

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Post Registration (Trademark Processing)**  
**OMB CONTROL NUMBER 0651-0055**  
**June 2015**

**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 that use or intend to use such marks in commerce may file an application to register their marks with the USPTO.

Such individuals and businesses may also submit various communications to the USPTO, including requests to amend their registrations to delete goods or services that are no longer being used by the registrant. Registered marks remain on the register for ten years and can be renewed, but will be cancelled unless the owner files with the USPTO a declaration attesting to the continued use (or excusable non-use) of the mark in commerce, and a renewal application, within specific deadlines. Applicants may also request to amend or divide a registration, respond to a post-registration Office action, and surrender a registration.

The rules implementing the Act are set forth in 37 CFR Part 2. These rules mandate that each register entry include the mark, the goods and/or services in connection with which the mark is used, ownership information, dates of use, and certain other information. The USPTO also provides similar information concerning pending applications. The register and pending application information may be accessed by an individual or by businesses to determine the availability of a mark. By accessing the USPTO's information, parties may reduce the possibility of initiating use of a mark previously adopted by another. Thus, the Federal trademark registration process may reduce unnecessary litigation and its accompanying costs and burdens.

Table 1 identifies the statutory and regulatory provisions pursuant to which the USPTO collects the information:

**Table 1: Information Requirements for Post Registration (Trademark Processing)**

IC Number	Requirement	Statute	Rule
1	Declaration of Use of Mark in Commerce Under Section 8	15 U.S.C. § 1058	37 CFR 2.160-2.166, 2.168

2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Section 8 and 9	15 U.S.C. §§ 1058 and 1059	37 CFR 2.160-2.166, 2.181-2.186
3	Declaration of Incontestability of a Mark Under Section 15	15 U.S.C. § 1065	37 CFR 2.167
4	Combined Declaration of Use and Incontestability Under Section 8 and 15	15 U.S.C. §§ 1058 and 1065	37 CFR 2.160-2.168
5	Surrender of registration for cancellation	15 U.S.C. § 1057	37 CFR 2.172
6	Section 7 Request	15 U.S.C. § 1057	37 CFR 2.171-2.176
7	Response to Office Action for Post-Registration Matters	15 U.S.C. §§ 1057-1061	37 CFR 2.160-2.168, 2.171-2.176
8	Request to Divide Registration	15 U.S.C. § 1057	37 CFR 2.171(b)
9	Section 12(c) Affidavit	15 U.S.C. § 1058	37 CFR 2.160

## 2. Needs and Uses

The USPTO uses the information described in this collection to process post registration submissions. 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 also can be accessed at the USPTO 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 the Trademark Electronic Application System (TEAS).

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 Post Registration (Trademark Processing)**

