and Trademark Office
Madrid Protocol
OMB CONTROL NUMBER 0651-0051
November 2015

A. JUSTIFICATION

1. Necessity of Information Collection

This collection of information is required by the Trademark Act of 1946, 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 that use or intend to use such marks in commerce may file an application to register the marks with the United States Patent and Trademark Office (USPTO). Both the register and the information provided in pending applications for registration can be accessed by the public in order to determine the availability of a mark and lessen the likelihood of initiating the use of a mark previously adopted by another.

The Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (“Madrid Protocol”) is an international treaty that allows a trademark owner to seek registration in any of the participating countries by filing a single international application. The International Bureau (IB) of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland, administers the international registration system. The Madrid Protocol Implementation Act of 2002 amended the Trademark Act to provide that: (1) the owner of a U.S. application or registration may seek protection of its mark in any of the participating countries by submitting a single international application to the IB through the USPTO and (2) the holder of an international registration may request an extension of protection of the international registration to the United States. The Madrid Protocol became effective in the United States on November 2, 2003, and is implemented under 15 U.S.C. § 1141 *et seq.* and 37 CFR Part 2 and Part 7.

An international application submitted through the USPTO must be based on an active U.S. application or registration and must be filed by the owner of the application or registration. The applicant must be a national of the United States, be domiciled in the United States, or have a real and effective industrial or commercial establishment in the United States. The USPTO reviews the international application to certify that it corresponds to the data contained in the existing U.S. application or registration before forwarding the international application to the IB. The IB then reviews the international application to determine whether the Madrid filing requirements have been met and the required fees have been paid. If the international application is unacceptable, the IB will send a notice of irregularity to the USPTO and the applicant. The applicant must respond to the irregularities to avoid abandonment, unless a response from the USPTO is required. After any irregularities are corrected and the application is accepted, the IB

issues an international registration number, publishes the registration in the WIPO Gazette of International Marks, and sends a certificate to the holder.

When the international registration is issued, the IB notifies each country designated in the application of the request for extension of protection. Each designated country then examines the request under its own laws. Once an international registration exists, the holder may also file subsequent designations to request an extension of protection to additional countries or request extension of goods/services not already extended to previously-designated countries.

Under Section 71 of the Trademark Act, a registered extension of protection to the United States will be cancelled unless the holder of the international registration periodically files affidavits of continued use in commerce or excusable nonuse. The first affidavit must be filed between the fifth and sixth year after the USPTO registers an extension of protection.

If the IB cancels an international registration due to the cancellation of the underlying basic application or registration, the USPTO will likewise cancel the corresponding extension of protection of the registration to the United States. Under certain circumstances, the holder of the international registration may request transformation of the cancelled extension of protection into a U.S. application under Section 1 or 44 of the Trademark Act.

An international registration lasts for ten years and may be renewed for additional ten-year periods by making a request directly to the IB and paying the renewal fee. The USPTO does not process requests to renew international registrations.

This collection includes the information necessary for the USPTO to process applications for international registration and related requests under the Madrid Protocol. The USPTO provides electronic forms for filing the items in this information collection online (except for the Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration) using the Trademark Electronic Application System (TEAS), which is available through the USPTO Web site.

Applicants may also submit the items in this collection on paper or by using the forms provided by the IB, which are available on the WIPO Web site. The IB requires Applications for International Registration and Applications for Subsequent Designation that are filed on paper to be submitted on the official IB forms.

Table 1 identifies the statutes and regulations that authorize the USPTO to collect the information discussed above:

Table 1: Information Requirements

IC Number	Requirement	Statute	Rule
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1	Application for International Registration	15 U.S.C. § 1141a	37 CFR 7.11
2	Application for Subsequent Designation	15 U.S.C. § 1141d	37 CFR 7.21
3	Response to Notice of Irregularity	Not applicable	37 CFR 7.14
4	Replacement Request	15 U.S.C. § 1141n	37 CFR 7.28
5	Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration	15 U.S.C. § 1141l	37 CFR 7.23 and 7.24
6	Transformation Request	15 U.S.C. § 1141j(c)	37 CFR 7.31
7	Petition to Director to Review Denial of Certification of International Application	15 U.S.C. § 1141b	37 CFR 2.146, 7.4(b), and 7.13(b)
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71	15 U.S.C. § 1141k	37 CFR 7.36 and 7.37
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15	15 U.S.C. §§ 1065 and 1141k	37 CFR 2.167, 2.168, 7.36, and 7.37

2. Needs and Uses

The public uses this collection to submit applications for international registration and related requests to the USPTO under the Madrid Protocol. 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 international trademark rights. The information is available at USPTO facilities and is also accessible through the USPTO Web site.

