

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Madrid Protocol**  
**OMB Control Number 0651-0051**  
**2022**

**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.**

This collection of information is required by the Trademark Act of 1946, 15 U.S.C. 1051 et seq., which provides for the Federal registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. The Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) is an international treaty that allows a trademark owner to seek registration in any of the participating countries by filing a single international application.

The International Bureau (IB) of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland, administers the international registration system. The Madrid Protocol Implementation Act of 2002 amended the Trademark Act to provide that: (1) The owner of a U.S. application or registration may seek protection of its mark in any of the participating countries by submitting a single international application through the USPTO and (2) the holder of an international registration may request an extension of protection of the international registration to the United States. The Madrid Protocol came into effect in the United States on November 2, 2003, and is implemented under 15 U.S.C. 1141 et seq. and 37 CFR parts 2 and 7. Individuals and businesses that use or intend to use such marks in commerce may file an application to register the marks with the USPTO. Both the register and the information provided in pending applications for registration can be accessed by the public in order to determine the availability of a mark and lessen the likelihood of initiating the use of a mark previously adopted by another.

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
1	Application for International Registration	15 U.S.C. § 1141a	37 CFR 7.11
2	Request for Extension of Protection of International Registration to the United States (WIPO)	15 U.S.C. § 1141d	37 CFR 7.21
	Response to Notice of Irregularity	N/A	37 CFR 7.14

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4	Replacement Request	15 U.S.C. § 1141n	37 CFR 7.28
5	Transformation Request	15 U.S.C. § 1141k(c)	37 CFR 7.31
6	Petition to Director to Review Denial of Certification of International Application	15 U.S.C. § 1141b	37 CFR 2.146 and 7.13(b)
7	Application for Subsequent Designation	15 U.S.C. § 1141d	37 CFR 7.21
8	Declaration of Continued Use/Excusable Non-use of Mark in Commerce Under Section 71	15 U.S.C. § 1141k	37 CFR 7.36 and 7.37
9	Combined Declaration of Continued Use/Excusable Non-use and Incontestability Under Sections 71 and 15	15 U.S.C. §§ 1065 and 1141k	37 CFR 2.167, 2.168, 7.36, and 7.37
10	Petition to Director for an International Application/Registration	15 U.S.C. § 1141c	37 CFR 2.146, 7.23 and 7.24

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

The information collected, maintained, and used in this information collection is based on OMB and USPTO guidelines. This includes the basic information quality standards established in the Paperwork Reduction Act (44 U.S.C. Chapter 35), in OMB Circular A-130, and in the OMB information quality guidelines.

Table 2 outlines how this collection of information is used by the public and the USPTO.

**Table 2: Needs and Uses**

Item No.	Item	Form No.	Needs and Uses
1	Application for International Registration	PTO-2131	<ul style="list-style-type: none"> <li>Used by the public to apply for international trademark registration.</li> <li>Used by the USPTO to review applications for international trademark registration and forward them to the IB.</li> </ul>

