

SUPPORTING STATEMENT
United States Patent and Trademark Office
Applications for Trademark Registration
OMB Control Number 0651-0009

A. JUSTIFICATION

1. Necessity of Information Collection

The United States Patent and Trademark Office (USPTO) administers the Trademark Act, 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 who use their marks, or intend to use their marks, in commerce regulable by Congress, may file an application with the USPTO to register their marks. Registered marks remain on the register indefinitely, so long as the owner of the registration files the necessary maintenance documents.

The USPTO published (December 16, 2014) a final rule titled “Reduction of Fees for Trademark Applications and Renewals” (RIN 0651-AC94) in the *Federal Register*. Through the rule, the USPTO reduced the filing fees for trademark, certification mark, collective membership mark, and collective trademark applications for registration on the Principal or Supplemental Registers that (1) are filed using the Trademark Electronic Application System (TEAS) and (2) meet certain requirements. In particular, the USPTO initiated a “TEAS Reduced Fee (RF)” option within the regular TEAS applications for applicants who authorize e-mail communication and file electronically throughout the application process. In addition, the USPTO also reduced the filing fee for TEAS Plus applications.

The proposed renewal of this information collection incorporates the changes stemming from the rulemaking action with additional updates to the respondent and cost estimates.

Table 1 identifies the statutes and rules that permit the USPTO to collect the information needed to process trademark registration applications.

Table 1: Information Requirements for Trademark Registration Applications

	Requirement	Statute	Rule
1	Registration of use-based and intent-to-use trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks.	15 U.S.C. §§ 1051-1054, 1061-1063, 1091, 1093-1096	37 CFR Part 2, 2.22-2.25, -2.27-2.48, 2.51-2.54, 2.56, 2.59, 2.61-2.69, 2.71-2.77, 2.80-2.89
2	Registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks under § 44	15 U.S.C. §§ 1126, 1051-1054, 1061-1062, 1091, 1093-1096	37 CFR Part 2, 2.22, 2.25, 2.27-2.41, 2.43-2.48, 2.51-2.54, 2.61-2.75, 2.80-2.87

2. Needs and Uses

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 trademark rights. The information is available at USPTO facilities and can also be accessed at the USPTO's website. Additionally, the USPTO provides the information to other entities, including Patent and Trademark Resource Centers (PTRCs). The PTRCs maintain the information for use by the public.

The information in this collection can be submitted in paper format or electronically through TEAS as a regular TEAS application, a TEAS RF application, or a TEAS Plus application. This collection contains three paper forms and five electronic forms. In addition, TEAS Plus applications are only available for trademark/service mark applications. TEAS Plus is not available for certification marks, collective marks, collective membership marks, or applications for registration on the Supplemental Register.

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 lists the information identified in this collection and explains how this information is used by the public and by the USPTO:

Table 2: Needs and Uses of Information Collected for Trademark Registration Applications

	Form and Function	Form #	Needs and Uses
1	Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	PTO Forms 1478, 1480 - 1482	<ul style="list-style-type: none"> Used by the public to apply for registration of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks that identify goods and/or services classified in single or multiple classes. Used by the USPTO to receive and process applications for registration of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks. Used by the USPTO to determine whether marks may be registered.
1	TEAS Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	PTO Forms 1478 - 1482	<ul style="list-style-type: none"> Used by the public to complete and electronically submit applications for registration of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks that identify goods and/or services classified in single or multiple classes. Used by the USPTO to receive and process electronically filed applications for registration of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks. Used by the USPTO to determine whether marks may be registered.
1	TEAS RF Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	PTO Forms 1478 - 1482	<ul style="list-style-type: none"> Used by the public to complete and electronically submit applications for registration of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks that identify goods and/or services classified in single or multiple classes. Used by the USPTO to receive and process electronically filed applications for registration of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks. Used by the USPTO to determine whether marks may be registered.
1	TEAS Plus Use-Based Trademark/Service Mark Application	PTO Form 1478	<ul style="list-style-type: none"> Used by the public to complete and electronically submit applications for registration of trademarks/service marks. Used by the USPTO to receive and process electronically filed applications for registration of trademarks/service marks. Used by the USPTO to determine whether marks may be registered.
2	Intent-to-Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	PTO Forms 1478, 1480 - 1482	<ul style="list-style-type: none"> Used by the public to apply for registration of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks that identify goods and/or services classified in single or multiple classes. Used by the USPTO to receive and process applications for registration of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks. Used by the USPTO to determine whether marks may be registered.

