

**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**  
**United States Patent and Trademark Office**  
**Applications for Trademark Registration**  
**OMB Control Number 0651-0009**  
**2020**

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to increase the annual time burden and annual cost burden associated with information collection 0651-0009 (Applications for Trademark Registration) in conjunction with rulemaking RIN 0651-AD15 (Changes to the Trademark Rules of Practice to Mandate Electronic Filing) and RIN 0651-AD30 (Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants).

This collection of information is required by the Trademark Act, 15 U.S.C. § 1051 *et seq.*, which provides for the registration of trademarks, service marks, collective trademarks and collective 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 United States Patent and Trademark Office (USPTO). Such individuals and businesses may also submit various communications to the USPTO, including providing additional information needed to process a request to delete a particular filing basis from an application or to divide an application identifying multiple goods and/or services into two or more separate applications.

In support of RIN 0651-AD30 (Requirement of US Licensed Attorney for Foreign Trademark Applicants and Registrants), USPTO is increasing the time burden to account for the estimated time it takes qualified practitioners, who are recognized to represent an applicant, registrant, or party to a proceeding before the USPTO in a trademark case, to provide bar information. USPTO estimates attorneys will complete the documents and that it will take respondents about one minute to provide this information. Therefore, the overall estimate of time to complete this action for the average respondent is estimated at 1 minute. This change adds 7,648 in hourly burdens to the information collection. The additional burden hours directly results in the hourly cost burden increasing by \$3,346,320 (7,640 hours X the hourly rate of \$438).

In support of RIN 0651-AD15 (Changes to the Trademark Rules of Practice to Mandate Electronic Filing), the USPTO is proposing changes to account for a shift in respondents away from paper submissions and towards electronic submissions. The number of respondents filing on paper will decrease to 35 respondents. There is no overall change in respondents as it assumed that those who would file on paper will instead submit electronically. This change will decrease the hourly burdens by 9 hours as it is estimated to be faster and more efficient to file electronically. The cost burden is also estimated to be reduced by \$34 as fewer paper submissions will require postage costs.

RIN 0651-AD15 also changes the electronic options available to trademark applicants. The TEAS Regular option is eliminated and the TEAS RF option is rebranded as TEAS Standard. For the purposes of this request, it is assumed that all applicants who would have filed on paper or using TEAS Regular or TEAS RF, will now file using the TEAS Standard option, and that the TEAS Plus respondent numbers in this request would remain unchanged. The combination of moving most paper submissions and TEAS Regular submissions to TEAS Standard results in a decrease of \$2,331,525 in non-hourly cost burdens because the filing fee, per class, for TEAS Standard is lower than that for TEAS Regular. However, the

removal of the TEAS Regular lines revealed that the non-hourly cost burden was previously undercounted on those lines, requiring a correction. The correction resulted in an increase to the cost burdens of \$3,389,973. Overall these changes and adjustments result in an increase of \$1,058,448 in the non-hourly cost burdens.

Overall these changes will add 7,640 burden hours, 33,346,320 in estimated hourly cost burdens, and increase the non-hourly cost burden by \$1,058,448.

Changes in Respondents

IC #	Item	Current Annual Responses	Changes in Responses	Proposed Annual Responses
1	Use-Based Trademark/Service Mark Applications (Paper)	58	-43	15
1	Use-Based Trademark/Service Mark Applications (TEAS)	7,752	-7,752	0
1	Use-Based Trademark/Service Mark Applications (TEAS Standard)	94,756	7,795	102,551
1	Use-Based Trademark/Service Mark Applications (TEAS Plus)	82,053	0	82,053
2	Intent to Use Trademark/Service Mark Application (Paper)	70	-55	15
2	Intent to Use Trademark/Service Mark Application (TEAS)	9,390	-9,390	0
2	Intent to Use Trademark/Service Mark Application (TEAS Standard)	114,779	9,445	124,224
2	Intent to Use Trademark/Service Mark Application (TEAS Plus)	99,392	0	99,392
3	Applications for Registration of Trademark/Service Mark under §44 (Paper)	9	-4	5
3	Applications for Registration of Trademark/Service Mark under §44 (TEAS)	1,232	-1,232	0
3	Applications for Registration of Trademark/Service Mark under §44 (TEAS Standard)	15,064	1,236	16,300
3	Applications for Registration of Trademark/Service Mark under §44 (TEAS Plus)	13,044	0	13,044
<b>Total</b>		<b>437,599</b>	<b>0</b>	<b>437,599</b>

