

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Madrid Protocol**  
**OMB CONTROL NUMBER 0651-0051**  
**February 2019**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

This collection of information is required by the Trademark Act of 1946, 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 the marks with the United States Patent and Trademark Office (USPTO). Both the register and the information provided in pending applications for registration can be accessed by the public in order to determine the availability of a mark and lessen the likelihood of initiating the use of a mark previously adopted by another.

The Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (“Madrid Protocol”) is an international treaty that allows a trademark owner to seek registration in any of the participating countries by filing a single international application. The International Bureau (IB) of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland, administers the international registration system. The Madrid Protocol Implementation Act of 2002 amended the Trademark Act to provide that: (1) the owner of a U.S. application or registration may seek protection of its mark in any of the participating countries by submitting a single international application through the USPTO and (2) the holder of an international registration may request an extension of protection of the international registration to the United States. The Madrid Protocol came into effect in the United States on November 2, 2003, and is implemented under 1. 5 U.S.C. § 1141 *et seq.* and 37 CFR Part 2 and Part 7.

An international application submitted through the USPTO must be based on an active U.S. application or registration and must be filed by the owner of the application or registration. The applicant must be a national of the United States, be domiciled in the United States, and have a real and effective industrial or commercial establishment in the United States. The USPTO reviews the international application to certify that it corresponds to the data contained in the existing U.S. application or registration before forwarding the international application to the IB. The IB then reviews the international application to determine whether the Madrid filing requirements have been met and the required fees have been paid. If the international application is unacceptable, the IB will send a notice of irregularity to the USPTO and the applicant. The applicant must respond to the irregularities to avoid abandonment, unless a response from the USPTO is required. After any irregularities are corrected and the application is accepted, the IB

issues an international registration number, publishes the registration in the WIPO Gazette of International Marks, and sends a certificate to the holder.

When the international registration is issued, the IB notifies each country designated in the application of the request for extension of protection. Each designated country then examines the request under its own laws. Once an international registration exists, the holder may also file subsequent designations to request an extension of protection to additional countries or request extension of goods and services not already extended to previously-designated countries.

Under Section 71 of the Trademark Act, a registered extension of protection to the United States will be cancelled unless the holder of the international registration periodically files affidavits of continuous use in commercial or excusable non-use. The first affidavit must be filed between the fifth and sixth year after the USPTO registers an extension of protection. Respondents filing Section 71 affidavits may be involved in a post-registration audit which may require them to file subsequent actions. These actions are currently covered information collection 0651-0055 (Post-Registration Trademark Processing).

If the IB cancels an international registration due to the cancellation of the underlying basic application or registration, the USPTO will likely cancel the corresponding extension of protection of the registration to the United States. Under certain circumstances, the holder of the international registration may request transformation of the cancelled extension of protection into a U.S. application under Sections 1 and 44 of the Trademark Act.

An international registration lasts for ten years and may be renewed for additional ten-year periods by making a request directly to the IB and paying the renewal fee. The USPTO does not process requests to renew international registrations.

This collection includes the information necessary for the USPTO to process applications for international registration and related requests under the Madrid Protocol. The USPTO provides electronic forms for filing the items in this information collection online (except for the Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration) using the Trademark Electronic Application System (TEAS), which is available through the USPTO Web site.

Applicants may also submit the items in this collection on paper or by using the forms provided by the IB, which are available on the WIPO Web site. The IB requires Applications for International Registration and Applications for Subsequent Designation that are filed on paper to be submitted on the official IB forms.

