**SUPPORTING STATEMENT**

**United States Patent and Trademark Office**

**Public User ID Badging**

**OMB CONTROL NUMBER 0651-0041**

**2024**

**A. JUSTIFICATION**

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

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 41(i)(1) to maintain a Public Search Facility to make publicly accessible USPTO patent and trademark collections for search and retrieval. The Public Search Facility is located in a publicly accessible portion of USPTO headquarters in Alexandria, Virginia, and offers the public access to the collection’s paper, microfilm, and electronic files and trained staff to assist users with searches.

This information collection covers the application used to establish, renew, or replace security identification badges issued to members of the public who wish to access the Public Search Facility. Users can apply for a security badge in person at the USPTO Security Office by providing the necessary information and presenting a valid form of photo identification. The issued security badges include a color photograph of the user and must be worn at all times while within the USPTO facility. Issued badges are valid for one year and can be renewed at no cost. Lost badges can be replaced at a cost of $15. Public users are not required to obtain a security identification badge to access the Public Search Facility. Alternatively, public users can fill out a visitor badge request upon visiting the library. The process for obtaining a visitor badge is exempt from the Paperwork Reduction Act (PRA). The visitor badge must be turned in each time the user leaves the library. Re-entry requires obtaining a new visitor badge. However, using a security identification badge issued to a public user allows that individual to leave and re-enter the library without needing to obtain a visitor badge. Public users only need to obtain either the visitor badge or a security identification badge to enter the Public Search Facility; they do not need both simultaneously.

Previously, the Public Search Facility collected information from the public to establish and maintain accounts for online access to USPTO resources and to register the public for user trainings. Instead of using unique accounts for the Public Search Facility, access is now automatically provided through MyUSPTO accounts. Registrations for training are no longer required as trainings are now provided on demand, via self-service online platforms. As a result, the USPTO is removing items for online access accounts and user training registration from this information collection renewal.

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** | **Regulation** |
| **1** | Application for Public User ID | 35 U.S.C. §§ 2 and 122, Article 30 of the Patent Cooperation | 41 CFR 102-74.375(c) |

1. **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 public uses this information collection to obtain online access accounts, obtain security identification badges for the Public Search Facility and other office areas of the USPTO, or to sign up for user training courses. The applications for online access accounts and security identification badges are completed on site and handed to a USPTO staff member for entry into the system and issuance of the relevant item. Renewal or replacement of online access accounts or security badges requires the user’s information to be verified and updated as necessary. User training registration forms may be mailed, faxed, or hand delivered to the USPTO.

The information collected, maintained, and used in this 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.** | **Form/ Function** | **Form No.** | **Needs and Uses** |
| **1** | Application for Public User ID | PTO Form 2030 | * Used by the public to request a security identification badge for access to USPTO public facilities. * Used by the USPTO to process requests for security identification badges and issue the badge to the user. |

1. **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 paper applications for the online access accounts and the security identification badges are completed on site and handed to a USPTO staff member to enter into the electronic systems and issue the access account or security badge. Users must present proper identification and sign the application form. The electronic database permits lost or replacement security badges and access accounts to be quickly reissued upon confirming the identity of the requestor and updating any change information as necessary.

For the security identification badges, the USPTO also takes color digital photographs of the users to allow USPTO staff to verify the badge wearer’s identity on sight. These digital photographs are stored in the electronic badging database to facilitate the replacement of security badges as needed without retaking the photograph.

Since the information collected for the online access accounts and security identification badges must be verified in person, the USPTO does not plan to collect this information electronically. The USPTO does not disseminate this information electronically or otherwise. Customers may download user training registration forms from the USPTO website, but at this time, the USPTO does not collect the completed class registration forms electronically. If the USPTO later develops a means for electronic class registration, the USPTO will develop the associated forms and submit them to OMB for review and approval as necessary.

1. **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.**

The USPTO collects this information only when a customer requests an online access account, security identification badge, or registers for a training class. Customers must provide standard identifying information when making these requests, but these requests may only be filed at the USPTO and are not collected elsewhere. Safeguards within the database software discourage the issuing of multiple online access accounts or security badges to the same person. Replacement online access accounts and security identification badges may be issues upon verifying the user’s personal information and updating the database as necessary.

