**SUPPORTING STATEMENT**
**United States Patent and Trademark Office**
**Patents for Humanity Program**
**OMB CONTROL NUMBER 0651-0066**
**(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.

In 2012, the United States and Trademark Office (USPTO) conducted a voluntary pilot program to incentivize the distribution of patented technologies or products for the purpose of addressing humanitarian needs. The pilot program, notice of which was published in the Federal Register (77 Fed. Reg. 6544) in February 2012, was a follow-up to the responses received from the Agency's "Request for Comments on Incentivizing Humanitarian Technologies and Licensing Through the Intellectual Property System" – published September 20, 2010 – and was open to any patent owners or patent licenses, including inventors who had not assigned their ownership rights to others, assignees, and exclusive or non-exclusive licensees. The USPTO collected information from applicants that described what actions they had taken with their patented technologies for humanitarian purposes. After reviewing the results of the pilot, the program was renewed as an annual program in April 2014. Currently, there are five categories in which applications can be categorized: Medicine, Nutrition, Sanitation, Household Energy, and Living Standards. In April 2021, a new category was added for COVID19.

To participate in this program, applicants must submit an application describing how their actions satisfy the competition criteria to address humanitarian issues. The USPTO has developed two application forms that applicants can use to apply for participation in the Patents for Humanity Program. The applications are reviewed by independent judges. A selection committee composed of representatives from other federal agencies and laboratories will make recommendations for the awards based on the judges' review.

Those applicants who are selected for an award will receive a certificate redeemable to accelerate select matters before the USPTO and public recognition of their efforts, including an awards ceremony at the USPTO. The certificates can be redeemed to accelerate one of the following matters: an *ex parte* reexamination proceeding, including one appeal to the Patent Trial and Appeal Board (PTAB) from that proceeding; a patent application, including one appeal to the PTAB from that application; or an appeal to the PTAB of a claim twice rejected in a patent application or reissue application or finally rejected in an *ex parte* reexamination, without accelerating the underlying matter which

generated the appeal. The certificates can be transferred to third parties pursuant to Patents for Humanity Improvement Act which was signed into law on January 5, 2021. In order for a winner to transfer for their certficiate, they must send a notification to the USPTO, copying the new owner of the certificate. Should a certificate recipient wish to extend the time period during which their award certificate can be redeemed, they must complete a Petition to Extend the Redemption Period of the Humanitarian Awards Certificate.

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

**Table 1: Information Requirements for Patents for Humanity**

| Item No. | Requirement | Statute | Regulation |
|---|---|---|---|
| 1-2 | Humanitarian Program Application | 35 U.S.C. § 3(a)(2) | 37 CFR 1.102 |
| 3 | Petition to Extend the Redemption Period of the Humanitarian Awards Certificate | 35 U.S.C. § 3(a)(2) | 37 CFR 1.102 |
| 4 | Transfer of Awards Certificate | 35 U.S.C. § 3(a)(2); Public Law 116-316 | 37 CFR 1.102 |

**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 has developed two application forms that applicants can use to apply for participation in the Patents for Humanity Program. One application covers the humanitarian uses of technologies or products and the other application covers humanitarian research. These applications may be up to five pages long and can be supplemented with additional supporting materials. The applications must be submitted electronically through the competition website.

Applicants who are ultimately awarded a Humanitarian Award Certificate may wish to extend the redemption period of that certificate. In the event that an applicant wishes to extend that time period, they must complete a Petition to Extend the Redemption Period of the Humanitarian Awards Certificate. The petition is a one-page document which allows the applicant to request a 12-month extension of their certificate's redemption period based on criteria outlined on the form (e.g. lack of a suitable matter, a pending matter is not yet ripe for certificate redemption, etc.).

