

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**International Design Applications (Hague Agreement)**  
**OMB CONTROL NUMBER 0651-0075**  
**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 Patent Law Treaties Implementation Act of 2012<sup>1</sup> (PLTIA) amends the patent laws to implement the provisions of the Geneva Act of the Hague Agreement Concerning International Registration of Industrial Designs (hereinafter “Hauge Agreement”) in title 1, and the Patent Law Treaty<sup>2</sup> (PLT) in title 2. The Hague Agreement is an international agreement that enables an applicant to file a single international design application which may have the effect of an application for protection for the design(s) in countries and/or intergovernmental organizations that are Parties to the Hague Agreement (the “Contracting Parties”) designated in the applications. The United States is a Contracting Party to the Hague Agreement, which took effect with respect to the United States on May 13, 2015. The Hague Agreement is administrated by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) located in Geneva, Switzerland.

Under the Hague Agreement, U.S. applicants could file international design applications in English “indirectly” through the United States Patent and Trademark Office (USPTO), which will forward the applications to the IB or “directly” with the IB. International design applications are subject to the following fees: (1) basic fee; (2) standard designation fee(s); (3) individual designation fee(s); and (4) publication fee. Also, an additional fee is required where the application contain a description that exceeds 100 words. In addition, a transmittal fee is required for international design applications filed through an office of indirect filing. Thus, international design applications filed through the USPTO as an Office of indirect filing are subject to payment of a transmittal fee for processing and forwarding the international design applications to the IB. The fees required by the IB may be paid either directly to the IB or through the USPTO as an office of indirect filing in the amounts specified on the World Intellectual Property Organization Web site. If applicants want to paid the required fees through USPTO as an office of indirect filing, the fees must be paid no later than the date of payment of the transmittal fee. The fees will then be

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<sup>1</sup> <https://www.congress.gov/112/plaws/publ211/PLAW-112publ211.pdf>.

<sup>2</sup> <https://wipolex.wipo.int/en/text/288773>.

forwarded to the IB. The industrial design or designs will be eligible for protection in all the Contracting Parties designated by applicants.

The IB ascertains whether the international design application complies with formal requirements, registers the international design to the international register, and publishes the international registration in the International Designs Bulletin. The international registration contains all of the data of the international application, any reproduction of the international design, date of the international registration, number of the international registration, and the relevant class of the International Classification.

The IB will provide a copy of the publication of the international registration to each Contracting party designated by the application. A designated Contracting Party may perform a substantive examination of the design application. The USPTO will perform a substantive examination for patentability of the international design application, as in the case of regular U.S. design applications.

The Hague Agreement enables applicants from Contracting Parties to obtain protection of their designs with minimal formalities and expenses in multiple countries and/or regions. The Hague Agreement is administered by the IB, which simplifies the management of an industrial design registration. For example, through the IB, applicants can record changes of their representatives or changes in ownership, and renew their international registration.

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 International Registration                                                                                                                                                               | 35 U.S.C §§ 382 and 383                                        | 37 CFR 1.1022                                       |
| 2        | Claim and Reproductions (Drawings)                                                                                                                                                                       | 35 U.S.C §§ 382 and 383                                        | 37 CFR 1.1021                                       |
| 3        | Transmittal Letter                                                                                                                                                                                       | 35 U.S.C § 2(b)(2)                                             | 37 CFR 1.4, 1.5                                     |
| 4        | Appointment of a Representative filed indirectly through the USPTO.                                                                                                                                      | 35 U.S.C § 2(b)(2)                                             | 37 CFR 1.1041                                       |
| 5        | Petition to Excuse a Failure to Comply with a Time Limit                                                                                                                                                 | 35 U.S.C § 387                                                 | 37 CFR 1.1051                                       |
| 6        | Petition to Convert a Design Application under 35 U.S.C. Chapter 16                                                                                                                                      | 35 U.S.C § 384(a)                                              | 37 CFR 1.1052                                       |
| 7        | Petition to Review a Filing Date                                                                                                                                                                         | 35 U.S.C § 384(b)                                              | 37 CFR 1.1023(b)<br>37 CFR 1.17(f)                  |
| 8        | Fee Authorization                                                                                                                                                                                        | 35 U.S.C § 382(b)                                              | 37 CFR 1.125                                        |
| 9        | Petitions to the Commissioner                                                                                                                                                                            | 35 U.S.C § 2(b)(2)                                             | 37 CFR 1.181-3                                      |
| 10       | Oath or Declaration of the Creator under Rule 8(1)(a)(ii) of the Common Regulations (Declaration of Inventorship for the Designation of the United States of America) filed indirectly through the USPTO | Article 5 of the Hague Agreement;<br>35 USC 383; 35 USC 115(a) | Common Regulations<br>Rules 7 and 8; 37 CFR<br>1.63 |

