

SUPPORTING STATEMENT
United States Patent and Trademark Office
Trademark Post Registration
OMB CONTROL NUMBER 0651-0055
2021

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the 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. § 1501 *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 that use or intend to use such marks in commerce may file an application to register their marks with the USPTO.

Such individuals and businesses may also submit various communications to the USPTO, including requests to amend their registrations to delete goods or services that are no longer being used by the registrant. Registered marks remain on the register for 10 years and can be renewed, but will be cancelled unless the owner files with the USPTO a declaration attesting to the continued use (or excusable non-use) of the mark in commerce, and a renewal application, within specific deadlines. Applicants may also request to amend or divide a registration, respond to a post-registration Office action, and surrender a registration.

The regulations implementing the Act are set forth in 37 CFR Part 2. These regulations mandate that each register entry 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 used by another. Thus, the Federal trademark registration process may reduce unnecessary litigation and its accompanying costs and burdens.

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

Table 1: Information Requirements for Trademark Post Registration

Item No.	Requirement	Statute	Regulation
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1	Declaration of Use of Mark in Commerce Under Section 8	15 U.S.C. § 1058	37 CFR 2.160-2.166, 2.168
2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9	15 U.S.C. §§ 1058 and 1059	37 CFR 2.160-2.166, 2.181-2.186
3	Declaration of Incontestability of a Mark Under Section 15	15 U.S.C. § 1065	37 CFR 2.167
4	Combined Declaration of Use and Incontestability Under Sections 8 and 15	15 U.S.C. §§ 1058 and 1065	37 CFR 2.160-2.168
5	Surrender of registration for cancellation	15 U.S.C. § 1057	37 CFR 2.172
6	Section 7 Request	15 U.S.C. § 1057	37 CFR 2.171-2.176
7	Response to Office Action for Post-Registration Matters	15 U.S.C. §§ 1057-1061	37 CFR 2.160-2.168, 2.171-2.176
8	Request to Divide Registration	15 U.S.C. § 1057	37 CFR 2.171(b)
9	Section 12(c) Affidavit	15 U.S.C. § 1058	37 CFR 2.160

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 USPTO uses the information described in this information collection to process post registration submissions. 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 trademark rights. The information is available at USPTO facilities, and also can be accessed at the USPTO 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 information collection is 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.

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), 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 of Information Collected for Trademark Post Registration

Item No.	Form and Function	Form No.	Needs and Uses
1	Declaration of Use of Mark in Commerce Under Section 8	PTO Form 1563	<ul style="list-style-type: none"> Used by the public to complete and file declarations of use in commerce, or excusable non-use, of a registered mark. Used by the USPTO to review and process declarations of use in commerce, or excusable non-use, of a registered mark.
2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9	PTO Form 1963	<ul style="list-style-type: none"> Used by the public to complete and file declarations of use in commerce, or excusable non-use, of a registered mark, and to file applications for renewal of the registration. Used by the USPTO to review and process declarations of use in commerce, or excusable non-use, of a registered mark, and to process applications for renewal of the registration.
3	Declaration of Incontestability of a Mark Under Section 15	PTO Form 1573	<ul style="list-style-type: none"> Used by the public to complete and submit assertions that a registration has become incontestable. Used by the USPTO to process declarations of incontestability.
4	Combined Declaration of Use and Incontestability Under Sections 8 and 15	PTO Form 1583	<ul style="list-style-type: none"> Used by the public to complete and file declarations of use in commerce, or excusable non-use, of a registered mark and to submit assertions that a registration has become incontestable. Used by the USPTO to process declarations of use in commerce, or excusable non-use, of a registered mark, and to process declarations of incontestability.
5	Surrender of registration for cancellation	PTO Form 2309	<ul style="list-style-type: none"> Used by the public to surrender a registration for cancellation. Used by the USPTO to cancel a registration that has been surrendered.
6	Section 7 Request	PTO Form 1597	<ul style="list-style-type: none"> Used by the public to request a correction or amendment to the information on a certificate of registration. Used by the USPTO to review and process requests for corrections or amendments to a registration.
7	Response to Office Action for Post-Registration Matters	PTO Form 2302	<ul style="list-style-type: none"> Used by the public to respond to a post-registration Office action or pay an additional fee related to a post-registration matter. Used by the USPTO to review and process a response to a post-registration Office action or to process a payment related to a post-registration matter.
8	Request to Divide Registration	PTO Form 2310	<ul style="list-style-type: none"> Used by the public to request to divide a registration based on an application under Section 1 or Section 44 of the Trademark Act if ownership of the registration has changed with respect to some but not all of the goods and/or services. Used by the USPTO to review and process a request to divide a registration based on an application under Section 1 or Section 44 of the Trademark Act.
9	Section 12(c) Affidavit	PTO Form 2311	<ul style="list-style-type: none"> Used by the public to claim the benefits of the Trademark Act of 1946 for a mark originally registered under the Trademark Acts of 1905 or 1881. Used by the USPTO to process an affidavit claiming the benefits of the Trademark Act of 1946 for a mark originally registered under the Trademark Acts of 1905 or 1881.

