

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Response to Office Action and Voluntary Amendment Forms
OMB Control Number 0651-0050

Background

The United States Patent and Trademark Office (USPTO) administers the Trademark Act, 15 U.S.C. 1051 *et seq.*, which provides for the Federal registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses that use such marks or intend to use such marks in interstate commerce may file an application to register their marks with the USPTO. In some cases, the USPTO issues Office Actions to applicants who have applied for a trademark application, requesting additional information that was not provided with the initial submission but is required before the issuance of a registration. Also, the USPTO may determine that the mark is not entitled to registration, pursuant to one or more provisions of the Act. In such cases, the USPTO may issue Office Actions advising applicants of the refusal to register the mark. Applicants reply to these Office Actions by providing the required information and/or by putting forth legal arguments as to why the refusal or registration should be withdrawn.

In support of RIN 0651-AD65 (Setting and Adjusting Trademark Fees During Fiscal Year 2025), USPTO is changing two fees in this information collection and is adding one fee.

Table 1: Increases and Decreases in Fee Amount

Item No	Fee Code	Item	Current Fee	New Fee	Changes in Fee Amount
1	7008	Additional processing fee for application that does not meet TEAS Plus filing requirements, per class	\$100	Discontinued	-\$100
1	7016	Extension of time for filing a response to a pre-registration office action	Not previously included in 0651-0050	\$125	+\$125
5	7005	Petition to Amend Basis Post-Publication	\$250	\$400	+\$150

Table 2: Proposed Burden

Item No	Fee Code	Item	Reponses (a)	New Fee (b)	New Non-hour Cost Burden (a) x (b) = (c)
1	7008	Additional processing fee for application that does not meet TEAS Plus filing requirements, per class	5,000	Discontinued	\$0
1	7016	Extension of time for filing a response to a pre-registration office action	39,485	\$125	\$4,935,625

5	7005	Petition to Amend Basis Post-Publication	590	\$400	\$236,000
		Totals	45,075	- - -	\$5,171,625

Table 3: Changes in Cost

Item No.	Fee Code	Items	Current Cost (a)	New Cost (b)	Change in Non-hour Cost Burden (b) – (a) = (c)
1	7008	Additional processing fee for application that does not meet TEAS Plus filing requirements, per class	\$500,000	\$0	-\$500,000
1	7016	Extension of time for filing a response to a pre-registration office action	Not previously included in 0651-0050	\$4,935,625	+\$4,935,625
5	7005	Petition to Amend Basis Post-Publication	\$147,500	\$236,000	+\$88,500
		Totals	\$647,500	\$5,171,625	+\$4,524,125

Summary of Changes

The aforementioned rulemaking results in the revision of one fee, addition of one fee, and the discontinuation of another fee, with an increase of \$4,524,125 in annual non-hourly costs to collection 0651-0050.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Non-hourly Cost Burden	\$1,114,300	+\$4,524,125	\$ 5,638,425

0651-0050's revised burden is as follows:

- 518,643 annual responses (unchanged)
- 420,113 annual hourly burden (unchanged)
- \$5,638,425 in annual non-hourly burden costs