

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
International Design Application (Hague Agreement)
OMB Control Number 0651-0075

Background

The United States Patent and Trademark Office (USPTO) administers the Leahy-Smith America Invents Act (AIA), Section 10, which sets or adjusts patent fees established authorized, or charged under Title 35, United States Code (U.S.C.). Section 10 prescribes that fees may be set or adjusted only to recover the aggregate estimated costs to the Office for processing, activities, services, and materials related to patent. Section 10 authorities also includes flexibility to set individual fees in a way that furthers key policies factors, while taking into account the cost of the respective services.

The request is to update the fees attached to this collection that are affected by the rulemaking NPRM 0651-AD02, and also to incorporate fees were not counted in pervious approvals.

There are three fees (broken down into large entities, small entitles, and micro entities) being adjusted as a result of the 2017 Patent Biennial Fee Review.

Table 1: Total Fee and Respondent Increases

IC #	Item	Responses	Proposed Fee	Proposed Non-hour Burden (\$)
1	Hague International Design Application - Transmittal Fee (large entity)	155	\$120	\$18,600
1	Hague International Design Application - Transmittal Fee (small entity)	1	\$60	\$60
1	Hague International Design Application - Transmittal Fee (micro entity)	1	\$30	\$30
5	Petition to Excuse Applicant's Failure to Act Within Prescribed Time Limits in an International Design Application (large entity)	1	\$2,000	\$2,000
5	Petition to Excuse Applicant's Failure to Act Within Prescribed Time Limits in an International Design Application (small entity)	1	\$1,000	\$1,000
5	Petition to Excuse Applicant's Failure to Act Within Prescribed Time Limits in an International Design Application (micro entity)	1	\$500	\$500
6	Petition to Convert an International Design Application to a Design Application Under 35 U.S.C. Chapter 16 (large entity)	2	\$180	\$360
6	Petition to Convert an International Design Application to a Design Application Under 35 U.S.C. Chapter 16 (small entity)	1	\$90	\$90
6	Petition to Convert an International Design Application to a Design Application Under 35 U.S.C. Chapter 16 (micro entity)	1	\$45	\$45

	Totals	164	---	\$22,685
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Table 2: Changes in Fee Amounts

IC #	Item	Current Fee	Proposed Fee	Fee Change
1	Hague International Design Application - Transmittal Fee	\$120	\$120 (large entity) \$60 (small entity) \$30 (micro entity)	\$0 (large entity) -\$60 (small entity) -\$90 (micro entity)
5	Petition to Excuse Applicant's Failure to Act Within Prescribed Time Limits in an International Design Application	\$1,700 (large entity) \$850 (small entity) \$850 (micro entity)	\$2,000 (large entity) \$1,000 (small entity) \$500 (micro entity)	\$300 (large entity) \$150 (small entity) -\$350 (micro entity)
6	Petition to Convert an International Design Application to a Design Application Under 35 U.S.C. Chapter 16	\$180	\$180 (large entity) \$90 (small entity) \$45 (micro entity)	\$0 (large entity) -\$90 (small entity) -\$135 (micro entity)

Table 3: Increases in Non-Hourly Costs (Fees)

IC #	Item	Current Total Cost	Proposed Total Cost	Total Cost Increase
1	Hague International Design Application - Transmittal Fee (large entity)	\$18,600	\$18,600	\$0
1	Hague International Design Application - Transmittal Fee (small entity)	\$120	\$60	-\$60
1	Hague International Design Application - Transmittal Fee (micro entity)	\$120	\$30	-\$90
5	Petition to Excuse Applicant's Failure to Act Within Prescribed Time Limits in an International Design Application (large entity)	\$850	\$2,000	\$1,150
5	Petition to Excuse Applicant's Failure to Act Within Prescribed Time Limits in an International Design Application (small entity)	\$850	\$1,000	\$150
5	Petition to Excuse Applicant's Failure to Act Within Prescribed Time Limits in an International Design Application (micro entity)	\$180	\$500	\$320
6	Petition to Convert an International Design Application to a Design Application Under 35 U.S.C. Chapter 16 (large entity)	\$180	\$360	\$180
6	Petition to Convert an International Design Application to a Design Application Under 35 U.S.C. Chapter 16 (small entity)	\$180	\$90	-\$90
6	Petition to Convert an International Design Application to a Design Application Under 35 U.S.C. Chapter 16 (micro entity)	\$180	\$45	-\$135
	Totals	\$21,260	\$22,685	\$1,425

Summary of Changes

The revision of three fees resulted and the increase of \$1,425 in non-hourly costs to collection 0651-0075 account for the changes following the rulemaking action NPRM 0651-AD02.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Responses	556	0	556
Burden Hours	1,900	0	1,900
Non-hourly Costs	\$423,844.90	\$1,425	\$425,269.90

The 0651-0075 revised total burden is as follows:

- 556 respondents
- 1,900 burden hours
- \$425,269.90 in non-hourly costs