**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