The information collected, maintained, and used in this collection is based on OMB and USPTO guidelines. This includes the basic information quality standards established in the Paperwork Reduction Act (44 U.S.C. Chapter 35), in OMB Circular A-130, and in the OMB information quality guidelines.

Table 2 outlines how this collection of information is used by the public and the USPTO:

Table 2: Needs and Uses of Information Collected

IC Number	Information Collection Instrument	Form #	Needs and Uses
1	Application for International Registration	PTO-2131 TEAS	<ul style="list-style-type: none"> Used by the public to apply for international trademark registration. Used by the USPTO to review applications for international trademark registration and forward them to the IB.
2	Application for Subsequent Designation	PTO-2132 TEAS	<ul style="list-style-type: none"> Used by the public to identify countries that were not named in an original international application but in which trademark protection is now sought or request extension of goods/services not already extended to previously-designated countries. Used by the USPTO to forward additionally designated countries or goods/services in an international application to the IB.

IC Number	Information Collection Instrument	Form #	Needs and Uses
3	Response to Notice of Irregularity	PTO-2133 TEAS	<ul style="list-style-type: none"> Used by the public to respond to irregularities in international applications identified by the IB. Used by the USPTO to forward responses to irregularities identified in international applications to the IB.
4	Replacement Request	TEAS Global Form	<ul style="list-style-type: none"> Used by the public to request that the USPTO replace a U.S. trademark registration with a subsequently registered extension of protection to the United States. Used by the USPTO to review requests to replace a U.S. trademark registration with a subsequently registered extension of protection to the United States.
5	Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration	No Form Associated	<ul style="list-style-type: none"> Used by the public to request that the USPTO forward to the IB the request to record an assignment of an international registration or a restriction of a holder's right to dispose of an international registration. Used by the USPTO to forward to the IB the request to record assignments of an international registration or restrictions of a holder's right to dispose of an international registration.
6	Transformation Request	TEAS Global Form	<ul style="list-style-type: none"> Used by the public to request that the USPTO transform a cancelled extension of protection into an application for registration under Section 1 or 44 of the Trademark Act. Used by the USPTO to review requests that the USPTO transform a cancelled extension of protection into an application for registration under Section 1 or 44 of the Trademark Act.
7	Petition to Director to Review Denial of Certification of International Application	TEAS Global Form	<ul style="list-style-type: none"> Used by the public to request that the USPTO review an examiner's refusal to certify an international application. Used by the USPTO to review claims that the refusal to certify an international application was either erroneous or due to inadvertent errors by filers.
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71	PTO-1663 TEAS	<ul style="list-style-type: none"> Used by the public to submit a declaration that a mark is in use or that any nonuse of a mark is excusable in order to retain an extension of protection to the United States. Used by the USPTO to review declarations stating that a mark is in use or that any nonuse of a mark is excusable.
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15	PTO-1683 TEAS	<ul style="list-style-type: none"> Used by the public to claim that a mark registered on the Principal Register is now incontestable and to submit a declaration that a mark is in use or that any nonuse of a mark is excusable in order to retain an extension of protection to the United States. Used by the USPTO to review declarations stating that a mark is in use or that any nonuse of a mark is excusable.

3. Use of Information Technology

The USPTO, in conjunction with delegates from WIPO and from various countries,

defined procedures and formats for exchanging Madrid Protocol data electronically between WIPO and any member country of the Madrid Protocol. These standards cover both text and image data.

The public may file the information in this collection electronically through the Trademark Electronic Application System (TEAS), which is accessible via the USPTO Web site. TEAS forms are completed online and transmitted to the USPTO via the Internet. The TEAS forms include "Help" instructions, as well as a "Form Wizard" that tailors the form to the particular characteristics of the application and the mark in question, based on responses provided by the user to questions posed by the Wizard. The forms filed are received within seconds after transmission, and a confirmation of filing is immediately issued via e-mail to the user. The forms allow users to pay any fees by credit card, electronic funds transfer, or an authorization to charge a USPTO deposit account.

