

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