

SUPPORTING STATEMENT
United States Patent and Trademark Office
Patent Cooperation Treaty
OMB CONTROL NUMBER 0651-0021
2019

A. JUSTIFICATION

1. Necessity of Information Collection

This collection of information is required by the provisions of the Patent Cooperation Treaty (PCT), which became operational in June 1978 and is administered by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland. The provisions of the PCT have been implemented by the United States in Part IV of Title 35 of the U.S. Code (Chapters 35-37) and Subpart C of Title 37 of the Code of Federal Regulations (37 CFR 1.401-1.499). The purpose of the PCT is to provide a standardized filing format and procedure that allows an applicant to seek protection for an invention in several countries by filing one international application in one location, in one language, and paying one initial set of fees.

The information in this collection is used by the public to submit a patent application under the PCT and by the United States Patent and Trademark Office (USPTO) to fulfill its obligation to process, search, and examine the application as directed by the treaty. The filing, search, written opinion, and publication procedures are provided for in Chapter I of the PCT. Additional procedures for a preliminary examination of PCT international applications are provided for in optional PCT Chapter II. Under Chapter I, an applicant can file an international application in the national or home office (Receiving Office (RO)) or the IB. The USPTO acts as the United States Receiving Office (RO/US) for international applications filed by residents and nationals of the United States. These applicants send most of their correspondence directly to the USPTO, but they may also file certain documents directly with the IB. The USPTO serves as an International Searching Authority (ISA) to perform searches and issues an international search report (ISR) and a written opinion on international applications. The USPTO also issues an international preliminary report on patentability (IPRP Chapter II) when acting as an International Preliminary Examining Authority (IPEA).

The RO reviews the application and, if it contains all of the necessary information, assigns a filing date to the application. The RO maintains the home copy of the international application and forwards the record copy of the application to the IB and the search copy to the ISA. The IB maintains the record copy of all international applications and publishes them 18 months after the earliest priority date, which is the earliest date for which a benefit is claimed. The ISA performs a search to determine whether there is any prior art relevant to the claims of the international application and will issue an international search report and written opinion as to whether each claim is novel, involves an inventive step, and is industrially applicable. The ISA then forwards the international search report and written opinion to the applicant and the IB. The IB

will normally publish the application and search report 18 months after the priority date, unless early publication is requested by the applicant. Until international publication, no third person or national or regional office is allowed access to the international patent application unless so requested or authorized by the applicant. If the applicant wishes to withdraw the application (and does so before international publication), international publication does not take place.

Under Chapter II of the Treaty, an applicant who has filed an international application in an RO can demand an international preliminary examination of the application by an IPEA, such as the USPTO. The Demand is made separately from the international application and contains prescribed particulars, language, and form. The International preliminary examination is a second evaluation of the potential patentability of the claimed invention, using the same standards on which the written opinion of the ISA was based. A copy of the examination report is sent to the applicant and to the IB. The IB then forwards a copy of the examination report to each Office elected by the applicant.

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	Request and Fee Calculation	PCT Articles 3 and 4, 35 U.S.C. §§ 361 and 376	PCT Rules 3, 4, 14-16, 37 CFR 1.431-1.434, 1.445
2	Description/claims/drawings/abstracts	PCT Articles 3.2, 5-7	PCT Rules 5-12, 37 CFR 1.431(a), 1.435-1.438
3	Application Data Sheet (35 U.S.C. § 371 applications)	PCT Article 8, 35 U.S.C. § 371	PCT Rule 26 ^{bis} , 37 CFR 1.76, 1.497(g)
4	Transmittal Letter to the RO/US	35 U.S.C. §§ 184 and 361	37 CFR 1.10, 1.412
5	Transmittal Letter to the DO/EO/US	35 U.S.C. §§ 363 and 371	37 CFR 1.414, 1.491-1.492
6	PCT/Model of Power of Attorney	PCT Article 49	PCT Rules 90.4 and 90.5, 37 CFR 1.455
7	PCT/Model of General Power of Attorney	PCT Article 49	PCT Rules 90.4 and 90.5, 37 CFR 1.455
8	Indications Relating to a Deposited Microorganism	None	PCT Rule 13 ^{bis}
9	Response to invitation to correct defects	PCT Article 14	PCT Rules 26, 53 and 60
10	Response for rectification of obvious errors	None	PCT Rule 91
11	Demand and Fee Calculation	PCT Article 31, 35 U.S.C. §§ 362 and 376	PCT Rules 53-61, 37 CFR 1.480-1.482