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3	<p>Application for Registration of Trademark/Service Mark under § 44, including:</p> <ul style="list-style-type: none"> - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application 	PTO Forms 1478, 1480 - 1482	<ul style="list-style-type: none"> • Used by the public to apply for a priority filing date and/or for registration based upon foreign registration of a mark. • Used by the USPTO to process applications for registration of a mark based upon earlier-filed foreign applications or a foreign registration • Used by the USPTO to determine whether marks may be registered.
3	<p>TEAS Application for Registration of Trademark/Service Mark under § 44, including:</p> <ul style="list-style-type: none"> - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application 	PTO Forms 1478 - 1482	<ul style="list-style-type: none"> • Used by the public to complete and electronically submit applications seeking a priority filing date and/or registration based upon foreign registration of a mark. • Used by the USPTO to receive and process electronically filed applications for registration of marks based upon earlier filed foreign applications or a foreign registration. • Used by the USPTO to determine whether marks may be registered.

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3. Use of Information Technology

The USPTO currently offers four IT systems in support of this collection that are accessible through the online Trademark Electronic Business Center (TEBC). The TEBC provides descriptions of the systems, and the systems feature online “help” programs. Thus, the USPTO offers the public a single source for a variety of IT systems useful both for making submissions to the USPTO and for tracking the status of these submissions.

The USPTO provides online electronic forms through a web-accessible electronic application system (i.e., TEAS). Once completed, TEAS forms are 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 or registration 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. TEAS improves the efficiency of the application process by providing users with less burdensome alternatives to paper application forms and also reduces the processing time for the applications.

In addition, the TEAS Global Forms are an interim workaround as the USPTO develops TEAS forms for items that are currently collected only in paper. A 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. This method allows for electronic filing of documents for which there is not currently a TEAS form with dedicated data fields.

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.

The USPTO maintains an online image database, called the Trademark Status and Document Retrieval (TSDR) system, which includes images of each of the documents that make up the “electronic file wrapper” of a trademark application or registration, and also provides users with information regarding the status of trademark applications and registrations. The data in the TSDR system is updated daily.

The USPTO provides a web-based record of registered marks, and marks for which applications for registration have been submitted, called the Trademark Electronic Search System (TESS). 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 the user to choose from four different search tools, is updated daily, and is easy to use.

The Trademark Reporting and Monitoring (TRAM) system is also maintained by the USPTO. This system is an internal USPTO database only and provides support to all facets of Trademark operations, from the receipt of a new application in the USPTO, through processing and examination of the application, and into the post-registration activities required to maintain registered trademarks. Bibliographic data in TRAM for pending applications and active registrations is updated in real time. The TRAM system maintains current location and status information on applications and registrations, enabling the USPTO to promptly determine the status of any file and to locate files. Data is received in an electronic format that permits expedited transfer to TRAM, thereby reducing processing steps and improving the reliability and quality of the data that is transferred.

4. Efforts to Identify Duplication

This collection does not solicit any data already available at the USPTO. This collection does not create a duplication of effort.

5. Minimizing the Burden to Small Entities

Since registration of a trademark/service mark is a voluntary activity on the part of the public, the USPTO has not collected data to determine if the collection of information impacts small businesses or other small entities.

