

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Applications for Trademark Registration**  
**OMB CONTROL NUMBER 0651-0009**  
**2021**

**A. JUSTIFICATION**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the information collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

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 who use their marks, or intend to use their marks, in commerce regulated by Congress may file an application with the USPTO to register their marks. Registered marks remain on the register indefinitely, so long as the owner of the registration files the necessary maintenance documents. The rules implementing the Trademark Act are set forth in 37 CFR Part 2.

This information collection addresses submissions covered by 37 CFR Part 2 for initial applications regarding the registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Trademarks can be registered on either the Principal or Supplemental Register. The Trademark Act and rules mandate that each certificate of registration include the mark, the goods and/or services in connection with which the mark is used, ownership information, dates of use, and certain other information. The USPTO also provides similar information concerning pending applications. The register and pending application information may be accessed by an individual or by businesses to determine the availability of a mark. By accessing the USPTO's information, parties may reduce the possibility of initiating use of a mark previously adopted by another. The Federal trademark registration process may thereby reduce the number of filings between both litigating parties and the courts.

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

**Table 1: Information Requirements**

Item No.	Requirement	Statute	Regulation
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1	Use-Based Trademark/Service Mark Applications, including: <ul style="list-style-type: none"> <li>- Trademark/Service Mark Application</li> <li>- Collective Trademark/Service Mark Application</li> <li>- Collective Membership Mark Application</li> <li>- Certification Mark Application</li> <li>- Supplemental Register Application</li> </ul>	15 U.S.C. §§ 1051-1054, 1061-1063, 1091-1096	37 CFR Part 2, 2.32, 2.34-2.38, 2.41-2.47, 2.51-2.54, 2.56, 2.59, 2.76, 2.80-2.89
2	Intent to Use Trademark/Service Mark Application, including: <ul style="list-style-type: none"> <li>- Trademark/Service Mark Application</li> <li>- Collective Trademark/Service Mark Application</li> <li>- Collective Membership Mark Application</li> <li>- Certification Mark Application</li> <li>- Supplemental Register Application</li> </ul>	15 U.S.C. § 1126	37 CFR Part 2, 2.32, 2.34-2.38, 2.41-2.47, 2.51-2.54, and 2.80-2.87
3	Applications for Registration of Trademark/Service Mark under §44, including: <ul style="list-style-type: none"> <li>- Trademark/Service Mark Application</li> <li>- Collective Trademark/Service Mark Application</li> <li>- Collective Membership Mark Application</li> <li>- Certification Mark Application</li> <li>- Supplemental Register Application</li> </ul>	15 U.S.C. §§ 1051-1054, 1061-1062, 1091, 1094 1095, and 35 U.S.C. § 41 and 44	37 CFR Part 2, 2.22, 2.32, 2.34-2.38, 2.41-2.47, 2.51-2.54, and 2.86

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new information collection, indicate the actual use the agency has made of the information received from the current information collection.**

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 trademark rights. The information is available at USPTO facilities and can also be accessed at the USPTO's website. Additionally, the USPTO provides the information to other entities, including Patent and Trademark Resource Centers (PTRCs). The PTRCs maintain the information for use by the public.

The information in this collection must be submitted electronically through the Trademark Electronic Application System (TEAS). In limited circumstances, applicants may also be permitted to submit the information in paper form by mail, fax, or hand delivery. This collection contains five electronic forms. In addition, TEAS Plus applications are only available for trademark/service mark 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 (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**