12	Amendments (Article 34)	PCT Articles 14, 19, 34(2) (b) and 41, 35 U.S.C. § 371(c)(3)	PCT Rules 10, 11, 46 and 66, 37 CFR 1.471-1.472, 1.485, 1.495
13	Fee Authorization	35 U.S.C. § 376	37 CFR 1.25
14	Requests to transmit copies of international application	None	PCT Rule 22
15	Withdrawal of international application	PCT Administrative Sections 326 and 414, PCT Article 37, 35 U.S.C. § 366	PCT Rules 90 ^{bis} .1-.4
16	Translations	PCT Articles 36 and 46, 35 U.S.C. § 371(c)	PCT Rule 72, 37 CFR 1.484, 1.492(f), 1.495
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally	35 U.S.C. § 371(c)-(d)	37 CFR 1.137(b), 37 CFR 1.17(m)
18	Petitions to the Commissioner for international applications	35 U.S.C. § 371	37 CFR 1.10, 37 CFR 1.181, 37 CFR 1.182
19	Petitions to the Commissioner in national stage examination	35 U.S.C. §§ 111, 116-118, and 371	37 CFR 1.42, 37 CFR 1.47, 37 CFR 1.181, 37 CFR 1.182
20	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	35 U.S.C. §§ 119(e) and 120	37 CFR 1.78
21	Request for the restoration of the right of priority	PCT Article 8	PCT Rule 26 ^{bis} .3

2. Needs and Uses

The information requested in this collection is necessary for respondents to file an international patent application and for the USPTO to process, search, and examine international applications and related correspondence under the PCT. If this information were not collected, the USPTO would not be able to fulfill its obligations under the PCT as an RO, ISA, or IPEA. The IB also uses this information to administer international applications as required by the PCT.

Some of the information in this collection has associated forms as indicated in Table 2 below. Use of the forms is not mandatory, but the USPTO advises applications to use these forms to ensure that all of the necessary information is provided and to assist the USPTO in processing the international applications quickly and efficiently. The Request and Demand forms include Annexes (Fee Calculation Sheets) and Notes with instructions on completing these forms. The WIPO also furnishes the *PCT Applicant's Guide* and other documents to give the public additional guidance on preparing the international applications.

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 of 1995 (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	Request and Fee Calculation Sheet (Annex and Notes)	PCT/RO/101	<ul style="list-style-type: none"> • Used by the public to supply the information required for an international patent application. • The optional Fee Calculation Sheet may be used by the public to indicate the amount of money being submitted and how the money is to be applied. • The public uses the Fee Calculation Sheet or Annex as an attachment to the PCT Request. • Used by the USPTO to process the international application according to the PCT. • Used by the USPTO to verify the calculations and to identify any errors in them.
2	Description/claims/drawings/abstracts	No Form Associated	<ul style="list-style-type: none"> • Used by the public as part of the international application. In most instances, the description, claims, drawings, and abstract are identical to the corresponding elements in the previously filed U.S. application, and the papers submitted for the international application are a photocopy of the papers in the national application. • Used by the USPTO to process the international application according to the PCT.
3	Application Data Sheet	No Form Associated	<ul style="list-style-type: none"> • Used by the public as an optional way to submit bibliographic data with identifying information for an application, including information about each applicant, correspondence address, application contents, representatives, priority, and assignees. • Used by the USPTO to process applications and to correctly identify applications for which priority is claimed.
4	Transmittal Letter to the United States Receiving Office (RO/US)	PTO-1382	<ul style="list-style-type: none"> • Used by the public as a cover letter to supply a certification if the application was submitted via Express Mail and entitles an applicant to obtain a filing date as of the date of deposit with the postal authorities. • Used by the public for security clearance purposes to supply information concerning the similarity or differences between the subject matter disclosed in the international application and any national application filed earlier in the USPTO. • Used by the public as a transmittal letter for extensions of time, power of attorney, general power of attorney, substitute sheets, priority documents, fee payments, obvious error rectification, and other items. • Used by the USPTO to screen and certify the accompanying international application for the purpose of determining whether a license for foreign transmittal should and could be granted and for other purposes.
5	Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371	PTO-1390	<ul style="list-style-type: none"> • Used by the public to submit the required materials and fees for examination of an international application to the USPTO as the U.S. Designated Office or Elected Office. • Used by the USPTO to fulfill its role as the U.S. Designated Office or Elected Office to process and examine international patent applications entering the national stage.