6. Consequences of Less Frequent Collection

Less frequent collection of this information is not possible, since the information is collected only when voluntarily submitted by the public. Failure to collect this

information would leave trademark owners without the measure of certainty which a Federal registration can provide and the public would not have access to a Federal register of trademarks. The information could not be collected less frequently. If the collection of information were not conducted, the USPTO could not comply with the requirements of the Trademark Act, 15 U.S.C. § 1051 and 37 CFR Part 2.

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 for this renewal was published on October 21, 2014 (79 Fed Reg. 62941). The public comment period ended on December 22, 2014. No public comments were received.

In addition, several large and well-organized bar associations frequently communicate their views to the USPTO. Also, the Trademark Public Advisory Committee (TPAC) was created by the American Inventors Protection Act of 1999 to advise the Director of the USPTO on the agency's operations, including its goals, performance, budget, and user fees. The TPAC includes nine voting members who are appointed by and serve at the pleasure of the Secretary of Commerce. Members include inventors, lawyers, corporate executives, entrepreneurs, and academicians with significant experience in management, finance, science, technology, labor relations, and intellectual property issues. The statute also provides non-voting membership on the Committee for the agency's three recognized unions. The members of the TPAC reflect the broad array of USPTO's stakeholders and embrace the USPTO's e-government initiative. This diversity of interests is an effective tool in helping the USPTO nurture and protect the intellectual property that is the underpinning of America's strong economy.

In 2014, a rulemaking action affected this collection by modifying the fee structure. The Director of USPTO consulted with outside groups, especially TPAC, in determining the reductions in fee structure. The final rule establishing this new fee structure was published on December 16, 2014 (79 Fed Reg 74633).

9. Payment or Gifts to Respondents

This information collection does not involve a payment or gift to any respondent. Response to this information collection is necessary for registration of a trademark or service mark.

10. Assurance of Confidentiality

Trademark applications are open to public inspection. Confidentiality is not required in the processing of trademark applications.

11. Justification for Sensitive Questions

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

12. Estimate of Hour and Cost Burden to Respondents

These burden 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. The following factors are included in the calculation:

- **Response Calculation Factors**

The USPTO estimates that it will receive 387,981 responses annually. For this collection, the USPTO does not collect data to determine how many applications are filed by small entities.

- **Burden Hour Calculation Factors**

The USPTO estimates that it takes the public approximately 18 to 35 minutes (0.30 to 0.55 hours) to respond to this information collection, depending on the application form used. This includes the time to gather the necessary information, prepare the application, and submit the completed request to the USPTO. The time estimates shown for the electronic forms in this collection are based on the average amount of time needed to complete and electronically file the associated form.

- **Hourly Cost Burden Calculation Factors**

The USPTO believes that attorneys will complete these applications. The USPTO uses a professional rate of \$389 per hour for respondent cost burden calculations, which is the median 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).

Table 3a provides a breakdown of the estimated responses, burden hours, and hourly costs of this information collection to the public, based on the previously described factors. Applications that include the TEAS RF option are treated as a distinct type of form.

Table 3a: Burden Hour/Burden Cost to Respondents for Trademark Registration Applications

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Hourly Cost (\$/hr) (e) (c) x (d)
1	Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.55	1,248	686	\$389.00	\$266,854.00
1	TEAS Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	0.42	33,734	14,168	\$389.00	\$5,511,352.00
1	TEAS RF Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	0.42	48,658	20,436	\$389.00	\$7,949,604.00
1	TEAS Plus Use-Based Trademark/Service Mark Application	0.50	67,241	33,621	\$389.00	\$13,078,569.00
2	Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.43	1,748	752	\$389.00	\$292,528.00
2	TEAS Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register	0.30	47,228	14,168	\$389.00	\$5,511,352.00
2	TEAS RF Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	0.30	68,122	20,437	\$389.00	\$7,949,993.00
2	TEAS Plus Intent to Use Trademark/Service Mark Application	0.38	94,137	35,772	\$389.00	\$13,915,308.00