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

**Table 1: Information Requirements**

	Requirement	Statute	Rule
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IC Number			
1	Application for International Registration	15 U.S.C. § 1141a	37 CFR 7.11
2	Application for Subsequent Designation	15 U.S.C. § 1141d	37 CFR 7.21
3	Response to Notice of Irregularity	N/A	37 CFR 7.14
4	Replacement Request	15 U.S.C. § 1141n	37 CFR 7.28
5	Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration	15 U.S.C. § 1141l	37 CFR 7.23 and 7.24
6	Transformative Request	15 U.S.C. § 1141k(c)	37 CFR 7.31
7	Petition to Director to Review Denial of Certification of International Application	15 U.S.C. § 1141b	37 CFR 2.146, 7.4(b), and 7.13(b)
8	Declaration of Continued Use/Excusable Non-use of Mark in Commerce Under Section 71	15 U.S.C. § 1141k	37 CFR 7.36 and 7.37
9	Combined Declaration of Continued Use/Excusable Non-use and Incontestability Under Sections 71 and 15	15 U.S.C. §§ 1065 and 1141k	37 CFR 2.167, 2.168, 7.36, and 7.37

## 2. Needs and Uses

The public uses this collection to submit applications for international registration and related requests to the USPTO under the Madrid Protocol. The information in this collection is a matter of public record and is used by the public for a variety of private business purposes related to establishing and enforcing international trademark rights. The information is available at USPTO facilities and is also accessible through the USPTO Web site.

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 OMB 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	Information Collection Instrument	Form #	Needs and Uses
1	Application for International Registration	PTO-2131 TEAS	<ul style="list-style-type: none"> <li>Used by the public to apply for international trademark registration.</li> <li>Used by the USPTO to review applications for international trademark registration and forward them to the IB.</li> </ul>

IC Number	Information Collection Instrument	Form #	Needs and Uses
2	Application for Subsequent Designation	PTO-2132 TEAS	<ul style="list-style-type: none"> <li>Used by the public to identify countries that were not named in an original international application but in which trademark protection is now sought or request extension of goods/services not already extended to previously-designated countries.</li> <li>Used by the USPTO to forward additionally designated countries or goods/services in an international application to the IB.</li> </ul>
3	Response to Notice of Irregularity	PTO-2133 TEAS	<ul style="list-style-type: none"> <li>Used by the public to respond to irregularities in international applications identified by the IB.</li> <li>Used by the USPTO to forward responses to irregularities identified in international applications to the IB.</li> </ul>
4	Replacement Request	TEAS Global Form	<ul style="list-style-type: none"> <li>Used by the public to request that the USPTO replace a U.S. trademark registration with a subsequently registered extension of protection to the United States.</li> <li>Used by the USPTO to review requests to replace a U.S. trademark registration with a subsequently registered extension of protection to the United States.</li> </ul>
5	Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to request that the USPTO forward to the IB the request to record an assignment of an international registration or a restriction of a holder's right to dispose of an international registration.</li> <li>Used by the USPTO to forward to the IB the request to record assignments of an international registration or restrictions of a holder's right to dispose of an international registration.</li> </ul>
6	Transformation Request	TEAS Global Form	<ul style="list-style-type: none"> <li>Used by the public to request that the USPTO transform a cancelled extension of protection into an application for registration under Section 1 or 44 of the Trademark Act.</li> <li>Used by the USPTO to review requests that the USPTO transform a cancelled extension of protection into an application for registration under Section 1 or 44 of the Trademark Act.</li> </ul>
7	Petition to Director to Review Denial of Certification of International Application	TEAS Global Form	<ul style="list-style-type: none"> <li>Used by the public to request that the USPTO review an examiner's refusal to certify an international application.</li> <li>Used by the USPTO to review claims that the refusal to certify an international application was either erroneous or due to inadvertent errors by filers.</li> </ul>
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71	PTO-1663 TEAS	<ul style="list-style-type: none"> <li>Used by the public to submit a declaration that a mark is in use or that any nonuse of a mark is excusable in order to retain an extension of protection to the United States.</li> <li>Used by the USPTO to review declarations stating that a mark is in use or that any nonuse of a mark is excusable.</li> </ul>
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15	PTO-1683 TEAS	<ul style="list-style-type: none"> <li>Used by the public to claim that a mark registered on the Principal Register is now incontestable and to submit a declaration that a mark is in use or that any nonuse of a mark is excusable in order to retain an extension of protection to the United States.</li> <li>Used by the USPTO to review declarations stating that a mark is in use or that any nonuse of a mark is excusable.</li> </ul>

### **3. Use of Information Technology**

The USPTO, in conjunction with delegates from WIPO and from various countries, defined procedures and formats for exchanging Madrid Protocol data electronically between WIPO and any member country of the Madrid Protocol. These standards cover both text and image data.