6	PCT/Model of Power of Attorney PCT/Model of General Power of Attorney	No Form Number	<ul style="list-style-type: none"> Used by the public to allow for the appointment of an agent to represent an applicant for a given international application or multiple international applications filed under the PCT. Used by the public to provide the information needed to permit attorneys or agents registered to practice before the USPTO to represent an applicant filing an international application with the US/RO and to prosecute an international application on behalf of the applicant. Used by the USPTO to accept the appointment of an attorney or agent to represent an applicant for a given international application filed under the PCT.
7	Indications Relating to a Deposited Microorganism	PCT/RO/134	<ul style="list-style-type: none"> Used by the public to provide a sample of the microorganism to a recognized depository institution and notify the US/RO of this action in writing. Used by the USPTO to confirm that a sample of the microorganism was provided to a recognized depository institution.
8	Response to invitation to correct defects	No Form Associated	<ul style="list-style-type: none"> Used by the public to correct defects noted by the RO. There is no required form for supplying the corrections. Used by the USPTO to determine if noted defects have been corrected.
9	Request for rectification of obvious errors	No Form Associated	<ul style="list-style-type: none"> Used by the public to request that the appropriate RO, ISA, IPEA, or the IB correct obvious errors in the international application, as filed. Used by the USPTO to grant the request that the appropriate RO, ISA, IPEA, or the IB correct obvious errors in the international application, as filed.
10	Demand and Fee Calculation Sheet (Annex and Notes)	PCT/IPEA/401	<ul style="list-style-type: none"> Used by the public to request examination of the international application under Chapter II of the PCT. The PCT Fee Calculation Sheet or Annex is used by the public to calculate the fees that are due and being submitted. Used by the USPTO to conduct an international preliminary examination of an international application under Chapter II of the PCT. The PCT Fee Calculation Sheet is used by the USPTO to properly credit the fees that are due and submitted.
11	Amendments	No Form Associated	<ul style="list-style-type: none"> Used by the public to modify the international application in response to the findings in the international search report or in the written report. Used by the USPTO to approve the modification of the international application in response to the findings in the international search report or in the written report.
12	Fee Authorization	No Form Associated	<ul style="list-style-type: none"> Used by the public 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.
13	Requests to transmit copies of international application	No Form Associated	<ul style="list-style-type: none"> Used by the public to pay for the cost of preparing and mailing copies of the international application where at 14 months the RO has failed to transmit the record copy to the IB. Used by the USPTO to ensure that the transmittal of the international application is identical to the application filed with the RO.

14	Withdrawal of international application	PCT/IB/372	<ul style="list-style-type: none"> Used by the public to request withdrawal of the international application, designations of the state, demands, elections, and priority claims by a notice addressed to the IB or the RO. Used by the USPTO to withdraw the international application, designations of the state, demands, elections, and priority claims by accepting a notice addressed to the RO.
15	Translations	No Form Associated	<ul style="list-style-type: none"> Used by the public in the event any Elected Office requires a translation of annexes to the international preliminary examination report. Used by the public to make written observations on any errors of translation in the international preliminary examination report and send such copies to the interested parties. Used by the USPTO to transmit a copy of the translation of the international preliminary examination report to the applicant at the same time it is transmitted to the interested Elected Office(s). Used by the USPTO to cancel the final international preliminary examination report and the annexes if they are not in English.
16	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(a)	PTO/SB/64/PCT	<ul style="list-style-type: none"> Used by the public to request revival of an application that was abandoned unintentionally. Used by the USPTO to consider requests for revival of an unintentionally abandoned application and ensure all the proper documentation and fees are included.
17	Petitions to the Commissioner for international applications	No Form Associated	<ul style="list-style-type: none"> Used by the public to petition or "appeal" for relief in exceptional circumstances. Used by the USPTO to grant relief in exceptional circumstances.
18	Petitions to the Commissioner in national stage examination	No Form Associated	<ul style="list-style-type: none"> Used by the public to petition or "appeal" for relief in exceptional circumstances. Used by the USPTO to grant relief in exceptional circumstances.
19	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	No Form Associated	<ul style="list-style-type: none"> Used by the public to claim benefit of the filing date of a prior filed application which has at least one common inventor if filed outside the time period. Used by the USPTO to grant relief if the conditions are met.
20	Request for the restoration of the right of priority	No Form Associated	<ul style="list-style-type: none"> Used by the public to allow a priority claim to an earlier application even if the international application is filed outside the priority period. Used by the USPTO to grant relief if the conditions are met.
21	Request and Fee Calculation Sheet (Annex and Notes)	PCT/RO/101	<ul style="list-style-type: none"> Used by the public to supply the information required for an international patent application. The optional Fee Calculation Sheet may be used by the public to indicate the amount of money being submitted and how the money is to be applied. The public uses the Fee Calculation Sheet or Annex as an attachment to the PCT Request. Used by the USPTO to process the international application according to the PCT. Used by the USPTO to verify the calculations and to identify any errors in them.