|    |                                                                                                                                                                                                                                          |                                                             |                                               |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------------------|
| 11 | Oath or Declaration of the Creator under Rule 8(1)(a)(ii) of the Common Regulations (Substitute Statement in Lieu of a Declaration of Inventorship for the Designating the United States of America) filed indirectly through the USPTO. | Article 5 of the Hague Agreement; 35 USC 383; 35 USC 115(d) | Common Regulations Rules 7 and 8; 37 CFR 1.64 |
| 12 | Information On Eligibility for Protection filed indirectly through the USPTO                                                                                                                                                             | 35 U.S.C §§ 382-3                                           | 37 CFR 1.1021                                 |
| 13 | Reduction of United States Individual Designation Fee under Section 408(b) of the Administrative Instructions filed indirectly through the USPTO                                                                                         | 35 U.S.C §§ 382-3                                           | 37 CFR 1.1021                                 |
| 14 | Supporting Document(s) Concerning Priority Claim under Article 4 of the Paris Convention                                                                                                                                                 | 35 U.S.C §§ 382-3                                           | 37 CFR 1.1021                                 |
| 15 | Fee(s) Transmittal to USPTO for an International Design Application                                                                                                                                                                      | Article 7(3) of the Hague Agreement; 35 USC 383             | Common Regulations Rule 29; 37 CFR 1.311      |

**2. 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 information requested in this collection is necessary for the WIPO, Contracting Parties, and the USPTO to process international design applications and related correspondences under the Hague Agreement. As an initial matter, the IB uses this information to perform its formalities review under the treaty. Pursuant to Article 8 of the treaty, if the IB finds that the applicant has not fulfilled the requirements of the Hague Agreement and the Common Regulations, the IB will invite the applicant to make the required corrections within a prescribed time period. Once this review of the formalities of the application has been completed, the IB then issues an international registration, which includes the information collected from the international design application. The designated Contracting Parties then perform their review of the international design application. If this information were not collected, the USPTO would not be able to examine international design applications through the process created by the Hague Agreement and thus could not fulfill the United States' obligations under the treaty and the USPTO's obligations under the Patent Law Treaties Implementation Act of 2012 (PLTIA).

Some of the information in this information collection may be collected via forms identified in Table 2 below. Use of the forms is not mandatory, but the USPTO suggests that applicants use these forms to ensure that all of the necessary information is provided and to assist both the WIPO in reviewing and the USPTO in examining the international design applications quickly and efficiently.

The information collected, maintained, and used in this information 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**