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

**Table 2: Needs and Uses for Patents for Humanity**

| Item No. | Form and Function | Form No. | Needs and Uses |
|---|---|---|---|
| 1 | Humanitarian Program Application (Humanitarian Use) | PTO/PFH/001 or equivalent | • Used by the applicant to apply for participation in the Patents for Humanity Program.<br>• Used by the applicant to provide their contact information to the USPTO.<br>• Used by external judges to recommend award recipients.<br>• Used by the selection committee to make recommendations for award recipients.<br>• Used by the USPTO to award a certificate to the selected recipients. |
| 2 | Humanitarian Program Application (Humanitarian Research) | PTO/PFH/002 or equivalent | • Used by the applicant to apply for participation in the Patents for Humanity Program.<br>• Used by the applicant to provide their contact information to the USPTO.<br>• Used by external judges to recommend award recipients.<br>• Used by the selection committee to make recommendations for award recipients.<br>• Used by the USPTO to award a certificate to the selected recipients. |
| 3 | Petition to Extend the Redemption Period of the Humanitarian Awards Certificate | PTO/SB/431 or equivalent | • Used by the certificate holder to petition the USPTO to extend the redemption period of the certificate after it expires.<br>• Used by the USPTO to grant the extension of the redemption period for the certificate. |
| 4 | Transfer of Awards Certificate | No form | • Used by the certificate holder to transfer the award to another party.<br>• Used by USPTO to track the transferrance of certifciates between parties. |

**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 applications for participation in the Patents for Humanity Program are submitted electronically to the USPTO through the Patents for Humanity competition website (https://www.uspto.gov/patent/initiatives/patents-humanity/how-apply). After the applications are screened for inappropriate material, they will be available on the USPTO's public website.

**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 patent owners or patent licensees, including inventors who have not assigned their ownership rights to others, assignees, and exclusive or non-exclusive licensees apply for participation in the Patents for Humanity Program. It does not duplicate information or collection of data found elsewhere.

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.

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.**

The information is collected only when patent owners or patent licensees, including inventors who have not assigned their ownership rights to others, assignees, and exclusive and non-exclusive licenses apply for participation in the Patents for Humanity Program. This information is not collected elsewhere. Therefore, this collection of information could not be conducted less frequently. If this information were not collected, the USPTO would not be able to present the award and fulfill the requirements of the program.

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 November 30, 2021 (86 FR 67927). The comment period ended on January 31, 2022. One public comment was received; however, the content of the comment does not apply to this collection of information.

The USPTO consults with the Public Advisory Committees, which were created by statute in the American Inventors Protection Act of 1999 to advise the Under Secretary of Commerce for Intellectual Property and the Director of the USPTO on the management of the patent and trademark operations. The Advisory Committees consist of the United States citizens chosen to represent the interests of the diverse users of the USPTO. The Advisory Committees review the policies, goals, performance, budget, and user fees of the patent and trademark operations, respectively, and advise the Director on these matters.

Additionally, the USPTO has long-standing relationships with groups from whom patent application information is collected, such as the American Intellectual Property Law Association, as well as patent bar associations, independent inventor groups, and users of its public search facilities. Their views are expressed in regularly scheduled meetings and are considered when developing information collection requirements. There have

been no comments or concerns expressed by these or similar organizations concerning the information requested by this program.

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

This information collection does involve an award to select respondents. For patent holders whose applications are chosen as the best examples of advancing humanitarian goals, the USPTO will award them a certificate for acceleration of certain matters before the Agency.

**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.**

Confidentiality of patent applications is governed by statute (35 U.S.C. § 122) and regulation (37 CFR 1.11 and 1.14). The USPTO has a legal obligation to maintain the confidentiality of the contents of unpublished patent applications and related documents. For secure electronic access to PAIR, the USPTO employs digital certificates and PKI technology to permit only authorized individuals to access private patent application information and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. Upon publication of an application or issuance of a patent, the patent application file is made available to the public, subject to the provisions for providing only a redacted copy of the file contents. The entire file of a reexamination proceeding is available to the public.

USPTO is required by 35 U.S.C. § 131, to maintain the patenting process. Information is collected on petitions and applications for patent products including information regarding representation. These information collection activities are covered under the System of Records Notice (SORN COMMERCE/PAT-TM-7 Patent Application Files, available at Federal Register /Vol. 78, No. 61 / Friday, March 29, 2013 /Notices 19243. https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf ).

This SORN covers the following categories of individuals: applicants for patent, including inventors, legal representatives for inventors, and other persons authorized by law to make applications for patent.