Item No.	Form and Function	Form No.	Needs and Uses
1	Use-Based Trademark/Service Mark Applications (TEAS Standard)	<p>PTO Forms 1478 – 1482</p> <p>PTO 1478 (Trademark/Service Mark Application, Principal Register)</p> <p>PTO 1479 (Trademark/Service Mark Form, Supplemental Register)</p> <p>PTO 1480 (Certification Mark Form, Principal Register)</p> <p>PTO 1481 (Collective Membership Mark Form, Principal Register)</p> <p>PTO 1482 (Collective Trademark/ Service Mark Form, Principal Register)</p>	<ul style="list-style-type: none"> <li>• Used by the public to complete and submit use-based applications for registration of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks that identify goods and/or services classified in single or multiple classes.</li> <li>• Used by the USPTO to receive, process, and review use-based applications for registration of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks.</li> </ul>
1	Use-Based Trademark/Service Mark Applications (TEAS Plus)	PTO Form 1478	<ul style="list-style-type: none"> <li>• Used by the public to complete and submit use-based applications for registration of trademarks/service marks for a reduced filing fee.</li> <li>• Used by the USPTO to receive, process, and review use-based applications for registration of trademarks/service marks.</li> <li>•</li> </ul>

Item No.	Form and Function	Form No.	Needs and Uses
2	Intent to Use Trademark/Service Mark Application (TEAS Standard)	PTO Forms 1478 – 1482  PTO 1478 (Trademark/Service Mark Application, Principal Register)  PTO 1479 (Trademark/Service Mark Form, Supplemental Register)  PTO 1480 (Certification Mark Form, Principal Register)  PTO 1481 (Collective Membership Mark Form, Principal Register)  PTO 1482 (Collective Trademark/ Service Mark Form, Principal Register)	<ul style="list-style-type: none"> <li>Used by the public to complete and submit intent to use applications for registration of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks that identify goods and/or services classified in single or multiple classes.</li> <li>Used by the USPTO to receive, process, and review intent to use applications for registration of trademarks/service marks, collective trademarks/service marks, collective membership marks, and certification marks.</li> </ul>
2	Intent to Use Trademark/Service Mark Application (TEAS Plus)	PTO Form 1478	<ul style="list-style-type: none"> <li>Used by the public to complete and submit intent to use applications for registration of trademarks/service marks for a reduced filing fee.</li> <li>Used by the USPTO to receive, process, and review intent to use applications for registration of trademarks/service marks.</li> </ul>

Item No.	Form and Function	Form No.	Needs and Uses
3	Applications for Registration of Trademark/Service Mark under §44 (TEAS Standard)	PTO Forms 1478 – 1482  PTO 1478 (Trademark/Service Mark Application, Principal Register)  PTO 1479 (Trademark/Service Mark Form, Supplemental Register)  PTO 1480 (Certification Mark Form, Principal Register)  PTO 1481 (Collective Membership Mark Form, Principal Register)  PTO 1482 (Collective Trademark/ Service Mark Form, Principal Register)	<ul style="list-style-type: none"> <li>• Used by the public to complete and submit applications seeking a priority filing date and/or registration based upon foreign registration of a mark.</li> <li>• Used by the USPTO to receive, process, and review applications for registration of marks based upon earlier filed foreign applications or a foreign registration.</li> </ul>
3	Applications for Registration of Trademark/Service Mark under §44 (TEAS Plus)	PTO Forms 1478	<ul style="list-style-type: none"> <li>• Used by the public to complete and submit applications seeking a priority filing date and/or registration based upon foreign registration of a mark for a reduced filing fee.</li> <li>• Used by the USPTO to receive, process, and review applications for registration of marks based upon earlier filed foreign applications or a foreign registration.</li> </ul>

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of information collection. Also describe any consideration of using information technology to reduce burden.**

The USPTO offers the public a variety of IT systems useful both for making submissions to the USPTO and for tracking the status of these submissions. This information collection involves three information technology (IT) systems that are publicly accessible through the USPTO website: TEAS; Trademark Status and Document Retrieval (TSDR); and Trademark Electronic Search System (TESS).

The USPTO provides online electronic forms through a web-accessible electronic application system (i.e., TEAS). Once completed, TEAS forms are 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 or registration in question, based on responses provided by the user to questions posed by the Wizard. The forms are received and filed upon transmission, and a confirmation of filing is issued via e-mail to the user.