| IC No. | Form/ Function                                                      | Form No.              | Needs and Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------|---------------------------------------------------------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1      | Application for International Registration                          | WIPO DM/1 and annexes | <ul style="list-style-type: none"> <li>Used by the public to supply the information required for an international design application under the Hague Agreement.</li> <li>Used by the USPTO to process and forward the international design application to the IB according to the Hague Agreement.</li> <li>Used by the IB to perform a formalities review of the international design application.</li> </ul>                                                   |
| 2      | Claim and Reproductions (Drawings)                                  | No Form               | <ul style="list-style-type: none"> <li>Used by the public as part of the international design application according to the Hague Agreement.</li> <li>Used by the USPTO to examine the international design application.</li> </ul>                                                                                                                                                                                                                               |
| 3      | Transmittal Letter                                                  | No Form               | <ul style="list-style-type: none"> <li>Used by the public as a cover letter when submitting the international design application via Express Mail so that an applicant obtains a filing date as of the date of deposit with the postal authorities.</li> <li>Used by the public as a transmittal letter for power of attorney, fee payments, and other items.</li> </ul>                                                                                         |
| 4      | Appointment of a Representative filed indirectly through the USPTO. | WIPO DM/7             | <ul style="list-style-type: none"> <li>Used by the public to allow for the appointment of an agent or attorney to represent an applicant for a given international design application filed under the Hague Agreement.</li> <li>Used by the USPTO to accept the appointment of an attorney or agent to represent an applicant for a given international design application filed under the Hague Agreement.</li> </ul>                                           |
| 5      | Petition to Excuse a Failure to Comply with a Time Limit            | No Form               | <ul style="list-style-type: none"> <li>Used by the public to seek relief by the USPTO due to an applicant's failure to act within prescribed time limits in connection with requirements pertaining to an international design application relating to the Hague Agreement.</li> <li>Used by the USPTO to evaluate an applicant's requested relief from the prescribed time limits by determining whether the applicant's delay was unintentional.</li> </ul>    |
| 6      | Petition to Convert a Design Application under 35 U.S.C. Chapter 16 | No Form               | <ul style="list-style-type: none"> <li>Used by the public to treat the international design application, relating to The Hague Agreement, as an application for a design patent under 35 U.S.C. Chapter 16.</li> <li>Used by the USPTO to evaluate an applicant's request to treat the international design application, under the Hague Agreement, as an application for a design patent under 35 U.S.C. Chapter 16.</li> </ul>                                 |
| 7      | Petition to Review a Filing Date                                    | No Form               | <ul style="list-style-type: none"> <li>Used by the public where the applicant believes the international design application, relating to The Hague Agreement, is entitled to a filing date in the United States other than the date of international registration.</li> <li>Used by the USPTO to evaluate an applicant's request for a different filing date.</li> </ul>                                                                                         |
| 8      | Fee Authorization                                                   | No Form               | <ul style="list-style-type: none"> <li>Used by the public to authorize the USPTO to charge the applicant's deposit account along with instructions concerning how much to charge and for what purpose.</li> <li>Used by the USPTO Finance Branch to apply the charged fees to the applicant's deposit account.</li> </ul>                                                                                                                                        |
| 9      | Petitions to the Commissioner                                       | No Form               | <ul style="list-style-type: none"> <li>Used by the public to petition for relief, relating to the Hague Agreement, due to Office error, for questions not otherwise provided for, and for relief in exceptional circumstances.</li> <li>Used by the USPTO to evaluate an applicant's request, relating to the Hague Agreement, for relief due to Office error, for questions not otherwise provided for, and for relief in exceptional circumstances.</li> </ul> |

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|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 | Oath or Declaration of the Creator under Rule 8(1)(a)(ii) of the Common Regulations (Declaration of Inventorship for the Designation of the United States of America) filed indirectly through the USPTO                                 | WIPO DM/1/I Annex      | <ul style="list-style-type: none"> <li>Used by the public to file an oath or declaration with the IB.</li> </ul>                                                                                                                                          |
| 11 | Oath or Declaration of the Creator under Rule 8(1)(a)(ii) of the Common Regulations (Substitute Statement in Lieu of a Declaration of Inventorship for the Designating the United States of America) filed indirectly through the USPTO. | WIPO DM/1/I Annex      | <ul style="list-style-type: none"> <li>Used by the public when an oath or declaration cannot be filed with the IB.</li> </ul>                                                                                                                             |
| 12 | Information On Eligibility For Protection filed indirectly through the USPTO                                                                                                                                                             | WIPO DM/1/III Annex    | <ul style="list-style-type: none"> <li>Used to submit an Information Disclosure Statement and relevant accompanying information.</li> </ul>                                                                                                               |
| 13 | Reduction of United States Individual Designation Fee under Section 408(b) of the Administrative Instructions filed indirectly through the USPTO                                                                                         | WIPO DM/1/IV Annex     | Use is mandatory if the applicant claims micro-entity status in the DM/1 form.                                                                                                                                                                            |
| 14 | Supporting Document(s) Concerning Priority Claim under Article 4 of the Paris Convention                                                                                                                                                 | WIPO DM/1/V Annex      | <ul style="list-style-type: none"> <li>Used to submit documents in support of a priority claim to KIPO, China, and Japan (refer to DM/1 form, item 13).</li> </ul>                                                                                        |
| 15 | Fee(s) Transmittal to USPTO for an International Design Application                                                                                                                                                                      | PTOL-85 Part B (Hague) | <ul style="list-style-type: none"> <li>Used by the public to submit an issue fee payment to the USPTO.</li> <li>Used by the USPTO to determine whether all of the appropriate information is included at the time of payment of the issue fee.</li> </ul> |