IC Number	Form and Function	Form #	Needs and Uses
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1	Declaration of Use of Mark in Commerce Under Section 8 (electronic and paper)	PTO Form 1563	<ul style="list-style-type: none"> <li>Used by the public to complete and file declarations of use or excusable non-use in commerce of a registered mark.</li> <li>Used by the USPTO to review and process declarations of use or excusable non-use in commerce of a registered mark.</li> </ul>
2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Section 8 and 9 (electronic and paper)	PTO Form 1963	<ul style="list-style-type: none"> <li>Used by the public to complete and file declarations of use or excusable non-use in commerce of a registered mark, and to file applications for renewal of the registration.</li> <li>Used by the USPTO to review and process declarations of use or excusable non-use in commerce of a registered mark, and to process applications for renewal of the registration.</li> </ul>
3	Declaration of Incontestability of a Mark Under Section 15 (electronic and paper)	PTO Form 1573	<ul style="list-style-type: none"> <li>Used by the public to complete and submit assertions that a registration has become incontestable.</li> <li>Used by the USPTO to process declarations of incontestability.</li> </ul>
4	Combined Declaration of Use and Incontestability Under Section 8 and 15 (electronic and paper)	PTO Form 1583	<ul style="list-style-type: none"> <li>Used by the public to complete and file declarations of use or excusable non-use in commerce of a registered mark and to submit assertions that a registration has become incontestable.</li> <li>Used by the USPTO to process declarations of use or excusable non-use and to process declarations of incontestability.</li> </ul>
5	Surrender of registration for cancellation (electronic)	PTO Global Form	<ul style="list-style-type: none"> <li>Used by the public to surrender a registration for cancellation.</li> <li>Used by the USPTO to cancel a registration that has been surrendered.</li> </ul>
5	Surrender of registration for cancellation (paper)	No form associated	<ul style="list-style-type: none"> <li>Used by the public to surrender a registration for cancellation.</li> <li>Used by the USPTO to cancel a registration that has been surrendered.</li> </ul>
6	Section 7 Request (electronic)	PTO Form 1597	<ul style="list-style-type: none"> <li>Used by the public to request a correction or amendment to the information on a certificate of registration.</li> <li>Used by the USPTO to review and process requests for corrections or amendments to a registration.</li> </ul>
6	Section 7 Request (paper)	No form associated	<ul style="list-style-type: none"> <li>Used by the public to request a correction or amendment to the information on a certificate of registration.</li> <li>Used by the USPTO to review and process requests for corrections or amendments to a registration.</li> </ul>
7	Response to Post-Registration Office Action (electronic)	PTO Global Form	<ul style="list-style-type: none"> <li>Used by the public to respond to a post-registration Office action or pay an additional fee related to a post-registration matter.</li> <li>Used by the USPTO to review and process a response to a post-registration Office action or to process a payment related to a post-registration matter.</li> </ul>
7	Response to Post-Registration Office Action (paper)	No form associated	<ul style="list-style-type: none"> <li>Used by the public to respond to a post-registration Office action or pay an additional fee related to a post-registration matter.</li> <li>Used by the USPTO to review and process a response to a post-registration Office action or to process a payment related to a post-registration matter.</li> </ul>

8	Request to Divide Registration (electronic)	PTO Global Form	<ul style="list-style-type: none"> <li>Used by the public to request to divide a registration based on an application under Section 1 or Section 44 of the Trademark Act if ownership of the registration has changed with respect to some but not all of the goods and/or services.</li> <li>Used by the USPTO to review and process a request to divide a registration based on an application under Section 1 or Section 44 of the Trademark Act.</li> </ul>
8	Request to Divide Registration (paper)	No form associated	<ul style="list-style-type: none"> <li>Used by the public to request to divide a registration based on an application under Section 1 or Section 44 of the Trademark Act if ownership of the registration has changed with respect to some but not all of the goods and/or services.</li> <li>Used by the USPTO to review and process a request to divide a registration based on an application under Section 1 or Section 44 of the Trademark Act.</li> </ul>
9	Section 12(c) Affidavit (electronic)	PTO Global Form	<ul style="list-style-type: none"> <li>Used by the public to claim the benefits of the Trademark Act of 1946 for a mark originally registered under the Trademark Acts of 1905 or 1881.</li> <li>Used by the USPTO to process an affidavit claiming the benefits of the Trademark Act of 1946 for a mark originally registered under the Trademark Acts of 1905 or 1881.</li> </ul>
9	Section 12(c) Affidavit (paper)	No form associated	<ul style="list-style-type: none"> <li>Used by the public to claim the benefits of the Trademark Act of 1946 for a mark originally registered under the Trademark Acts of 1905 or 1881.</li> <li>Used by the USPTO to process an affidavit claiming the benefits of the Trademark Act of 1946 for a mark originally registered under the Trademark Acts of 1905 or 1881.</li> </ul>

### 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.

The TEAS Global Forms are an interim workaround as the USPTO develops additional TEAS forms for items that are currently collected only in paper. A TEAS Global Form allows the user to attach a .jpg or .pdf image file that contains the complete text for the actual filing. 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 or not 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 for 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**