In addition to providing a system that allows the electronic transmission of trademark submissions, the USPTO also provides the public with online access to various trademark records.

The USPTO maintains TSDR, an online image database, which includes images of each of the documents that make up the “electronic file wrapper” of a trademark application or registration and also provides users with information regarding the status of trademark applications and registrations. The data in the TSDR system is updated daily.

The USPTO also provides TESS, a web-based record of registered marks, and marks for which applications for registration have been submitted. TESS can be used by potential applicants for trademark registration to assist in the determination of whether a particular mark may be available. The data in TESS is identical to the data reviewed by examining attorneys at the USPTO in their determination of whether marks for which registration is sought are confusingly similar to marks in existing registrations or to marks in pending applications for registration. TESS allows the user to choose from four different search tools, is updated daily, and is easy to use.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

This information collection does not solicit any data already available to the USPTO. This information collection does not create a duplication of effort.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

The USPTO expects that the submission of the information provided places no undue burden on small businesses or other small entities. The same information is required from every customer and is not available from any other source.

**6. Describe the consequence to Federal program or policy activities if the information collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

This information collection could not be conducted less frequently, since the information is collected only when voluntarily submitted by the public. If the information were not collected, the public would not be able to apply for trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Additionally, if this information were not collected, the USPTO could not comply with the requirements of the Trademark Act and rules of practice (15 U.S.C. § 1051-1054, 1061-1062, 1091, 1094 1095, 35 U.S.C. § 41 and 44, and 37 CFR Part 2).

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

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

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of information collection, the**

**clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

The 60-Day Notice was published in the *Federal Register* on December 18, 2020 (85 Fed. 82456). The comment period ended on February 16, 2021. Several comments were received. USPTO appreciates these comments and is working on responding to them.

In addition, several large and well-organized bar associations frequently communicate their views to the USPTO, as does the Trademark Public Advisory Committee (TPAC). The TPAC was created by the American Inventors Protection Act of 1999 to advise the Director of the USPTO on the Agency's operations, including its goals, performance, budget, and user fees. The TPAC includes 9 voting members who are appointed by and serve at the pleasure of the Secretary of Commerce. Members include inventors, lawyers, corporate executives, entrepreneurs, and academicians with significant experience in management, finance, science, technology, labor relations, and intellectual property issues. The members of the TPAC reflect the broad array of USPTO stakeholders and embrace the USPTO's e-government initiative. This diversity of interests is an effective tool in helping the USPTO nurture and protect the intellectual property that is the underpinning of America's strong economy.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

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

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the information collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.**

Trademark applications are open to public inspection. Confidentiality is not required in the processing of trademark applications.

This information collection may contain information subject to the Privacy Act. This information is collected on 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. Trademark Application information collection activities are covered under the Statement of Records Notice (COMMERCE/USPTO-26 Trademark Application and Registration Records) at Federal Register /Vol. 85, No. 32 /Tuesday, February 18, 2020 /Notices. This SORN identifies the categories of records in the system containing applicants for trademark registration, including the name, citizenship, domicile, email address, postal address, and telephone number of the trademark applicant, registrant, and applicant's or registrant's legal or other authorized representative(s), an attorney's law firm or company affiliation and professional licensing information, and other information pertaining to an applicant's or registrant's activities in connection with the applied-for or registered mark. Records in this system include trademark applications, applicant and registrant declarations, office actions, registration certificates, and correspondence generated in the course of the prosecution of a trademark application or maintenance of a trademark registration.

The TEAS forms also include links to the USPTO's Web Privacy Policy and to the form's burden and privacy statements.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

None of the required information in this information collection is considered to be sensitive.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for**

information collection activities should not be included here. Instead, this cost should be included under ‘Annual Cost to Federal Government’.

