

SUPPORTING STATEMENT
United States Patent and Trademark Office
International Design Applications (Hague Agreement)
OMB CONTROL NUMBER 0651-0075
(September 2017)

A. JUSTIFICATION

1. Necessity of Information Collection

The Patent Law Treaties Implementation Act of 2012 (PLTIA) amends the patent laws to implement the provisions of the Geneva Act of the Hague Agreement Concerning International Registration of Industrial Designs (hereinafter “Hague Agreement”) in title 1, and the Patent Law Treaty (PLT) in title 2. The Hague Agreement is an international agreement that enables an applicant to file a single international design application which may have the effect of an application for protection for the design(s) in countries and/or intergovernmental organizations that are Parties to the Hague Agreement (the “Contracting Parties”) designated in the applications. The United States is a Contracting Party to the Hague Agreement, which took effect with respect to the United States on May 13, 2015. The Hague Agreement is administrated by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) located in Geneva, Switzerland.

Thus, under the Hague Agreement, a U.S. applicant could file an international design application in English “indirectly” through the United States Patent and Trademark Office (USPTO), which will forward the application to the IB or “directly” with the IB. The industrial design or designs will be eligible for protection in all the Contracting Parties designated by the applicant.

The IB ascertains whether the international design application complies with formal requirements, registers the international design to the international register, and publishes the international registration in the International Designs Bulletin. The international registration contains all of the data of the international application, any reproduction of the international design, date of the international registration, number of the international registration, and the relevant class of the International Classification.

The IB will provide a copy of the publication of the international registration to each Contracting party designated by the application. A designated Contracting Party may perform a substantive examination of the design application. The USPTO will perform a substantive examination for patentability of the international design application, as in the case of regular U.S. design applications.

The Hague Agreement enables applicants from a Contracting Party to obtain protection of their designs with minimal formality and expense. Additionally, under the Hague Agreement, the international registration can be centrally maintained by the IB. For example, through the IB, applicants can record changes of their representatives or changes in ownership, and renew their international registration.

Table 1 provides the specific statutes and regulations authorizing the USPTO to collect the information discussed above:

Table 1: Information Requirements

IC Number	Requirement	Statute	Rule
1	Application for International Registration	35 U.S.C §§ 382 and 383	37 CFR 1.1022
2	Claim and Reproductions (Drawings)	35 U.S.C §§ 382 and 383	37 CFR 1.1021
3	Transmittal Letter	35 U.S.C § 2(b)(2)	37 CFR 1.4, 1.5
4	Appointment of a Representative	35 U.S.C § 2(b)(2)	37 CFR 1.1041
5	Petition to Excuse a Failure to Comply with a Time Limit	35 U.S.C § 387	37 CFR 1.1051
6	Petition to Convert a Design Application under 35 U.S.C. Chapter 16	35 U.S.C § 384(a)	37 CFR 1.1052
7	Petition to Review a Filing Date	35 U.S.C § 384(b)	37 CFR 1.1023(b)
8	Fee Authorization	35 U.S.C § 382(b)	37 CFR 1.125
9	Petitions to the Commissioner	35 U.S.C § 2(b)(2)	37 CFR 1.181, 1.182 and 1.183
10	Transmittal of Issue Fee to USPTO for an International Design Application	Article 7(3) of the Hague Agreement; 35 USC 383	Common Regulations Rule 29; 37 CFR 1.311
11	Declaration on Inventorship for Purposes of Designation of the United States	Article 5 of the Hague Agreement; 35 USC 383; 35 USC 115(a)	Common Regulations Rules 7 and 8; 37 CFR 1.63
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purpose of Designating the United States	Article 5 of the Hague Agreement; 35 USC 383; 35 USC 115(d)	Common Regulations Rules 7 and 8; 37 CFR 1.64
13	Assignment Cover Sheet	35 U.S.C. §§ 261 and 262	37 CFR 3.11, 3.21, 3.24, 3.26, 3.28, 3.31, 3.34, and 3.41