This information collection could not be conducted less frequently, since the information is collected only when voluntarily submitted by the public. If the information were not collected, the public would not be able to submit any of the information collection items listed above to the USPTO to provide the information contained on those items. If this information were not collected, 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 Notice was published in the *Federal Register* on March 20, 2015 (80 Fed Reg.14970). The public comment period ended on May 19, 2015. 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. The statute also provides non-voting membership on the Committee for the agency's three recognized unions. Members include inventors, lawyers, corporate executives, entrepreneurs, and academicians with significant experience in management, finance, science, technology, labor relations, and intellectual property issues. 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.

## **9. Payment or Gifts to Respondents**

This information collection does not involve a payment or gift to any respondent.

## **10. Assurance of Confidentiality**

Trademark applications and registrations 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 in this collection is considered to be of a sensitive nature.

## 12. Estimate of Hour and Cost Burden to Respondents

Table 3 calculates the anticipated burden hours and costs of this information collection to the public, based on the following factors:

- **Respondent Calculation Factors**

The USPTO estimates that it will receive approximately 185,047 responses per year for this collection, with 175,846 of them filed electronically.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public an average of 5 to 35 minutes (0.08 to 0.58 hours) to complete the collections of information described in this submission, depending on the nature of the information. This includes time to gather the necessary information, create the documents, and mail the completed paper request. 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.

- **Cost Burden Calculation Factors**

The USPTO expects that the information in this collection will be prepared by attorneys. The USPTO uses a professional rate of \$389 per hour for respondent rate cost-burden calculations, which is the mean rate for attorneys in private firms as shown in the 2013 AIPLA Report of the Economic Survey published by the American Intellectual Property Law Association (AIPLA).

**Table 3: Burden Hour/Burden Cost to Respondents for Post Registration (Trademark Processing)**

IC Number	Item	Estimated time for response (min) (a)	Estimated annual responses (b)	Estimated annual burden hours (a) x (b) / 60 = (c)	Rate (\$/hr) (d)	Total Cost (\$) (c) x (d) = (e)
1	Declaration of Use of Mark in Commerce Under Section 8 (TEAS)	12	16,456	3,291.20	\$389.00	\$1,280,276.80
1	Declaration of Use of Mark in Commerce Under Section 8 (Paper)	20	336	112.00	\$389.00	\$43,568.00
2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Section 8 & 9 (TEAS)	13	75,902	16,445.43	\$389.00	\$6,397,273.57
2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Section 8 & 9 (Paper)	20	1,549	516.33	\$389.00	\$200,853.67
3	Declaration of Incontestability of a Mark Under Section 15 (TEAS)	5	823	68.58	\$389.00	\$26,678.92

3	Declaration of Incontestability of a Mark Under Section 15 (paper)	10	17	2.83	\$389.00	\$1,102.17
4	Combined Declaration of Use and Incontestability Under Section 8 and 15 (TEAS)	12	65,825	13,165.00	\$389.00	\$5,121,185.00
4	Combined Declaration of Use and Incontestability Under Section 8 and 15 (Paper)	20	1,343	447.67	\$389.00	\$174,142.33
5	Surrender of registration for cancellation (TEAS Global)	5	347	28.92	\$389.00	\$11,248.58
5	Surrender of registration for cancellation (Paper)	15	847	211.75	\$389.00	\$82,370.75
6	Section 7 Request (TEAS)	20	4,807	1,602.33	\$389.00	\$623,307.67
6	Section 7 Request (paper)	30	5,003	2,501.50	\$389.00	\$973,083.50
7	Response to Office Action for Post-Registration Matters (TEAS Global)	25	9,000	3,750.00	\$389.00	\$1,458,750.00
7	Response to Office Action for Post-Registration Matters (Paper)	35	50	29.17	\$389.00	\$11,345.83
8	Request to Divide Registration (TEAS Global)	20	2,685	895.00	\$389.00	\$348,155.00
8	Request to Divide Registration (Paper)	30	55	27.50	\$389.00	\$10,697.50
9	Section 12(c) Affidavit (TEAS Global)	10	1	0.17	\$389.00	\$64.83
9	Section 12(c) Affidavit (Paper)	20	1	0.33	\$389.00	\$129.67
	<b>TOTALS</b>	.....	<b>185,047</b>	<b>43,095.72</b>	.....	<b>\$16,764,233.78</b>