- **Respondent Calculation Factors**

The USPTO estimates that it will receive approximately 506,837 total responses per year for this collection. For this collection, the USPTO does not collect data to determine how many applications are filed by small entities.

- **Burden Hour Calculation Factors**

The USPTO estimates that it takes the public approximately 40 minutes (0.67 hours) to 50 minutes (0.83 hours), depending on the complexity of the situation, to gather the necessary information, prepare the appropriate documents, and submit the information to the USPTO. This includes time to gather the necessary information, create the documents, and either complete and electronically file the associated form or mail the completed request. Using these factors, the USPTO estimates that the total respondent burden hour for this information collection is 377,830 hours per year.

- **Cost Burden Calculation**

The Committee on Economics of Legal Practice of the [American Intellectual Property Law Association \(AIPLA\)](https://www.aipla.org) <sup>1</sup>published a report that summarized the results of a survey with data on hourly billing rates. The professional rate of \$400 per hour used in this submission is the median rate for attorneys in private firms as published in that report. The USPTO expects that the information in this information collection will be prepared by attorneys, although some submissions may be prepared by *pro se* applicants and registrants. This is a fully loaded hourly rate. Using these hourly rates, the USPTO estimates that the total respondent cost burden for this information collection is \$151,132,000 per year.

Table 3 and Table 4 calculate the burden hours and costs of this information collection to the public, based on the following factors:

**Table 3: Total Hourly Burden for Private Sector Respondents**

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses (year) (a)	Estimated Time for Response (hours) (b)	Estimated Annual Burden (hour/year) (a) x (b) = (c)	Rate <sup>2</sup> (\$/hour) (d)	Estimated Annual Respondent Cost Burden (c) x (d) = (e)
1	Use-Based Trademark/Service Mark Applications (TEAS Standard)	94,956	94,956	0.75 (45 minutes)	71,217	\$400	\$28,486,800
1	Use-Based	90,111	90,111	0.83	74,792	\$400	\$29,916,800

<sup>1</sup> <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>

<sup>2</sup> 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>. The USPTO uses the mean rate for attorneys in private firms which is \$400 per hour.

	Trademark/Service Mark Applications (TEAS Plus)			(50 minutes)			
2	Intent to Use Trademark/Service Mark Application (TEAS Standard)	99,770	99,770	0.67 (40 minutes)	66,846	\$400	\$26,738,400
2	Intent to Use Trademark/Service Mark Application (TEAS Plus)	94,678	94,678	0.75 (45 minutes)	71,009	\$400	\$28,403,600
3	Applications for Registration of Trademark/Service Mark under 37 CFR §44 (TEAS Standard)	13,318	13,318	0.67 (40 minutes)	8,923	\$400	\$3,569,200
3	Applications for Registration of Trademark/Service Mark under 37 CFR §44 (TEAS Plus)	12,638	12,638	0.75 (45 minutes)	9,479	\$400	\$3,791,600
	<b>Totals</b>	<b>405,471</b>	<b>405,471</b>		<b>302,266</b>		<b>\$120,906,400</b>

**Table 4: Total Hourly Burden for Individuals or Households Respondents**

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses (year)	Estimated Time for Response (hours)	Estimated Annual Burden (hour/year)	Rate <sup>3</sup> (\$/hour)	Estimated Annual Respondent Cost Burden
			(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)
1	Use-Based Trademark/Service Mark Applications (TEAS Standard)	23,739	23,739	0.75 (45 minutes)	17,804	\$400	\$7,121,600
1	Use-Based Trademark/Service Mark Applications (TEAS Plus)	22,528	22,528	0.83 (50 minutes)	18,698	\$400	\$7,479,200
2	Intent to Use Trademark/Service Mark Application (TEAS Standard)	24,942	24,942	0.67 (40 minutes)	16,711	\$400	\$6,684,400
2	Intent to Use Trademark/Service Mark Application (TEAS Plus)	23,669	23,669	0.75 (45 minutes)	17,752	\$400	\$7,100,800
3	Applications for Registration of Trademark/Service Mark under 37 CFR §44 (TEAS Standard)	3,329	3,329	0.67 (40 minutes)	2,230	\$400	\$892,000
3	Applications for Registration of Trademark/Service Mark under 37 CFR §44 (TEAS Plus)	3,159	3,159	0.75 (45 minutes)	2,369	\$400	\$947,600
	<b>Totals</b>	<b>101,366</b>	<b>101,366</b>		<b>75,564</b>		<b>\$30,225,600</b>