3. Use of Information Technology

The PCT provides for electronic filing of international applications, as long as the confidentiality requirements are met. Customers may submit PCT materials to the

USPTO electronically through EFS-Web, the USPTO's online filing system for patent applications and related documents. EFS-Web allows customers to file applications and associated documents through their standard web browser without downloading special software, changing their documentation preparation tools, or altering their workflow processes. Customers may create their patent applications and associated documents using the tools and processes that they already use and then convert those documents into standard PDF files that are submitted through EFS-Web to the USPTO. The fillable PDF forms that can be submitted through EFS-Web may be downloaded from the USPTO Web site and do not require special PDF creation software.

Registered and unregistered users can file documents through EFS-Web. The documents of registered users are protected using a Public Key Infrastructure (PKI) system and digital certificates which provide authentication and encryption security. For filers who are not registered, the documents are submitted to EFS-Web using Transport Layer Security (TLS) or Secure Socket Layer (SSL) protocol.

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 and other paper delivery costs. Users can access EFS-Web from any computer with an Internet connection. Since EFS-Web is hosted on the USPTO's secure servers and not on the individual's personal computer, USPTO staff can update EFS-Web without requiring any action from the user. Customers can submit fee payments and other requests in real time. The PDF forms can be passed around to multiple users for collaboration.

EFS-Web integrates with the Patent Application Information Retrieval (PAIR) system, the USPTO's online database that provides authorized individuals with immediate and secure access to non-published patent application information. PAIR uses digital certificates to permit only applicants and their designated representatives to access information about their pending patent applications and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. The USPTO does not intend to disseminate any confidential application information to the general public electronically through PAIR or any other means. However, the general public may use PAIR to access public information regarding granted patents, published applications, and reexamination proceedings. PAIR is available through the USPTO Web site.

4. Efforts to Identify Duplication

The information is only collected when an applicant or representative submits an international application and is not collected elsewhere. Duplication of identifying information is required on subsequent correspondence to ensure that the correspondence can be associated with the correct application. In general, the PCT is designed to minimize the need for duplication by allowing an applicant to file a single application that has the effect of a national application filed in multiple countries.

5. Minimizing Burden to Small Entities

The information in this collection is necessary in order to process requests related to PCT applications. The same information is required from every applicant and is not available from any other source.

Pursuant to 35 U.S.C. § 41(h) and section 10(b) of the Leahy-Smith America Invents Act (AIA), the USPTO provides a 50% reduction in both (i) the fees charged under 35 U.S.C. § 41(a)-(b) and (d)(1) and (ii) the fees set or adjusted under section 10(a) of the Act for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents for small entity applicants, such as independent inventors, small businesses, and nonprofit organizations who meet the definition of a small entity provided at 37 CFR 1.27. Also pursuant to section 10(b) of the AIA, the USPTO provides a 75% reduction in the fees set or adjusted under section 10(a) of the Act for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents for applicants who meet the definition of a micro entity provided at 35 U.S.C. § 123 and 37 CFR 1.29.

The USPTO's regulations concerning the payment of reduced patent fees by small and micro entities are at 37 CFR 1.27-1.29, and reduced patent fees for small and micro entity applicants are shown in 37 CFR 1.16-1.18, 1.20, 1.445, 1.482, 1.492, and 41.20. No significant burden is placed on small or micro entities, in that small entities must only identify themselves as such in order to obtain these benefits, and micro entities must only provide a certification of micro entity status. An assertion or certification of small or micro entity status, respectively, only needs to be filed once in an application or patent (although a fee may be paid in the micro entity amount only if the applicant or patentee is still entitled to micro entity status on the date the fee is paid).

6. Consequences of Less Frequent Collection

This information is collected only when an applicant or representative submits an international application. This collection of information is necessary to process an international application under the PCT and could not be conducted less frequently. If this information were not collected, the USPTO would not be able to process the application as required by 35 U.S.C. § 364(a).

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 April 22, 2019 (84 Fed. Reg. 16658). The comment ended on June 21, 2019.

One comment was received.

This comment was about the estimates used by the USPTO to document the hours it would take for the public to respond to each IC line. The commenter assumed that the numbers listed in column A (Estimated Time) of the non-hourly cost burden table of the 60-Day *Federal Register* Notice listed the time in minutes, rather than in hours. Thinking this, the commenter supplied different estimates that he believed were more accurate representations of the time to respond to each item. The USPTO made no changes to the estimated response time, given this understandable misunderstanding. In this submission, however, we modified the charts to fully denote, on each line, whether minutes or hours are being used.

The USPTO has long-standing relationships with groups from whom patent application data is collected, such as the American Intellectual Property Law Association (AIPLA), as well as patent bar associations, independent inventor groups, and users of our public facilities. Views expressed by these groups are considered both in developing proposals for information collection requirements and when renewing an existing information collection.

