

SUPPORTING STATEMENT
United States Patent and Trademark Office
International Design Applications (Hague Agreement)
OMB CONTROL NO. 0651-0075
2020

A. JUSTIFICATION

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

The Patent Law Treaties Implementation Act of 2012¹ (PLTIA) amends the patent laws to implement the provisions of the Geneva Act of the Hague Agreement Concerning International Registration of Industrial Designs (hereinafter “Hague Agreement”) in title 1, and the Patent Law Treaty² (PLT) in title 2. The Hague Agreement is an international agreement that enables an applicant to file a single international design application which may have the effect of an application for protection for the design(s) in countries and/or intergovernmental organizations that are Parties to the Hague Agreement (the “Contracting Parties”) designated in the applications. The United States is a Contracting Party to the Hague Agreement, which took effect with respect to the United States on May 13, 2015. The Hague Agreement is administrated by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) located in Geneva, Switzerland.

Under the Hague Agreement, U.S. applicants could file international design applications in English “indirectly” through the United States Patent and Trademark Office (USPTO), which will forward the applications to the IB or “directly” with the IB. International design applications are subject to the following fees: (1) basic fee; (2) standard designation fee(s); (3) individual designation fee(s); and (4) publication fee. Also, an additional fee is required where the applications contain a description that exceeds 100 words. In addition, a transmittal fee is required for international design applications filed through an office of indirect filing. Thus, international design applications filed through the USPTO as an Office of indirect filing are subject to payment of a transmittal fee for processing and forwarding the international design applications to the IB. The fees required by the IB may be paid either directly to the IB or through the USPTO as an office of indirect filing in the amounts specified on the World Intellectual Property Organization Web site. If applicants want to paid the required fees through USPTO as an office of indirect filing, the fees must be paid no later than the date of payment of the transmittal fee. The fees will then be forwarded to the IB. The industrial design or designs will be eligible for protection in all the Contracting Parties designated by applicants.

1 Patent Law Treaties Implementation Act of 2012: <https://www.congress.gov/112/plaws/publ211/PLAW-112publ211.pdf>

2 Patent Law Treaty: <https://wipolex.wipo.int/en/text/288773>

The IB ascertains whether the international design application complies with formal requirements, registers the international design to the international register, and publishes the international registration in the International Designs Bulletin. The international registration contains all of the data of the international application, any reproduction of the international design, date of the international registration, number of the international registration, and the relevant class of the International Classification.

The IB will provide a copy of the publication of the international registration to each Contracting party designated by the application. A designated Contracting Party may perform a substantive examination of the design application. The USPTO will perform a substantive examination for patentability of the international design application, as in the case of regular U.S. design applications.

The Hague Agreement enables applicants from Contracting Parties to obtain protection of their designs with minimal formalities and expenses in multiple countries and/or regions. The Hague Agreement is administered by the IB, which simplifies the management of an industrial design registration. For example, through the IB, applicants can record changes of their representatives or changes in ownership, and renew their international registration.

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

Table 1: Information Requirements

Item No.	Requirement	Statute	Regulations
1	Application for International Registration	35 U.S.C §§ 382 and 383	37 CFR 1.1022
2	Claim and Reproductions (Drawings)	35 U.S.C §§ 382 and 383	37 CFR 1.1021
3	Transmittal Letter	35 U.S.C § 2(b)(2)	37 CFR 1.4, 1.5
4	Appointment of a Representative	35 U.S.C § 2(b)(2)	37 CFR 1.1041
5	Petition to Excuse a Failure to Comply with a Time Limit	35 U.S.C § 387	37 CFR 1.1051
6	Petition to Convert a Design Application under 35 U.S.C. Chapter 16	35 U.S.C § 384(a)	37 CFR 1.1052
7	Petition to Review a Filing Date	35 U.S.C § 384(b)	37 CFR 1.1023(b)
8	Fee Authorization	35 U.S.C § 382(b)	37 CFR 1.125
9	Petitions to the Commissioner	35 U.S.C § 2(b)(2)	37 CFR 1.181-3
10	Declaration on Inventorship for Purposes of Designation of the United States	Article 5 of the Hague Agreement; 35 USC 383; 35 USC 115(a)	Common Regulations Rules 7 and 8; 37 CFR 1.63
11	Substitute Statement in Lieu of a Declaration of Inventorship for the Purpose of Designating the United States	Article 5 of the Hague Agreement; 35 USC 383; 35 USC 115(d)	Common Regulations Rules 7 and 8; 37 CFR 1.64
12	Information On Eligibility For Protection	35 U.S.C §§ 382-3	37 CFR 1.1021
13	Supporting Document(s) Concerning Priority Claim To The Korean Intellectual Property Office (KIPO)	35 U.S.C §§ 382-3	37 CFR 1.1021
14	Transmittal of Issue Fee to USPTO for an International Design Application	Article 7(3) of the Hague Agreement; 35 USC 383	Common Regulations Rule 29; 37 CFR 1.311
15	Reduction of United States Individual Designation Fee	35 U.S.C §§ 382-3	37 CFR 1.1021

