

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
(Admission to Practice and Roster of Registered Patent Attorneys and Agents Admitted to Practice Before the
United States Patent and Trademark Office)
OMB Control Number 0651-0012

Background

This collection of information is required by 35 U.S.C. 2(b)(2)(D), which permits the United States Patent and Trademark Office (USPTO) to establish regulations governing the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the USPTO. This statute also permits the USPTO to require information from applicants that shows that they are of good moral character and reputation and possess the necessary qualifications to assist applicants with the patent process and to represent them before the USPTO.

This information collection addresses submissions required by the regulations at 37 CFR 1.21 and 11.5-11.14, which set forth the requirements to become recognized to represent others before the USPTO. The Office of Enrollment and Discipline (OED) collects this information to determine the qualifications of individuals entitled to represent applicants before the USPTO.

This request is related to a final rule (RIN 0651-AD58) published by the United States Patent and Trademark Office on July 14, 2023.

This information collection request is to: 1) remove the fee to change from agent to attorney, 2) update the number of individuals who seek to change registration status from agent to attorney, and 3) update the hourly time burdens associated with this action.

This rulemaking benefits the public by improving the accuracy of the register of attorneys and agents who are permitted to practice before the USPTO in patent matters. Specifically, removing the fee to change from agent to attorney is expected to incentivize a registered patent agent who is an attorney but has not updated their registration status to do so.

The fee removal reduces the estimated cost burdens associated with 0651-0012 by \$27,720; (252 respondents × \$110 fee = \$27,720). Accordingly, the current estimate of patent agents who change to attorney in 0651-0012 are expected to change from 252 practitioners to the new estimate of 340 practitioners. (Note: the overall number of respondents listed for this item is decreasing due to administrative changes in how recordkeeping burdens were previously included in this information collection.) The expected increase in practitioners who change their registration status will result in a slight hourly burden increase of 44 hours; (88 practitioners × 0.5 hours = 44 hours). The USPTO further estimates that this increase of 88 respondents will add seven hours of recordkeeping burden to 0651-0012; (88 practitioners × 0.083 hours = 7 hours). These burden estimates are based on the prior OMB approved burdens associated with information collection 0651-0012.

Changes for Line Item 8: Change of Registration from Agent to Attorney

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Previously Approved
Annual Number of Responses	340	0	-164	0	504
Annual Time Burden (Hr)	197	0	51	0	146
Annual Cost Burden (\$)	0	0	-27,720	0	27,720

Summary of Changes

Overall, this final rule adds 51 burden hours and removes \$27,720 in cost burdens as seen in the table below.

Overall Changes for Information Collection 0651-0012: Admission to Practice

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Previously Approved
Annual Number of Responses	30,563	0	-164	0	30,727
Annual Time Burden (Hr)	18,239	0	51	0	18,188
Annual Cost Burden (\$)	822,186	0	-27,720	0	849,906