

SUPPORTING STATEMENT
United States Patent and Trademark Office
Fastener Quality Act Insignia Recordal Process
OMB CONTROL NUMBER 0651-0028
(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.**

Under Section 5 of the Fastener Quality Act of 1999 (FQA), 15 U.S.C. § 5401 *et seq.*, certain industrial fasteners must bear an insignia identifying the manufacturer. It is also mandatory for manufacturers of fasteners covered by the FQA to submit an application to the United States Patent and Trademark Office (USPTO) for recordal of the insignia on the Fastener Insignia Register.

The procedures for the recordal of fastener insignia under the FQA are set forth in 15 CFR 280.300 *et seq.* The purpose of requiring both the insignia and the recordation is to ensure that certain fasteners can be traced to their manufacturers and to protect against the sale of mismarked, misrepresented, or counterfeit fasteners.

The insignia may be either a unique alphanumeric designation that the USPTO will issue upon request or a trademark that is registered at the USPTO or is the subject of an application to obtain a registration. After a manufacturer submits a complete application for recordal, the USPTO issues a Certificate of Recordal. These certificates remain active for five years. Applications to renew the certificates must be filed within six months of the expiration date or, upon payment of an additional surcharge, within six months following the expiration date.

If a recorded alphanumeric designation is assigned by the manufacturer, the designation becomes “inactive” and the new owner must submit an application to reactivate the designation within six months of the date of assignment. If the recordal is based on a trademark application or registration, and that application or registration is assigned, the recordal becomes “inactive” and cannot be reactivated. Instead, the new owner of the trademark application or registration must apply for a new recordal. Manufacturers who record the insignia must notify the USPTO of any changes of address.

This information collection includes one form, the Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act (Form PTO-1611), which provides manufacturers with a convenient way to submit a request for the recordal of a fastener insignia or to renew or reactivate an existing Certificate of

Recordal. Use of Form PTO-1611 is not mandatory, and applicants may instead prepare requests for recordal using their own format; using a document that includes the information required by 15 CFR 280.310(b)(1)-(8).

Table 1 identifies the statutory and regulatory provisions that require the USPTO to collect the information discussed above:

Table 1: Information Requirements for Fastener Quality Act Insignia Recordal Process

Requirement	Statute	Regulations
Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act	15 U.S.C. § 5401	15 CFR 280.300 – 280.326

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 comply with the insignia recordal provisions of the FQA. An applicant may choose to use either the Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act (PTO-1611) or prepare requests for recordal using a document that includes the information required by 15 CFR 280.310(b)(1)-(8).

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 USPTO information quality guidelines.

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

Table 2: Needs and Uses of Information Collected for Fastener Quality Act Insignia Recordal Process

Form and Function	Form No.	Needs and Uses
Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act	PTO-1611	<ul style="list-style-type: none"> Used by manufacturers of certain types of industrial fasteners to apply to, renew, or reactivate the USPTO for recordal of fastener insignia. Used by the USPTO to process the information needed to issue, renew, or reactivate fastener insignia Certificates of Recordal. Used by the USPTO to establish and maintain the Fastener Insignia Registry.

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.

Currently, trademark applicants and registrants are required to file all submissions related to a trademark application or registration electronically using the USPTO's Trademark Electronic Application System (TEAS), with limited exceptions. As a result, USPTO customers are accustomed to filing a variety of documents electronically and consider the use of paper forms for their FQA filings to be tedious and time consuming. Developing a system similar to TEAS for FQA filings would not be a cost-effective method given the comparatively small number of annual FQA filings versus trademark filings. However, the USPTO does allow submission of electronically completed portable document format (PDF) versions of the FQA form via an email box at TMFQA@uspto.gov.

Filing FQA submission using the email box provides several advantages. First, when the USPTO receives forms that were completed by hand, they are often difficult to read. By allowing users to complete and submit the forms electronically, fewer errors in transcription of the data will be made. Further, by allowing the completed forms to be sent via email, there is less likelihood of the form being misrouted or lost. International manufacturers can also use email to avoid postal delays and the higher costs associated with international postage. Finally, the current modifications to the form will allow for more efficient development of an electronic submission system in the future. Use of a fillable form for entering data will enable the USPTO to establish field-specific data capture, which will eventually be used to automatically transfer the data to the corresponding database and eliminate the process of manually entering the new applications one at a time. Presently, a clerk must enter each field of data into a database, which repeats work done by the customer and potentially leads to errors.

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 manufacturer requests that the USPTO record or renew a fastener insignia. This information is not collected elsewhere and does not result in a duplication of effort.

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

This information collection does not impose a significant economic impact on small entities or small businesses. Only manufacturers of certain fasteners that are covered under the FQA are required to respond to this information collection. This information is not available from any other source. The same information is required from every manufacturer who requests the recordal or renewal of a fastener insignia.

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 is collected only when a manufacturer applies for recordal, renewal, or reactivation of a fastener insignia and is not found elsewhere. If this information were not collected, the manufacturers and the USPTO would be unable to comply with the regulations implementing the FQA. Renewal of the Certificate of Recordal is required every 5 years and reactivation is required when ownership of a recorded alphanumeric designation is assigned to another entity. This collection of information could not be conducted less frequently. Less frequent collection would result in inaccurate or obsolete information in the fastener insignia registry.

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 January 15, 2021 (86 FR 4007). The public comment period ended on March 16, 2021. The USPTO received no public comments in response to the notice.