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

The information requested in this collection is necessary for the WIPO, Contracting Parties, and the USPTO to process international design applications and related correspondences under the Hague Agreement. As an initial matter, the IB uses this information to perform its formalities review under the treaty. Pursuant to Article 8 of the treaty, if the IB finds that the applicant has not fulfilled the requirements of the Hague Agreement and the Common Regulations, the IB will invite the applicant to make the required corrections within a prescribed time period. Once this review of the formalities of the application has been completed, the IB then issues an international registration, which includes the information collected from the international design application. The designated Contracting Parties then perform their review of the international design application. If this information were not collected, the USPTO would not be able to examine international design applications through the process created by the Hague Agreement and thus could not fulfill the United States' obligations under the treaty and the USPTO's obligations under the Patent Law Treaties Implementation Act of 2012 (PLTIA).

Some of the information in this information collection may be collected via forms identified in Table 2 below. Use of the forms is not mandatory, but the USPTO suggests that applicants use these forms to ensure that all of the necessary information is provided and to assist both the WIPO in reviewing and the USPTO in examining the international design applications quickly and efficiently.

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

Item No.	Item	Instrument/Form	Needs and Uses
1	Application for International Registration	WIPO DM/1 and annexes	<ul style="list-style-type: none"> • Used by the public to supply the information required for an international design application under the Hague Agreement. • Used by the USPTO to process and forward the international design application to the IB according to the Hague Agreement. • Used by the IB to perform a formalities review of the international design application.

2	Claim and Reproductions (Drawings)	No Form	<ul style="list-style-type: none"> Used by the public as part of the international design application according to the Hague Agreement. Used by the USPTO to examine the international design application.
3	Transmittal Letter	No Form	<ul style="list-style-type: none"> Used by the public as a cover letter when submitting the international design application via Express Mail so that an applicant obtains a filing date as of the date of deposit with the postal authorities. Used by the public as a transmittal letter for power of attorney, fee payments, and other items.
4	Appointment of a Representative (WIPO) (WIPO DM/7) filed indirectly through the USPTO	WIPO DM/7	<ul style="list-style-type: none"> Used by the public to allow for the appointment of an agent or attorney to represent an applicant for a given international design application filed under the Hague Agreement. Used by the USPTO to accept the appointment of an attorney or agent to represent an applicant for a given international design application filed under the Hague Agreement.
5	Petition to Excuse a Failure to Comply with a Time Limit	No Form	<ul style="list-style-type: none"> Used by the public to seek relief by the USPTO due to an applicant's failure to act within prescribed time limits in connection with requirements pertaining to an international design application relating to the Hague Agreement. Used by the USPTO to evaluate an applicant's requested relief from the prescribed time limits by determining whether the applicant's delay was unintentional.
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16	No Form	<ul style="list-style-type: none"> Used by the public to treat the international design application, relating to The Hague Agreement, as an application for a design patent under 35 U.S.C. Chapter 16. Used by the USPTO to evaluate an applicant's request to treat the international design application, under the Hague Agreement, as an application for a design patent under 35 U.S.C. Chapter 16.
7	Petition to Review a Filing Date	No Form	<ul style="list-style-type: none"> Used by the public where the applicant believes the international design application, relating to The Hague Agreement, is entitled to a filing date in the United States other than the date of international registration. Used by the USPTO to evaluate an applicant's request for a different filing date.