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Hourly Cost (\$/hr) (e) (c) x (d)
3	Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.45	214	96	\$389.00	\$37,344.00
3	TEAS Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	0.32	5,783	1,851	\$389.00	\$720,039.00
3	TEAS RF Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	0.32	8,341	2,669	\$389.00	\$1,038,241.00
3	TEAS Plus Application for Registration of Trademark/Service Mark under § 44	0.40	11,527	4,611	\$389.00	\$1,793,679.00
	Total	---	387,981	149,267	---	\$58,064,863.00

13. Total Annualized Cost Burden

The USPTO estimates that the final rule, “Reduction of Fees for Trademark Applications and Renewals” (RIN 0651-AC94), will have an effect on the annual (non-hour) costs associated with this collection. The USPTO estimates that all of the costs - postage costs and the filing and processing fees – will be reduced. This collection has no capital start-up or recordkeeping costs.

The USPTO is proposing reduced fees for both TEAS and TEAS Plus applications. The per-class fees for filing a trademark application are currently set at \$325 for filing electronically using TEAS and \$275 for filing electronically using TEAS Plus. The USPTO is now proposing to reduce the filing fee for TEAS applications to \$275 per class as long as the applicant authorizes e-mail communication and agrees to file all responses and other documents electronically during the prosecution of the application. This option will be known as a TEAS RF application. The USPTO also proposes to reduce the filing fee for a TEAS Plus application to \$225 per class. The per-class filing fee for a paper application will remain at \$375.

An application must include a filing fee for each class of goods and services. Therefore, the total filing fees associated with this collection can vary depending on the number of classes in each application. The total filing fees of \$102,707,775 shown in Table 4a are based on the minimum fee of one class per application for trademark registration.

Table 4a: Filing Fees – Non-hour Cost Burden for the Trademark Registration Applications

	Item	Responses (yr) (a)	Filing fee* (\$) (b)	Total Filing Fee Cost Burden (yr) (a) x (b) (c)
1	Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	1,248	\$375.00	\$468,000.00
1	TEAS Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	33,734	\$325.00	\$10,963,550.00
1	TEAS RF Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register	48,658	\$275.00	\$13,380,950.00
1	TEAS Plus Use-Based Trademark/Service Mark Application	67,241	\$225.00	\$15,129,225.00
2	Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	1,748	\$375.00	\$655,500.00
2	TEAS Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	47,228	\$325.00	\$15,349,100.00
2	TEAS RF Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	68,122	\$275.00	\$18,733,550.00
2	TEAS Plus Intent to Use Trademark/Service Mark Application	94,137	\$225.00	\$21,180,825.00

	Item	Responses (yr) (a)	Filing fee* (\$) (b)	Total Filing Fee Cost Burden (yr) (a) x (b) (c)
3	Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	214	\$375.00	\$80,250.00
3	TEAS Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	5,783	\$325.00	\$1,879,475.00
3	TEAS RF Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	8,341	\$275.00	\$2,293,775.00
3	TEAS Plus Application for Registration of Trademark/Service Mark under § 44	11,527	\$225.00	\$2,593,575.00
	Total	387,981	---	\$102,707,775.00

In addition, the existing \$50 processing fee for TEAS Plus applications that fail to meet filing and prosecution requirements will also be applied to TEAS RF applications that do not meet the requirements set out in the rules. As a result, the USPTO estimates that 2,448 of the 125,121 TEAS RF applications and 3,383 of the 262,860 TEAS Plus applications filed will be subject to the processing fee.

A processing fee is charged for each class of goods and services in the application, so the total processing fee can vary depending on the number of classes. The total processing fees shown here are based on the minimum fee of one class per application. Therefore, the USPTO estimates that, at a minimum, the processing fees will add \$291,552.88 to the filing fees estimated above, as shown in Table 4b.