2	Request for Extension of Protection of International Registration to the United States (WIPO)	Not Applicable	<ul style="list-style-type: none"> <li>Used by the public to identify countries that were not named in an original international application but in which trademark protection is now sought or to request extension of goods/services not already extended to previously designated countries.</li> <li>Used by the USPTO to forward additionally designated countries or goods/services in an international application to the IB.</li> </ul>
3	Response to Notice of Irregularity	PTO-2133	<ul style="list-style-type: none"> <li>Used by the public to respond to irregularities in international applications identified by the IB.</li> <li>Used by the USPTO to forward responses to irregularities identified in international applications to the IB.</li> </ul>
4	Replacement Request	PTO-2314	<ul style="list-style-type: none"> <li>Used by the public to request that the USPTO replace a U.S. trademark registration with a subsequently registered extension of protection to the United States.</li> <li>Used by the USPTO to review requests to replace a U.S. trademark registration with a subsequently registered extension of protection to the United States.</li> </ul>
5	Transformation Request	PTO-2315	<ul style="list-style-type: none"> <li>Used by the public to request that the USPTO transform a cancelled extension of protection into an application for registration under Section 1 or 44 of the Trademark Act.</li> <li>Used by the USPTO to review requests that the USPTO transform a cancelled extension of protection into an application for registration under Section 1 or 44 of the Trademark Act.</li> </ul>
6	Petition to Director to Review Denial of Certification of International Application	PTO-2316	<ul style="list-style-type: none"> <li>Used by the public to request that the USPTO review an examiner's refusal to certify an international application.</li> <li>Used by the USPTO to review claims that the refusal to certify an international application was either erroneous or due to inadvertent errors by filers.</li> </ul>
7	Application for Subsequent Designation	PTO-2132	<ul style="list-style-type: none"> <li>Used by the public to request for a subsequent designation.</li> <li>Used by USPTO to process a request for subsequent designation.</li> </ul>
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71	PTO-1663	<ul style="list-style-type: none"> <li>Used by the public to submit a declaration that a mark is in use or that any nonuse of a mark is excusable in order to retain an extension of protection to the United States.</li> <li>Used by the USPTO to review declarations stating that a mark is in use or that any nonuse of a mark is excusable.</li> </ul>
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15	PTO-1683	<ul style="list-style-type: none"> <li>Used by the public to claim that a mark registered on the Principal Register is now incontestable and to submit a declaration that a mark is in use or that any nonuse of a mark is excusable in order to retain an extension of protection to the United States.</li> <li>Used by the USPTO to review declarations stating that a mark is in use or that any nonuse of a mark is excusable.</li> </ul>

10	Petition to Director for an International Application/Registration	PTO-2317	<ul style="list-style-type: none"> <li>• Used by the public to file a Petition to Director requesting (1) the USPTO forward requests to record an assignment of an international registration or a restriction of a holder's right to dispose of an international registration to the International Bureau (IB); or (2) relief in conjunction with an international application in which the U.S. is the Office of origin.</li> <li>• Used by the USPTO to review requests to record an assignment of an international registration or a restriction of a holder's right to dispose of an international registration an assignment or security interest to the International Bureau (IB); or requests for relief in conjunction with an international application in which the U.S. is the Office of origin.</li> </ul>
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**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, in conjunction with delegates from WIPO and from various countries, defined procedures and formats for exchanging Madrid Protocol data electronically between WIPO and any member country of the Madrid Protocol. These standards cover both text and image data.

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

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

The information in this collection must be submitted electronically through TEAS. In limited circumstances, applicants may also be permitted to submit the information on paper, or by using the forms provided by the IB, which are available on the WIPO website, by mail, fax, or hand delivery. The IB requires Applications for International Registration and Applications for Subsequent Designation that are filed on paper to be submitted on the official IB forms.

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 an online image database, called the Trademark Status and Document Retrieval (TSDR) system, that 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 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 is collected only when a U.S. trademark owner submits an application for international registration or a related request. This information is not collected elsewhere and does not result in a duplication of effort. When submitting an international application online using TEAS, customers may enter the appropriate U.S. serial number or registration number in order to populate the forms with the relevant application or registration information from the USPTO database and avoid re-entering this information. Use of the pre-populated version of the forms avoids manual entry errors and provides users with a faster means of submitting an application.

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

**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 February 9, 2022. The comment period ended on April 11, 2022. No comments were received.

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's 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. Payments or Gifts to Respondents 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.**

The information collected is 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 (SORN) (COMMERCE/USPTO-26 Trademark Application and Registration Records) Vol. 85, No. 32 /Tuesday, February 18, 2020. 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.

- 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’.**

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

- **Respondent Calculation Factors**

The USPTO estimates that it will receive approximately 54,082 total responses per year for this information collection.

