**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 invention | 10 | $4,950.00 |
| 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