### 13. Total Annualized (Non-hour) Cost Burden

There are no capital start-up, maintenance, or record keeping costs for this collection. There is, however, a non-hour cost burden in the form of postage costs and filing fees.

#### Postage

Customers may incur postage costs when submitting the items covered by this collection to the USPTO by mail. The USPTO expects that approximately 95 percent of the responses in this collection will be submitted electronically. Of the remaining 5 percent, the vast majority--98 percent--will be submitted by mail, for a total of 9,017 mailed submissions. The average first class USPS postage cost for a mailed submission will be 49 cents. Therefore, the USPTO estimates that the postage costs for the mailed submissions in this collection will total \$4,418.33.

Table 4 calculates the postage costs for this collection of information:

**Table 4: Postage Costs for Post Registration (Trademark Processing)**

IC	Item	Estimated	Postage	Total Cost
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Number		Annual Responses (a)	Costs (\$) (b)	(a) x (b) = (c)
1	Declaration of Use of Mark in Commerce Under Section 8 (Paper)	329	\$0.49	\$161.21
2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Section 8 & 9 (Paper)	1,518	\$0.49	\$743.82
3	Declaration of Incontestability of a Mark Under Section 15 (paper)	17	\$0.49	\$8.33
4	Combined Declaration of Use and Incontestability Under Section 8 and 15 (Paper)	1,316	\$0.49	\$644.84
5	Surrender of registration for cancellation (Paper)	830	\$0.49	\$406.70
6	Section 7 Request (paper)	4,903	\$0.49	\$2,402.47
7	Response to Office Action for Post-Registration Matters (Paper)	49	\$0.49	\$24.01
8	Request to Divide Registration (paper)	54	\$0.49	\$26.46
9	Section 12(c) Affidavit (paper)	1	\$0.49	\$0.49
	<b>TOTALS</b>	<b>9,017</b>	<b>- - - -</b>	<b>\$4,418.33</b>

### Filing Fees

Filing fees of \$54,388,100 are associated with this collection. The filing fees are charged per class filing of goods and services; therefore, the total filing fees can vary depending on the number of classes. The filing fees shown here are based on the minimum fee of one class per document associated with this information collection.

Table 5 calculates the filing fees associated with this collection of information:

**Table 5: Filing Fees for Post Registration (Trademark Processing)**

IC Number	Item	Estimated Annual Responses (a)	Filing Fees (\$) (b)	Total Cost (\$) (a) x (b) = (c)
1	Declaration of Use of Mark in Commerce Under Section 8 (TEAS)	16,456	\$100.00	\$1,645,600.00
1	Declaration of Use of Mark in Commerce Under Section 8 (Paper)	336	\$100.00	\$33,600.00

