

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Applications for Trademark Registration
OMB Control Number 0651-0009

Background

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 who use their marks, or intend to use their marks, in commerce regulated by Congress, may file an application with the USPTO to register their marks. Registered marks remain on the register indefinitely, so long as the owner of the registration files the necessary maintenance documents.

The request is to update the fees in 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 |
|--|------------------------|--------------|--------------|
| Filing an Application on Paper, per Class | \$375 | \$600 | \$225 |
| Filing and Application through TEAS, per Class | \$325 | \$400 | \$75 |

Respondents

| Item | Currently Approved Respondents | Proposed Respondents | Respondent Increase |
|--|--------------------------------|----------------------|---------------------|
| Filing an Application on Paper, per Class | 214 | 1,142 | 928 |
| Filing and Application through TEAS, per Class | 5,783 | 41,996 | 36,213 |
| Totals | --- | --- | 37,141 |

Fee Total Increases

| Item | Currently Approved Estimate | Proposed Estimate | Fee Increases |
|--|-----------------------------|-------------------|---------------------|
| Filing an Application on Paper, per Class | \$80,250 | \$685,200 | \$604,950 |
| Filing and Application through TEAS, per Class | \$1,879,475 | \$16,798,400 | \$14,918,925 |
| Totals | --- | --- | \$15,523,875 |

Summary of Changes

The addition of \$15,523,875 in fees and 37,141 responses to collection 0651-0009 is to account for the changes following the rulemaking action NPRM 0651-AD08.

Changes in Burden

| Burden Type | Currently Approved | Proposed Change | New Estimate |
|--------------------|---------------------------|------------------------|---------------------|
| Respondents | 387,981 | 37,141 | 425,122 |
| Non-hour costs | \$103,001,414 | \$15,523,875 | \$118,525,289 |

Consequently, this collection takes a net burden increase of \$15,523,875 in annual (non-hour) costs as a program change.

The 0651-0009 revised total burden is as follows:

- 425,122 respondents
- \$118, 525,289 in annual (non-hour) fees