<sup>3</sup> 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>. The USPTO uses the mean rate for attorneys in private firms which is \$400 per hour.

**13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).**

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

This collection has non-hourly costs in both fees paid by the public and associated postage costs for mailing items to the USPTO.

Fees

There are no capital start-up, maintenance, or recordkeeping fees associated with this information collection. However, there are both filing fees and processing fees associated with submitting trademark registration applications for a total of \$152,994,532 (\$152,728,650 in filing fees and \$265,600 in processing fees and 282 in postage), outlined in Table 5 and Table 6 below.

**Table 5: Filing Fees**

Item	Item	Estimated	Amount <sup>4</sup>	Totals
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<sup>4</sup> This fee rate is effective on January 2, 2021.

No.		Annual Responses (a)	(b)	(a) x (b) = (c)
1	Use-Based Trademark/Service Mark Applications (TEAS Standard)	118,680	\$350	\$41,538,000
1	Use-Based Trademark/Service Mark Applications (TEAS Plus)	112,639	\$250	\$28,159,750
1	Use-Based Trademark/Service Mark Applications (Paper)	15	\$750	\$11,250
2	Intent to Use Trademark/Service Mark Application (TEAS Standard)	124,697	\$350	\$43,643,950
2	Intent to Use Trademark/Service Mark Application (TEAS Plus)	118,347	\$250	\$29,586,750
2	Intent to Use Trademark/Service Mark Application (Paper)	15	\$750	11,250
3	Applications for Registration of Trademark/Service Mark under 37 CFR §44 (TEAS Standard)	16,642	\$350	\$5,824,700
3	Applications for Registration of Trademark/Service Mark under 37 CFR §44 (TEAS Plus)	15,797	\$250	\$3,949,250
3	Applications for Registration of Trademark/Service Mark under §44 (Paper)	5	\$750	\$3,750
	<b>Totals</b>	<b>506,837</b>		<b>\$152,728,650</b>

The USPTO charges a processing fee of \$100 per class for TEAS Plus applications that do not meet the TEAS Plus filing requirements. In such cases, the applicant will be required to submit the additional processing fee of \$100 per class. The total processing fees associated with this information collection can vary depending on the number of classes in each application. The total processing fees of \$265,600 shown in the table below reflect the minimum processing fees associated with this information collection.

**Table 6: Processing Fees**

Item No.	Item	Responses (a)	Amount <sup>5</sup> (b)	Totals (a) x (b) = (c)
1	Processing fee for applications that fail to meet the additional filing and processing requirements for reduced filing fee (TEAS Plus)	2,656	\$100	\$265,600
	<b>Totals</b>	<b>2,656</b>		<b>\$265,600</b>

### Postage Costs

In limited circumstances, applicants may be permitted to submit the information in paper form by mail, fax, or hand delivery. Applicants and registrants incur postage costs when submitting information to the USPTO by mail through the United States Postal Service. The USPTO expects that the majority of submissions for these paper forms are made via first-class mail (Priority Express Legal Envelope) at a cost of \$8.05. Therefore, a total estimated mailing of 35 paper submissions with a cost of \$282 is incurred for this information collection.

<sup>5</sup> This fee rate was scheduled to become effective on January 2, 2021.

The USPTO estimates that the total annual (non-hour) cost burden for this information collection, in the form of filing fees, processing fees and postage is \$152,994,532 per year.