Table 4b: Processing Fees – Non-hour Cost Burden for Applications That Do Not Meet TEAS RF and TEAS Plus Requirements

	Item	Responses (yr) (a)	Processing Fee* (\$) (b)	Total Processing Fee Cost Burden (yr) (a) x (b) (c)
1	TEAS RF Use-Based Applications That Do Not Meet TEAS RF Requirements	952	\$50.00	\$47,601.15

1	TEAS Plus Use-Based Applications That Do Not Meet TEAS Plus Requirements	1,316	\$50.00	\$65,780.53
2	TEAS RF Intent-to-Use Applications That Do Not Meet TEAS RF Requirements	1,333	\$50.00	\$66,642.39
2	TEAS Plus Intent-to-Use Applications That Do Not Meet TEAS Plus Requirements	1,842	\$50.00	\$92,092.34
3	TEAS RF Applications for Registration of a Trademark/Service Mark under §44 That Do Not Meet TEAS RF Requirements	163	\$50.00	\$8,159.83
3	TEAS Plus Applications for Registration of a Trademark/Service Mark under § 44 That Do Not Meet TEAS Plus Requirements	226	\$50.00	\$11,276.63
	Total	5,831	---	\$291,552.88

The USPTO estimates that the total non-hour cost burden associated with the filing and processing fees for this collection will be \$102,999,327.88.

Due to the introduction of the TEAS RF option and the reduced filing fee for TEAS Plus applications, the USPTO estimates that fewer applications will be submitted by mail through the United States Postal Service. The USPTO still estimates that approximately 98% of the paper forms are submitted via first-class mail, but now estimates that out of approximately 3,210 paper forms, 3,146 forms will be mailed.

Since the renewal of this collection in May of 2013, the first-class postage rates have increased to 49 cents. Therefore, the USPTO estimates that the postage costs for this collection will be \$1,541.54.

Table 4c calculates the postage costs for the use-based and intent-to-use trademark applications and the applications for the registration of trademarks filed under § 44.

Table 4c: Postage Costs for Applications for Trademark Registration

	Item	Responses (yr) (a)	Postage Costs (b)	Total Postage Cost (yr) (a) x (b)
1	Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	1,223	\$0.49	\$599.27
2	Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	1,713	\$0.49	\$839.37

3	Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	210	\$0.49	\$102.90
	Total	3,146	---	\$1,541.54

The USPTO estimates that the total annual (non-hour) cost burden for this collection, in the form of postage costs, filing fees, and processing fees is \$103,000,869.42 per year.

14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-7, step 9 employee 10 minutes (0.17 hours) to process the use-based, intent to use, and § 44 applications if they are submitted on paper. In the case of electronically filed applications, the USPTO estimates that it takes 4 minutes (0.07 hours) to process regular TEAS applications, 4 minutes (0.07 hours) to process the TEAS RF applications, and 3 minutes (0.05 hours) to process TEAS Plus applications.

The current hourly rate for a GS-7, step 9 is \$25.62. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the rate per hour for a GS-7, step 9 is \$33.31 (\$25.62 + \$7.69).

Estimates are based upon agency long-standing institutional knowledge of and experience with processing the type of information collected and the length of time necessary to process similar or like information.

Table 5a calculates the processing hours and costs of this information collection to the Federal Government:

Table 5a: Burden Hour/Burden Cost to the Federal Government for Trademark Registration Applications

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
1	Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.17	1,248	212	\$33.63	\$7,133.80

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
1	TEAS Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	0.07	33,734	2,361	\$33.63	\$79,400.43
1	TEAS RF Use-Based Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	0.05	48,658	2,433	\$33.63	\$81,821.79
1	TEAS Plus Use-Based Trademark/Service Mark Application	0.05	67,241	3,362	\$33.63	\$113,064.06
2	Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.17	1,748	297	\$33.63	\$9,988.11
2	TEAS Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	0.07	47,228	3,306	\$33.63	\$111,180.78
2	TEAS RF Intent to Use Trademark/Service Mark Application, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	0.07	68,122	4,769	\$33.63	\$160,381.47
2	TEAS Plus Intent to Use Trademark/Service Mark Application	0.05	94,137	4,707	\$33.63	\$158,296.41
3	Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application	0.17	214	36	\$33.63	\$1,210.68