**3. 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 items in this collection may be submitted in various ways:

- Items may be submitted to the USPTO online using the Patent Center, the USPTO patents electronic filing system. Note that reproductions filed in an international design application through the USPTO patents electronic filing system in other than the prescribed manner may be subject to an additional publication fee by the IB.

The USPTO patents electronic filing system allows customers to file patent applications and associated documents electronically through their standard web browser without downloading special software, changing their document preparation tools, or altering their workflow processes. Typically, the customer will prepare the documents as standard PDF files and then upload them to the USPTO servers using the secure interface. The USPTO patents electronic filing system offers many benefits to filers, including immediate notification that a submission has been received by the USPTO, automated processing of requests, and avoidance of postage or other paper delivery costs.

- Items may be submitted on paper to the USPTO. Note that when an international design application is filed in paper indirectly through the USPTO, the filing is subject to a payment of a transmittal fee paid to the USPTO for processing and forwarding the international design application to the IB. The filing papers may be subject to an additional publication fee for each page containing a reproduction after the first page by the IB. The Publication Fee may be paid either directly to the IB or through the USPTO as an Office of indirect filing. If the publication fee is paid through the USPTO, it must be paid no later than the date of payment of the transmittal fee. The USPTO will then forward the payment to the IB.
  - Items may be submitted electronically to the IB using their web-based filing system. Although these items will be collected by the IB, if the United States is designated on the application as a Contracting Party in which the applicant desires patent protection, the IB will forward the relevant materials and fees to the USPTO for action. As such, applications submitted to the IB that designate the United States are included in this submission.
  - Items may be submitted on paper to the IB. Although these items will be collected by the IB, if the United States is designated on the application as a Contracting Party in which the applicant desires patent protection, the IB will forward the relevant materials to the USPTO for action. As such, applications submitted to the IB that designate the United States are included in this submission. Note that an international design application filed in paper directly through the IB may be subject to an additional publication fee for each page containing a reproduction after the first page. The Publication Fee may be paid either directly to the IB or through the USPTO as an Office of indirect filing. If the publication fee is paid through the USPTO, it must be paid no later than the date of payment of the transmittal fee. The USPTO will then forward the payment to the IB.
- 4. 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.**

In general, submissions under the Hague Agreement are designed to minimize the need for duplication across applications and submissions to multiple countries' patent offices by allowing an applicant to file a single design application that has the effect of a national design application filed in multiple countries or intergovernmental organizations that are Contracting Parties to the Hague Agreement.

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

This information collection minimizes the fee burden on small entities. The US designation fee for an international design application is generally the same amount as the fees applicable to US design applications. As a result, several of the fees in this information collection include small and micro entity discounts.

The Hague Agreement simplifies the application process and reduces the cost for applicants of industrial designs. Applicants can file a single standardized application in English (or in French or Spanish, the two other accepted languages) to seek protection in any country that is a Contracting Party. It will no longer be necessary for applicants to make separate national applications in each of the Contracting Parties in which they desire protection, pay a series of national fees in various currencies, submit applications in various languages, or keep watch on the deadlines for renewal of a series of national deposits. This information collection will enable applicants to utilize the Hague process to take advantage of this burden savings.