8	Fee Authorization	No Form	<ul style="list-style-type: none"> • Used by the public to authorize the USPTO to charge the applicant's deposit account along with instructions concerning how much to charge and for what purpose. • Used by the USPTO Finance Branch to apply the charged fees to the applicant's deposit account.
9	Petitions to the Commissioner	No Form	<ul style="list-style-type: none"> • Used by the public to petition for relief, relating to the Hague Agreement, due to Office error, for questions not otherwise provided for, and for relief in exceptional circumstances. • Used by the USPTO to evaluate an applicant's request, relating to the Hague Agreement, for relief due to Office error, for questions not otherwise provided for, and for relief in in exceptional circumstances.
10	Declaration on Inventorship for Purposes of Designation of the United States (WIPO DM/1/I Annex) filed indirectly through the USPTO	WIPO DM/1/I Annex	<ul style="list-style-type: none"> • Used by the public to file an oath or declaration with the IB.
11	Substitute Statement in Lieu of a Declaration of Inventorship for the Purposes of Designating the United States (WIPO DM/1/I Annex) filed indirectly through the USPTO	WIPO DM/1/I Annex	<ul style="list-style-type: none"> • Used by the public when an oath or declaration cannot be filed with the IB.
12	Information On Eligibility For Protection (WIPO DM/1/III Annex) filed indirectly through the USPTO	WIPO DM/1/III Annex	<ul style="list-style-type: none"> • Used to submit an Information Disclosure Statement and relevant accompanying information.

13	Supporting Document(s) Concerning Priority Claim To The Korean Intellectual Property Office (KIPO) (WIPO DM/1/V (Annex) filed indirectly through the USPTO	WIPO DM/1/V Annex	<ul style="list-style-type: none"> Used to submit documents in support of a priority claim to KIPO (refer to DM/1 form, item 13).
14	Issue Fee to USPTO for an International Design Application	PTOL-85 Part B (Hague)	<ul style="list-style-type: none"> Used by the public to submit an issue fee payment to the USPTO. Used by the USPTO to determine whether all of the appropriate information is included at the time of payment of the issue fee.
15	Reduction of United States Individual Designation Fee	WIPO DM/1/IV Annex	<ul style="list-style-type: none"> Use is mandatory if the applicant claims micro-entity status in the DM/1 form.

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 items in this collection may be submitted in various ways:

- Items may be submitted to the USPTO online using EFS-Web, the USPTO's Web-based electronic filing system. Note that reproductions filed in an international design application through EFS-Web in other than the prescribed manner may be subject to an additional publication fee by the IB.

EFS-Web allows customers to file patent applications and associated documents electronically through their standard Web browser without downloading special software, changing their document preparation tools, or altering their workflow processes. Typically, the customer will prepare the documents as standard PDF files and then upload them to the USPTO servers using the secure EFS-Web interface. EFS-Web offers many benefits to filers, including immediate notification that a submission has been received by the USPTO, automated processing of requests, and avoidance of postage or other paper delivery costs.

- Items may be submitted on paper to the USPTO. Note that when an international design application is filed in paper indirectly through the USPTO, it may be subject to an additional publication fee for each page containing a reproduction after the first page by the IB. The Publication Fee may be paid either directly to the IB or through the USPTO as an Office of indirect filing. If the publication fee is paid through the

USPTO, it must be paid no later than the date of payment of the transmittal fee. The USPTO will then forward the payment to the IB.

- Items may be submitted electronically to the IB using their web-based filing system. Although these items will be collected by the IB, if the United States is designated on the application as a Contracting Party in which the applicant desires patent protection, the IB will forward the relevant materials and fees to the USPTO for action. As such, applications submitted to the IB that designate the United States are included in this submission.
- Items may be submitted on paper to the IB. Although these items will be collected by the IB, if the United States is designated on the application as a Contracting Party in which the applicant desires patent protection, the IB will forward the relevant materials to the USPTO for action. As such, applications submitted to the IB that designate the United States are included in this submission. Note that an international design application filed in paper directly through the IB may be subject to an additional publication fee for each page containing a reproduction after the first page. The Publication Fee may be paid either directly to the IB or through the USPTO as an Office of indirect filing. If the publication fee is paid through the USPTO, it must be paid no later than the date of payment of the transmittal fee. The USPTO will then forward the payment to the IB.

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.

In general, submissions under the Hague Agreement are designed to minimize the need for duplication across applications and submissions to multiple countries' patent offices by allowing an applicant to file a single design application that has the effect of a national design application filed in multiple countries or intergovernmental organizations that are Contracting Parties to the Hague Agreement.