9. Payments or Gifts to Respondents

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

10. Assurance of Confidentiality

The confidentiality of international patent applications is governed by PCT Article 30, 35 U.S.C. § 122, and 37 CFR 1.11 and 1.14. The USPTO has a legal obligation to maintain the confidentiality of the contents of unpublished patent applications and related documents. Until international publication (18 months after the priority date), no third party or authority is allowed access to the international patent application unless such access is requested or authorized by the applicant. If the applicant withdraws the application before international publication, such publication does not take place. Upon publication of an application or issuance of a patent, the patent application file is made available to the public, subject to the provisions for providing only a redacted copy of the file contents.

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 431,135 responses per year for this collection.

The USPTO estimates that approximately 98% of the annual responses for this collection will be submitted electronically via EFS-Web, which customers may access through the USPTO Web site.

- **Burden Hour Calculation Factor**

The USPTO estimates that it will take the public between 15 minutes (0.25 hours) and 4 hours to gather the necessary information, prepare the appropriate form or document, and submit the information to the USPTO.

- **Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$438 per hour for respondent cost burden calculations, which is the rate for intellectual property attorneys in private firms. The rate is established by estimates in the *2017 Report on the Economic Survey*, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association.

Table 3: Burden Hour/Burden Cost to Respondents

IC #	Item	Estimated Time (Hours) (a)	Estimated Responses (b)	Estimated burden (c) (a) x (b)	Rate (d)	Estimates Total Cost (e) (c) x (d)
1	Request and Fee Calculation Sheet (Annex and Notes)	1 hour	55,177	55,177.00	\$438.00	\$24,167,526.00
2	Description/claims/drawings/abstracts	3 hours	55,177	165,531.00	\$438.00	\$72,502,578.00
3	Application Data Sheet (35 U.S.C. § 371 applications)	0.38 (23 minutes)	104,281	39,626.78	\$438.00	\$17,356,529.64
4	Transmittal Letter to the United States Receiving Office (RO/US)	0.25 (15 minutes)	49,659	12,414.75	\$438.00	\$5,437,660.50
5	Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371	0.25 (15 minutes)	86,080	21,520.00	\$438.00	\$9,425,760.00
6	PCT/Model of Power of Attorney	0.25 (15 minutes)	5,518	1,379.50	\$438.00	\$604,221.00
7	PCT/Model of General Power of Attorney	0.25 (15 minutes)	551	137.75	\$438.00	\$60,334.50
8	Indications Relating to a Deposited Microorganism	0.25 (15 minutes)	10	2.50	\$438.00	\$1,095.00
9	Response to invitation to correct defects	2 hour	15,500	31,000.00	\$438.00	\$13,578,000.00
10	Request for rectification of obvious errors	0.50 (30 minutes)	921	460.50	\$438.00	\$201,699.00
11	Demand and Fee Calculation Sheet (Annex and Notes)	1 hour	667	667.00	\$438.00	\$292,146.00
12	Amendments (Article 34)	1 hour	429	429.00	\$438.00	\$187,902.00
	Fee Authorization	0.25	49,659	12,414.75	\$438.00	\$5,437,660.50

13		(15 minutes)				
14	Requests to transmit copies of international application	0.25 (15 minutes)	864	216.00	\$438.00	\$94,608.00
15	Withdrawal of international application	0.25 (15 minutes)	1,369	342.25	\$438.00	\$149,905.50
16	English Translations after thirty months from priority date	2 hour	2,475	4,950.00	\$438.00	\$2,168,100.00
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(a)	1 hour	928	928.00	\$438.00	\$406,464.00
18	Petitions to the Commissioner for international applications	4 hour	87	348.00	\$438.00	\$154,424.00
19	Petitions to the Commissioner in national stage examination	4 hour	751	3,004.00	\$438.00	\$1,315,752.00
20	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	2 hour	875	1,750.00	\$438.00	\$766,500.00
21	Request for the restoration of the right of priority	3 hour	157	471.00	\$438.00	\$206,298.00
	Totals		431,135	352,769.78		\$154,513,163.64

13. Total Annual (Non-hour) Cost Burden

This collection has non-hourly cost burdens in the form of translations, drawings, filing fees paid by the public, and postage costs for mailing items to the USPTO.

Translations

Applicants entering the national stage in the U.S. are required to file an English translation of the international application if the international application was filed in another language and was not published under [PCT Article 21\(2\)](#) in English. . A processing fee is required for accepting an English translation after 30 months from the priority date. This requirement may carry additional costs for the applicant to contract for a translation of the documents in questions. The USPTO believes that the average length of the document to be translated with 10 pages and that it will cost approximately \$140 per page for the translation, for an average translation cost of \$1,400 per document.