Large and well-organized bar associations frequently communicate their views to the USPTO. Also, the Trademark Public Advisory Committee (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 nine voting members who are appointed by and serve at the pleasure of the Secretary of Commerce. The statute also provides non-voting membership on the Committee for the Agency's three recognized unions. 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. 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.

Fastener insignia applications are not confidential and are open to public inspection. Active Insignias are listed on the Fastener Insignia Register which is available at https://www.uspto.gov/sites/default/files/documents/FQA_Registry.pdf.

Applicants who submit information under the FQA may also have submitted information related to trademark applications and other applications that may be 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.

Users who filled information with any of the following information collections submitted data that may be covered under SORN USPTO-26 (Trademark Application and Registration Records):

- 0651-0009 Applications for Trademark Registrations
- 0651-0048 Native American Tribal Insignia Database
- 0651-0050 Response to Office Action and Voluntary Amendment Forms
- 0651-0051 Madrid Protocol
- 0651-0054 Substantive Submissions Made During Prosecution of the Trademark Application
- 0651-0055 Trademark Processing Post Registration
- 0651-0056 Submissions Regarding Correspondence and Regarding Attorney Representation
- 0651-0061 Trademark Petitions

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 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 anticipated 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 96 responses per year from 96 respondents for this information collection.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately 30 minutes (0.5 hours) to complete and submit the information in this information collection, including the time to gather the necessary information, prepare the form, and submit the request for recordal or renewal of a fastener insignia to the USPTO. Using these burden factors, USPTO estimates that the total respondent hourly burden for this information collection is 48 hours per year.

- **Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$400 per hour for respondent cost burden calculations, published in the [2019 Report of the Economic Survey](https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey)¹ from the Law Practice Management Committee of the American Intellectual Property Law Association (AIPLA). Using this hourly rate, the USPTO estimates that the total respondent cost burden for this information collection is \$19,200 per year.

Table 3: Total Hourly Burden For Private Sector Respondents

Item	Item	Estimated	Estimated	Estimated	Estimated	Rate ²	Estimated
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¹ <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>

² 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.

No.		Annual Respondents	Annual Response (Year) (a)	Time for Response (hour) (b)	Annual Burden (hour/year) (a) x (b) = c	(\$/ hour) (d)	Annual Burden (c) x (d) = (e)
1	Applications for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act PTO Form 1611	96	96	0.5	48	\$400	\$19,200
	Totals	96	96	---	48	---	\$19,200

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.

The total annual (non-hour) cost burden for this information collection is estimated to be \$2,136 per year, which includes \$2,120 in filing fees and \$16 in postage costs.

Filing Fees:

There are two fees associated with submitting Applications for Recordal of Insignia or Renewal/Reactivation of Recordal to the USPTO, as outlined in Table 4 below.

Table 4: Filing Fee/Non-hour Cost Burden to Respondents

Item No.	Item	Estimated Annual Responses (a)	Filing Fee (\$) (b)	Total Non-hour respondent Cost Burden (a) x (b) = (c)
1	Applications for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act.	96	\$20	\$1,920
1	Surcharge for filing 6 months after the expiration date—Filing an application for recordal of insignia or renewal/reactivation of recordal	10	\$20	\$200
	Totals	\$2,120

Postage Costs

Although the USPTO prefers that the items in this information collection be submitted electronically, responses may be submitted by mail through the United States Postal Service (USPS). The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail 2-day flat rate legal envelope, will be \$8.25. The USPTO estimates that 2 paper submissions will be mailed annually for a total cost of \$16 in postage.

- 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 estimates that it takes a GS-12, step 5 employee approximately 15 minutes (0.25 hours) to process the information in this information collection. The USPTO estimates that the cost of a GS-12, step 5 employee is \$61.56 per hour (GS hourly rate of \$47.35 with 30% (\$14.21 added for benefits and overhead).

Table 5 calculates the burden hours and cost to the Federal Government for processing this information collection.

Table 5: Burden Hour/Burden Cost to the Federal Government for Fastener Quality Act Insignia Recordal Process

Item	Responses (yr) (b)	Hours (a)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act	96	0.25	24	\$61.56	\$1,477
Total	96	- - -	24	- - -	\$1,477

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	96	0	0	0	0	96
Annual Time Burden (Hr)	48	0	0	16	0	32
Annual Cost Burden (\$)	2,136	0	0	14	0	2,122

Changes Due to Adjustment in Agency Estimate for Respondent Annual Time and Cost Burdens

The total respondent cost burden for this information collection has increased by \$14,560 (from \$4,640.00 to \$19,200) from the previous renewal due to:

- **Increases in estimated hourly rates.** The 2018 renewal used an estimated rate of \$145 per hour for respondents (paraprofessionals) to this information collection. For the current renewal, the USPTO is using a professional hourly rate of \$400.
- **Increases in estimated burden hours.** The total estimated burden hours have increased from 32 in the 2018 renewal to 48 for the current renewal due to changes in the estimated time to complete the application.

Changes Due to Adjustment in Agency Estimate for Annual (Non-Hour) Cost Burdens

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$14 (from \$2,122.00 to \$2,136.00) due to an increase in the postage rates used to calculate the mailing costs associated with these applications.

- 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.**

There is no plan to publish this information for statistical use. However, the USPTO does publish a register of active fastener insignia that is available for public inspection. The Fastener Insignia Register may be viewed or downloaded and printed from the USPTO website at:

https://www.uspto.gov/sites/default/files/documents/FQA_Registry.pdf

- 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 form 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.