

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
International Design Application (Hague Agreement)
OMB Control Number 0651-0075

Background

The United States Patent and Trademark Office (USPTO) administers the Leahy-Smith America Invents Act (AIA), which sets or adjusts patent fees established, authorized, or charged under Title 35, United States Code (U.S.C.). Section 10 prescribes that fees may be set or adjusted only to recover the aggregate estimated costs to the Office for processing, activities, services, and materials related to the patent and trademark processes. Section 10 authorities also includes flexibility to set individual fees in a way that furthers key policies factors, while taking into account the cost of the respective services.

This request is to update the fees attached to collection 0651-0075 (International Design Application (Hague Agreement)). There is one fee being updated as a result of the 2020 Patent Biennial Fee Review.

Table 1: Proposed Fees

IC #	Item	Current Fees	Proposed Fees	Changes in Fees
1	Application for International Registration – Transmittal Fee	\$120 (large entity) \$60 (small entity) \$30 (micro entity)	No change	No change
5	Petition to Excuse a Failure to Comply with a Time Limit	\$2,000 (large entity) \$1,000 (small entity) \$500 (micro entity)	\$2,100 (large entity) \$1,050 (small entity) \$525 (micro entity)	\$100 (large entity) \$50 (small entity) \$25 (micro entity)
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16	\$180 (large entity) \$90 (small entity) \$45 (micro entity)	No change	No change

Table 2: Proposed Burden

IC #	Item	Responses	Proposed Fee	Proposed Cost
5	Petition to Excuse a Failure to Comply with a Time Limit (electronic) (large entity)	1	\$2,100.00	\$2,100.00
5	Petition to Excuse a Failure to Comply with a Time Limit (electronic) (small entity)	1	\$1,050.00	\$1,050.00
5	Petition to Excuse a Failure to Comply with a Time Limit (electronic) (micro entity)	1	\$525.00	\$525.00
5	Petition to Excuse a Failure to Comply with a Time Limit (non-electronic) (large entity)	1	\$2,100.00	\$2,100.00
5	Petition to Excuse a Failure to Comply with a Time Limit (non-electronic) (small entity)	1	\$1,050.00	\$1,050.00
5	Petition to Excuse a Failure to Comply with a Time Limit	1	\$525.00	\$525.00

	(non-electronic) (micro entity)			
	Totals		6	\$7,350.00

Table 3: Changes in Cost

IC #	Item	Current Cost	Proposed Cost	Change in Cost
5	Petition to Excuse a Failure to Comply with a Time Limit (electronic) (large entity)	\$2,000.00	\$2,100.00	\$100.00
5	Petition to Excuse a Failure to Comply with a Time Limit (electronic) (small entity)	\$1,000.00	\$1,050.00	\$50.00
5	Petition to Excuse a Failure to Comply with a Time Limit (electronic) (micro entity)	\$500.00	\$525.00	\$25.00
5	Petition to Excuse a Failure to Comply with a Time Limit (non-electronic) (large entity)	\$2,000.00	\$2,100.00	\$100.00
5	Petition to Excuse a Failure to Comply with a Time Limit (non-electronic) (small entity)	\$1,000.00	\$1,050.00	\$50.00
5	Petition to Excuse a Failure to Comply with a Time Limit (non-electronic) (micro entity)	\$500.00	\$525.00	\$25.00
	Totals	\$7,000.00	\$7,350.00	\$350.00

Summary of Changes

The Patent Fee Review resulted in the revision of one form and an increase of \$350 in annual (non-hourly) costs to collection 0651-0075.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Non-hourly Costs	\$425,270	\$350.00	\$425,620

0651-0075's revised burden is as follows:

- \$424,194.90 in annual (non-hourly) costs