

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Patent Cooperation Treaty
OMB Control Number 0651-0021

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update the current inventory of information collection 0651-0021 Patent Cooperation Treaty. The fees in 0651-0021 had been moved into collection 0651-0072 America Invents Act Section 10 Patent Fee Adjustments (approved by OMB in January, 2013). This request is to return these fees to 0651-0021 from 0651-0072 to provide appropriate accounting of the fees with the discontinuation of 0651-0072.

The request is only to return the affected fees to the annual (non-hour) cost burden. The table below details the fees that have been moved to 0651-0021 and to be removed 0651-0072, pending its discontinuation:

Fees for Respondents – Annual (Non-hour) Cost Burdens

Item	Responses	Cost
0021 Acceptance of an unintentionally delayed claim for priority, or for filing a request for the restoration of the right of priority	839	\$1,058,610.00
0021 Basic National Stage Fee	74,255	\$17,879,330.00
0021 National Stage Search Fee - U.S. was the ISA or IPEA and all claims satisfy PCT Article 33(1)-(4)	1,010	\$0.00
0021 National Stage Search Fee – U.S. was the ISA	5,627	\$456,810.00
0021 National Stage Search Fee – search report prepared and provided to USPTO	67,458	\$28,336,320.00
0021 National Stage Examination Fee – U.S. was the ISA or IPEA and all claims satisfy PCT Article 33(1)-(4)	1,010	\$0.00
0021 Transmitting application to Intl. Bureau to act as receiving office	100	\$20,520.00
0021 National Stage Search Fee – all other situations	795	\$410,100.00
0021 National Stage Examination Fee – all other situations	74,018	\$45,880,020.00
0021 Search fee, examination fee or oath of declaration after thirty months from priority date	32,771	\$3,975,825.00
0021 English translation after thirty months from priority date	2,504	\$303,170.00
0021 Transmittal fee	52,662	\$10,930,920.00
0021 Search fee – regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16)	18,072	\$32,509,880.00
0021 Supplemental search fee when required, per additional invention	526	\$946,400.00
0021 Preliminary examination fee – U.S. was the ISA	1,456	\$755,400.00
0021 Preliminary examination fee – U.S. was not the ISA	420	\$276,260.00
0021 Supplemental examination fee per additional	10	\$4,950.00

invention		
0021 National Stage Application Size Fee - for each additional 50 sheets that exceed 100 sheets	5,500	\$1,853,300.00
0021 [PCT National Stage] Claims - extra independent (over three)	30,779	\$10,727,430.00
0021 [PCT National Stage] Claims - extra total (over 20)	195,608	\$12,116,880.00
0021 [PCT National Stage] Claims - multiple dependent	4,221	\$2,753,640.00
Total	569,641	\$171,195,765.00

Summary of Changes

The addition of \$171,195,765 in fees to collection 0651-0021 is to account for these fees following the discontinuation of collection 0651-0072.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Responses	0	569,641	569,641
Fees	\$0.00	\$171,195,765.00	\$171,195,765.00

Adding these fees to 0651-0021 (that are currently accounted for in the discontinuing 0651-0072) will increase the annual (non-hour) cost estimates originally reported for the renewal.

Consequently, this collection takes a net burden increase of \$171,195,765 in annual (non-hour) costs as a program change.

The 0651-0021 revised total burden is as follows:

- 569,641 responses
- \$171,195,765 in annual (non-hour) fees