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 collection. Also describe any consideration of using information technology to reduce burden.

The USPTO operates three IT systems that support this information collection:

- TEAS
- Trademark Status and Document Retrieval System (TSDR)
- Trademark Electronic Search System (TESS)

The USPTO provides online electronic forms through TEAS. Once completed, TEAS forms are transmitted to the USPTO via the Internet. The TEAS forms include “help” instructions and a “Form Wizard” that tailors the form to the particular characteristics of the application or registration in question. TEAS forms improve efficiency by providing users with alternatives to paper forms and also reduce the processing time for such 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 TSDR, an online image database 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 collection does not solicit any data already available at 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 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 submit any of the information collection items listed above to the USPTO and register their 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. §§ 1057-1061, 1065 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 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 May 12, 2021 (86 Fed. Reg. 26015). The comment period ended on July 12, 2021. No public 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. Views expressed by these groups are considered in developing proposals for information collection requirements and during the renewal of an information collection. No comments or concerns have been expressed impacting the present renewal.

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 collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Trademark applications and registrations 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.

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 of a sensitive nature.

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’.**

Table 3 calculates 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 219,694 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’s website.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately between 10 minutes (0.17 hours) and 45 minutes (0.75 hours) to complete the information in this information collection. This includes the time to gather the necessary information, create the 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 113,620 hours per year.

- **Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$435 per hour for respondent cost burden calculations, which is the mean intellectual property rate for attorneys in private firms as shown in the 2021 Report of the Economic Survey published by the Committee on Economics of Legal Practice 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 \$49,424,700 per year.

Table 3: Total Hourly Burden For 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 ¹ (\$/hour)	Estimated Annual Respondent Cost Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)
1	Declaration of Use of Mark in Commerce Under Section 8	11,932	1	11,932	0.50 (30 minutes)	5,966	\$435	\$2,595,210
2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9	70,235	1	70,235	0.50 (30 minutes)	35,118	\$435	\$15,276,330
3	Declaration of Incontestability of a Mark Under Section 15	853	1	853	0.17 (10 minutes)	145	\$435	\$63,075
4	Combined Declaration of Use and Incontestability Under Sections 8 and 15	72,448	1	72,448	0.50 (30 minutes)	36,224	\$435	\$15,757,440
5	Surrender of Registration for Cancellation	390	1	390	0.17 (10 minutes)	66	\$435	\$28,710
6	Section 7 Request	5,330	1	5,330	0.58 (35 minutes)	3,091	\$435	\$1,344,585
7	Response to Office Action for Post-Registration Matters	12,001	1	12,001	0.75 (45 minutes)	9,001	\$435	\$3,915,435
8	Request to Divide Registration	2,566	1	2,566	0.50 (30 minutes)	1,283	\$435	\$558,105
9	Section 12(c) Affidavit	1	1	1	0.25 (15 minutes)	1	\$435	\$435
	Totals	---	---	175,756	---	90,895	---	\$39,539,325

Table 4: Total Hourly Burden For Individuals and Households Respondents

¹ 2021 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); <file:///C:/Users/dhall3/AppData/Local/Microsoft/Windows/NetCache/Content.Outlook/DM2VYW9l/aipia-2021-report--final-locked-for-web.pdf>, pg. F-27. The USPTO uses the average billing rate for intellectual property attorneys in private firms which is \$435 per hour.

