

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
International Design Applications (Hague Agreement)
OMB Control Number 0651-0075

Background

The United States Patent and Trademark Office (USPTO) administers the Leahy-Smith America Invents Act (AIA), which sets or adjusts patent fees established, authorized, or charged under Title 35, United States Code (U.S.C.). Section 10 prescribes that fees may be set or adjusted only to recover the aggregate estimated costs to the Office for processing, activities, services, and materials related to the patent and trademark processes. Section 10 authorities also includes flexibility to set individual fees in a way that furthers key policies factors, while factoring in the cost of the respective services.

This request is to update the fees for small and micro entities attached to collection 0651-0075 (International Design Applications (Hague Agreement)) that are affected by the rulemaking RIN 0651-AD66. There are four fees in this collection being reduced as a result of the *Unleashing American Innovators Act of 2022*.

Table 1: Increases in Fee Amount

IC No.	Item	Current Fee	New Fee	Changes in Fee Amount
1	Application for International Registration – Transmittal Fee	\$60 (small entity) \$30 (micro entity)	\$48 (small entity) \$24 (micro entity)	-\$12 (small entity) -\$6 (micro entity)
6	Petition to convert an international design application to a design application under 35 U.S.C. chapter 16	\$90 (small entity) \$45 (micro entity)	\$72 (small entity) \$36 (micro entity)	-\$18 (small entity) -\$9 (micro entity)

Table 2: Proposed Burden

IC No.	Item	Responses (a)	Proposed Fee (b)	Proposed Cost (a) x (b) = (c)
1	Application for International Registration – Transmittal Fee	62 (small entity) 6 (micro entity)	\$48 (small entity) \$24 (micro entity)	\$2,976 (small entity) \$144 (micro entity)
6	Petition to convert an international design application to a design application under 35 U.S.C. chapter 16	1 (small entity) 1 (micro entity)	\$72 (small entity) \$36 (micro entity)	\$72 (small entity) \$36 (micro entity)
	Totals	70	---	\$3,228

Table 3: Changes in Cost

IC No.	Items	Current Cost	Proposed Cost	Change in Cost
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1	Application for International Registration – Transmittal Fee	\$3,720 (small entity) \$180 (micro entity)	\$2,976 (small entity) \$144 (micro entity)	-\$744 (small entity) -\$36 (micro entity)
6	Petition to convert an international design application to a design application under 35 U.S.C. chapter 16	\$90 (small entity) \$45 (micro entity)	\$72 (small entity) \$36 (micro entity)	-\$18 (small entity) -\$9 (micro entity)
	Totals	\$4,035	\$3,228	-\$807

Summary of Changes

The aforementioned legislation results in the revision of four fees and a decrease of \$807 in annual (non-hourly) costs to collection 0651-0075.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Non-hourly Cost Burden	\$3,389,280	-\$807	\$3,388,473

0651-0075's revised burden is as follows:

- 1,706 in annual responses (unchanged)
- 2,301 in annual hourly burden (unchanged)
- \$3,388,473 in annual (non-hourly) costs