The public may file the information in this collection electronically through the Trademark Electronic Application System (TEAS), which is accessible via the USPTO website. The TEAS forms are completed online and transmitted to the USPTO via the Internet. The TEAS forms include "Help" instructions, as well as a "Form Wizard" that tailors the form to the particular characteristics of the application and the mark in question, based on responses provided by the user to questions posed by the Wizard. The forms filed are received within seconds of transmission, and a confirmation of filing is immediately issued via e-mail to the user. The forms allow users to pay any fees by credit card, electronic fund transfer, or an authorization to change a USPTO deposit account.

With respect to international applications, filers can enter the U.S. application serial number or registration number of the mark that will form the basis of the international application on the appropriate form. Once entered, the data fields are automatically populated with the data that present exists in the USPTO's Trademark Reporting and Monitoring (TRAM) database. If no changes are made by the filer, the international application is automatically certified upon submission to the USPTO. Alternatively, filers may select the free-text form in which no data will automatically populate. Instead, filers will be required to fill in all of the fields. Similarly, once a trademark owner has an international registration, the pre-populated subsequent designations form allows the filer to automatically insert the existing data and make further designations of new countries or to add goods and services to countries previously designated to which the data will be transmitted by the IB.

The USPTO provides electronic forms for filing the items in this information collection online (except for the Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration) using TEAS. Applicants may also submit the items in this collection on paper or by using the forms provided by the IB, which are available on the WIPO website. The IB requires Applications for International Registration and Applications for Subsequent Designation that are filed on paper to be submitted on the official IB forms.

### **4. Efforts to Identify Duplication**

This information is collected only when a U.S. trademark owner or applicant submits an application for international registration or a related request. This information is not collected elsewhere and does not result in a duplication of effort. When submitting an international application online using TEAS, customers may enter the appropriate U.S.

serial number or registration number in order to populate the forms with the relevant application or registration information from the USPTO database and avoid re-entering this information. Use of the pre-populated version of the forms avoids manual entry errors and provides users with a faster means of submitting an application.

## **5. Minimizing Burden to Small Entities**

This collection does not impose a significant economic burden on small entities or small businesses. The same information is required from every customer and is not available from any other source.

## **6. Consequences of Less Frequent Collection**

This information collection could not be conducted less frequently. If the information were not collection, the USPTO would not be able to fulfil its obligations under the Madrid Protocol.

## **7. Special Circumstances in the Conduct of Information Collection**

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

## **8. Consultation Outside the Agency**

The 60-Day Notice was published in the *Federal Register* on December 12, 2018. The comment period ended on February 11, 2018. No comments were received.

The USPTO has long-standing relationships with groups who frequently communicate their views on information collections, including the American Bar Association (ABA), American Intellectual Property Law Association (AIPLA), and International Trademark Association (ITA), as well as business groups, inventor associations, and users of our public facilities. Views expressed by these groups are considered in developing proposals for information collection requirements and during the renewal of an information collection. These organized groups did not communicate any comments regarding the present renewal.

## **9. Payments or Gifts to Respondents**

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

## **10. Assurance of Confidentiality**

The information collected is open to public inspection. Confidentiality is not required in the processing of trademark applications.

## **11. Justification for 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 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 14,691 total responses per year for this collection.

The USPTO estimates that approximately 99% of the annual responses for this collection will be submitted electronically via TEAS, which customers may access through the USPTO website.

- **Buren Hour Calculation Factors**

The USPTO estimates that it will take the public approximately between 20 minutes (0.33 hours) and seventy-five minutes (1.25 hours) to complete the information in this collection, including the time to gather the necessary information, prepare the forms or documents, and submit the completed request to the USPTO.