Changes in estimated time to complete an item

IC #	Item	Currently	Time	Proposed
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		<b>Approved Time (minutes)</b>	<b>Change (minutes)</b>	<b>Time (minutes)</b>
1	Use-Based Trademark/Service Mark Applications (Paper)	35	1	36
1	Use-Based Trademark/Service Mark Applications (TEAS)	30	-30	0
1	Use-Based Trademark/Service Mark Applications (TEAS Standard)	30	1	31
1	Use-Based Trademark/Service Mark Applications (TEAS Plus)	35	1	36
2	Intent to Use Trademark/Service Mark Application (Paper)	28	1	29
2	Intent to Use Trademark/Service Mark Application (TEAS)	23	-23	0
2	Intent to Use Trademark/Service Mark Application (TEAS Standard)	23	1	24
2	Intent to Use Trademark/Service Mark Application (TEAS Plus)	28	1	29
3	Applications for Registration of Trademark/Service Mark under §44 (Paper)	30	1	31
3	Applications for Registration of Trademark/Service Mark under §44 (TEAS)	24	-24	0
3	Applications for Registration of Trademark/Service Mark under §44 (TEAS Standard)	24	1	25
3	Applications for Registration of Trademark/Service Mark under §44 (TEAS Plus)	30	1	31

**Changes in Burden Hours**

<b>IC #</b>	<b>Item</b>	<b>Current Time Burden (Hours)</b>	<b>Proposed Time Increase (hours)</b>	<b>Proposed Annual Time Burden (hours)</b>
1	Use-Based Trademark/Service Mark Applications (Paper)	34	-25	9
1	Use-Based Trademark/Service Mark Applications (TEAS)	3876	-3876	0
1	Use-Based	47,378	5,607	52,985

	Trademark/Service Mark Applications (TEAS Standard)			
1	Use-Based Trademark/Service Mark Applications (TEAS Plus)	47,591	1,641	49,232
2	Intent to Use Trademark/Service Mark Application (Paper)	33	-26	7
2	Intent to Use Trademark/Service Mark Application (TEAS)	3,568	-3,568	0
2	Intent to Use Trademark/Service Mark Application (TEAS Standard)	43,616	6,074	49,690
2	Intent to Use Trademark/Service Mark Application (TEAS Plus)	46,714	1,325	48,039
3	Applications for Registration of Trademark/Service Mark under §44 (Paper)	5	-2	3
3	Applications for Registration of Trademark/Service Mark under §44 (TEAS)	493	-493	0
3	Applications for Registration of Trademark/Service Mark under §44 (TEAS Standard)	6,026	766	6,792
3	Applications for Registration of Trademark/Service Mark under §44 (TEAS Plus)	6,522	217	6,739
<b>Total</b>				213,496 Hours

**Changes to Non-hourly Cost Burdens**

<b>IC #</b>	<b>Item</b>	<b>Current Cost</b>	<b>Change in Cost</b>	<b>Proposed Cost</b>
1	Use-Based Trademark/Service Mark Applications (Paper)	\$34,828	-\$25,821	\$9,007
1	Use-Based Trademark/Service Mark Applications (TEAS)	\$3,100,800.00	-\$3,100,800	0
1	Use-Based Trademark/Service Mark Applications ( TEAS Standard )	\$26,170,150	\$2,152,859	\$28,323,009
1	Use-Based Trademark/Service Mark	\$18,559,175	\$0	\$18,559,175

	Applications (TEAS Plus)			
2	Intent to Use Trademark/Service Mark Application (Paper)	\$42,034	-\$33,027	\$9,007
2	Intent to Use Trademark/Service Mark Application (TEAS)	\$375,600.00	-\$375,600	\$0
2	Intent to Use Trademark/Service Mark Application ( TEAS Standard )	\$31,564,225	\$2,597,375	\$34,161,600
2	Intent to Use Trademark/Service Mark Application (TEAS Plus)	\$22,363,200	\$0	\$22,363,200
3	Applications for Registration of Trademark/Service Mark under §44 (Paper)	\$5,404	\$-2,402	\$3,002
3	Applications for Registration of Trademark/Service Mark under §44 (TEAS)	\$492,800	-\$492,800	\$0
3	Applications for Registration of Trademark/Service Mark under §44 ( TEAS Standard )	\$4,127,536	\$338,664	\$4,466,200
3	Applications for Registration of Trademark/Service Mark under §44 (TEAS Plus)	\$2,934,900	\$0	\$2,934,900
<b>Totals</b>		<b>\$109,770,652</b>	<b>\$1,058,448</b>	<b>\$110,829,100</b>

#### Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Annual Respondents	437,599	0	437,599
Annual Time Burden (hours)	205,856	7,640	213,496
Annual hourly cost burden	\$90,164,332	\$3,346,320	\$93,510,652
Annual (non-hourly) cost burden	\$109,770,652	\$1,058,448	\$110,829,100

0651-0009's revised total burden is as follows:

- 437,599 annual respondents

- 213,496 in annual hourly burden
- \$93,510,652 in hourly cost burdens
- \$110,829,100 in annual (non-hourly) cost burden