2. Needs and Uses

The information requested in this collection is necessary for the WIPO, Contracting Parties, and the USPTO to process international design applications and related correspondences under the Hague Agreement. As an initial matter, the IB uses this information to perform its formalities review under the treaty. Pursuant to Article 8 of the treaty, if the IB finds that the applicant has not fulfilled the requirements of the Hague

Agreement and the Common Regulations, the IB will invite the applicant to make the required corrections within a prescribed time period. Once this review of the formalities of the application has been completed, the IB then issues an international registration, which includes the information collected from the international design application. The designated Contracting Parties then perform their review of the international design application. If this information were not collected, the USPTO would not be able to examine international design applications through the process created by the Hague Agreement and thus could not fulfill the United States' obligations under the treaty and the USPTO's obligations under the Patent Law Treaties Implementation Act of 2012 (PLTIA).

Some of the information in this collection may be collected via forms identified in Table 2 below. Use of the forms is not mandatory, but the USPTO suggests that applicants use these forms to ensure that all of the necessary information is provided and to assist both the WIPO in reviewing and the USPTO in examining the international design applications quickly and efficiently.

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 USPTO information quality guidelines.

Table 2 outlines how this collection of information is used by the public and the USPTO:

Table 2: Needs and Uses

IC Number	Form and Function	Form #	Needs and Uses
1	Application for International Registration	WIPO DM/1	<ul style="list-style-type: none"> Used by the public to supply the information required for an international design application under the Hague Agreement. Used by the USPTO to process and forward the international design application to the IB according to the Hague Agreement. Used by the IB to perform a formalities review of the international design application.
2	Claim and Reproductions (Drawings)	No Form	<ul style="list-style-type: none"> Used by the public as part of the international design application according to the Hague Agreement. Used by the USPTO to examine the international design application.
3	Transmittal Letter	No Form	<ul style="list-style-type: none"> Used by the public as a cover letter when submitting the international design application via Express Mail so that an applicant obtains a filing date as of the date of deposit with the postal authorities. Used by the public as a transmittal letter for power of attorney, fee payments, and other items.
4	Appointment of a Representative	No Form	<ul style="list-style-type: none"> Used by the public to allow for the appointment of an agent or attorney to represent an applicant for a given international design application filed under the Hague Agreement. Used by the USPTO to accept the appointment of an attorney or agent to represent an applicant for a given international design application filed under the Hague Agreement.

5	Petition to Excuse a Failure to Comply with a Time Limit	No Form	<ul style="list-style-type: none"> Used by the public to seek relief by the USPTO due to an applicant's failure to act within prescribed time limits in connection with requirements pertaining to an international design application relating to the Hague Agreement. Used by the USPTO to evaluate an applicant's requested relief from the prescribed time limits by determining whether the applicant's delay was unintentional.
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16	No Form	<ul style="list-style-type: none"> Used by the public to treat the international design application, relating to The Hague Agreement, as an application for a design patent under 35 U.S.C. Chapter 16. Used by the USPTO to evaluate an applicant's request to treat the international design application, under the Hague Agreement, as an application for a design patent under 35 U.S.C. Chapter 16.
7	Petition to Review a Filing Date	No Form	<ul style="list-style-type: none"> Used by the public where the applicant believes the international design application, relating to The Hague Agreement, is entitled to a filing date in the United States other than the date of international registration. Used by the USPTO to evaluate an applicant's request for a different filing date.
8	Fee Authorization	No Form	<ul style="list-style-type: none"> Used by the public to authorize the USPTO to charge the applicant's deposit account along with instructions concerning how much to charge and for what purpose. Used by the USPTO Finance Branch to apply the charged fees to the applicant's deposit account.
9	Petitions to the Commissioner	No Form	<ul style="list-style-type: none"> Used by the public to petition for relief, relating to the Hague Agreement, due to Office error, for questions not otherwise provided for, and for relief in exceptional circumstances. Used by the USPTO to evaluate an applicant's request, relating to the Hague Agreement, for relief due to Office error, for questions not otherwise provided for, and for relief in exceptional circumstances.
10	Transmittal of Issue Fee to USPTO for an International Design Application	PTOL-85 Part B (Hague)	<ul style="list-style-type: none"> Used by the public to submit an issue fee payment to the USPTO. Used by the USPTO to determine whether all of the appropriate information is included at the time of payment of the issue fee.
11	Declaration on Inventorship for Purposes of Designation of the United States	DM/1E Annex	<ul style="list-style-type: none"> Used by the public to file an oath or declaration with the IB.
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purpose of Designating the United States	DM/1E Annex	<ul style="list-style-type: none"> Used by the public when an oath or declaration cannot be filed with the IB.
13	Assignment Cover Sheet	PTO-1595	<ul style="list-style-type: none"> Used by the public when assigning applications, relating to the Hague Agreement, to another party.