- **Cost Burden Calculation Factors**

The USPTO uses a professional hourly 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 Number	Item	Hours (a)	Estimated Annual Responses (a)	Burden (c)	Rate (d)	Total Cost (e) (c) x (d)
1	Application for International Registration (TEAS)	0.33 (20 minutes)	8,540	2,818.20	\$438.00	\$1,234,379.60
1	Application for International Registration (paper)	0.58 (35 minutes)	1	0.58	\$438.00	\$254.04
2	Application for Subsequent Designation (TEAS)	0.33 (20 minutes)	930	306.90	\$438.00	\$134,422.20
2	Application for Subsequent Designation (paper)	0.58 (35 minutes)	1	0.58	\$438.00	\$254.04
3	Response to Notice of Irregularity (TEAS)	0.33 (20 minutes)	315	103.95	\$438.00	\$45,530.10
3	Response to Notice of Irregularity (paper)	0.55 (33 minutes)	1	0.55	\$438.00	\$240.90
4	Replacement Request (TEAS Global)	0.50 (30 minutes)	1	0.50	\$438.00	\$219.00

4	Replacement Request (paper)	0.75 (45 minutes)	1	0.75	\$438.00	\$328.50
5	Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration (TEAS Global)	0.33 (20 minutes)	3	0.99	\$438.00	\$43.62
5	Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration (paper)	0.50 (30 minutes)	1	0.50	\$438.00	\$219.00
6	Transformation Request (TEAS RF Global)	0.33 (20 minutes)	1	0.33	\$438.00	\$144.54
6	Transformation Request (paper)	0.55 (33 minutes)	1	0.55	\$438.00	\$240.90
7	Petition to Director to Review Denial of Certification of International Application (TEAS Global)	1 (60 minutes)	42	42.00	\$438.00	\$18,396.00
7	Petition to Director to Review Denial of Certification of International Application (paper)	1.25 (75 minutes)	1	1.25	\$438.00	\$547.50
8	Declaration of Continued Use/Excused Nonuse of Mark in Commerce Under Section 71 (TEAS)	0.33 (20 minutes)	3,250	1,072.50	\$438.00	\$469,755.00
8	Declaration of Continued Use/Excused Nonuse of Mark in Commerce Under Section 71 (paper)	0.42 (25 minutes)	1	0.42	\$438.00	\$183.96
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (TEAS)	0.33 (20 minutes)	1,600	528.00	\$438.00	\$231,264.00
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (paper)	0.42 (25 minutes)	1	0.42	\$438.00	\$183.96
	<b>Totals</b>		<b>14,691</b>	<b>4,878.97</b>		<b>\$2,136,988.86</b>

### 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.

#### Fees

There are fees associated with processing international applications and related request under the Madrid Protocol, as set forth in 37 CFR 2.6 and 37 CFR 7.6. Most of these fees are charged per class of goods or services. Therefore, the total fees can vary depending on the number of classes.

**Table 4: Filing Fees**

IC Number	Item	Estimated Annual Response (a)	Filing Fee (b)	Total Filing Fee Cost (c) (a) x (b)
	Application for International Registration (for	7,313	\$100.00	\$731,300.00

1	certifying an international application based on a single basic application or registration, per international class) (TEAS)			
1	Application for International Registration (for certifying an international application based on a single basic application or registration, per international class) (paper)	1	\$200.00	\$200.00
1	Application for International Registration (for certifying an international application based on more than one basic application or registration, per international class) (TEAS)	1,227	\$150.00	\$184,050.00
1	Application for International Registration (for certifying an international application based on more than one basic application or registration, per international class) (paper)	1	\$250.00	\$250.00
1	Request for Extension of Protection of International Registration to the United States – Filed at WIPO	25,600	\$400.00	\$10,240,000.00
2	Transmitting a Subsequent Designation under Section 7.21 (TEAS)	930	\$100.00	\$93,000.00
2	Transmitting a Subsequent Designation under Section 7.21 (paper)	1	\$200.00	\$200.00
4	Notice of Replacement under Section 7.28 (per international class) (TEAS)	1	\$100.00	\$100.00
4	Notice of Replacement under Section 7.28 (per international class) (paper)	1	\$200.00	\$200.00
5	Request to Record an Assignment or Restriction, or Release of a Restriction, under Sections 7.23 and 7.24 (TEAS)	3	\$100.00	\$300.00
5	Request to Record an Assignment or Restriction, or Release of a Restriction, under Section 7.23 and 7.24 (paper)	1	\$200.00	\$200.00
6	Transformation Request (per international class) (TEAS RF Global)	1	\$275.00	\$275.00
6	Transformation Request (per international class) (paper)	1	\$600.00	\$600.00
7	Petition to Director to Review Denial of Certification of International Application (TEAS)	42	\$100.00	\$4,200.00
7	Petition to Director to Review Denial of Certification of International Application (paper)	1	\$200.00	\$200.00
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (per international class) (TEAS)	3,250	\$125.00	\$406,250.00
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (per international class) (paper)	1	\$225.00	\$225.00
8	Surcharge for Filing Affidavit Under Section 71 of the Act During the Grace Period, per international class (TEAS)	1	\$100.00	\$100.00
8	Surcharge for Filing Affidavit Under Section 71 of the Act During the Grace Period, per international class (paper)	1	\$200.00	\$200.00
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (per international class) (TEAS)	1,600	\$325.00	\$520,000.00
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (per international class) (paper)	1	\$525.00	\$525.00
	<b>Total</b>	<b>39,978</b>		<b>\$12,182,375.00</b>