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
3	TEAS Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	0.07	5,783	405	\$33.63	\$13,620.15
3	TEAS RF Application for Registration of Trademark/Service Mark under § 44, including: - Trademark/Service Mark Application - Collective Trademark/Service Mark Application - Collective Membership Mark Application - Certification Mark Application - Supplemental Register Application	0.07	8,341	584	\$33.63	\$19,639.92
3	TEAS Plus Application for Registration of Trademark/Service Mark under § 44	0.05	11,527	576	\$33.63	\$19,370.88
	Total	---	387,981	23,048	---	\$775,108.48

15. Summary of Changes in Burden Since Previous Renewal

In response to a change-worksheet request, OMB approved this information collection on May 20th, 2013 with 296,747 responses, 103,084 burden hours, and \$91,355,987 in annualized (non-hour) costs.

With this revision, the USPTO estimates that the number of annual responses for this collection will total 387,981, with a total of 149,267 burden hours and \$103,000,869.42 in annualized (non-hour) costs. The tables below show the difference between the burden estimates for this information collection as of the interim approval in May 2013 and the revised burden estimates described in items 12 and 13 of the Supporting Statement.

Hour Burden:

Table 6a shows the impact of the changes to the response estimates for this information collection:

Table 6a: Response Changes –

	Item	Current Inventory	Total Change	New Proposed Response Estimates
1	Use-Based Trademark/Service Mark Application	1,830	(582)	1,248

	Item	Current Inventory	Total Change	New Proposed Response Estimates
1	TEAS Use-Based Trademark/Service Mark Application	68,311	(34,577)	33,734
1	TEAS RF Use-Based Trademark/Service Mark Application	0	48,658	48,658
1	TEAS Plus Use-Based Trademark/Service Mark Application	40,732	26,509	67,241
2	Intent to Use Trademark/Service Mark Application	2,772	(1,024)	1,748
2	TEAS Intent to Use Trademark/Service Mark Application	103,470	(56,242)	47,228
2	TEAS RF Intent to Use Trademark/Service Mark Application	0	68,122	68,122
2	TEAS Plus Intent to Use Trademark/Service Mark Application	61,697	32,440	94,137
3	Application for Registration of Trademark/Service Mark under § 44	296	(82)	214
3	TEAS Application for Registration of Trademark/Service Mark under § 44	11,050	(5,267)	5,783
3	TEAS RF Application for Registration of Trademark/Service Mark under § 44	0	8,341	8,341
3	TEAS Plus Application for Registration of Trademark/Service Mark under § 44	6,589	4,938	11,527
	TOTAL	296,747	91,234	387,981

Table 6b shows the impact of changes to the burden hour estimates for this information collection:

Table 6b: Burden Hour Changes –

	Item	Current Inventory	Total Change	New Proposed Hour Burden Estimates
1	Use-Based Trademark/Service Mark Application	915	(229)	686
1	TEAS Use-Based Trademark/Service Mark Application	28,691	(14523)	14,168
1	TEAS RF Use-Based Trademark/Service Mark Application	0	20436	20,436

	Item	Current Inventory	Total Change	New Proposed Hour Burden Estimates
1	TEAS Plus Use-Based Trademark/Service Mark Application	17,107	16514	33,621
2	Intent to Use Trademark/Service Mark Application	1,053	(301)	752
2	TEAS Intent to Use Trademark/Service Mark Application	31,041	(16873)	14,168
2	TEAS RF Intent to Use Trademark/Service Mark Application	0	20437	20,437
2	TEAS Plus Intent to Use Trademark/Service Mark Application	18,509	17263	35,772
3	Application for Registration of Trademark/Service Mark under § 44	124	(28)	96
3	TEAS Application for Registration of Trademark/Service Mark under § 44	3,536	(1685)	1,851
3	TEAS RF Application for Registration of Trademark/Service Mark under § 44	0	2669	2,669
3	TEAS Plus Application for Registration of Trademark/Service Mark under § 44	2,108	2503	4,611
	Total	103,085	46,182	149,267

The USPTO anticipates that the introduction of the TEAS RF option under the proposed rule, and the reduction of the filing fee for TEAS Plus applications, will lead to a decrease in the number of applications that would otherwise have been submitted using the regular TEAS form and a slight increase in the overall number of trademark applications submitted electronically, because some respondents who would have submitted applications on paper will take advantage of the electronic options. Additional estimated changes in the number of responses are based on forecasts that rely on external economic factors.