The USPTO estimates that it will received approximately 2,475 English translations after 30 months from the priority date annually, for a total of \$3,465,000 per year for English translations of non-English language documents for PCT applications.

Drawings

Applicants may also incur costs for drawings that are submitted as part of PCT applications. Some applicants may produce their own drawings, while others may

contract out the work to various patent illustration firms. For the purpose of estimating burden for this collection, the USPTO will consider all applicants to have their drawings prepared by these firms. According to the PCT Applicants Guide- National Phase, the average cost to produce a drawing is \$400.

The USPTO expects that it will receive 55,177 sets of drawings with a total of \$22,070,800 per year.

Filing Fees

There are fees associated with submitting the information in this collection, for a total of \$279,654,624 per year, as outlined in Table 4 below.

Table 4: Filing Fees/Non-hour Cost to Respondents

IC #	Item	Responses (a)	Fees (b)	Total Fee Amount (c) (a) x (b)
1	Request and Fee Calculation Sheet (Annex and Notes)	55,177	\$1,254.00	\$69,191,958.00
2	[PCT National Stage] Claims – extra independent (over three) (Large entity)	6,549	\$460.00	\$3,012,540.00
2	[PCT National Stage] Claims – extra independent (over three) (Small entity)	2,298	\$230.00	\$528,540.00
2	[PCT National Stage] Claims – extra independent (over three) (Micro entity)	99	\$115.00	\$11,385.00
2	[PCT National Stage] Claims – extra total (over 20) (Large entity)	9,145	\$100.00	\$914,500.00
2	[PCT National Stage] Claims – extra total (over 20) (Small entity)	5,347	\$50.00	\$264,350.00
2	[PCT National Stage] Claims – extra total (over 20) (Micro entity)	238	\$25.00	\$5,950.00
2	[PCT National Stage] Claim – multiple dependent (Large entity)	650	\$820.00	\$533,000.00
2	[PCT National Stage] Claim – multiple dependent (Small entity)	361	\$410.00	\$148,010.00
2	[PCT National Stage] Claim – multiple dependent (Micro entity)	37	\$205.00	\$7,585.00
3	National Stage Application Size Fee – for each additional 50 sheets that exceed 100 sheets (Large entity)	2,476	\$400.00	\$990,400.00
3	National Stage Application Size Fee – for each additional 50 sheets that exceed 100 sheets (Small entity)	1,590	\$200.00	\$318,000.00
3	National Stage Application Size Fee – for each additional 50 sheets that exceed 100 sheets (Micro entity)	23	\$100.00	\$2,300.00
4	Transmittal fee (Large entity)	36,489	\$240.00	\$8,757,360.00
4	Transmittal fee (Small entity)	17,603	\$120.00	\$2,112,360.00

4	Transmittal fee (Micro entity)	1,085	\$60.00	\$65,100.00
11	Demand and Fee Calculation Sheet (Annex and Notes)	667	\$213.00	\$142,071.00
14	Transmitting application to Intl. Bureau to act as receiving office (Large entity)	425	\$240.00	\$102,000.00
14	Transmitting application to Intl. Bureau to act as receiving office (Small entity)	289	\$120.00	\$34,680
14	Transmitting application to Intl. Bureau to act as receiving office (Micro entity)	32	\$60.00	\$1,920.00
16	English translation after thirty months from priority date (Large entity)	1,485	\$140.00	\$207,900.00
16	English translation after thirty months from priority date (Small entity)	914	\$70.00	\$63,980.00
16	English translation after thirty months from priority date (Micro entity)	76	\$35.00	\$2,660.00
18	Search fee – regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16) (Large entity)	7,576	\$140.00	\$1,060,640.00
18	Search fee – regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16) (Small entity)	12,837	\$70.00	\$898,590.00
18	Search fee – regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16) (Micro entity)	1,073	\$35.00	\$3,745.00
18	Supplemental search fee when required, per additional invention (Large entity)	248	\$2,080.00	\$515,840.00
18	Supplemental search fee when required, per additional invention (Small entity)	366	\$1,040.00	\$380,640
18	Supplemental search fee when required, per additional invention (Micro entity)	44	\$520.00	\$22,880.00
19	Basic National Stage Fee (Large entity)	71,090	\$300.00	\$21,327,000.00
19	Basic National Stage Fee (Small entity)	22,965	\$150.00	\$3,444,750.00
19	Basic National Stage Fee (Micro entity)	1,527	\$75.00	\$114,525.00
19	National Stage Search Fee – U.S. was the ISA or IPEA and all claims satisfy PCT Article 33(1)-(4)	674	\$0.00	\$0.00
19	National Stage Search Fee –U.S. was the ISA (Large entity)	2,197	\$140.00	\$307,580.00
19	National Stage Search Fee – U.S. was the ISA (Small entity)	4,773	\$70.00	\$334,110.00
19	National Stage Search Fee – U.S. was the ISA (Micro entity)	275	\$35.00	\$9,625.00
19	National Stage Search Fee – search report prepared and provided to USPTO (Large entity)	65,507	\$520.00	\$34,063,640.00