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Postage Costs

Customers may incur postage costs when submitting some of the items covered by this collection to the USPTO by mail. The USPTO expects that 99% of the responses in this collection will be submitted electronically. Of the remaining 1 percent, the vast majority will be submitted by mail, for a total of 9 mailed submissions. The average first-class USPS postage cost for a mailed submission will be \$0.50.

Therefore, the USPTO estimates that the total postage costs for the mailed submissions in this collection will be \$4.50.

Total

The total (non-hour) respondent cost burden for this collection is estimated to be \$12,182,379.50 per year.

**14. Annual Cost to the Federal Government**

USPTO employs a GS-9, a GS-11, a GS-12, and a GS-13 to process submission for this information collection, except for the petitions and declarations.

The USPTO estimates that the cost of a GS-9, step 1 employee is \$35.02 per hour (GS hourly rate of \$26.94 with 30% (\$8.08) added for benefits and overhead), the cost of a GS-11, step 1 employee is \$38.57 per hour (GS hourly rate of \$32.60 with 30% (\$5.97) added for benefits and overhead), the cost of a GS-12, step 1 employee is \$50.79 per hour (GS hourly rate of \$39.07 with 30% (\$11.72) added for benefits and overhead), and the cost of a GS-13, step 1 employee is \$60.40 per hour (GS hourly rate of \$46.46 with 30% (\$13.94) added for benefits and overhead). The average cost of these four rates is \$46.20.

The petitions in this collection are processed by a GS-15 employee. The USPTO estimates that the cost of a GS-15, step 4 employee is \$92.35 per hour (GS hourly rate of \$71.04 with 30% (\$21.31) added for benefits and overhead).

The declarations and combined declarations in this collection are processed by GS-11, step 5, GS-11, step 6, and GS-11, step 7 employees. The USPTO estimates that the cost of a GS-11, step 5 employee is \$48.02 (GS hourly rate of \$36.95 with 30% (\$11.07) added for benefits and overhead), the cost of a GS-11, step 6 is \$49.44 (GS hourly rate of \$38.03 with 30% (\$11.41) added for benefits and overhead), and the cost of a GS-11, step 7 employee is \$50.86 (GS hourly rate of \$39.12 with 30% (\$11.74) added for benefits and overhead). The average cost of these three rates is \$49.45.