3. Use of Information Technology

The items in this collection may be submitted in various ways:

- Items may be submitted to the USPTO online using EFS-Web, the USPTO's Web-based electronic filing system.

EFS-Web allows customers to file patent applications and associated documents electronically through their standard Web browser without downloading special software, changing their document preparation tools, or altering their workflow processes. Typically, the customer will prepare the documents as standard PDF files and then upload them to the USPTO servers using the secure EFS-Web interface. EFS-Web offers many benefits to filers, including immediate notification that a submission has been received by the USPTO, automated processing of requests, and avoidance of postage or other paper delivery costs.

- Items may be submitted on paper to the USPTO. Note that when filing an international design application through the USPTO as an office of indirect filing, the IB may apply their Common Regulations – Publication Fee to paper submissions. Because this Common Regulations – Publication Fee is collected and retained by the IB and the USPTO has no involvement in this collection, the USPTO has not included this charge in this information collection.
- Items may be submitted electronically to the IB using their web-based filing system. Although these items will be collected by the IB, if the United States is designated on the application as a Contracting Party in which the applicant desires patent protection, the IB will forward the relevant materials to the USPTO for action. As such, applications submitted to the IB that designate the United States are included in this submission.
- Items may be submitted on paper to the IB. Although these items will be collected by the IB, if the United States is designated on the application as a Contracting Party in which the applicant desires patent protection, the IB will forward the relevant materials to the USPTO for action. As such, applications submitted to the IB that designate the United States are included in this submission. Note that the IB may also apply their Common Regulations – Publication Fee to paper submissions collected in this manner. Because this Common Regulations – Publication Fee is collected and retained by the IB and the USPTO has no involvement in this collection, the USPTO has not included this charge in this information collection.

4. Efforts to Identify Duplication

In general, submissions under the Hague Agreement are designed to minimize the need for duplication across applications and submissions to multiple countries' patent offices by allowing an applicant to file a single design application that has the effect of a national design application filed in multiple countries or intergovernmental organizations that are Contracting Parties to the Hague Agreement.

5. Minimizing the Burden to Small Entities

This information collection minimizes the fee burden on small entities. In general, applications who file an international design application must pay the same fees applicable to domestic applications. As such, several of the fees in this information collection include small and micro entity discounts.

The Hague Agreement simplifies the application process and reduces the cost for inventors of industrial designs, including small-entity inventors, to obtain and preserve their rights. Applicants can file a single standardized application in English (or two other languages) to seek protection in any country that is a Contracting Party. It will no longer be necessary for design owners to make separate national applications in each of the countries in which they desire protection, pay a series of national fees in various currencies, submit applications in various languages, or keep watch on the deadlines for renewal of a series of national deposits. This information collection will enable applicants to utilize the Hague process to take advantage of this burden savings.

6. Consequences of Less Frequent Collection

The information is collected only when an applicant or representative submits information under the Hague Agreement. If this information were not collected, the USPTO would not be able to forward the international design application and fees to the IB, or to examine the application (in cases where the United States is designated). The collection of information is necessary to process and examine design applications and could not be conducted less frequently.