**6. 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 information is collected only when an applicant or representative submits information under the Hague Agreement. If this information were not collected, the USPTO would not be able to forward the international design application and fees to the IB, or to examine the application (in cases where the United States is designated). The collection of information is necessary to process and examine design applications and could not be conducted less frequently.

**7. 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.

8. 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 December 19, 2023 (88 FR 87754).<sup>3</sup> The comment period ended on February 20, 2024.

9. 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.

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

The confidentiality of international design patent applications is governed by 35 U.S.C. § 122 and 37 CFR 1.11 and 1.14, as well as Article 10(4) of the Hague Agreement. The

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<sup>3</sup> <https://www.govinfo.gov/content/pkg/FR-2023-12-19/pdf/2023-27844.pdf>.

USPTO has a legal obligation to maintain the confidentiality of the contents of unpublished design applications and related documents. Until international publication of the international registration takes place, generally 6 months after the date of the international registration of the international design application, no third party or authority is allowed access to the international design application unless such access is requested or authorized by the applicant. Upon publication of an international registration or issuance of a design patent, the patent application file is made available to the public.

In order to protect the confidentiality of credit card account information when making fee payments to the USPTO or through the USPTO as an office of indirect filing, customers should submit credit card payments on a separate credit card payment form provided by the USPTO for this purposes, which is covered under OMB Control Number 0651-0043. The USPTO will not include the credit card information submitted using the provided credit card payment forms among the patent records open to public inspection. If a customer supplies their credit card information on a form or document (e.g., in correspondence related to a patent) other than a credit card payment form provided by the USPTO, the USPTO will not be liable if the credit card information becomes public knowledge.

This information collection contains information which is subject to the Privacy Act. This information is collected on petitions and applications filed to patent products. Patent Application information collection activities are covered under the Statement of Records Notice (SORN COMMERCE/PAT-TM-7; Patent Application Files) at 81 FR 25765, published on March 29, 2013.<sup>4</sup> This SORN identifies the categories of records in the system containing applicants for patent, including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

**11. 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.**

None of the required information in this information is considered to be sensitive.

**12. 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.**

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<sup>4</sup> <https://www.uspto.gov/sites/default/files/sorn/uspto-pasorn-07.pdf>.

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 1,229 responses per year from 1,229 respondents for this information collection, with approximately 40% of these responses submitted by small entities.

The USPTO estimates that approximately 99% of the annual responses for this collection will be submitted electronically.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public between approximately 15 minutes (0.25 hours) to 6 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed response to the USPTO. The USPTO calculates that it takes the same amount of time to do this, regardless of whether the public is submitting the information in paper form or electronically. Using these burden factors, USPTO estimates that the total respondent hourly burden for this information collection is 2,044 hours per year.

- **Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$447 per hour for respondent cost burden calculations, 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).

Using this hourly rate, the USPTO estimates that the total respondent cost burden for this information collection is \$917,244 per year.