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

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately between 40 minutes (0.66 hours) and 75 minutes (1.25 hours) to complete the information in this information collection, including the time to gather the necessary information, prepare the forms or documents, and submit the completed request to the USPTO. Using these burden factors, USPTO estimates that the total respondent hourly burden for this information collection is 48,671 hours per year.

- **Cost Burden Calculation Factors**

The USPTO uses a professional hourly rate of \$435 per hour for respondent cost burden calculations, which is the median rate for intellectual property attorneys in private firms, as shown in the 2021 *Report of the Economic Survey* published by the American Intellectual Property Law Association. Using this hourly rate, the USPTO estimates that the total respondent cost burden for this information collection is \$21,171,885 per year.

**Table 3: Burden Hour/Burden Cost to Private Sector Respondents**

Item No.	Item	Estimated Annual Respondents	Responses per Respondent	Estimated Annual Responses	Estimated Time For Response (hours)	Estimated Burden (hour/year)	Rate <sup>1</sup> (\$/hour)	Estimated Annual Respondent Cost Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)
1	Application for International Registration PTO-2131	7,778	1	7,778	.66 (40 minutes)	5,133	\$435	\$2,232,855

<sup>1</sup> 2021 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA). The USPTO uses the mean IP billing rate for attorneys in private firms, which is \$435 per hour. (<https://www.aipla.org/home/news-publications/economic-survey>; pg F-27)

2	Request for Extension of Protection of International Registration to the United States (WIPO)	34,960	1	34,960	1	34,960	\$435	\$15,207,600
3	Response to Notice of Irregularity <b>PTO-2133</b>	812	1	812	.66 (40 minutes)	536	\$435	\$233,160
4	Replacement Request <b>PTO-2314</b>	10	1	10	.75 (45 minutes)	8	\$435	\$3,480
5	Transformation Request <b>PTO-2315</b>	2	1	2	.66 (40 minutes)	1	\$435	\$435
6	Petition to Director to Review Denial of Certification of International Application <b>PTO-2316</b>	3	1	3	1.25 (75 minutes)	4	\$435	\$1,740
7	Application for Subsequent Designation <b>PTO-2132</b>	740	1	740	1.25 (75 minutes)	925	\$435	\$402,375
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 <b>PTO-1663</b>	4,703	1	4,703	.66 (40 minutes)	3,104	\$435	\$1,350,240
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 <b>PTO-1683</b>	2,317	1	2,317	.66 (40 minutes)	1,529	\$435	\$665,115
10	Petition to Director for an International Application/Registration <b>PTO-2317</b>	50	1	50	.66 (40 minutes)	33	\$435	\$14,355
	<b>Total</b>	<b>51,375</b>	<b>---</b>	<b>51,375</b>	<b>---</b>	<b>46,233</b>	<b>---</b>	<b>\$20,111,355</b>

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

Item No.	Item	Estimated Annual Respondents	Responses per Respondent	Estimated Annual Responses	Estimated Time For Response (hours)	Estimated Burden (hour/year)	Rate <sup>2</sup> (\$/hour)	Estimated Annual Respondent Cost Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)
1	Application for International	409	1	409	.66 (40 minutes)	270	\$435	\$117,450

<sup>2</sup> Ibid.

