JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Substantive Submissions Made During the Prosecution
of the Trademark Application
OMB Control Number 0651-0054

Background

This collection of information is required by the Trademark Act, 15 U.S.C. § 1051 et seq., which provides for the registration of trademarks, service marks, collective trademarks and collective 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 their marks with the United States Patent and Trademark Office (USPTO).

The request is to update the fees attached to this collection that are affected by the rulemaking NPRM 0651-AD08. Respondent numbers are also changing due to agency discretion in conjunction with the rule.

Fees

Item	Currently Approved Fee	Proposed Fee	Fee Increase
Request to Divide an Application Filed on Paper, per New Application Created	$100	$200	$100
Filing an Amendment to Allege Use under §1(c) of the Act on Paper, per Class	$100	$200	$100
Filing a Statement of Use under §1(d)(1) of the Act on Paper, per Class	$100	$200	$100
Filing a Request under §1(d)(2) of the Act for a Six-Month Extension of Time for Filing a Statement of Use under §1(d)(1) of the Act on Paper, per Class	$150	$250	$100
Petitions to the Director Filed on Paper	$100	$200	$100

Respondents

Item	Currently Approved Respondents	Proposed Respondents	Respondent Increase
Request to Divide an Application Filed on Paper, per New Application Created	39	44	5
Filing an Amendment to Allege Use under §1(c) of the Act on Paper, per Class	1,704 *previously counted together as "Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Paper)"	69	-1,271
Filing a Statement of Use under §1(d)(1) of the Act on Paper, per Class		364	

Filing a Request under §1(d)(2) of the Act for a Six-Month Extension of Time for Filing a Statement of Use under §1(d)(1) of the Act on Paper, per Class	1,819	1,032	-787
Petitions to the Director Filed on Paper	12	3	-9
Totals	---	---	**-2,062**

Fee Total Increases

Item	Currently Approved Estimate	Proposed Estimate	Fee Increases
Request to Divide an Application Filed on Paper, per New Application Created	$3,900	$8,800	$4,900
Filing an Amendment to Allege Use under §1(c) of the Act on Paper, per Class	$170,400* (see above)	$13,800	-$83,800
Filing a Statement of Use under §1(d)(1) of the Act on Paper, per Class		$72,800	
Filing a Request under §1(d)(2) of the Act for a Six-Month Extension of Time for Filing a Statement of Use under §1(d)(1) of the Act on Paper, per Class	$272,850	$258,000	-$14,850
Petitions to the Director Filed on Paper	$1,200	$600	-$600
Totals	---	---	**-$94,350**

Summary of Changes

The decrease of $94,350 in fees and 2,062 responses from collection 0651-0054 is on account of the changes following the rulemaking action NPRM 0651-AD08.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Respondents	292,706	-2,062	290,664
Non-hour costs	$37,707,606	-$94,350	$37,613,256

Consequently, this collection takes a net burden decrease of $94,350 in annual (non-hour) costs as a program change.

The 0651-0054 revised total burden is as follows:

- 290,664 respondents
- $37,613,256 in annual (non-hour) fees