With respect to international applications, filers can enter the U.S. application serial number or registration number of the mark that will form the basis of the international application on the appropriate form. Once entered, the data fields are automatically populated with the data that presently exists in the USPTO's Trademark Reporting and Monitoring (TRAM) database. If no changes are made by the filer, the international application is automatically certified upon submission to the USPTO. Alternatively, filers may select the free-text form in which no data will automatically populate. Instead, filers will be required to fill in all of the fields. Similarly, once a trademark owner has an international registration, the pre-populated subsequent designation form allows the filer to automatically insert the existing data and make further designations of new countries or to add goods/services to countries previously designated to which the data will be transmitted by the IB.

Please note that electronic forms must be submitted via TEAS; filers may not e-mail their own forms to the USPTO. Forms submitted on paper must be delivered by U.S. Postal Service first-class mail to a special postal address or delivered by other means to the Trademark Assistance Center at the USPTO.

The TEAS Global Forms are an interim workaround as the USPTO develops additional TEAS forms covering items that are currently collected only in paper. This method allows for electronic filing of documents when there is not currently a TEAS form with dedicated data fields for the particular purpose. A TEAS Global Form allows the user to submit documents electronically by identifying a document type through a drop-down list, entering text in a free-text box, and attaching files in JPG or PDF format.

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 for which applications for registrations have been submitted. TESS can be used by potential

applicants for trademark registration to assist in the determination of whether 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 for the user to choose from several search tools, is updated daily, and is easy to use.

The USPTO also maintains an online database called Trademark Status and Document Retrieval (TSDR), which features information regarding the status of trademark applications and registrations as well as images of each of the documents that make up the “electronic file wrapper” of a particular trademark application or registration. Currently, images of virtually all pending trademark application and registration files are present in TSDR.

These systems are all accessible on the USPTO Web site. Thus, the USPTO offers a single source for a variety of systems useful both for making submissions to the USPTO and for tracking the status of these submissions.

4. Efforts to Identify Duplication

This information is collected only when a U.S. trademark owner or applicant submits an application for international registration or a related request. This information is not collected elsewhere and does not result in a duplication of effort. When submitting an international application online using TEAS, customers may enter the appropriate U.S. serial number or registration number in order to populate the forms with the relevant application or registration information from the USPTO database and avoid re-entering this information. Use of the pre-populated version of the forms avoids manual entry errors and provides users with a faster means of submitting an application.

5. Minimizing Burden to Small Entities

This collection does not impose a significant economic burden on small entities or small businesses. The same information is required from every customer and is not available from any other source.

6. Consequences of Less Frequent Collection

This information collection could not be conducted less frequently. If the information were not collected, the USPTO would not be able to fulfill its obligations under the Madrid Protocol.

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 60-Day Notice was published in the *Federal Register* on August 31, 2015 (80 Fed. Reg. 52456). The comment period ended on October 30, 2015. One public comment was received regarding that notice.

One commenter remarked that they have noticed a significant lag time between the date that a US extension via WIPO is filed and the date that said extension shows up in the USPTO database. The commenter expressed the belief that this lag time impedes the ability of trademark attorneys to perform their duties in a timely manner. The USPTO appreciates this commenter's observation on the perceived impact of lag time on the duties performed by trademark attorneys. This collection (0651-0051 – Madrid Protocol) is not, however, the appropriate venue to submit a comment concerning this issue.

9. Payment of Gifts to Respondents

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

10. Assurance of Confidentiality

The information collected is open to public inspection. Confidentiality is not required in the processing of trademark applications.

11. Justification for Sensitive Questions

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

12. Estimate of Hour and Cost Burden to Respondents

Table 3 calculates the burden hours and costs of this information collection to the public, based on the following factors:

- **Respondent Calculation Factors**

The USPTO estimates that it will receive approximately 16,557 total responses per year for this collection and that approximately 99% of the responses will be submitted electronically.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public between 17 minutes and one hour and 15 minutes (0.28 to 1.25 hours) to complete a single item in this collection, including the time to gather the necessary information, prepare the forms or documents, and submit the completed request to the USPTO, depending on the instrument used.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected and the length of time necessary to complete responses containing similar or like information.

- Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$410 per hour for respondent cost burden calculations, which is the mean rate for attorneys in private firms as shown in the *2015 Report of the Economic Survey* published by the American Intellectual Property Law Association (AIPLA). Based on the Agency's long-standing institutional knowledge of and experience with the type of information collected, the Agency believes \$410 is an accurate estimate of the cost per hour to collect this information.