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

This information collection minimizes the fee burden on small entities. In general, applications who file an international design application must pay the same fees applicable to domestic applications. As such, several of the fees in this information collection include small and micro entity discounts.

The Hague Agreement simplifies the application process and reduces the cost for inventors of industrial designs, including small-entity inventors, to obtain and preserve their rights. Applicants can file a single standardized application in English (or two other languages) to seek protection in any country that is a Contracting Party. It will no longer

be necessary for design owners to make separate national applications in each of the countries in which they desire protection, pay a series of national fees in various currencies, submit applications in various languages, or keep watch on the deadlines for renewal of a series of national deposits. This information collection will enable applicants to utilize the Hague process to take advantage of this burden savings.

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.

The information is collected only when an applicant or representative submits information under the Hague Agreement. If this information were not collected, the USPTO would not be able to forward the international design application and fees to the IB, or to examine the application (in cases where the United States is designated). The collection of information is necessary to process and examine design applications and could not be conducted less frequently.

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 September 29, 2020, (85 FRN 60964). No comments were received.

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 our public search facilities. Their views are expressed in regularly scheduled meetings and considered in developing proposals for information collection requirements. There have been no comments or concerns expressed by these or similar organizations concerning the time to provide the information required under this program, the availability of data, the frequency of collection, and clarity of instructions.

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.

The confidentiality of international design patent applications is governed by 35 U.S.C. § 122 and 37 CFR 1.11 and 1.14, as well as Article 10(4) of the Hague Agreement. The USPTO has a legal obligation to maintain the confidentiality of the contents of

unpublished design applications and related documents. Until international publication of the international registration takes place, generally 6 months after the date of the international registration of the international design application, no third party or authority is allowed access to the international design application unless such access is requested or authorized by the applicant. Upon publication of an international registration or issuance of a design patent, the patent application file is made available to the public.

In order to protect the confidentiality of credit card account information when making fee payments to the USPTO or through the USPTO as an office of indirect filing, customers should submit credit card payments on a separate credit card payment form provided by the USPTO for this purposes, which is covered under OMB Control Number 0651-0043. The USPTO will not include the credit card information submitted using the provided credit card payment forms among the patent records open to public inspection. If a customer supplies their credit card information on a form or document (e.g., in correspondence related to a patent) other than a credit card payment form provided by the USPTO, the USPTO will not be liable if the credit card information becomes public knowledge.

This information collection contains information which is subject to the Privacy Act. This information is collected on petitions and applications filed to patent products. Patent Application information collection activities are covered under the Statement of Records Notice (SORN COMMERCE/PAT-TM-7; Patent Application Files) at 81 FR 25765, published on March 29, 2013. This SORN identifies the categories of records in the system containing applicants for patent, including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

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

- **Respondent Calculation Factors**

The USPTO estimates that 1,406 respondents will submit approximately 1,706 responses per year for this information collection, with approximately 40% of these responses submitted by small entities. The USPTO also estimates that 99% of the responses will be submitted electronically.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public between approximately 15 minutes (0.25 hours) to 6 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed response to the USPTO. The USPTO calculates that it takes the same amount of time to do this, regardless of whether the public is submitting the information in paper form or electronically. Using these burden factors, USPTO estimates that the total respondent hourly burden for this information collection is 2,301 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](#)³ from the Law Practice Management Committee of the American Intellectual Property Law Association (AIPLA). Using this hourly rates, the USPTO estimates that the total respondent cost burden for this information collection is \$1,279,400 per year.