The information is protected from disclosure to third parties in accordance with the Privacy Act. However, routine uses of this information may include disclosure to the following: to law enforcement for investigation in the event that the system of records indicates a violation or potential violation of law; to a Federal, state, local, or international agency, in response to its request; to an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law; to non-federal personnel under contract to the agency; to a court for adjudication and litigation; to the Department of Justice for Freedom of Information Act assistance; to members of

Congress working on behalf of an individual; to the Office of Personnel Management for personnel research purposes; to National Archives and Records Administration for records management, and to OMB for legislative coordination and clearance.

**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'.**

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 115 responses from 115 respondents per year for this information collection.

- **Burden Hour Calculation Factors**
  The USPTO estimates that the responses in this information collection will take the public from 30 minutes to 4 hours to complete. This includes the time to

gather the necessary information, create the document, 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 428 hours per year.

- **Cost Burden Calculation Factors**
  The USPTO expects that the information in this information collection will be prepared by both attorneys and paralegals. The average combined wage rate for intellectual property attorneys and paralegals is $292. The USPTO uses a professional rate of $435 for intellectual property attorneys in private forms as shown in the 2021 *Report on the Economic Survey*, published by the American Intellectual Property Law Association (AIPLA). The USPTO also uses a professional rate of $149 for paralegals, as established in the 2020 *National Utilization and Compensation Survey Report*, published by the National Association of Legal Assistants (NALA). Using this hourly rate, the USPTO estimates that the total respondent cost burden for this information collection is $124,976 per year.

**Table 3: Total Burden Hours and Hourly Cost to Respondents**

| Item No. | Item | Estimated Annual Respondents (a) | Responses per Respondent (b) | Estimated Annual Responses (a) x (b) = (c) | Estimated Time For Response (hours) (d) | Estimated Burden (hour/year) (c) x (d) = (e) | Rate[1] ($/hour) (f) | Estimated Annual Respondent Cost Burden (e) x (f) = (g) |
|---|---|---|---|---|---|---|---|---|
| **1** | Humanitarian Program Application (Humanitarian Use) (PTO/PFH/001) (Private Sector Respondents) | 50 | 1 | 50 | 4 | 200 | $292 | $58,400 |
| **1** | Humanitarian Program Application (Humanitarian Use) (PTO/PFH/001) (Individuals or Households Respondents) | 20 | 1 | 20 | 4 | 80 | $292 | $23,360 |
| **1** | Humanitarian Program Application (Humanitarian Use) (PTO/PFH/001) (State, Local, and Tribal Government Respondents) | 10 | 1 | 10 | 4 | 40 | $292 | $11,680 |

[1] The USPTO uses the combined rates for intellectual property attorneys and paralegas which is $292. 2021 (Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association https://www.aipla.org/detail/news/2021/09/22/the-2021-report-of-the-economic-survey-is-here, pg. F-27. The USPTO uses the average billing rate for intellectual property attorneys in private firms which is $435 per hour. 2020 Utilization and Compensation Survey by the National Association of Legal Assistants (NALA); https://nala.org/paralegal-info/, pg 10. The USPTO uses the average billing rate per hour which is $149.)