Table 3: Burden Hour/Burden Cost to Respondents

IC Number	Information Collection Instrument	Estimated Response Time (Minutes) (a)	Estimated Annual Responses (b)	Estimated Annual Burden Hours (a) x (b) / 60 = (c)	Rate (\$/hr) (d)	Total Respondent Cost Burden (\$/yr) (c) x (d) = (e)
1	Application for International Registration (PTO-2131 TEAS)	17	8,010	2,269.50	\$410.00	\$930,495.00
1	Application for International Registration (paper, no form)	32	33	17.60	\$410.00	\$7,216.00
2	Application for Subsequent Designation (PTO-2132 TEAS)	17	1,236	350.20	\$410.00	\$143,582.00
2	Application for Subsequent Designation (paper, no form)	22	2	0.73	\$410.00	\$300.67
3	Response to Notice of Irregularity (PTO-2133 TEAS)	18	1,390	417.00	\$410.00	\$170,970.00
3	Response to Notice of Irregularity (paper, no form)	33	1	0.55	\$410.00	\$225.50
4	Replacement Request (TEAS Global form)	30	20	10.00	\$410.00	\$4,100.00
4	Replacement Request (paper, no form)	45	1	0.75	\$410.00	\$307.50
5	Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration (paper, no form)	30	5	2.50	\$410.00	\$1,025.00
6	Transformation Request (TEAS Global form)	18	3	0.90	\$410.00	\$369.00
6	Transformation Request (paper, no form)	33	1	0.55	\$410.00	\$225.50
6	Transformation Request (TEAS RF Global form)	20	30	10.00	\$410.00	\$4,100.00

IC Number	Information Collection Instrument	Estimated Response Time (Minutes) (a)	Estimated Annual Responses (b)	Estimated Annual Burden Hours (a) x (b) / 60 = (c)	Rate (\$/hr) (d)	Total Respondent Cost Burden (\$/yr) (c) x (d) = (e)
7	Petition to Director to Review Denial of Certification of International Application (TEAS Global form)	60	100	100.00	\$410.00	\$41,000.00
7	Petition to Director to Review Denial of Certification of International Application (paper, no form)	75	20	25.00	\$410.00	\$10,250.00
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (PTO-1663 TEAS)	18	3,411	1023.30	\$410.00	\$419,553.00
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (paper, no form)	23	10	3.83	\$410.00	\$1,571.67
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (PTO-1683 TEAS)	18	2,274	682.20	\$410.00	\$279,702.00
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (paper, no form)	23	10	3.83	\$410.00	\$1,571.67
	Totals	- - - -	16,557	4,918.45	- - - - -	\$2,016,564.50

13. Total Annual (Non-hour) Cost Burden

The total annual (non-hour) respondent cost burden for this collection is estimated to be \$2,175,480.36 per year, which includes \$2,175,400.00 in fees and \$80.36 in postage.

Fees

The USPTO charges fees for processing international applications and related requests under the Madrid Protocol as set forth in 37 CFR 7.6. In addition to these USPTO fees, applicants must also pay international filing fees to the IB as indicated in 37 CFR 7.7. The USPTO estimates that the total filing fees in the form of USPTO processing fees associated with this collection will be approximately \$743,875 per year as calculated in Table 4 below:

Table 4: Filing Fees to Respondents

IC Number	Information Collection Instrument	Estimated Annual Responses (a)	Fee Amount (b)	Estimated Annual Filing Costs (a) x (b) = (c)
1	Application for International Registration (for certifying an international application based on a single basic application or registration, per international class) (PTO-2131 TEAS)	4,110	\$100.00	\$411,000.00
1	Application for International Registration (for certifying an international application based on a single basic application or registration, per international class) (paper, no form)	17	\$100.00	\$1,700.00
1	Application for International Registration (for certifying an international application based on more than one basic application or registration, per international class) (PTO-2131 TEAS)	3,900	\$150.00	\$585,000.00
1	Application for International Registration (for certifying an international application based on more than one basic application or registration, per international class) (paper, no form)	16	\$150.00	\$2,400.00
2	Application for Subsequent Designation (PTO-2132 TEAS)	1,236	\$100.00	\$123,600.00
2	Application for Subsequent Designation (paper, no form)	2	\$100.00	\$200.00
3	Response to Notice of Irregularity (PTO-2133 TEAS)	1,390	\$0.00	\$0.00
3	Response to Notice of Irregularity (paper, no form)	1	\$0.00	\$0.00
4	Replacement Request (per international class) (TEAS Global form)	20	\$100.00	\$2,000.00
4	Replacement Request (per international class) (paper, no form)	1	\$100.00	\$100.00
5	Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration (paper, no form)	5	\$100.00	\$500.00
6	Transformation Request (per international class) (TEAS Global form)	3	\$325.00	\$975.00
6	Transformation Request (per international class) (paper, no form)	1	\$375.00	\$375.00
6	Transformation Request (per international class) (TEAS RF Global form)	30	\$275.00	\$8,250.00
7	Petition to Director to Review Denial of Certification of International Application (TEAS Global form)	100	\$100.00	\$10,000.00
7	Petition to Director to Review Denial of Certification of International Application (paper, no form)	20	\$100.00	\$2,000.00
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (per international class) (PTO-1553 TEAS)	3,411	\$100.00	\$341,100.00
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (per international class) (paper, no form)	10	\$100.00	\$1,000.00