Item No.	Item	Estimated Annual Respondents	Responses per Respondent	Estimated Annual Responses	Estimated Time For Response (hours)	Estimated Burden (hour/year)	Rate ² (\$/hour)	Estimated Annual Respondent Cost Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)
1	Declaration of Use of Mark in Commerce Under Section 8	2,983	1	2,983	0.50 (30 minutes)	1,492	\$435	\$649,020
2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9	17,559	1	17,559	0.50 (30 minutes)	8,780	\$435	\$3,819,300
3	Declaration of Incontestability of a Mark Under Section 15	213	1	213	0.17 (10 minutes)	36	\$435	\$15,660
4	Combined Declaration of Use and Incontestability Under Sections 8 and 15	18,112	1	18,112	0.50 (30 minutes)	9,056	\$435	\$3,939,360
5	Surrender of Registration for Cancellation	98	1	98	0.17 (10 minutes)	17	\$435	\$7,395
6	Section 7 Request	1,332	1	1,332	0.58 (35 minutes)	773	\$435	\$336,255
7	Response to Office Action for Post-Registration Matters	3,000	1	3,000	0.75 (45 minutes)	2,250	\$435	\$978,750
8	Request to Divide Registration	641	1	641	0.50 (30 minutes)	321	\$435	\$139,635
	Totals	---	---	43,938	---	22,723.18	---	\$9,885,375

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**

² Ibid

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, maintenance, or recordkeeping costs associated with this information collection. This information collection does have non-hourly cost burden 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 \$89,646,740, which includes \$89,646,625 in fees and \$115 in postage costs.

Fees

There are filing fees associated with this information collection for a total of \$89,646,625 per year as outlined in Table 5 below. Filing fees are based on per-class filing of goods and services; therefore, the total filing fees can vary depending on the number of classes. The filing fees shown here are the minimum fees associated with this information collection.

Table 5: Filing Fees (Non-hour) Cost Burden for Trademark Post Registration

Item No.	Item	Estimated Annual Responses (a)	Estimated Cost (b)	Estimated Non-Hour Cost Burden (a) x (b) = (c)
1	Declaration of Use of Mark in Commerce Under Section 8	14,915	\$225	\$3,355,875
2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9 (TEAS)	87,791	\$525	\$46,090,275

2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9 (paper)	3	\$825	\$2,475
2	Issuing New Certificate of Registration	200	\$100	\$20,000
2	Certificate of Correction, Registrant's Error (TEAS)	6,463	\$100	\$646,300
2	Certificate of Correction, Registrant's Error (paper)	1	\$200	\$200
3	Declaration of Incontestability of a Mark Under Section 15	1,066	\$200	\$213,200
4	Combined Declaration of Use and Incontestability Under Section 8 and 15 (TEAS)	90,557	\$425	\$38,486,725
4	Combined Declaration of Use and Incontestability Under Section 8 and 15 (paper)	3	\$625	\$1,875
6	Section 7 Request	488	\$100	\$48,800
6-7	Deletion of Goods or Services after submission and prior to acceptance of a section 8 affidavit (TEAS)	1,839	\$250	\$459,750
6-7	Deletion of Goods or Services after submission and prior to acceptance of a section 8 affidavit (paper)	1	\$350	\$350
8	Request to Divide Registration	3,207	\$100	\$320,700
9	Section 12(c) Affidavit	1	\$100	\$100
	Totals	206,047	- - -	\$89,646,625.00

Postage Costs

Customers may incur postage costs when submitting materials covered by this information collection to the USPTO by mail. The USPTO expects that nearly all the responses in this information collection will be submitted electronically. Of the remaining responses, the vast majority will be submitted by first-class mail for a total of 14 mailed submissions. The average first-class USPS postage cost for a 2 day priority mail legal envelop mailed submission is \$8.25. Therefore, the USPTO estimates that the postage costs for the mailed submissions in this information collection will be \$115.

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 people from levels GS-9, GS-11, GS-12, GS-13 and GS-14 to process submissions for this information collection, and uses a combined wage rate to calculate federal cost.