19	National Stage Search Fee – search report prepared and provided to USPTO (Small entity)	16,660	\$260.00	\$4,331,600.00
19	National Stage Search Fee – search report prepared and provided to USPTO (Micro entity)	1,056	\$130.00	\$137,280.00
19	National Stage Examination Fee – U.S. was the ISA or IPEA and all claims satisfy PCT Article 33(1)-(4)	674	\$0.00	\$0.00
19	National Stage Search Fee – all other situations (Large entity)	3,156	\$660.00	\$2,082,960.00
19	National Stage Search Fee – all other situations (Small entity)	1,110	\$330.00	\$366,300.
19	National Stage Search Fee – all other situations (Micro entity)	174	\$165.00	\$28,710.00
19	National Stage Examination Fee – all other situations (Large entity)	70,771	\$760.00	\$53,785,960.00
19	National Stage Examination Fee – all other situations (Small entity)	22,437	\$380.00	\$8,526,060..00
19	National Stage Examination Fee – all other situations (Micro entity)	1,480	\$190.00	\$281,200.00
19	Preliminary examination fee – U.S. was the ISA (Large entity)	205	\$600.00	\$123,000.00
19	Preliminary examination fee – U.S. was the ISA (Small entity)	278	\$300.00	\$83,400.00
19	Preliminary examination fee – U.S. was the ISA (Micro entity)	44	\$150.00	\$6,600.00
19	Preliminary examination fee – U.S. was not the ISA (Large entity)	102	\$760.00	\$77,520.00
19	Preliminary examination fee – U.S. was not the ISA (Small entity)	39	\$380.00	\$14,820.00
19	Preliminary examination fee – U.S. was not the ISA (Micro entity)	1	\$190.00	\$190.00
19	Supplemental examination fee per additional invention (Large entity)	2	\$600.00	\$1,200.00
19	Supplemental examination fee per additional invention (Small entity)	2	\$300.00	\$600.00
19	Supplemental examination fee per additional invention (Micro entity)	1	\$150.00	\$150.00
19	Search fee, examination fee or oath of declaration after thirty months from priority date (Large entity)	22,466	\$2,080.00	\$46,729,280.00
19	Search fee, examination fee or oath of declaration after thirty months from priority date (Small entity)	10,550	\$1,040.00	\$10,972,000.00
19	Search fee, examination fee or oath of declaration after thirty months from priority date (Micro entity)	259	\$520.00	\$134,680.00
20	Acceptance of an unintentionally delayed claim for priority, or for filing a request for the restoration of the right of priority	1,032	\$2,000.00	\$2,064,000.00
	Totals	535,399		\$279,652,624.00

Postage Costs

Customers may incur postage costs when submitting the information in this collection to the USPTO by mail. The USPTO estimates that the average first-class postage cost for a mailed submission will be \$0.50 and that approximately 7,440 submissions (approximately 2% of the total responses) will be mailed to the USPTO per year, for a total estimated postage cost of \$3,720 per year.

Total

The USPTO estimates that the total annual (non-hour) cost burden for this collection will be \$305,200,058 which includes \$3,465,000 in translation costs, \$22,070,800 in drawing costs, \$279,652,624 in filing fee costs, and \$3,720 in postage costs.

14. Annual Cost to the Federal Government

The USPTO employs a GS-9, GS-12, GS-14, and GS-15 to process submissions for this information collection.

The USPTO estimates that the cost of GS-9, step 1 employee is \$35.02 per hours (GS hourly rate of \$26.94 with 30% (\$8.08) added for benefits and overhead), the cost of a GS-12, step 1 employee is \$50.79 (GS hourly rate of \$39.07 with 30% (\$11.72) added for benefits and overhead), the cost of GS-14, step 6 employee is \$83.26 (GS hourly rate of \$54.06 with 30% (\$29.20) added for benefits and overhead, and the cost of a GS-15, step 1 employee is \$83.97 (GS hourly rate of \$64.59 with 30% (\$19.38) added for benefits and overhead).

The USPTO estimates that it takes an employee 9 minutes (0.15 hours) and 6.50 hours to process the information submitted by the public in this collection.

