

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Substantive Submissions Made During Prosecution of the Trademark Application
OMB Control Number 0651-0054

Background

This collection of information is required by the Trademark Act, 15 U.S.C. § 1051 *et seq.*, which provides for the registration of trademarks, service marks, collective trademarks and collective service marks, collective membership marks, and certification marks. Individuals and businesses that use or intend to use such marks in commerce may file an application to register their marks with the United States Patent and Trademark Office (USPTO).

Such individuals and businesses may also submit various communications to the USPTO, including providing additional information needed to process a request to delete a particular filing basis from an application or to divide an application identifying multiple goods and/or services into two or more separate applications. Applicants may seek a six-month extension of time to file a statement that the mark is in use in commerce or submit a petition to revive an application that was abandoned for failure to submit a timely response to an office action or a timely statement of use or extension request. In some circumstances, an applicant may expressly abandon an application by filing a request for withdrawal of the application.

The USPTO administers the Act through Title 37 of the Code of Federal Regulations. These rules allow the USPTO to request and receive information required to process applications. These rules also allow applicants to submit certain amendments to their applications.

The USPTO plans to discontinue information collection 0651-0086 (Changes to Implement the Provisions of the Trademark Modernization Act of 2020) and merge its information into other USPTO information collections. As part of that effort, the USPTO plans to merge the burden associated with one form (PTO-2301 – Petition to Director) into the same item in collection 0651-0054. This adjustment will result in a burden increase for one item in 0651-0054.

Summary of Changes

The USPTO proposes to merge one item and form, PTO 2301 (Petition to the Director), from collection 0651-0086 with the matching item in collection 0651-0054. This will result in an associated increase in the hourly burden and the annual non-hourly costs in the form of filing fees.

The respondent and hourly burden estimates that will be added from 0651-0086 are displayed below:

Table 1: Burden Hours to Private Sector Respondents in 0651-0086

Item	Item	Estimated	Estimated	Estimated	Estimated
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No.		Annual Respondents	Annual Responses (year) (a)	Time for Response (hour) (b)	Annual Burden (hour/year) (a) x (b) = (c)
10	Petition to Director	1,344	1,414	0.5	708
	Totals	1,344	1,414	---	708

This will result in the following total respondent and hourly burden estimates:

Table 2: Proposed Burden Hours to Private Sector Respondents in 0651-0054

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses (year) (a)	Estimated Time for Response (hour) (b)	Estimated Annual Burden (hour/year) (a) x (b) = (c)
10	Petition to Director	3,729	3,799	0.89	3,396
	Totals	3,729	3,799	---	3,396

The filing fee costs added from 0651-0086 are:

Table 3: Filing Fees in 0651-0086

Item No.	Fee Code(s)	Item	Estimated Annual Responses (a)	Filing fee (\$) (b)	Total non-hour cost burden (yr) (a) x (b) = (c)
10	7005	Petition to the Director (electronic)	1,414	\$250	\$353,500
		Totals	1,414	---	\$353,500

This will result in the following total filing fee estimates:

Table 4: Proposed Filing Fees in 0651-0054

Item No.	Fee Code(s)	Item	Estimated Annual Responses (a)	Filing fee (\$) (b)	Total non-hour cost burden (yr) (a) x (b) = (c)
10	7005	Petition to the Director (electronic)	3,799	\$250	\$949,750
		Totals	3,799	---	\$949,750

Changes in Burden

The merging of one IC line will result in the following burden changes for this information collection:

Table 5: Changes in Burden

Burden Type	Currently approved	Proposed changes	New estimates
Responses	373,293	1,414	374,707
Hours	265,556	1,011	266,567
Non-hourly costs (\$)	43,517,005	353,500	43,870,505

Therefore, the revised burden for 0651-0054 is as follows:

- 374,707 respondents
- 266,567 burden hours
- \$43,870,505 in non-hourly burden costs