7. Special Circumstances in the Conduct of Information Collection

There are no special circumstances associated with this collection of information.

8. Consultations Outside the Agency

The 60-Day Notice was published in the *Federal Register* on June 30th, 2017. The comment period ended on August 29th, 2017. No comments were received.

The USPTO has long-standing relationships with groups from whom patent application information is collected, such as the American Intellectual Property Law Association, as well as patent bar associations, independent inventor groups, and users of our public search facilities. Their views are expressed in regularly scheduled meetings and considered in developing proposals for information collection requirements. There have been no comments or concerns expressed by these or similar organizations concerning the time to provide the information required under this program.

9. Payment or Gift to Respondents

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

10. Assurance of Confidentiality

The confidentiality of international design patent applications is governed by 35 U.S.C. § 122 and 37 CFR 1.11 and 1.14, as well as Article 10(4) of the Hague Agreement. The USPTO has a legal obligation to maintain the confidentiality of the contents of unpublished design applications and related documents. Until international publication of the international registration takes place, generally six months after the date of the international registration of the international design application, no third party or authority is allowed access to the international design application unless such access is requested or authorized by the applicant. Upon publication of an international registration or issuance of a design patent, the patent application file is made available to the public.

In order to protect the confidentiality of credit card account information when making fee payments to the USPTO or through the USPTO as an office of indirect filing, customers should submit credit card payments on a separate credit card payment form provided by the USPTO for this purposes, which is covered under OMB Control Number 0651-0043. The USPTO will not include the credit card information submitted using the provided credit card payment forms among the patent records open to public inspection. If a customer supplies their credit card information on a form or document (e.g., in correspondence related to a patent) other than a credit card payment form provided by the USPTO, the USPTO will not be liable if the credit card information becomes public knowledge.

11. Justification of Sensitive Questions

None of the required information in this collection is considered to be sensitive.

12. Estimate of Hour and Cost Burden to Respondents

Table 3, below, calculates the 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 556 responses per year for this collection, with approximately 50% of these responses submitted by small entities. The USPTO also estimates that 98% of the responses will be submitted electronically.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public between approximately 15 minutes (0.25 hours) to 6 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO. The USPTO calculates that, on balance, it takes the same

amount of time to do this, regardless of whether the public is submitting the information in paper form or electronically. Certain values that do not result in round whole numbers are rounded up to match the data submitted to OMB; as only whole numbers are reportable. These numbers are noted with asterisks in the table below.

- **Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$438 per hour for respondent cost burden calculations, which is the median rate for intellectual property attorneys in private firms as shown in the 2017 *Report of the Economic Survey* published by the American Intellectual Property Law Association (AIPLA).

Table 3: Burden Hour/Burden Cost to Respondents

IC #	Item	Hours (a)	Estimated Annual Responses (b)	Burden (hrs/yr) (a) x (b) = (c)	Rate (\$/hr) (d)	Total Cost (\$/hr) (c) x (d) = (e)
1	Application for International Registration	6.00	156	936	\$438.00	\$409,968.00
2	Claims and Reproductions (Drawings)	4.00	156	624	\$438.00	\$273,312.00
3	Transmittal Letter	2.00	140	280	\$438.00	\$122,640.00
4	Appointment of a Representative	0.25 (15 minutes)	15	4*	\$438.00	\$1,752.00
5	Petition to Excuse a Failure to Comply with a Time Limit	4.00	1	4	\$438.00	\$1,752.00
6	Petition to Convert a Design Application under 35 U.S.C. Chapter 16	4.00	1	4	\$438.00	\$1,752.00
7	Petition to Review a Filing Date	4.00	2	8	\$438.00	\$3,504.00
8	Fee Authorization	0.25 (15 minutes)	31	8*	\$438.00	\$3,504.00
9	Petitions to the Commissioner	4.00	1	4	\$438.00	\$1,752.00
10	Transmittal of Issue Fee to USPTO for an International Design Application	0.50 (30 minutes)	1	1*	\$438.00	\$438.00
11	Declaration on Inventorship for Purposes of Designation of the United States	0.50 (30 minutes)	46	23	\$438.00	\$10,074.00