Table 3: Total Estimated Hourly Burden for Private Sector Respondents

³ <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses (a)	Estimated Time for Response (Hours) (b)	Estimated Annual Burden Hours (a) x (b) = (c)	Rate ⁴ (\$/hour) (d)	Estimated Annual Burden (c) x (d) = (e)
1	Application for International Registration (WIPO DM/1)	151	151	6	906	\$400	\$362,400
2	Claim and Reproductions (Drawings)	Same as line 1	151	4	604	\$400	\$241,600
3	Transmittal Letter	Same as line 1	5	2	10	\$400	\$4,000
4	Appointment of a Representative (WIPO) (WIPO DM/7) filed indirectly through the USPTO	Same as line 1	62	0.25 (15 minutes)	16	\$400	\$6,400
5	Petition to Excuse a Failure to Comply with a Time Limit	Same as line 1	1	4	4	\$400	\$1,600
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16	Same as line 1	1	4	4	\$400	\$1,600
7	Petition to Review a Filing Date	Same as line 1	2	4	8	\$400	\$3,200
8	Fee Authorization	Same as line 1	10	.25 (15 minutes)	3	\$400	\$1,200
9	Petitions to the Commissioner	Same as line 1	4	4	16	\$400	\$6,400
10	Declaration on Inventorship for Purposes of Designation of the United States (WIPO DM/1/I Annex) filed indirectly through the USPTO	Same as line 1	30	0.50 (30 minutes)	15	\$400	\$6,000
11	Substitute Statement in Lieu of a Declaration of Inventorship for the Purposes of Designating the United States (WIPO DM/1/I Annex) filed indirectly through the USPTO	Same as line 1	2	0.50 (30 minutes)	1	\$400	\$400

4 2019 Report of the Economic Survey from the Law Practice Management Committee of the American Intellectual Property Law Association (AIPLA). <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>

12	Information On Eligibility For Protection (WIPO DM/1/III Annex) filed indirectly through the USPTO	Same as line 1	3	1	3	\$400	\$1,200
13	Supporting Document(s) Concerning Priority Claim To The Korean Intellectual Property Office (KIPO) (WIPO DM/1/V (Annex) filed indirectly through the USPTO	Same as line 1	5	.5 (30 minutes)	3	\$400	\$1,200
14	Issue Fee to USPTO for an International Design Application	1,219	1,219	.5 (30 minutes)	610	\$400	\$244,000
	Totals	1,370	1,646	----	2,203	----	\$881,200

Table 4: Total Estimated Hourly Burden for Individual and Household Respondents

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses (a)	Estimated Time for Response (Hours) (b)	Estimated Annual Burden Hours (a) x (b) = (c)	Rate ⁵ (\$/hour) (d)	Estimated Annual Respondent Cost Burden (c) x (d) = (e)
1	Application for International Registration (Micro-Entity)	6	6	6	36	\$400	\$14,400
2	Claim and Reproductions (Drawings)	Same as line 1	6	4	24	\$400	\$9,600
3	Transmittal Letter	Same as line 1	1	2	2	\$400	\$800
4	Appointment of a Representative (WIPO DM/7) filed indirectly through the USPTO	Same as line 1	2	0.25 (15 minutes)	1	\$400	\$400
5	Petition to Excuse a Failure to Comply with a Time Limit	Same as line 1	1	4	4	\$400	\$1,600
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16	Same as line 1	1	4	4	\$400	\$1,600
7	Petition to Review a Filing Date	Same as line 1	1	4	4	\$400	\$1,600
8	Fee Authorization	Same as line 1	1	0.25	1	\$400	\$400

⁵ 2019 Report of the Economic Survey from the Law Practice Management Committee of the American Intellectual Property Law Association (AIPLA). <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>
The hourly rate of \$400.

		1		(15 minutes)			
9	Petitions to the Commissioner	Same as line 1	1	0.25 (15 minutes)	1	\$400	\$400
11	Declaration on Inventorship for Purposes of Designation of the United States (WIPO DM/1/I Annex) filed indirectly through the USPTO	Same as line 1	3	0.50 (30 minutes)	2	\$400	\$800
12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purposes of Designating the United States (WIPO DM/1/I Annex) filed indirectly through the USPTO	Same as line 1	1	0.50 (30 minutes)	1	\$400	\$400
14	Issue Fee to UPSTO for an International Design Application	30	30	0.50 (30 minutes)	15	\$400	\$6,000
15	Reduction of United States Individual Designation Fee (WIPO DM/1/IV Annex) filed indirectly through the USPTO	Same as line 1	6	0.50 (30 minutes)	3	\$400	\$1,200
	Totals	36	60	----	98	----	\$39,200

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.

This collection has non-hourly cost burdens in both fees paid by the public and associated postage costs for mailing items to the USPTO. There are no capital, start-up, maintenance, or recordkeeping costs associated with this information collection.

Fees

There are fees associated with this collection, resulting in a total of \$3,376,872 per year as outlined in Table 5 below.

