**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**

**Post Registration (Trademark Processing)**

**OMB Control Number 0651-0055**

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 that use or intend to use such marks in commerce may file an application to register their marks with the USPTO.

The request is to add a new line to the collection accounting for the 15,910 estimated responses for the audit process. The new line, “Response to Office Action for Post-Registration Audit” is a result of the rulemaking NPRM 0651-AD07. The rulemaking adds these responses due to an audit that will be conducted on 10% of certain trademark applications. This new line uses the same forms and authorizations as existing line 7, “Response to Office Actions for Post Registration Matters’, but it is estimated that respondents may take longer in preparing these responses. The estimated burden for completing a ‘Response to Office Action for Post-Registration Audit’ is one hour.

**Table 1: Change in Responses**

|  |  |  |  |
| --- | --- | --- | --- |
| **IC No.** | **Item** | **Proposed Annual Responses** | **Increase in Responses** |
| **10** | Response to Office Action for Post-Registration Audit (TEAS Global) | 15,909 | 15,909 |
| **10** | Response to Office Action for Post-Registration Audit (Paper) | 1 | 1 |
|  | **Total** | **---** | **15,910** |

**Table 2: Change in Burden Hours**

|  |  |  |  |
| --- | --- | --- | --- |
| **IC No.** | **Item** | **Proposed Burden Hours** | **Increase in Burden Hours** |
| **10** | Response to Office Action for Post-Registration Audit (TEAS Global) | 15,909 | 15,909 |
| **10** | Response to Office Action for Post-Registration Audit (Paper) | 1 | 1 |
|  | **Total** | **---** | **15,910** |

**Table 3: Change in Non-Hourly Cost Burden**

|  |  |  |  |
| --- | --- | --- | --- |
| **IC No.** | **Item** | **Proposed Cost Burden** | **Increase in Cost Burden** |
| **10** | Response to Office Action for Post-Registration Audit (TEAS Global) | $0.00 | --- |
| **10** | Response to Office Action for Post-Registration Audit (Paper) | $0.49 | 0.49 |
|  | **Total** | **---** | **$0.49** |

Summary of Changes

The addition of 15,910 responses, 15,910 burden hours, and $0.49 in non-hourly costs to collection 0651-0055 account for the changes following the rulemaking action NPRM 0651-AD07.

Changes in Burden

|  |  |  |  |
| --- | --- | --- | --- |
| **Burden Type** | **Currently Approved** | **Proposed Change** | **New Estimate** |
| Respondents | 568,654 | 15,910 | 584,564 |
| Hourly Burden | 48,334.73 | 15,910 | 64,244.73 |
| Non-hour costs | $131,060,068.33 | $0.49 | $131,060,068.82 |

The 0651-0055 revised total burden is as follows:

* 568,654 respondents
* 64,244.73 burden hours
* $131,060,068.82 in annual (non-hour) costs