**Table 3: Total Burden Hours and Hourly Costs to Private Sector Respondents**

| Item No. | Item                                                                                                                                                                                                                       | Estimated Annual Respondents | Responses per Respondent | Estimated Annual Responses | Estimated Time for Response (hours) | Estimated Burden (hour/year) | Rate <sup>5</sup> (\$/hour) | Estimated Annual Respondent Cost Burden |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--------------------------|----------------------------|-------------------------------------|------------------------------|-----------------------------|-----------------------------------------|
|          |                                                                                                                                                                                                                            | (a)                          | (b)                      | (a) x (b) = (c)            | (d)                                 | (c) x (d) = (e)              | (f)                         | (e) x (f) = (g)                         |
| 1        | Application for International Registration (WIPO DM/1 (E) and PTO-1595)                                                                                                                                                    | 155                          | 1                        | 155                        | 6                                   | 930                          | \$447                       | \$415,710                               |
| 2        | Claim and Reproductions (Drawings)                                                                                                                                                                                         | 155                          | 1                        | 155                        | 4                                   | 620                          | \$447                       | \$277,140                               |
| 3        | Transmittal Letter                                                                                                                                                                                                         | 5                            | 1                        | 5                          | 2                                   | 9                            | \$447                       | \$4,023                                 |
| 4        | Appointment of a Representative (WIPO DM/7) filed indirectly through the USPTO                                                                                                                                             | 62                           | 1                        | 64                         | 0.25 (15 minutes)                   | 16                           | \$447                       | \$7,152                                 |
| 5        | Petition to Excuse a Failure to Comply with a Time Limit                                                                                                                                                                   | 3                            | 1                        | 3                          | 4                                   | 12                           | \$447                       | \$5,364                                 |
| 6        | Petition to Convert to a Design Application under 35 U.S.C. Chapter 16                                                                                                                                                     | 3                            | 1                        | 3                          | 4                                   | 12                           | \$447                       | \$5,364                                 |
| 7        | Petition to Review a Filing Date                                                                                                                                                                                           | 3                            | 1                        | 3                          | 4                                   | 12                           | \$447                       | \$5,364                                 |
| 8        | Fee Authorization                                                                                                                                                                                                          | 11                           | 1                        | 11                         | 0.25 (15 minutes)                   | 3                            | \$447                       | \$1,341                                 |
| 9        | Petitions to the Commissioner                                                                                                                                                                                              | 5                            | 1                        | 5                          | 4                                   | 19                           | \$447                       | \$8,493                                 |
| 10       | Oath or Declaration of the Creator under Rule 8(1)(a)(ii) of the Common Regulations (WIPO DM/1/I (E)) (Declaration of Inventorship for the Designation of the United States of America) filed indirectly through the USPTO | 31                           | 1                        | 31                         | 0.50 (30 minutes)                   | 16                           | \$447                       | \$7,152                                 |
| 11       | Oath or Declaration of the Creator under Rule                                                                                                                                                                              | 2                            | 1                        | 2                          | 0.50 (30 minutes)                   | 1                            | \$447                       | \$447                                   |

<sup>5</sup> 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 intellectual property work in all firms which is \$447 per hour (<https://www.aipla.org/home/news-publications/economic-survey>).

|    |                                                                                                                                                                                                             |              |            |              |                      |              |            |                  |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------|--------------|----------------------|--------------|------------|------------------|
|    | 8(1)(a)(ii) of the Common Regulations (WIPO DM/1/I (E)) (Substitute Statement in Lieu of a Declaration of Inventorship for the Designating the United States of America) filed indirectly through the USPTO |              |            |              |                      |              |            |                  |
| 12 | Information On Eligibility For Protection (WIPO DM/1/III (E)) filed indirectly through the USPTO                                                                                                            | 3            | 1          | 3            | 1                    | 3            | \$447      | \$1,341          |
| 13 | Reduction of United States Individual Designation Fee under Section 408(b) of the Administrative Instructions (WIPO DM/1/IV (E)) filed indirectly through the USPTO                                         | 8            | 1          | 8            | 0.50<br>(30 minutes) | 4            | \$447      | \$1,788          |
| 14 | Supporting Document(s) Concerning Priority Claim under Article 4 of the Paris Convention (WIPO DM/1/V (E)) filed indirectly through the USPTO                                                               | 5            | 1          | 5            | 0.50<br>(30 minutes) | 3            | \$447      | \$894            |
| 15 | Fee(s) Transmittal to USPTO for an International Design Application (PTOL-85 Part B (Hague))                                                                                                                | 780          | 1          | 780          | 0.50<br>(30 minutes) | 390          | \$447      | \$174,330        |
|    | <b>Totals</b>                                                                                                                                                                                               | <b>1,231</b> | <b>---</b> | <b>1,231</b> | <b>---</b>           | <b>2,052</b> | <b>---</b> | <b>\$917,244</b> |

**13. 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.

This collection has non-hourly cost burdens in fees paid by the public, drawing costs, and associated postage costs for mailing items to USPTO.