Table 5: Filing Fees

Item No.	Item	Estimated Annual Response (a)	Filing Fee Amount (b)	Total Filing Fee Cost (a) x (b) = (c)
1	Application for International Registration (electronic) – Average Fee per registration to WIPO (USPTO collects and transmits it to WIPO)	157	\$2,131	\$334,567
1	Application for International Registration (electronic) – Designation Fee (first part) for the U.S. (collecting for WIPO) (regular entity)	10	\$960	\$9,600
1	Application for International Registration (electronic) – Designation Fee (first part) for the U.S. (collecting for WIPO) (small entity)	11	\$480	\$5,280
1	Application for International Registration (electronic) – Designation Fee (first part) for the U.S. (collecting for WIPO) (micro entity)	6	\$240	\$1,440
1	Application for International Registration submitted to WIPO – Designation Fee (first part) for the U.S. (Transmitting to the USPTO by WIPO) (regular entity)	1,651	\$960	\$1,584,960
1	Application for International Registration submitted to WIPO – Designation Fee (first part) for the U.S. (Transmitting to the USPTO by WIPO) (small entity)	527	\$480	\$252,960

1	Application for International Registration submitted to WIPO – Designation Fee (first part) for the U.S. (Transmitting to the USPTO by WIPO) (micro entity)	138	\$240	\$33,120
1	Application for International Registration (electronic) – Transmittal Fee (set by and collected by USPTO) (regular entity)	89	\$120	\$10,680
1	Application for International Registration (electronic) – Transmittal Fee (set by and collected by USPTO) (small entity)	62	\$ 60	\$3,720
1	Application for International Registration (electronic) – Transmittal Fee (set by and collected by USPTO) (micro entity)	6	\$ 30	\$180
5	Petition to Excuse a Failure to Comply with a Time Limit (regular entity)	1	\$2,000	\$2,000
5	Petition to Excuse a Failure to Comply with a Time Limit (small entity)	1	\$1,000	\$1,000
5	Petition to Excuse a Failure to Comply with a Time Limit (micro entity)	1	\$500	\$500
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16 (regular entity)	1	\$180	\$180
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16 (small entity)	1	\$90	\$90
6	Petition to Convert to a Design Application under 35 U.S.C. Chapter 16 (micro entity)	1	\$45	\$45
7	Petition to Review a Filing Date (regular entity)	1	\$400	\$400
7	Petition to Review a Filing Date (small entity)	1	\$200	\$200
7	Petition to Review a Filing Date (micro entity)	1	\$100	\$100
9	Petitions to Commissioner (regular entity)	3	\$400	\$1,200
9	Petitions to Commissioner (small entity)	1	\$200	\$200
9	Petitions to Commissioner (micro entity)	1	\$100	\$100
14	Issue Fee to UPSTO for an International Design Application (regular entity)	972	\$700	\$680,400
14	Issue Fee to UPSTO for an International Design Application (small entity)	247	\$350	\$86,450
14	Issue Fee to UPSTO for an International Design Application (micro entity)	30	\$175	\$5,250
14	Application for International Registration submitted to WIPO – Issue Fee (Second part) for the U.S. (Transmitting to the USPTO by	420	\$700	\$294,000

	WIPO) (regular entity)			
14	Application for International Registration submitted to WIPO – Issue Fee (Second part) for the U.S. (Transmitting to the USPTO by WIPO) (small entity)	155	\$350	\$54,250
14	Application for International Registration submitted to WIPO – Issue Fee (Second part) for the U.S. (Transmitting to the USPTO by WIPO) (micro-entity)	80	\$175	\$14,000
	Total	4,570		\$3,376,872

Drawing Costs

The USPTO estimates that around 20% (31) of the respondents that file international design applications through the USPTO as an office of indirect filing designate the United States for design protection. The costs for preparing the drawings associated with these applications are estimated to be \$400 per application. Overall the costs associated with submitting these drawing are estimated to be \$12,400.

Postage Costs

Although the USPTO prefers that the items in this information collection be submitted electronically, the items 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 \$8.05. The USPTO estimates that 1 paper submission will be mailed annually.

Total

The USPTO estimates that the total annual (non-hour) respondent cost burden for this information collection in the forms of filing fees, drawing costs, and postage costs is estimated to be approximately \$3,389,280 per year (\$3,376,872 in filing fees, \$12,400 in drawing costs, and \$8 in postage costs).

