**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 this collection to cover rulemaking RIN 0651-AC41. That rulemaking action amends the rules regarding petitions to revive abandoned trademark applications and other petitions. It also codifies USPTO practices regarding handling of requests for reinstatement. As a part of these rules USPTO is changing its review practices and which no longer requires the due diligence petition.

**Respondents**

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Currently Approved Respondents** | **Proposed Respondents** | **Respondent Decrease** |
| Due Diligence Petition under Trademark Rule 2.66 (Paper) | 2 | 0 | -2 |
| Due Diligence Petition under Trademark Rule 2.66 (TEAS) | 130 | 0 | -130 |
| **Totals** | --- | --- | **-132** |

**Hourly Burden**

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Currently Approved Hourly Burden** | **Proposed Burden** | **Respondent Decrease** |
| Due Diligence Petition under Trademark Rule 2.66 (Paper) | 1 | 0 | -1 |
| Due Diligence Petition under Trademark Rule 2.66 (TEAS) | 43 | 0 | -43 |
| **Totals** | --- | --- | **-44** |

**Fees**

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Currently Approved Fees** | **Proposed Fees** | **Fee Decrease** |
| Due Diligence Petition under Trademark Rule 2.66 (Paper) | $201 | $0 | -$201 |
| Due Diligence Petition under Trademark Rule 2.66 (TEAS) | $13,000 | $0 | -$13,000 |
| **Totals** | --- | --- | **-$13,201** |

Summary of Changes

The decrease of 132 respondents, 44 burden hours, and $13,201 in fees within collection 0651-0054 is on account of the changes following the rulemaking action RIN 0651-AC41.

Changes in Burden

|  |  |  |  |
| --- | --- | --- | --- |
| **Burden Type** | **Currently Approved** | **Proposed Change** | **New Estimate** |
| Respondents | 290,644 | -132 | 290,512 |
| Hourly Time Burden | 63,293 | -44 | 63,249 |
| Fees | $37,612,244 | -$13,201 | $37,599,043 |

The 0651-0054 revised total burden is as follows:

* 290,512 respondents
* $37,599,043 048 in annual (non-hour) fees