

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 |
|--------|-------|--------------|---------------|----------------|
|--------|-------|--------------|---------------|----------------|

| | | | | |
|---|--|--|--|---|
| 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