2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Section 8 & 9 (TEAS)	75,902	\$400.00	\$30,360,800.00
2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Section 8 & 9 (Paper)	1,549	\$500.00	\$774,500.00
3	Declaration of Incontestability of a Mark Under Section 15 (TEAS)	823	\$200.00	\$164,600.00
3	Declaration of Incontestability of a Mark Under Section 15 (Paper)	17	\$200.00	\$3,400.00
4	Combined Declaration of Use and Incontestability Under Section 8 and 15 (TEAS)	65,825	\$300.00	\$19,747,500.00
4	Combined Declaration of Use and Incontestability Under Section 8 and 15 (Paper)	1,343	\$300.00	\$402,900.00
6	Section 7 Request (TEAS)	4,807	\$100.00	\$480,700.00
6	Section 7 Request (Paper)	5,003	\$100.00	\$500,300.00
8	Request to Divide Registration (TEAS Global)	2,685	\$100.00	\$268,500.00
8	Request to Divide Registration (Paper)	55	\$100.00	\$5,500.00
9	Section 12(c) Affidavit (TEAS Global)	1	\$100.00	\$100.00
9	Section 12(c) Affidavit (Paper)	1	\$100.00	\$100.00
	<b>TOTALS</b>	<b>174,803</b>	<b>- - - -</b>	<b>\$54,388,100.00</b>

In sum, the total annual non-hour cost burden for this collection in the form of postage costs (\$4,418.33) and filing fees (\$54,388,100.00) amounts to \$54,392,518.33.

#### 14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-11, step 7 employee 7 minutes (0.12 hours) to process paper submissions for IC Numbers 1-5 and 7-9. In the case of the electronically filed submissions for those IC items, the USPTO estimates that it takes 4 minutes (0.07 hours) to process the information. The USPTO further estimates that it takes a GS-11, step 7 employee 30 minutes (0.50 hours) to process a Section 7 Request.

The hourly rate for a GS-11, step 7 is currently \$36.64. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour for these employees is \$47.63 (\$36.64 + \$10.99).

Table 6 calculates the burden hours and costs of this information collection to the Federal Government:

**Table 6: Burden Hour/Burden Cost to the Federal Government for Post Registration (Trademark Processing)**

IC Number	Item	Processing Time (min) (a)	Estimated Annual Responses (b)	Burden (hrs/yr) (a) x (b) / 60 = (c)	Rate (\$/hr) (d)	Total Cost (\$) (c) x (d) = (e)
1	Declaration of Use of Mark in Commerce Under Section 8 (TEAS)	4	16,456	1,097.07	\$47.63	\$52,253.29
1	Declaration of Use of Mark in Commerce Under Section 8 (Paper)	7	336	39.20	\$47.63	\$1,867.10
2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Section 8 & 9 (TEAS)	4	75,902	5,060.13	\$47.63	\$241,014.15
2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Section 8 & 9 (Paper)	7	1,549	180.72	\$47.63	\$8,607.53
3	Declaration of Incontestability of a Mark Under Section 15 (TEAS)	4	823	54.87	\$47.63	\$2,613.30
3	Declaration of Incontestability of a Mark Under Section 15 (Paper)	7	17	1.98	\$47.63	\$94.47
4	Combined Declaration of Use and Incontestability Under Section 8 and 15 (TEAS)	4	65,825	4,388.33	\$47.63	\$209,016.32
4	Combined Declaration of Use and Incontestability Under Section 8 and 15 (Paper)	7	1,343	156.68	\$47.63	\$7,462.83
5	Surrender of registration for cancellation (TEAS Global)	4	347	23.13	\$47.63	\$1,101.84
5	Surrender of registration for cancellation (Paper)	7	847	98.82	\$47.63	\$4,706.64
6	Section 7 Request (TEAS)	30	4,807	2,403.50	\$47.63	\$114,478.71
6	Section 7 Request (Paper)	30	5,003	2,501.50	\$47.63	\$119,146.45
7	Response to Office Action for Post-Registration Matters (TEAS Global)	4	9,000	600.00	\$47.63	\$28,578.00
7	Response to Office Action for Post-Registration Matters (Paper)	7	50	5.83	\$47.63	\$277.84
8	Request to Divide Registration (TEAS Global)	4	2,685	179.00	\$47.63	\$8,525.77
8	Request to Divide Registration (Paper)	7	55	6.42	\$47.63	\$305.63
9	Section 12(c) Affidavit (TEAS Global)	4	1	0.07	\$47.63	\$3.18
9	Section 12(c) Affidavit (Paper)	7	1	0.12	\$47.63	\$5.56