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

The information collected is the minimum needed to execute the transaction. This collection of information does not impose a significant impact or put an unnecessary burden on small entities or small businesses. The same information is required of every applicant and is not available from any other source.

1. **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 USPTO collects this information only when the public user accesses the Public Search Facilities or when the user registers for a training class. The information for the online access accounts and security identification badges is collected only once, on the user’s first visit, and allows subsequent visits while the user’s account and badge are valid. Obtaining a security identification badge allows users to access the public facilities without having to sign in manually each time they enter. Annual renewal of the access account or security badge, or replacement, when necessary, requires validating, and updating the minimum information as necessary in order to maintain the user records.

If the information for online access accounts and security identification badges were not collected, public access to accurate and complete search collections would be at risk and the USPTO would not be able to identify and contact users who abuse their search privileges. Therefore, this collection of information could not be conducted less frequently.

1. **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.

1. **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 May 13, 2024.[[1]](#footnote-2) The comment period ended on July 12, 2024. The USPTO received no public comments in response to the notice.

1. **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.

1. **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 system of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.**

This collection contains information which is subject to the Privacy Act. The USPTO collects this information under authority of 41 CFR Subpart C – Conduct on Federal Property, Section 102-74.375(c). It collects personal information, such as personal addresses and telephone numbers, and takes and stores a digital photograph of the user in a database. The information in this system of records is used for issuing security identification badges for individuals who access USPTO facilities.

Records for public users are kept in secured premises with physical and electronic access to the information limited to staff members whose official duties require it. The information is available to the extent required by law and as allowed under the Freedom of Information Act (FOIA) and the Privacy Act. Personal addresses, personal telephone numbers, and the digital photographs are kept confidential; business addresses or telephone numbers could be provided in response to a FOIA request. Completed user training forms are retained and organized by class date, not by name or other personal identifier and therefore are not included in this system of record.

The following SORN provides privacy disclosures and information about USPTO’s handling of personally identifiable information (PII) that is part of this collection: PAT/TM-14 Users of Public Facilities of the Patent and Trademark Office; published March 19, 2013 (78 FRN 16835).[[2]](#footnote-3)

This SORN identifies the categories of individuals covered by the system containing federal employees other than employees of the USPTO; employees and other representatives of commercial firms offering patent search services to the public; registered agents before the USPTO; and any member of the general public who uses the search room. Categories of records in the system comprise the following: name; addresses; telephone numbers; business firm or other organizations with which affiliated; user access number; record of use; violations of policies governing use of the search facilities and other office areas; signature of recipients of user access number; and other information as needed to establish identity.

1. **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.**

The collected identifying information is necessary in order to issue a unique online access account for Public Search Facility users and/or a photo identification security badge for access to the public facilities at the USPTO. The photograph of the user is considered essential for visually confirming that the security badge is being used by the individual to whom it was issued. Digitally stored photographs have become a basic part of all identification badges and have been used for several years in similar systems, such as the Reader Identification Card at the Library of Congress. The online access accounts issued by the Public Search Facility and the identification badges issued by the Office of Security at the USPTO are necessary in order to protect the integrity of the patent and trademark collections and maintain proper physical security at USPTO facilities.

1. **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’.**
* **Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.**

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 it will receive approximately 60 responses per year from 60 respondents for this information collection. None of the of the responses in this collection will be submitted electronically.

* **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately 5 minutes (0.08 hours) to complete the information in this information collection. This includes the time to gather the necessary information, prepare the form, and submit the completed request to the USPTO. Using these burden factors, the USPTO estimates that the total respondent hourly burden for this information collection is 5 hours per year.

* **Cost Burden Calculation Factors**

The USPTO expects that the items in this information collection will be prepared by both attorneys and paraprofessionals, for an average rate of $285 per hour. The USPTO uses an attorney rate of $447 per hour, which is the median rate for intellectual property attorneys in private firms as shown in the 2023 *Report of the Economic Survey* published by the American Intellectual Property Law Association (AIPLA). The paraprofessional rate of $122 is the average rate for paraprofessionals as shown in the 2022 *National Utilization and Compensation Survey* published by the National Association of Legal Assistants (NALA).

Using these hourly rates, the USPTO estimates that the total respondent cost burden for this information collection is $1,425 per year.