**Table 5: Burden Hour/Burden Cost to the Federal Government**

IC #	Item	Hours (a)	Responses (b)	Burden (a) x (b)	Rate (d)	Total Cost (e)
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				(c)		(c) x (d)
1	Application for International Registration (TEAS)	0.33 (20 minutes)	8,540	2,818.20	\$46.20	\$130,200.84
1	Application for International Registration (paper)	0.50 (30 minutes)	1	0.50	\$46.20	\$23.10
2	Application for Subsequent Designation (TEAS)	0	930	0.00	\$46.20	\$0.00
2	Application for Subsequent Designation (paper)	0.25 (15 minutes)	1	0.25	\$46.20	\$11.55
3	Response to Notice of Irregularity (TEAS)	0.50 (30 minutes)	315	157.50	\$46.20	\$7,276.50
3	Response to Notice of Irregularity (paper)	0.75 (45 minutes)	1	0.75	\$46.20	\$34.65
4	Replacement Request (TEAS Global)	0.50 (30 minutes)	1	0.50	\$46.20	\$23.10
4	Replacement Request (paper)	0.60 (36 minutes)	1	0.60	\$46.20	\$27.72
5	Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration (TEAS Global)	0.25 (15 minutes)	3	0.75	\$46.20	\$34.65
5	Request to Record an Assignment or Restriction of a Holder's Right to Dispose of an International Registration (paper)	0.25 (15 minutes)	1	0.25	\$46.20	\$11.55
6	Transformation Request (TEAS RF Global)	0.60 (36 minutes)	1	0.60	\$46.20	\$27.72
6	Transformation Request (paper)	0.50 (30 minutes)	1	0.50	\$46.20	\$23.10
7	Petition to Director to Review Denial of Certification of International Application (TEAS Global)	1 (60 minutes)	42	42.00	\$92.35	\$3,878.70
7	Petition to Director to Review Denial of Certification of International Application (paper)	1.25 (75 minutes)	1	1.25	\$92.35	\$1115.44
8	Declaration of Continued Use/Excused Nonuse of Mark in Commerce Under Section 71 (TEAS)	0.17 (10 minutes)	3,250	552.50	\$49.45	\$27,321.13
8	Declaration of Continued Use/Excused Nonuse of Mark in Commerce Under Section 71 (paper)	0.25 (15 minutes)	1	0.25	\$49.45	\$12.36
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (TEAS)	0.17 (10 minutes)	1,600	272.00	\$49.45	\$13,450.40
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (paper)	0.25 (15 minutes)	1	0.25	\$49.45	\$12.36
	<b>Totals</b>		<b>14,691</b>	<b>3,848.65</b>		<b>\$182,484.87</b>

## 15. Reason for Change in Burden

### A. Changes in Collection since previous OMB approval in 2015

OMB previously approved the renewal of this information collection in December 2015. The current collection contains:

- 16,557 responses
- 4,918.45 burden hours
- \$2,016,564.50 in respondent hourly cost burden
- \$2,175,480.36 in annual (non-hour) costs

#### Changes due to rulemaking

In January 2017, this collection was impacted by rulemaking NPRM 0651-OAD08, which updated the fees collected by this collection. As a result of this rulemaking action, the collection's responses were increased by 29,806, the burden hours were increased by 268.85, and the annual (non-hour) cost increased by \$11,638,500.

#### B. Changes proposed in this request to OMB

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

- 14,691 responses
- 4,878.97 burden hours
- \$2,136,988.86 in respondent hourly cost burden
- \$12,182,254.50 in annual (non-hour) costs

#### Changes in Respondent Cost Burden

The total respondent cost burden for this collection has increased by \$120,424.36 (from \$2,016,564.50 to \$2,136,988.86):

- Increases in hourly estimate hourly rates. The previous renewal used an estimated rate of \$410 per hour for respondents to this collection, which was the median rate of intellectual property attorneys in private firms. For the current renewal, the USPTO is using an updated attorney rate of \$438.
- Decrease in estimated burden hours. The total estimated burden hours have from 4,918.45 in the current collection to 4,878.97 in the proposed collection due to adjustments of the estimated response rates and overall decreases in estimated annual responses for this collection.

#### Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses will decrease by 1,866 (from 16,557 to 14,691) and the total burden hours will decrease by 39.48 (from 4,918.45 to 4,878.97).

#### Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$10,006,774.14. Below is a list of program changes:

- In January 2017, the filing fees in this collection were updated, resulted in a large increase in the annual (non-hour) costs.

**16. Project Schedule**

The USPTO does not plan to publish this information for statistical use. However, patent and trademark assignment records are available to the public at the USPTO Public Search Facilities and on the USPTO Web site.

**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.