IC Number	Information Collection Instrument	Estimated Annual Responses (a)	Fee Amount (b)	Estimated Annual Filing Costs (a) x (b) = (c)
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (per international class) (PTO-1583 TEAS)	2,274	\$300.00	\$682,200.00
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (per international class) (paper, no form)	10	\$300.00	\$3,000.00
	Total	16,557	0

Postage

Customers may incur postage costs when submitting some of the items covered by this collection to the USPTO by mail. The USPTO expects that approximately 99 percent of the responses in this collection will be submitted electronically. Of the remaining 1 percent, the vast majority—98 percent—will be submitted by mail, for a total of 82 mailed submissions. The average first-class USPS postage cost for a mailed submission will be 98 cents. Therefore, the USPTO estimates that the postage costs for the mailed submissions in this collection will total \$80.36.

14. Annual Cost to the Federal Government

Except for the petitions and declarations, the information in this collection is processed at the USPTO by a combination of employees at the following levels: GS-13, step 1; GS-12, step 1; GS-11, step 1; and GS-9, step 1. Based on the current hourly rates corresponding to these levels, the USPTO estimates that the average cost of USPTO staff processing this information is \$44.16 per hour (average of indicated GS hourly rates is \$33.97 with 30% (\$10.19) added for benefits and overhead).

The petitions in this collection are processed by GS-15, step 4 employees at an estimated cost of \$86.50 per hour (GS hourly rate of \$66.54 with 30% (\$19.96) added for benefits and overhead).

The declarations and combined declarations are processed by USPTO staff at level GS-11, steps 5 through 7. Based on the current hourly rates, the USPTO estimates that the average cost of USPTO staff processing this information is \$46.31 per hour (average of indicated GS hourly rates is \$35.62 with 30% (\$10.69) added for benefits and overhead).

The USPTO estimates that it takes the USPTO staff approximately 10 minutes to one hour and 15 minutes (0.17 to 1.25 hours) to process the information in this collection. For subsequent designations that are filed electronically, processing is fully automated with no staff time required.

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

Table 5: Burden Hour/Burden Cost to the Federal Government

IC Number	Information Collection Instrument	Estimated Response Time (minutes) (a)	Estimated Annual Responses (b)	Estimated Annual Burden Hours (a) x (b) / 60 = (c)	Rate (\$/hr) (d)	Total Federal Government Cost (c) x (d) = (e)
1	Application for International Registration (PTO-2131 TEAS)	20	8,010	2,670.00	\$44.16	\$117,907.20
1	Application for International Registration (paper, no form)	30	33	16.50	\$44.16	\$728.64
2	Application for Subsequent Designation (PTO-2132 TEAS)	0	1,236	0.00	\$0.00	\$0.00
2	Application for Subsequent Designation (paper, no form)	15	2	0.50	\$44.16	\$22.08
3	Response to Notice of Irregularity (PTO-2133 TEAS)	30	1,390	695.00	\$44.16	\$30,691.20
3	Response to Notice of Irregularity (paper, no form)	45	1	0.75	\$44.16	\$33.12
4	Replacement Request (TEAS Global form)	30	20	10.00	\$44.16	\$441.60
4	Replacement Request (paper, no form)	36	1	0.60	\$44.16	\$26.50
5	Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration (paper, no form)	15	5	1.25	\$44.16	\$55.20
6	Transformation Request (TEAS Global form)	20	3	1.00	\$44.16	\$44.16
6	Transformation Request (paper, no form)	30	1	0.5	\$44.16	\$22.08
6	Transformation Request (TEAS RF Global form)	36	30	18.00	\$44.16	\$794.88
7	Petition to Director to Review Denial of Certification of International Application (TEAS Global form)	60	100	100.00	\$86.50	\$8,650.00
7	Petition to Director to Review Denial of Certification of International Application (paper, no form)	75	20	25.00	\$86.50	\$2,162.50
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (PTO-1663 TEAS)	10	3,411	568.50	\$46.31	\$26,327.24