The USPTO estimates that the cost of a [GS-9, step 3](#)³ employee is \$39.95 per hour (GS hourly rate of \$30.73 with 30% (\$9.22) added for benefits and overhead).

The USPTO estimates that the cost of a [GS-11, step 10](#)⁴ employee is \$58.92 per hour (GS hourly rate of \$45.32 with 30% (\$13.60) added for benefits and overhead).

The USPTO estimates that the cost of a [GS-12, step 3](#)⁵ employee is \$57.94 per hour (GS hourly rate of \$44.57 with 30% (\$13.37) added for benefits and overhead).

The USPTO estimates that the cost of a [GS-13, step 3](#)⁶ employee is \$68.90 per hour (GS hourly rate of \$53.00 with 30% (\$15.90) added for benefits and overhead).

The USPTO estimates that the cost of a [GS-14, step 3](#)⁷ employee is \$81.41 per hour (GS hourly rate of \$62.62 with 30% (\$18.79) added for benefits and overhead).

A combined cost approach is used to estimate the average of five rates. The average of these rates is \$61.42.

The USPTO estimates that it takes an employee approximately between 4 minutes (0.07 hours) and 30 minutes (0.50 hours) to process the information in this information collection.

Table 6 calculates the burden hours and costs to the Federal Government for processing this information collection.

Table 6: Burden Hour/Burden Cost to the Federal Government for Trademark Post Registration

Item No.	Item	Estimated Annual Responses	Estimated Time for Response	Estimated Burden (hour/year)	Rate (\$/hour)	Estimated Annual Respondent Cost Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)
1	Declaration of Use of Mark in Commerce Under Section 8	14,915	0.15 (9 minutes)	2,237	\$61.42	\$137,412

³ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB_h.pdf

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

2	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Section 8 and 9	87,794	0.15 (9 minutes)	13,169	\$61.42	\$808,846
3	Declaration of Incontestability of a Mark Under Section 15	1,045	0.15 (9 minutes)	157	\$61.42	\$9,628
4	Combined Declaration of Use and Incontestability Under Section 8 and 15	90,560	0.15 (9 minutes)	13,584	\$61.42	\$834,329
5	Surrender of Registration for Cancellation	488	0.15 (9 minutes)	73	\$61.42	\$4,496
6	Section 7 Request	6,662	0.5 (30 minutes)	3,331	\$61.42	\$204,590
7	Response to Office Action for Post-Registration Matters	15,001	0.15 (9 minutes)	2,250	\$61.42	\$138,204
8	Request to Divide Registration	3,207	0.75 (45 minutes)	2,405	\$61.42	\$147,730
9	Section 12(c) Affidavit	1	0.15 (9 minutes)	1	\$61.42	\$61
	Totals	204,758	---	37,208	503	\$2,285,297

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	219,694	0	0	15,332	0	204,362
Annual Time Burden (Hr)	113,620	0	0	57,954	0	55,666
Annual Cost Burden (\$)	89,646,740	0	1,707,679	-1,072,215	0	89,011,276

Change in Respondents and Hourly Burden due to Adjustment in Agency Estimate

The total number of respondents has increased by 15,332 due to estimated fluctuations in the number of responses/submissions in this information collection. This increase in

the number of respondents and responses results in an increase of 57,954 hours in the annual time burden estimates.

Change in Annual (Non-hour) Costs due to Adjustment in Agency Estimate

For this renewal, the USPTO estimates that the total annual (non-hour) costs will decrease by \$1,072,215 from the previous approval. This decrease is due to estimated fluctuations in submissions for items that require a fee and a decrease in the number of respondents submitting their information by mail.

Change in Annual (Non-hour) Costs due to Program Change due to Agency Discretion

This renewal request incorporates changes in fee amounts that were included in rulemaking 0651-AD42 (85 FR 222). The USPTO estimates that these new fee amounts result in \$1,707,679 in non-hour cost burdens.

Changes since the publication of the 60-day notice

Since the publication of the 60-day notice in the *Federal Register*, the UPSTO has obtained more recent data for the respondent wage rate. The Agency will now use an updated rate of \$435 for respondents, an increase from the \$400 listed in the 60-day notice.

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 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. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.