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **1** | Humanitarian Program Application (Humanitarian Use) (PTO/PFH/001) (Federal Government Respondents) | 5 | 1 | 5 | 4 | 20 | $292 | $5,840 |
| **2** | Humanitarian Program Application (Humanitarian Research) (PTO/PFH/002) (Private Sector Respondents) | 5 | 1 | 5 | 4 | 20 | $292 | $5,840 |
| **2** | Humanitarian Program Application (Humanitarian Research) (PTO/PFH/002) (Individuals or Households Respondents) | 5 | 1 | 5 | 4 | 20 | $292 | $5,840 |
| **2** | Humanitarian Program Application (Humanitarian Research) (PTO/PFH/002) (State, Local and Tribal Government Respondents) | 5 | 1 | 5 | 4 | 20 | $292 | $5,840 |
| **2** | Humanitarian Program Application (Humanitarian Research) (PTO/PFH/002) (Federal Government Respondents) | 5 | 1 | 5 | 4 | 20 | $292 | $5,840 |
| **3** | Petition to Extend the Redemption Period of the Humanitarian Awards Certificate (PTO/SB/431) (Private Sector Respondents) | 2 | 1 | 2 | 1 | 2 | $292 | $584 |
| **3** | Petition to Extend the Redemption Period of the Humanitarian Awards Certificate (PTO/SB/431) (Individuals or Households Respondents) | 2 | 1 | 2 | 1 | 2 | $292 | $584 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **3** | Petition to Extend the Redemption Period of the Humanitarian Awards Certificate (PTO/SB/431) (State, Local, and Tribal Government Respondents) | 1 | 1 | 1 | 1 | 1 | $292 | $292 |
| **3** | Petition to Extend the Redemption Period of the Humanitarian Awards Certificate (PTO/SB/431) (Federal Government Respondents) | 1 | 1 | 1 | 1 | 1 | $292 | $292 |
| **4** | Transfer of Awards Certificate (Private Sector Respondents) | 2 | 1 | 2 | 0.5 (30 minutes) | 1 | $292 | $292 |
| **4** | Transfer of Awards Certificate (Individuals or Households Respondents) | 2 | 1 | 2 | 0.5 (30 minutes) | 1 | $292 | $292 |
| | **Total** | **115** | | **115** | | **428** | | **$124,976** |

**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, maintenance, recordkeeping, or postage costs associated with this information collection nor are there any filing fees. Therefore the estimated annual non-hour costs associated with this information collection is $0.

**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 the annualized cost to the Federal Government to process and administer the items in this information collection to be $433. USPTO estimates that it takes GS-9 and GS-11 employees from approximately 5 minutes (0.08 hours) to 10 minutes (0.17 hours) on average to process and administer the items in this information collection.

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

Table 4 calculates the burden hours and costs to the Federal Government for processing this information collection.

Table 4: Burden Hour/Burden Cost to the Federal Government for the Patents for Humanity Program

| Item No. | Item | Estimated Annual Responses | Estimated Time For Response (hours) | Estimated Burden (hour/year) | Rate ($/hour)[2] | Estimated Annual Federal Government Cost Burden |
|---|---|---|---|---|---|---|
| | | (a) | (d) | (a) x (b) = (c) | (d) | (c) x (d) = (e) |

[2] https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/22Tables/html/DCB_h.aspx

| | | | | | | |
|---|---|---|---|---|---|---|
| 1 | Humanitarian Program Application (Humanitarian Use) | 85 | 0.08 (5 minutes) | 7 | $38.58 | $270 |
| 2 | Humanitarian Program Application (Humanitarian Research) | 20 | 0.08 (5 minutes) | 2 | $38.58 | $77 |
| 3 | Petition to Extend the Redemption Period of the Humanitarian Awards Certificate | 6 | 0.17 (10 minutes) | 1 | $46.68 | $47 |
| 4 | Transfer of Awards Certificate | 4 | 0.08 (5 minutes) | 1 | $38.58 | $39 |
| | **Total** | **115** | | **11** | | **$433** |

**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 | 115 | 0 | 4 | 56 | 0 | 55 |
| Annual Time Burden (Hr) | 428 | 0 | 2 | 221 | 0 | 205 |
| Annual Cost Burden ($) | 0 | 0 | 0 | 0 | 0 | 0 |

**Changes in Annual Number of Responses, Annual Time Burden, and Annual Cost Burden due to Agency Discretion**

USPTO adds one item to this information collection to cover the transfer of award certificates. This additional item adds 4 responses and 2 burden hours to the overall estimates. There are no changes in USPTO estimates for the total annual (non-hour) costs.

**Changes in Estimated Annual Number of Responses, Annual Time Burden, and Annual Cost Burden due to Adjustment in Agency Estimate**

Increases in the number of responses (+56) and burden hours (+221) are due to the estimated normal fluctuation in the number of responses for the items in this information collection. USPTO believes this rise in participation is due to additional categories

being added to the program and increased interest from the public in the program. There are no changes in USPTO estimates for the total annual (non-hour) costs.

**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. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.