IC Number	Information Collection Instrument	Estimated Response Time (minutes) (a)	Estimated Annual Responses (b)	Estimated Annual Burden Hours (a) x (b) / 60 = (c)	Rate (\$/hr) (d)	Total Federal Government Cost (c) x (d) = (e)
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (paper, no form)	15	10	2.50	\$46.31	\$115.78
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (PTO-1683 TEAS)	10	2,274	379.00	\$46.31	\$17,551.49
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (paper, no form)	15	10	2.50	\$46.31	\$115.78
	Totals	- - -	16,557	4,491.60	- - -	\$205,689.43

15. Summary of Changes in Burden

OMB previously approved this information collection in November 2012 with a total of 6,620 responses, 1,711 burden hours, and \$745,480 in annual (non-hour) costs. There have been no interim approvals.

For this renewal, the USPTO estimates that the total annual responses will be 16,557, which is an increase of 9,937 responses from the currently approved burden for this collection. This increase in responses is due to administrative adjustments. There is a corresponding increase of 3,207.45 in hourly burden, raising the total respondent burden hours to 4,918.45.

The total annual (non-hour) cost burden for this renewal of \$2,175,480.36 is an increase of \$1,430,000.36 from the currently approved total of \$745,480.00 in annual costs for this collection. This increase in annual costs is due to administrative adjustments.

Changes Since the 60-Day Notice

The 60-Day Federal Register Notice for this collection used the wage rate of \$389 per hour to value an hour of an attorney's time in completing an item in this collection. Since the publication of that notice, a more recent estimate of \$410 per hour was released in AIPLA's *2015 Report of the Economic Survey*. This Supporting Statement has been updated to reflect this new value.

Change in Respondent Cost Burden

The total respondent cost burden has increased by \$1,381,783.50, from \$634,781.00 to \$2,016,564.50, from the submission of this collection that was approved in November 2012, due to:

- **Increase in estimated number of respondents.** The submission approved in November 2012 estimated that there would be 6,620 annual responses to this collection. For the current renewal, the USPTO is using an updated calculation based on previous submissions to estimate that the number of respondents will increase by 9,937 to 16,557 responses.
- **Increase in hourly wage rates.** For the 2012 renewal of this collection, the USPTO estimated an hour of an attorney's time to complete an item in this collection at \$371 per hour. For this renewal, the USPTO is using the updated attorney rate of \$410 per hour to calculate the burden.

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the total annual responses will increase by 9,937 and total 16,557. This increase in responses is due to administrative adjustments. As a result, the USPTO further estimates that the respondent burden will increase by 3,207.45 hours, raising the total respondent burden hours to 4,918.45.

Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$1,430,000.36, from \$745,480.00 to \$2,175,480.36, due to:

- **Increase in estimated number of respondents.** As mentioned above, the USPTO estimates that this collection will see approximately 9,937 more responses annually than it did during the previous renewal period. As a result, the amount of money collected from fees will increase and contribute to the rise in annual (non-hour) costs.
- **Increase in postage costs.** The previous submission of this collection estimated that a mailed submission of an item would total 90 cents. For this submission, that cost has risen to 98 cents, thus contributing to the rise in annual (non-hour) costs.

Changes in Federal Government Cost Burden

For this renewal, the USPTO estimates that the federal government cost burden will increase by \$113,384.43, from \$92,305.00 to \$205,689.43, due to:

- **Increase in GS wage rates.** For the 2012 renewal of this collection, the USPTO used the 2012 GS Rates to determine the hourly wage rate for the federal employees processing items in this collection. This renewal uses the updated 2015 GS Rates, which have increased since 2012. These increases, coupled with the increase in the number of respondents submitting items that require government processing, led to the increase in federal government cost burden shown above.

16. Project Schedule

The USPTO does not intend 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 expiration date of OMB approval.

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.