	TOTALS	.....	185,047	16,797.37	.....	\$800,058.57
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## 15. Reason for Change in Burden

### Summary of Changes Since the Previous Renewal

The previous renewal of this collection was approved by OMB in 2009 with a total of 127,136 responses that generated an estimated 17,466 respondent burden hours. A Notice of Proposed Rulemaking was generated in July 2011 that would have increased the number of responses to 130,301 and the number of burden hours to 18,586 due to the addition of the Response to Office Action for Post-Registration Pilot item; in May 2012, however, that increase was revised down to only 500 more responses (for a total of 127,636) and 485 more hours (for a total of 17,951). The final impact of this change on non-hourly costs was an increase of \$90, from \$41,793,757 in the original 2009 renewal to \$41,793,847 in the 2012 change.

For this renewal, the USPTO estimates that the total annual responses will be 185,047 and the total annual burden hours will be 43,095.72, an increase of 57,411 and 25,144.72 over those currently approved values of 127,636 and 17,951, respectively.

This collection has non-hour costs in the form of filing fees and postage. For this renewal, the USPTO estimates that those costs will total \$54,392,518.33. This is an increase of \$12,598,671.33 over the \$41,793,847 currently approved.

### Changes in Respondent Cost Burden

The total respondent cost burden has increased to \$16,764,233.78 in this renewal, due to:

- **Increase in hourly rates.** The 2012 change worksheet updated the hourly rate for attorneys completing items in this collection from \$325 to \$340. In this renewal, that rate has increased from \$340 to \$389, based on the data outlined by AIPLA in 2013. This new increased rate is used in the calculation of hourly cost burden for every IC instrument in this collection, which contributed to the overall increase in respondent cost burden.
- **Increase of 57,411 responses.** The USPTO estimates that the total number of responses received for the items in this information collection will increase by 57,411, from 127,636 to 185,047. This increase in responses will lead to a corresponding increase in burden hours; a total of 25,144.72 burden hours will be added to this collection, increasing the total number of burden hours associated with this collection from 17,951 to 43,095.72.
- **Addition of 3 IC instruments.** Between the previous complete renewal of this collection in 2009 and this proposed renewal, three IC instruments have been

added to the collection: (1) Response to Office Action for Post-Registration Matters, (2) Request to Divide Registration, and (3) Section 12(c) Affidavit. As these IC instruments all impose new respondent and burden hour totals on the collection, they contribute to the respondent cost burden increase described above.

### Changes in Annualized (Non-hour) Cost Burden

With this renewal, the annualized (non-hour) cost burden will increase to \$54,392,518.33, an increase of \$12,598,671.33 from the currently approved burden of \$41,793,847, due to:

- **Increase in postage costs.** The USPTO estimates that the cost of mailing in a single item in this collection will cost the public \$0.49. This postage rate is a 4 cent increase over the \$0.45 previously used in calculating postage costs for items in this collection, which—in combination with an increase in the number of responses—led to a total postage cost of \$4,418.33 for this renewal.
- **Increase in filing fees.** The USPTO estimates that the filing fees for this collection will increase to \$54,388,100 as a result of this renewal. This increase is due primarily to an increase in the number of responses received that will require a filing fee, and will occur despite an \$100 downward adjustment in the fee to be paid by those submitting a Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Section 8 & 9 electronically.
- **Addition of 3 IC instruments.** Between the previous complete renewal of this collection in 2009 and this proposed renewal, three IC instruments have been added to the collection: (1) Response to Office Action for Post-Registration Matters, (2) Request to Divide Registration, and (3) Section 12(c) Affidavit. As two of these IC instruments (excluding the Response to Office Action for Post-Registration Matters) require a filing fee and all three instruments are eligible to be submitted by mail and thus could require a postage cost, they contribute to the non-hour cost burden increase described above.

### **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.