	Registration <b>PTO-2131</b>								
2	Request for Extension of Protection of International Registration to the United States (WIPO)	1,840	1	1,840	1	1,840	\$435	\$800,400	
3	Response to Notice of Irregularity <b>PTO-2133</b>	43	1	43	.66 (40 minutes)	28	\$435	\$12,180	
4	Replacement Request <b>PTO-2314</b>	1	1	1	.75 (45 minutes)	1	\$435	\$435	
5	Transformation Request <b>PTO-2315</b>	1	1	1	.66 (40 minutes)	1	\$435	\$435	
6	Petition to Director to Review Denial of Certification of International Application <b>PTO-2316</b>	2	1	2	1.25 (75 minutes)	3	\$435	\$1,305	
7	Application for Subsequent Designation <b>PTO-2132</b>	39	1	39	1.25 (75 minutes)	49	\$435	\$21,315	
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 <b>PTO-1663</b>	248	1	248	.66 (40 minutes)	164	\$435	\$71,340	
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 <b>PTO-1683</b>	122	1	122	.66 (40 minutes)	81	\$435	\$35,235	
10	Petition to Director for an International Application/Registration <b>PTO-2317</b>	2	1	2	.66 (40 minutes)	1	\$435	\$435	
	<b>Totals</b>	<b>2,707</b>	<b>---</b>	<b>2,707</b>	<b>---</b>	<b>2,438</b>	<b>---</b>	<b>\$1,060,530</b>	

**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.

There are no capital start-up or maintenance, or non-hour recordkeeping costs for this information collection. This information collection has non-hourly cost burdens in both fees paid by the public and associated postage costs for mailing items to the USPTO. The total (non-hour) respondent cost burden for this information collection is estimated to be \$21,516,380 per year.

#### Fees

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

**Table 4: Filing Fees**

Item No.	Item	Estimated Annual Response (a)	Filing Fee (b)	Total Filing Fee Cost (a) x (b) = (c)
1	Application for International Registration (for certifying an international application based on a single basic application or registration, per international class) (TEAS)	6,959	\$100	\$695,900
1	Application for International Registration (for certifying an international application based on a single basic application or registration, per international class) (paper)	1	\$200	\$200
1	Application for International Registration (for certifying an international application based on more than one basic application or registration, per international class) (TEAS)	1,228	\$150	\$184,200
1	Application for International Registration (for certifying an international application based on more than one basic application or registration, per international class) (paper)	1	\$250	\$250
2	Request for Extension of Protection of International Registration to the United States	36,800	\$500	\$18,400,000

	(WIPO)			
3	Transmitting a Subsequent Designation under Section 7.21 (TEAS)	779	\$100	\$77,900
3	Transmitting a Subsequent Designation under Section 7.21 (paper)	1	\$200	\$200
4	Notice of Replacement under Section 7.28 (per international class) (TEAS)	10	\$100	\$1,000
4	Notice of Replacement under Section 7.28 (per international class) (paper)	1	\$200	\$200
5	Transformation Request (per international class) (TEAS)	2	\$350	\$700
5	Transformation Request (per international class) (paper)	1	\$750	\$750
6	Petition to Director to Review Denial of Certification of International Application (TEAS)	5	\$250	\$1,250
6	Petition to Director to Review Denial of Certification of International Application (paper)	1	\$350	\$350
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (per international class) (TEAS)	4,951	\$225	\$1,113,975
8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 (per international class) (paper)	1	\$325	\$325
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (per international class) (TEAS)	2,439	\$425	\$1,036,575
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 (per international class) (paper)	1	\$625	\$625
10	Petition to Director for an International Application/Registration (TEAS)	2	\$250	\$500
10	Petition to Director for an International Application/Registration (paper)	1	\$350	\$350
10	Request to Record an Assignment or Restriction, or Release of a Restriction, under Sections 7.23 and 7.24 (TEAS)	8	\$100	\$800
10	Request to Record an Assignment or Restriction, or Release of a Restriction, under Section 7.23 and 7.24 (paper)	1	\$200	\$200
	<b>Totals</b>	<b>53,193</b>	<b>- - -</b>	<b>\$21,516,250</b>

### Postage Costs

Although the USPTO requires that the items in this information collection be submitted electronically, the items may, in limited situations, be submitted by mail through the United States Postal Service (USPS). Approximately 14 submissions per year are estimated to be mailed to the USPTO. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail flat rate legal envelope will be \$9.25. Therefore, the USPTO estimates \$130 in postage costs associated with this information collection.

**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.**

USPTO employs a GS-11 to process submissions for this information collection, except for the petitions and declarations.