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

The USPTO employs GS-5 and GS-7 employees to process patent applications for this information collection.

The USPTO estimates that the cost of a [GS-5, step 1](#)⁶ employee is \$24.48 per hour (GS hourly rate of \$18.83 with 30% (\$5.65) added for benefits and overhead). The USPTO

⁶ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB_h.pdf

estimates that the cost of a [GS-7, step 1](#)⁷ employee is \$30.32 per hour (GS hourly rate of \$23.32 with 30% (\$7.00) added for benefits and overhead).

The USPTO estimates that it takes a GS-5, step 1 employee 0.50 hours (30 minutes) to process a transmittal of issue fee. The USPTO estimates that it takes a GS-7, step 1 employee between 0.30 hours (18 minutes) and 1 hour on average to process the items in this collection.

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

Table 7: Burden Hours/Burden Costs to the Federal Government

Item No.	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (a) x (b) (c)	Rate (\$/hr) (d)	Total Cost (\$/hr) (c) x (d) (e)
1	Application for International Registration	1	157	157	\$30.32	\$4,760.24
2	Claims and Reproductions (Drawings)	0.50 (30 minutes)	157	78	\$30.32	\$2,364.96
3	Transmittal Letter	0.50 (30 minutes)	6	3	\$30.32	\$90.96
4	Appointment of a Representative (WIPO DM/7) filed indirectly through the USPTO	0.30 (18 minutes)	64	19.2	\$30.32	\$582.14
5	Petition to Excuse a Failure to Comply with a Time Limit	0.50 (30 minutes)	2	1	\$30.32	\$30.32
6	Petition to Convert a Design Application under 35 U.S.C. Chapter 16	0.50 (30 minutes)	2	1	\$30.32	\$30.32
7	Petition to Review a Filing Date	0.50 (30 minutes)	3	1.5	\$30.32	\$45.48
8	Fee Authorization	0.30 (18 minutes)	11	3.3	\$30.32	\$100.06
9	Petitions to the Commissioner	0.50 (30 minutes)	5	2.5	\$30.32	\$75.80
10	Declaration on Inventorship for Purposes of Designation of the United States (WIPO DM/1/I Annex) filed indirectly through the USPTO	0.50 (30 minutes)	30	15	\$24.48	\$367.20
11	Declaration on Inventorship for Purposes of Designation of the United States	0.50 (30 minutes)	5	2.5	\$30.32	\$75.80

⁷ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB_h.pdf

12	Substitute Statement in Lieu of a Declaration of Inventorship for the Purposes of Designating the United States	0.50 (30 minutes)	4	2	\$30.32	\$60.64
13	Supporting Document(s) Concerning Priority Claim To The Korean Intellectual Property Office (KIPO) (WIPO DM/1/V (Annex) filed indirectly through the USPTO	0.50 (30 minutes)	5	2.5	\$30.32	\$75.80
14	Issue Fee to UPSTO for an International Design Application	0.50 (30 minutes)	1,249	624.5	\$30.32	\$18,934.84
15	Reduction of United States Individual Designation Fee (WIPO DM/1/IV (Annex) filed indirectly through the USPTO	0.50 (30 minutes)	6	3	\$30.32	\$90.96
	TOTAL	- - - -	1706	916	- - - -	\$27,686

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

A. Changes in collection since previous OMB approval

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	1,706	0	0	1,150	0	556
Annual Time Burden (Hr)	2,301	0	0	401	0	1,900
Annual Cost Burden (\$)	3,389,280	0	0	2,963,660	0	425,620

Changes in Responses and Burden Hours

The estimated total responses for this collection has increased by 1150 (from 556 to 1,706) and the estimated total burden hours have increased by 401 (from 1,900 to 2,301) from the currently approved burden for this collection. These changes are due to the following administrative adjustments:

- Increase in response estimates is based on recent Agency estimates of respondents using these processes. A dramatic increase (almost 300% more submissions than the 2017 estimates) in usage of the international registration processes is the primary driver of change to this information collection.

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 USPTO sponsored forms in this information collection will display the OMB Control Number and the expiration date of OMB approval. This information collection also contains various forms used by international organization, specifically WIPO. The burden associated with these forms is included in this collection of information, but the forms themselves are not subject to the Paperwork Reduction Act requirements as they are sponsored and controlled by a non-US entity.

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.