**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**

**Substantive Submissions Made During the Prosecution of the Trademark Application**

**OMB Control Number 0651-0054**

Background

The United States Patent and Trademark Office (USPTO) administer 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. Such individuals and businesses may also submit various communications to the USPTO, including providing additional information needed to process an allegation of use or a request to delete a particular filing basis from an application. Applicants may 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.

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

**Table 1: Changes in Fee Amount**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Item No.** | **Fee Code(s)** | **Item** | **Current Fee**  **(a)** | **New Fee**  **(b)** | **Changes in Fee Amount**  **(b) – (a) = (c)** |
| **1** | 6002  6003 | Allegation of Use (Amendment to Allege Use/Statement of Use) (Paper) | $200 | $250 | +$50 |
| **1** | 7002  7003 | Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Electronic) | $100 | $150 | +$50 |
| **3** | 6010 | Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Paper) | $250 | $350 | +$100 |
| **3** | 7010 | Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Electronic) | $150 | $250 | +$100 |
| **4** | 6010 | Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Paper) | $250 | $350 | +$100 |
| **4** | 7010 | Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Electronic) | $150 | $250 | +$100 |
| **10** | 6005 | Petition to the Director (Paper) | $350 | $500 | +$150 |
| **10** | 7005 | Petition to the Director (Electronic) | $250 | $400 | +$150 |
| **11** | 6010 | Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services/Collective Membership Organization After NOA (Paper) | $250 | $350 | +$100 |
| **11** | 7010 | Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/155.40Services/Collective Membership Organization After NOA (Electronic) | $150 | $250 | +$100 |

**Table 2: Proposed Burden**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Item No.** | **Fee Code(s)** | **Item** | **Responses**  **(a)** | **Proposed Fee**  **(b)** | **Proposed Cost**  **(a) x (b) = (c)** |
| **1** | 6002  6003 | Trademark Allegation of Use (Amendment to Allege Use/Statement of Use) (Paper) | 1 | $250 | $250 |
| **1** | 7002  7003 | Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Electronic) | 94,729 | $150 | $14,209,350 |
| **3** | 6010 | Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Paper) | 1 | $350 | $350 |
| **3** | 7010 | Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Electronic) | 20,665 | $250 | $5,166,250 |
| **4** | 6010 | Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Paper) | 1 | $350 | $350 |
| **4** | 7010 | Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Electronic) | 1,067 | $250 | $266,750 |
| **10** | 6005 | Petition to the Director (Paper) | 1 | $500 | $500 |
| **10** | 7005 | Petition to the Director (Electronic) | 2,385 | $400 | $954,000 |
| **11** | 6010 | Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services/Collective Membership Organization After NOA (Paper) | 1 | $350 | $350 |
| **11** | 7010 | Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/155.40Services/Collective Membership Organization After NOA (Electronic) | 54 | $250 | $13,500 |
|  |  | **Totals** | **118,905** | **- - -** | **$20,611,650** |

**Table 3: Changes in Cost**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Item No.** | **Fee Code(s)** | **Item** | **Current Cost**  **(a)** | **New Cost**  **(b)** | **Change in Non-hour Cost Burden**  **(b) – (a) = (c)** |
| 1 | 6002  6003 | Trademark Allegation of Use (Amendment to Allege Use/Statement of Use) (Paper) | $200 | $250 | +$50 |
| 1 | 7002  7003 | Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Electronic) | $9,472,900 | $14,209,350 | +$4,736,450 |
| 3 | 6010 | Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Paper) | $250 | $350 | +$100 |
| 3 | 7010 | Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Electronic) | $3,099,750 | $5,166,250 | +$2,066,500 |
| 4 | 6010 | Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Paper) | $250 | $350 | +$100 |
| 4 | 7010 | Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Electronic) | $160,050 | $266,750 | +$106,700 |
| 10 | 6005 | Petition to the Director (Paper) | $350 | $500 | +$150 |
| 10 | 7005 | Petition to the Director (Electronic) | $596,250 | $954,000 | +$357,750 |
| 11 | 6010 | Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services/Collective Membership Organization After NOA (Paper) | $250 | $350 | +$100 |
| 11 | 7010 | Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/155.40Services/Collective Membership Organization After NOA (Electronic) | $8,100 | $13,500 | +$5,400 |
|  |  | **Totals** | **$13,338,350** | **$20,611,650** | **+$7,273,300** |

Summary of Changes

The aforementioned rulemaking results in the revision of multiple fees, with an increase of $7,273,300 in annual non-hourly costs to information collection 0651-0054.

Changes in Burden

|  |  |  |  |
| --- | --- | --- | --- |
| **Burden Type** | **Currently Approved** | **Proposed Change** | **New Estimate** |
| Non-hourly Cost Burden | $43,870,505 | $7,273,300 | $51,143,805 |

0651-0054’s revised burden is as follows:

* 374,707 annual responses (no change)
* 265,556 annual burden hours (no change)
* $51,143,805 in annual non-hourly burden costs