The USPTO estimates that the cost of a GS-11, step 1 employee is \$46.68 per hour (GS hourly rate of \$35.91 with 30% (\$10.77) added for benefits and overhead).

The petitions in this collection are processed by a GS-15 employee. The USPTO estimates that the cost of a GS-15, step 5 employee is \$104.82 per hour (GS hourly rate of \$80.63 with 30% (\$24.19) added for benefits and overhead).

The declarations and combined declarations in this collection are processed by GS-9, step 1, GS-11, step 1, and GS-12, step 1 employees. The USPTO estimates that the cost of a GS-9, step 1 employee is \$38.58 (GS hourly rate of \$29.68 with 30% (\$8.90) added for benefits and overhead), the cost of a GS-11, step 1 is \$46.68 (GS hourly rate of \$35.91 with 30% (\$10.77) added for benefits and overhead), and the cost of a GS-12, step 1 employee is \$55.95 (GS hourly rate of \$43.04 with 30% (\$12.91) added for benefits and overhead). The average cost of these three rates is \$47.07.

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

Item No.	Item	Responses (a)	Hours (b)	Burden (a) x (b) (c)	Rate <sup>3</sup> (d)	Total Cost (e) (c) x (d)
1	Application for International Registration PTO-2131	8,187	0.33 (20 minutes)	2,702	\$46.68	\$126,129
2	Request for Extension of Protection of International Registration to the United States (WIPO)	36,800	0	0	\$46.68	\$0
3	Response to Notice of Irregularity PTO-2133	855	0.50 (30 minutes)	428	\$46.68	\$19,979
4	Replacement Request PTO-2314	11	0.50 (30 minutes)	6	\$46.68	\$280
5	Transformation Request PTO-2315	3	0.25 (15 minutes)	1	\$46.68	\$47
6	Petition to Director to Review Denial of Certification of International Application PTO-2316	5	0.60 (36 minutes)	3	\$104.82	\$314
7	Application for Subsequent Designation PTO-2132	779	1 (60 minutes)	779	\$46.68	\$36,364

<sup>3</sup> 2022 GS Pay Scale for the Locality Pay area of Washington DC: [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/DCB\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/DCB_h.pdf).

8	Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 <b>PTO-1663</b>	4,951	0.17 (10 minutes)	842	\$47.07	\$39,633
9	Combined Declaration of Continued Use/Excusable Nonuse and Incontestability Under Sections 71 and 15 <b>PTO-1683</b>	2,439	0.17 (10 minutes)	414	\$47.07	\$19,487
10	Petition to Director for an International Application/Registration <b>PTO-2317</b>	52	0.36 (22 minutes)	19	\$104.82	\$1,992
	<b>Totals</b>	<b>54,082</b>	<b>---</b>	<b>5,194</b>	<b>---</b>	<b>\$244,225</b>

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

	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	54,082	0	52	39,339	0	14,691
Annual Time Burden (Hr)	48,671	0	34	43,759	0	4,878
Annual Cost Burden (\$)	21,516,380	0	1,850	9,332,141	0	12,182,389

Program Change Due to Agency Discretion of Annual Responses, Time Burden, and Cost Burden

USPTO is adding one form (PTO-2317, Petition to Director for an International Application/Registration) to this information collection. Two fees (Petition to Director and Request to Record an Assignment) are also being added in connection with this new form. This additional item adds 52 responses, 34 burden hours, and \$1,850 to the overall estimates.

Change Due to Adjustment in Agency Estimate of Annual Responses, Time Burden, and Cost Burden

Increases in the number of responses (39,339), burden hours (43,759) and cost burdens (\$9,332,141) are due to the estimated normal fluctuation in the number of responses for the items in this information collection. This rise in participation is a part of an increase in overall Trademark filings.

**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. However, many patent and trademark records are available to the public at the USPTO Public Search Facilities and on the USPTO website.

**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 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.