**14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.**

The USPTO employs GS-7, step 10 and GS-14, step 6 employees to process and examine submissions for this information collection.

The USPTO estimates that the cost of a GS-7, step 10 employee is \$39.81 per hour (GS hourly rate of \$30.62 with 30% (\$9.19) added for benefits and overhead). The USPTO also estimates that it takes a GS-7, step 9 employee 2 minutes (0.03 hours) to process the applications submitted in this collection. The USPTO estimates that the cost of a GS-14, step 6 employee is \$89.05 per hour (GS hourly rate of \$68.50 with 30% (\$20.55) added for benefits and overhead). The USPTO also estimates that it takes a GS-14, step 6 employee 48 minutes (0.8 hours) to examine the applications submitted in this collection.

Table 7 calculates the burden hours and costs to the Federal Government for processing this information collection.

**Table 7: Burden Hour/Cost to the Federal Government**

IC No.	Item	Hours (a)	Responses (b)	Burden (a) x (b) (c)	Rate (\$) (d)	Total Cost (c) x (d) (e)
1	Use-Based Trademark/Service Mark Applications (TEAS Standard)	0.03 (2 minutes)	118,695	3,561	\$39.81	\$141,763
		0.8 (48 minutes)		94,956	\$89.05	\$8,455,832
1	Use-Based Trademark/Service Mark Applications (TEAS Plus)	0.03 (2 minutes)	112,639	3,379	\$39.81	\$134,518
		0.8 (48 minutes)		90,111	\$89.05	\$8,024,385
2	Intent to Use Trademark/Service Mark Application (TEAS Standard)	0.03 (2 minutes)	124,712	3,741	\$39.81	\$148,929
		0.8 (48 minutes)		99,770		\$8,884,519

2	Intent to Use Trademark/Service Mark Application (TEAS Plus)	0.03 (2 minutes)	118,347	3,550	\$39.81	\$141,326
		0.8 (48 minutes)		94,678		\$8,431,076
3	Applications for Registration of Trademark/Service Mark under 37 CFR §44 (TEAS Standard)	0.03 (2 minutes)	16,647	499	\$39.81	\$19,865
		0.8 (48 minutes)		13,318		\$1,185,968
3	Applications for Registration of Trademark/Service Mark under 37 CFR §44 (TEAS Plus)	0.03 (2 minutes)	15,797	474	\$39.81	\$18,870
		0.8 (48 minutes)		12,638		\$1,125,414
<b>TOTAL</b>		- - - -	<b>506,837</b>	<b>420,675</b>	- - - -	<b>\$36,712,465</b>

**15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.**

**ICR Summary of Burden:**

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	506,837	0	0	69,238	0	437,599
Annual Time Burden (Hr)	377,830	0	0	164,334	0	213,496
Annual Cost Burden (\$)	152,994,532	0	0	42,165,432	0	110,829,100

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses will increase by 69,238 (from 437,599 to 506,837) and the total burden hours will increase by 164,334 (from 213,496 to 377,830) from the currently approved burden for this information collection.

Changes in Respondent Cost Burden

The total respondent cost burden for this information collection has increased by \$57,621,348 (from \$93,510,652 to \$151,132,000 from the previous approval of this information collection:

- **Increase in estimated hourly rates.** The previous renewal used an estimated rate of \$438 per hour for respondents to this information collection, which was the estimated attorney rate at the time. For the current renewal, the USPTO is using an updated hourly rate of \$400 for attorneys.

- **Increases in estimates burden hours.** The total estimated burden hours have increased from 213,496 in the previous approval to 377,830 for the current renewal due to overall increases in the estimated annual responses for this information collection.

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

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$42,165,432 (from \$110,829,100 to \$152,994,532). This change is due to administrative adjustments.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The USPTO does not plan to publish this information for statistical use.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

The forms/instruments in this information collection will display the OMB Control Number and the expiration date of OMB approval.

**18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”**

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.