**Table 3: Total Burden Hours and Hourly Costs to Private Sector 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[[3]](#footnote-4)**  **($/hour)**  **(f)** | **Estimated Annual Respondent Cost Burden**  **(e) x (f) = (g)** |
| **1** | Application for Public User ID  **PTO Form 2030** | 60 | 1 | 60 | 0.08 (5 minutes) | 5 | $285 | $1,425 |
|  | **Totals** | **60** | **- - -** | **60** | **- - -** | **5** | **- - -** | **$1,425** |

1. **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.**

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

The total non-hour respondent cost burden for this information collection is estimates to be $75 per year in filing fees.

Filing Fees

There are fees associated with issuing a replacement security identification badge, for a total of $75 per year as outlined in Table 4 below.

**Table 4: Filing Fees**

| **Item No.** | **Information Collection Instrument** | **Estimated Annual Responses**  **(a)** | **Filing fee ($)**  **(b)** | **Total non-hour cost burden (yr)**  **(a) x (b) = (c)** |
| --- | --- | --- | --- | --- |
| **1** | Replace Security Identification Badges | 5 | $15 | $75 |
|  | **Totals** | **5** | **- - -** | **$75** |

1. **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 a GS-8 employee to process the applications and associated actions with the online access accounts.

The USPTO estimates that the cost of a GS-8, step 1 employee is $38.58 per hour (GS hourly rate of $29.68 with 30% ($8.90) added for benefits and overhead).

The USPTO estimates that it takes employees 5 minutes (0.08 hours) to complete the processing and issue of security identification badges and online access accounts.

Table 5 calculates the burden hours and costs to the federal government for processing this information collection:

**Table 5: Burden Hour/Cost to the Federal Government**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Item No.** | **Item** | **Estimated Burden Hours**  **(a)** | **Estimated Annual Responses**  **(b)** | **Estimated Hourly Burden**  **(a) x (b) = (c)** | **Rate[[4]](#footnote-5)**  **($/hr)**  **(d)** | **Total Federal Government Cost**  **(c) x (d) = (e)** |
| **1** | Security Identification Badges for Public Users | 60 | 0.08  (5 minutes) | 5 | $38.58 | $193 |
|  | **Totals** | **60** | **- - -** | **5** | **- - -** | **$193** |

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

**Table 6: 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 | 60 | 0 | 0 | -5,865 | 0 | 5,925 |
| Annual Time Burden (Hr) | 5 | 0 | 0 | -469 | 0 | 474 |
| Annual Cost Burden ($) | 75 | 0 | 0 | -1,430 | 0 | 1,505 |

Changes since the Publication of the 60-Day Notice

Since the publication of the 60-Day Notice in the *Federal Register* on May 13, 2024, the USPTO has revised the estimated annual hourly burden. In the 60-Notice, the USPTO listed the burden as 6 hours. The USPTO corrects this estimate to 5 hours of annual burden.

Change in Respondents and Hourly Burden due to Adjustment in Agency Estimate

The estimated annual number of respondents has decreased by 5,865 due to removal of the items covering online access accounts and user training registration, which are now automatically provided through MyUSPTO accounts. This results in a corresponding decrease of 469 burden hours.

Changes in Annual (Non-hour) Costs due to Adjustment in Agency Estimate

For this renewal, the USPTO estimates that the annual non-hour costs will decrease by $1,430 from the previous approval. This decrease is due to the removal of most of the responses in the information collection.

1. **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.

1. **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.

1. **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.

1. <https://www.govinfo.gov/content/pkg/FR-2024-05-13/pdf/2024-10396.pdf>. [↑](#footnote-ref-2)
2. <https://www.govinfo.gov/content/pkg/FR-2013-03-19/pdf/2013-06262.pdf>. [↑](#footnote-ref-3)
3. A combined rate of attorneys and paralegals/paraprofessionals is used for the security badge items. The USPTO uses the average billing rate for intellectual property work in all firms which is $447 per hour (https://www.aipla.org/home/news-publications/economic-survey. 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); pg. F–41). The USPTO uses the average billing rate for paralegals/paraprofessionals, which is $122 per hour (https://nala.org/paralegal-info/). 2022 National Utilization and Compensation Survey Report published by the National Association of Legal Assistants (NALA); pg. 38. [↑](#footnote-ref-4)
4. <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/DCB_h.aspx>. [↑](#footnote-ref-5)