As stated previously, the USPTO believes that attorneys will complete these applications, which means that respondents to this collection will be subject to an hourly cost burden consisting of attorneys' fees. Table 6c shows the impact of the rulemaking and non-rulemaking changes to the hourly cost burden estimates for this information collection:

Table 6c: Respondent (Hourly) Cost Burden Changes –

	Item	Current Inventory	Total Change	New Proposed Hourly Cost Burden Estimates
1	Use-Based Trademark/Service Mark Application	\$355,935	(\$89,081)	\$266,854.00
1	TEAS Use-Based Trademark/Service Mark Application	\$11,160,652	(\$5,649,300)	\$5,511,352.00
1	TEAS RF Use-Based Trademark/Service Mark Application	0	\$7,949,604	\$7,949,604.00
1	TEAS Plus Use-Based Trademark/Service Mark Application	\$6,654,795	\$6,423,774	\$13,078,569.00
2	Intent to Use Trademark/Service Mark Application	\$409,758	(\$117,230)	\$292,528.00
2	TEAS Intent to Use Trademark/Service Mark Application	\$12,074,949	(\$6,563,597)	\$5,511,352.00
2	TEAS RF Intent to Use Trademark/Service Mark Application	0	\$7,949,993	\$7,949,993.00
2	TEAS Plus Intent to Use Trademark/Service Mark Application	\$7,200,040	\$6,715,268	\$13,915,308.00
3	Application for Registration of Trademark/Service Mark under § 44	\$48,361	(\$11,017)	\$37,344.00
3	TEAS Application for Registration of Trademark/Service Mark under § 44	\$1,375,504	(\$655,465)	\$720,039.00
3	TEAS RF Application for Registration of Trademark/Service Mark under § 44	0	\$1,038,241	\$1,038,241.00
3	TEAS Plus Application for Registration of Trademark/Service Mark under § 44	\$820,199	\$973,480	\$1,793,679.00
	Total	\$40,100,193	\$17,964,670	\$58,064,863.00

The USPTO's revised hourly cost burden for this information collection is based on two factors. The first and most obvious factor is the changes in hour burden. The second factor is a change in the standard hourly rate for attorneys (from \$340 in the existing collection to \$389 in the proposed collection) used by the USPTO in its calculations.

Cost Burden:

Table 6d shows the impact to the annual (non-hour) cost burden estimates for this information collection:

Table 6d: Annual (Non-Hour) Cost Burden Changes –

	Current Inventory	Total Change	New Proposed Burden Estimate
Filing Fees	\$85,785,875	\$16,921,900	\$102,707,775.00
Processing Fees	\$150,000	\$141,553	\$291,552.88
Postage	\$2,112	(\$570)	\$1,541.54
Total Annual (Non-hour) Cost Burden	\$85,937,987	\$17,062,882	\$103,000,869.42

The USPTO anticipates that due to the introduction of the TEAS RF option under the proposed rule, the aggregate non-hour cost burden associated with trademark application filing fees will be reduced (because some respondents who would normally have submitted regular TEAS application forms will use the TEAS RF option). Also, fewer applications will be submitted by mail, resulting in a reduction in costs associated with postage (even though postage rates have increased). Although application of the existing \$50 processing fee to TEAS RF applications that do not fulfill the filing and examination requirements will create some additional cost burden, the total non-hour cost burden of the information collection will be reduced.

16. Project Schedule

There is no plan 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 date on which OMB's approval of this information collection expires.

18. Exception to the Certificate Statement

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

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.