Table 5 calculates the burden hours and costs to the Federal Government for processing this information collection:

Table 5: Burden Hour/Cost to the Federal Government

IC #	Item	Hours (a)	Responses (b)	Burden (a) x (b) (c)	Rate (d)	Total Cost (e) (c) x (d)
1	Request and Fee Calculation Sheet (Annex and Notes)	0.50 (30 minutes)	55,177	27,588.50	\$35.02	\$966,149.27
2	Description/claims/drawings/abstracts	0.50 (30 minutes)	55,177	27,588.50	\$35.02	\$966,149.27
3	Application Data Sheet (35 U.S.C. § 371 applications)	0.50 (30 minutes)	104,281	52,140.50	\$35.02	\$1,825,960.31
4	Transmittal Letter to the United States Receiving Office (RO/US)	0.15 (9 minutes)	49,659	7,448.85	\$35.02	\$260,858.73
	Transmittal Letter to the United States	0.15	86,080	12,912.00	\$35.02	\$452,178.24

5	Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371	(9 minutes)				
6	PCT/Model of Power of Attorney	0.15 (9 minutes)	5,518	827.70	\$35.02	\$28,986.05
7	PCT/Model of General Power of Attorney	0.15 (9 minutes)	551	82/.65	\$35.02	\$2,894.40
8	Indications Relating to a Deposited Microorganism	0.15 (9 minutes)	10	1.50	\$35.02	\$52.53
9	Response to invitation to correct defects	1 (60 minutes)	15,500	15,500.00	\$35.02	\$542,810.00
10	Request for rectification of obvious errors	1.50 (90 minutes)	921	1,381.50	\$35.02	\$48,380.13
11	Demand and Fee Calculation Sheet (Annex and Notes)	0.30 (18 minutes)	667	200.10	\$35.02	\$7,007.50
12	Amendments (Article 34)	0.75 (45 minutes)	429	321.75	\$35.02	\$11,267.69
13	Fee Authorization	0.15 (9 minutes)	49,659	7,448.85	\$35.02	\$260,858.73
14	Requests to transmit copies of international application	0.15 (9 minutes)	864	129.60	\$35.02	\$4,538.59
15	Withdrawal of international application	1 (60 minutes)	1,369	1,369.00	\$35.02	\$47,942.38
16	English Translations after thirty months from priority date	0.30 (18 minutes)	2,475	742.50	\$35.02	\$26,002.35
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(a)	2.50 (150 minutes)	928	2,320.00	\$83.28	\$193,209.60
18	Petitions to the Commissioner for international applications	6.50 (390 minutes)	87	742.50	\$83.97	\$47,485.04
19	Petitions to the Commissioner in national stage examination	6.50 (390 minutes)	751	4,881.50	\$83.97	\$409,899.56
20	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	2.50 (150 minutes)	875	2,187.50	\$50.79	\$111,103.13
21	Request for the restoration of the right of priority	2.50 (150 minutes)	157	392.50	\$50.79	\$19,935.08
	Totals		431,135	166,030.50		\$6,233,668.56

15. Reasons for Changes in Burden

A. Changes in Collection since previous OMB approval in 2016

OMB previously approved the renewal of this information collection in August 2016. The current collection contains:

- 389,415 responses

- 356,191 burden hours
- \$148,580,300 in respondent hourly cost burden
- \$163,813,260 in annual (non-hour) costs

Changes due to the implementation of new forms or pilots

In May 2017, the USPTO revised one form (WIPO PCT Request (PCT/RO/101)). This revision resulted in the addition of a mechanism to allow an applicant to provide written authorization granting the ISA access to the results of the earlier search or earlier classification in an application preserved in confidence at the USPTO.

B. Changes proposed in this request to OMB

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

- 431,135 responses
- 352,760 burden hours
- \$154,513,163.64 in respondent hourly cost burden
- \$305,200,500 in annual (non-hour) costs

Changes in Respondent Cost Burden

The total respondent cost burden for this collection has increased by \$5,932,863.64 (from \$148,580,300 to \$154,513,163.64) from the previous renewal of this collection in August 2016:

- Increases in estimated hourly rates. The 2016 renewal used an estimated rate of \$410 per hour for respondents to this collection, which was the estimate rate for intellectual property attorneys in private firms. For the current renewal, the USPTO is using an updated hourly rate of \$438 for attorneys.
- Decrease in estimated burden hours. The total estimated burden hours have decreased from 365,830 to 352,759.78 for the current renewal due to the decrease of estimated respondents in certain IC lines and the increase of estimated respondents in other IC lines.

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual response will increase by 41,720 (from 389,415 to 431,135) and the total burden hours will decrease by 3,419 (from 356,191 to 352,772) from the currently approved burden for this collection.

Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total (non-hour) costs will increase by \$141,387,232 (from \$163,813.260 to \$305,200,500), due to adjustments in the number of respondents filling item that have associated costs.

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.