12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purposes of Designating the United States	0.50 (30 minutes)	1	1*	\$438.00	\$438.00
13	Assignment Cover Sheet	0.50 (30 minutes)	5	3*	\$438.00	\$1,314.00
	TOTAL	- - - -	556	1,900	- - - -	\$834,200.00

*denotes numbers that have been rounded up to nearest whole number

13. Total Annual (Non-hour) Cost Burden

This collection has non-hourly cost burdens in both fees paid by the public and associated postage costs for mailing items to the USPTO. There are no capital start-up, maintenance, or record keeping costs associated with this collection.

Fees

There are fees associated with this collection, resulting in a total of \$423,476 per year as outlined in Table 4 below.

Table 4: Filing Fees

IC #	Item	Estimated Annual Response (a)	Filing Fee Amount (b)	Total Filing Fee Cost (c) (a) x (b)
1	Application for International Registration (electronic) – Average Fee per registration to WIPO (collecting for WIPO)	155	\$ 1,766.00	\$273,730.00
1	Application for International Registration (electronic) – Designation Fee (first part) for the U.S. (collecting for WIPO) (large entity)	155	\$760.00	\$117,800.00
1	Application for International Registration (electronic) – Designation Fee (first part) for the U.S. (collecting for WIPO) (small entity)	1	\$380.00	\$380.00
1	Application for International Registration (electronic) – Designation Fee (first part) for the U.S. (collecting for WIPO) (micro entity)	1	\$190.00	\$190.00
1	Application for International Registration (electronic) – Transmittal Fee (set by and collected by USPTO) (large entity)	155	\$120.00	\$18,600.00

1	Application for International Registration (electronic) – Transmittal Fee (set by and collected by USPTO) (small entity)	1	\$120.00	\$120.00
1	Application for International Registration (electronic) – Transmittal Fee (set by and collected by USPTO) (micro entity)	1	\$120.00	\$120.00
1	Application for International Registration (non-electronic) – Average Fee per registration to WIPO (collecting for WIPO)	1	\$1,766.00	\$1,766.00
1	Application for International Registration (non-electronic) – Designation Fee (first part) for the U.S. (collecting for WIPO) (large entity)	1	\$ 760.00	\$ 760.00
1	Application for International Registration (non-electronic) – Designation Fee (first part) for the U.S. (collecting for WIPO) (small entity)	1	\$380.00	\$380.00
1	Application for International Registration (non-electronic) – Designation Fee (first part) for the U.S. (collecting for WIPO) (micro entity)	1	\$190.00	\$190.00
1	Application for International Registration (non-electronic) – Transmittal Fee (set by and collected by USPTO) (large entity)	1	\$120.00	\$120.00
1	Application for International Registration (non-electronic) – Transmittal Fee (set by and collected by USPTO) (small entity)	1	\$120.00	\$120.00
1	Application for International Registration (non-electronic) – Transmittal Fee (set by and collected by USPTO) (micro entity)	1	\$120.00	\$120.00
5	Petition to Excuse a Failure to Comply with a Time Limit (electronic) (large entity)	1	\$1,700.00	\$1,700.00
5	Petition to Excuse a Failure to Comply with a Time Limit (electronic) (small entity)	1	\$850.00	\$850.00
5	Petition to Excuse a Failure to Comply with a Time Limit (electronic) (micro entity)	1	\$850.00	\$850.00
5	Petition to Excuse a Failure to Comply with a Time Limit (non-electronic) (large entity)	1	\$1,700.00	\$1,700.00
5	Petition to Excuse a Failure to Comply with a Time Limit (non-electronic) (small entity)	1	\$850.00	\$850.00

