

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Madrid Protocol
OMB Control Number 0651-0051

Background

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 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.

Four fees (Surcharge for Filing Affidavit Under §71 of the Act During the Grace Period (Paper), Surcharge for Filing Affidavit Under §71 of the Act During the Grace Period (Electronic), Application Fee Filed at WIPO, and Subsequent Designation Fee Filed at WIPO), are also being added to the collection that were not previously counted. The forms for the Application Fee and Subsequent Designation Fee are available on the WIPO website listed under form titles MM2 and MM4, respectively, <http://www.wipo.int/madrid/en/forms/>.

Respondents

Item	Currently Approved Respondents	Proposed Respondents	Respondent Increase
Certifying an International Application Based on a Single Application or Registration, Filed on Paper, per Class	33 (Currently filed under same IC line)	15	-2
Certifying an International Application Based on More Than One Basic Application or Registration Filed on Paper, per Class		1	-15
Transmitting a Request to Record an Assignment or Restriction, or Release of a Restriction, under §7.23 or §7.24 Filed on Paper	5	1	-4
Filing a Notice of Replacement under §7.28 on Paper, per Class	1	1	---
Transmitting a Subsequent Designation under §7.21, Filed on Paper	2	3	1
Filing an Affidavit Under §71 of the Act on Paper, per Class	10	31	21

Filing an Affidavit Under §71 of the Act through TEAS, per Class	3,411	4,316	905
Surcharge for Filing Affidavit Under §71 of the Act During the Grace Period, Per Class, Paper	-	1	1
Surcharge for Filing Affidavit Under §71 of the Act During the Grace Period, Per Class, Electronic	-	779	779
Application Fee Filed at WIPO	-	26,152	26,152
Subsequent Designation Fee Filed at WIPO	-	1,968	1,968
Totals	---	---	29,806

Burden Hours

Item	Currently Approved Hours	Proposed Hours	Hour Increase
Certifying an International Application Based on a Single Application or Registration, Filed on Paper, per Class	17.60	8	-1.07
Certifying an International Application Based on More Than One Basic Application or Registration Filed on Paper, per Class	(Currently filed under same IC line)	0.53	-8.00
Transmitting a Request to Record an Assignment or Restriction, or Release of a Restriction, under §7.23 or §7.24 Filed on Paper	2.50	0.5	-2.00
Filing a Notice of Replacement under §7.28 on Paper, per Class	0.75	0.75	-
Transmitting a Subsequent Designation under §7.21, Filed on Paper	0.73	1.10	0.37
Filing an Affidavit Under §71 of the Act on Paper, per Class	3.83	11.88	8.05
Filing an Affidavit Under §71 of the Act through TEAS, per Class	1,023.30	1,294.80	271.50
Surcharge for Filing Affidavit Under §71 of the Act During the Grace Period, Per Class, Paper	-	-	-
Surcharge for Filing Affidavit Under §71 of the Act During the Grace Period, Per Class, Electronic	-	-	-
Application Fee Filed at WIPO	-	-	-
Subsequent Designation Fee Filed at WIPO	-	-	-
Totals	---	---	268.85

Fees

Item	Currently Approved Fee	Proposed Fee	Fee Increase
Certifying an International Application Based on a Single Application or Registration, Filed on Paper, per Class	\$100	\$200	\$100
Certifying an International Application Based on More Than One Basic Application or Registration Filed on Paper, per Class	\$150	\$250	\$100
Transmitting a Request to Record an Assignment or Restriction, or Release of a Restriction, under §7.23 or §7.24 Filed on Paper	\$100	\$200	\$100
Filing a Notice of Replacement under §7.28 on Paper, per Class	\$100	\$200	\$100
Transmitting a Subsequent Designation under §7.21, Filed on Paper	\$100	\$200	\$100
Filing an Affidavit Under §71 of the Act on Paper, per Class	\$100	\$250	\$150
Filing an Affidavit Under §71 of the Act through TEAS, per Class	\$100	\$150	\$50

The four fees being added to this collection are listed below:

Item	Fee
Surcharge for Filing Affidavit Under §71 of the Act During the Grace Period, Per Class, Paper	\$200
Electronic Filing- Surcharge for Filing Affidavit Under §71 of the Act During the Grace Period, Per Class	\$100
Application Fee Filed at WIPO	\$400
Subsequent Designation Fee Filed at WIPO	\$400

Non-Hourly Cost Total Increases

Item	Currently Approved Estimate	Proposed Estimate	Fee Increases
Certifying an International Application Based on a Single Application or Registration, Filed on Paper, per Class	\$1,700	\$3,000	\$1,300
Certifying an International Application Based on More Than One Basic Application or Registration Filed on Paper, per Class	\$2,400	\$250	-\$2,150

Transmitting a Request to Record an Assignment or Restriction, or Release of a Restriction, under §7.23 or §7.24 Filed on Paper	\$500	\$200	-\$300
Filing a Notice of Replacement under §7.28 on Paper, per Class	\$100	\$200	\$100
Transmitting a Subsequent Designation under §7.21, Filed on Paper	\$200	\$600	\$400
Filing an Affidavit Under §71 of the Act on Paper, per Class	\$1,000	\$7,750	\$6,750
Filing an Affidavit Under §71 of the Act through TEAS, per Class	\$341,100	\$647,400	\$306,300
Surcharge for Filing Affidavit Under §71 of the Act During the Grace Period, Per Class, Paper	-	\$200	\$200
Electronic Filing- Surcharge for Filing Affidavit Under §71 of the Act During the Grace Period, Per Class	-	\$77,900	\$77,900
Application Fee Filed at WIPO	-	\$10,460,800	\$10,460,800
Subsequent Designation Fee Filed at WIPO	-	\$787,200	\$787,200
Totals	-	-	\$11,638,500

Summary of Changes

The addition of 29,806 responses, 268.85 burden hours, four fees, and \$11,638,500 in fee totals to collection 0651-0051 is to account for the changes following the addition of two fees not previously counted and the rulemaking action NPRM 0651-AD08.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Respondents	16,557	29,806	46,363
Burden Hours	4,918.45	268.85	5,187.30
Non-hour costs	\$2,175,480.36	\$11,638,500	\$13,813,980.36

The 0651-0051 revised total burden is as follows:

- 46,363 respondents
- 5,187.30 burden hours
- \$13,813,980.36 in annual (non-hour) fees