5	Petition to Excuse a Failure to Comply with a Time Limit (non-electronic) (micro entity)	1	\$850.00	\$850.00
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16 (electronic)	1	\$180.00	\$180.00
7	Petition to Review a Filing Date (electronic) (large entity)	1	\$400.00	\$400.00
7	Petition to Review a Filing Date (electronic) (small entity)	1	\$200.00	\$200.00
7	Petition to Review a Filing Date (electronic) (micro entity)	1	\$100.00	\$100.00
7	Petition to Review a Filing Date (non-electronic) (large entity)	1	\$400.00	\$400.00
7	Petition to Review a Filing Date (non-electronic) (small entity)	1	\$200.00	\$200.00
7	Petition to Review a Filing Date (non-electronic) (micro entity)	1	\$100.00	\$100.00
10	Petitions to Commissioner (electronic) (large entity)	1	\$400.00	\$400.00
10	Petitions to Commissioner (electronic) (small entity)	1	\$200.00	\$200.00
10	Petitions to Commissioner (electronic) (micro entity)	1	\$100.00	\$100.00
Totals		495		\$423,476.00

Postage Costs

The non-electronic items in this collection have associated first-class postage costs when submitted by mail, for a total of \$368.90, broken out in Table 5 below.

Table 5: Postage Costs

IC #	Item	Estimated Annual Responses (a)	Postage Costs (b)	Estimated Total Postage Costs (c) (a) x (b)
1	Applicant for International Registration	1	\$5.95	\$5.95
2	Claim and Reproductions (Drawings)	1	\$5.95	\$5.95
3	Transmittal Letter	1	\$5.95	\$5.95
4	Appointment of a Representative	1	\$5.95	\$5.95

5	Petition to Excuse a Failure to Comply with a Time Limit	1	\$5.95	\$5.95
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16	1	\$5.95	\$5.95
7	Petition to Review a Filing Date	1	\$5.95	\$5.95
8	Fee Authorization	1	\$5.95	\$5.95
9	Petitions to the Commissioner	1	\$5.95	\$5.95
10	Transmittal of Issue Fee to UPSTO for an International Design Application	1	\$5.95	\$5.95
11	Declaration on Inventorship for Purposes of Designation of the United States	46	\$5.95	\$273.70
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purposes of Designating the United States	1	\$5.95	\$5.95
13	Assignment Cover Sheet	5	\$5.95	\$29.75
	Total Postage Costs	62		\$368.90

Total

The total (non-hour) respondent cost burden for this collection is estimated to be \$423,844.90 (\$423,476 in filing fees and \$368.90 in postage costs).

14. Annual Cost to the Federal Government

The USPTO employs GS-5 and GS-7 to process patent applications for this information collection.

The USPTO estimates that the cost of a GS-5, step 1 employee is \$22.59 per hour (GS hourly rate of \$17.38 with 30% (\$5.21) added for benefits and overhead). The USPTO estimates that the cost of a GS-7, step 1 employee is \$27.99 per hour (GS hourly rate of \$21.53 with 30% (\$6.46) added for benefits and overhead).

The USPTO estimates that it takes a GS-5, step 1 employee 0.50 hours (30 minutes) to process a transmittal of issue fee. The USPTO estimates that it takes a GS-7, step 1 employee between 0.30 hours (18 minutes) and 1 hour on average to process the items in this collection.

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

Table 6: Burden Hours/Burden Costs to the Federal Government

IC #	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (a) x (b) (c)	Rate (\$/hr) (d)	Total Cost (\$/hr) (c) x (d) (e)
1	Application for International Registration	1	156	156.00	\$22.59	\$3,524.04
2	Claims and Reproductions (Drawings)	0.50 (30 minutes)	156	78.00	\$22.59	\$1,762.02
3	Transmittal Letter	0.50 (30 minutes)	140	70.00	\$22.59	\$1,581.30
4	Appointment of a Representative	0.30 (18 minutes)	15	4.50	\$22.59	\$101.66
5	Petition to Excuse a Failure to Comply with a Time Limit	0.50 (30 minutes)	1	0.50	\$22.59	\$11.30
6	Petition to Convert a Design Application under 35 U.S.C. Chapter 16	0.50 (30 minutes)	1	0.50	\$22.59	\$11.30
7	Petition to Review a Filing Date	0.50 (30 minutes)	2	1.00	\$22.59	\$22.59
8	Fee Authorization	0.30 (18 minutes)	31	9.30	\$22.59	\$210.09
9	Petitions to the Commissioner	0.50 (30 minutes)	1	0.50	\$22.59	\$11.30
10	Transmittal of Issue Fee to USPTO for an International Design Application	0.50 (30 minutes)	1	0.50	\$22.59	\$11.30
11	Declaration on Inventorship for Purposes of Designation of the United States	0.50 (30 minutes)	46	23.00	\$22.59	\$519.57

12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purposes of Designating the United States	0.50 (30 minutes)	1	0.50	\$22.59	\$11.30
13	Assignment Cover Sheet	0.50 (30 minutes)	5	2.50	\$22.59	\$56.48
	TOTAL	- - - -	556	346.80	- - - -	\$7.834.21

15. Summary of Changes in Annual Burden

A. Changes in collection since previous OMB approval in 2014

OMB previously approved the renewal of this information collection in September 2014. The current collection contains:

- 4,935 responses
- 13,128 burden hours
- \$4,987,992 in respondent hourly cost burden
- \$2,740,011 in annual (non-hour) costs

Changes from the 60-Day *Federal Register* Notice

The 2017 Report of the Economic Survey was published in August, 2017 by the American Intellectual Property Law Association, which updated the attorney rate from \$410 to \$438 per hour.

B. Changes proposed in this request to OMB

The proposed collection, as outlined in the tables above, seeks to modify the existing collection. The new proposed collection contains an estimated:

- 556 responses
- 1,900 burden hours
- \$834,324.00 in respondent hourly cost burden
- \$423,844.90 in annual (non-hour) costs

Changes in Responses and Burden Hours

The estimated total respondent number for this collection has decreased by 4,379 (from 4,935 to 556) and the estimated total burden hours have decreased by 11,228 (from 13,128 to 1,900) from the currently approved burden for this collection. These changes are due to the following administrative adjustments:

- Decrease in response estimates based on more accurate agency estimates of respondents using these processes.

Changes in Respondent Cost Burden

The total respondent cost burden for this collection has decreased by \$4,153,668 (from \$4,987,992 to \$834,324) from the previous renewal of this collection in September 2014.

- Increase in estimated hourly rate. The 2014 renewal used an estimated rate of \$389 per hour for respondents to this collection, which was the estimated hourly rate. For the current renewal, the USPTO is using an updated hourly attorney rate of \$438.
- Decrease in estimated responses and burden hours. The total estimated respondent number has decreased by 4,379 (from 4,935 to 556) and the estimated total burden hours have decreased by 11,228 (from 13,128 to 1,900).

Changes in Annual (Non-hour) Costs

Due to an error in the previous submission, the annual cost burden was estimated at \$7,727,940 in our OMB submission. This was incorrect. The actual annual (non-hour) cost burden was \$2,740,011.

For this renewal, the USPTO estimates that the total annual (non-hour) costs will decrease by \$2,316,166.10 (from \$2,740,011 to \$423,844.90) due to administrative adjustments. Below is the list of administrative adjustments:

- Decrease of \$2,317,960 in fees. This collection is currently approved with a total of \$2,741,436 in fees associated with paper and online submissions. For this renewal, the USPTO estimates that the total fees will be \$423,476.
- Decrease of \$292.10 in postage costs. This collection is currently approved with a total of \$661 in postage costs associated with mailing applications to the USPTO. For this renewal, the USPTO estimates that the postage costs will be \$368.90.

16. Project Schedule

The USPTO does not 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 expiration date of OMB approval.

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.