The total (non-hour) respondent cost burden for this collection is estimated to be \$3,708,240 per year, which includes \$3,398,121 in filing fees, \$310,000 in drawing costs, and \$119 in postage costs.

#### Filing Fees

There are fees associated with this collection, resulting in a total of \$3,398,121 per year, as outlined in Table 4 below.

**Table 4: Filing Fees**

| IC No. | Information Collection Instrument                                                                                                                                  | Estimated Annual Responses (a) | Filing fee (\$) (b) | Total non-hour cost burden (yr) (a) x (b) = (c) |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------|-------------------------------------------------|
| 1      | Application for International Registration (electronic) – Average Fee per registration to WIPO (USPTO collects and transmits it to WIPO)                           | 157                            | \$2,131             | \$334,567                                       |
| 1      | Application for International Registration (electronic) – Designation Fee (first part) for the U.S. (collecting for WIPO) (undiscounted entity)                    | 10                             | \$960               | \$9,600                                         |
| 1      | Application for International Registration (electronic) – Designation Fee (first part) for the U.S. (collecting for WIPO) (small entity)                           | 11                             | \$480               | \$5,280                                         |
| 1      | Application for International Registration (electronic) – Designation Fee (first part) for the U.S. (collecting for WIPO) (micro entity)                           | 6                              | \$240               | \$1,440                                         |
| 1      | Application for International Registration submitted to WIPO – Designation Fee (first part) for the U.S. (Transmitting to the USPTO by WIPO) (undiscounted entity) | 1,651                          | \$960               | \$1,584,960                                     |

| IC No. | Information Collection Instrument                                                                                                                           | Estimated Annual Responses (a) | Filing fee (\$) (b) | Total non-hour cost burden (yr) (a) x (b) = (c) |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------|-------------------------------------------------|
| 1      | Application for International Registration submitted to WIPO – Designation Fee (first part) for the U.S. (Transmitting to the USPTO by WIPO) (small entity) | 527                            | \$480               | \$252,960                                       |
| 1      | Application for International Registration submitted to WIPO – Designation Fee (first part) for the U.S. (Transmitting to the USPTO by WIPO) (micro entity) | 138                            | \$240               | \$33,120                                        |
| 1      | Application for International Registration (electronic) – Transmittal Fee (set by and collected by USPTO) (undiscounted entity)                             | 62                             | \$120               | \$7,440                                         |
| 1      | Application for International Registration (electronic) – Transmittal Fee (set by and collected by USPTO) (small entity)                                    | 85                             | \$48                | \$4,080                                         |
| 1      | Application for International Registration (electronic) – Transmittal Fee (set by and collected by USPTO) (micro entity)                                    | 18                             | \$24                | \$432                                           |
| 5      | Petition to Excuse a Failure to Comply with a Time Limit (undiscounted entity)                                                                              | 1                              | \$2,100             | \$2,100                                         |
| 5      | Petition to Excuse a Failure to Comply with a Time Limit (small entity)                                                                                     | 1                              | \$840               | \$840                                           |
| 5      | Petition to Excuse a Failure to Comply with a Time Limit (micro entity)                                                                                     | 1                              | \$420               | \$240                                           |
| 6      | Petition to Convert to a Design Application under 35 U.S.C. Chapter 16 (undiscounted entity)                                                                | 1                              | \$180               | \$180                                           |
| 6      | Petition to Convert to a Design Application under 35 U.S.C. Chapter 16 (small entity)                                                                       | 1                              | \$72                | \$72                                            |
| 6      | Petition to Convert to a Design Application under 35 U.S.C. Chapter 16 (micro entity)                                                                       | 1                              | \$36                | \$36                                            |
| 7      | Petition to Review a Filing Date (undiscounted entity)                                                                                                      | 1                              | \$420               | \$420                                           |
| 7      | Petition to Review a Filing Date (small entity)                                                                                                             | 1                              | \$168               | \$168                                           |
| 7      | Petition to Review a Filing Date (micro entity)                                                                                                             | 1                              | \$84                | \$84                                            |
| 9      | Petitions to Commissioner (undiscounted entity)                                                                                                             | 1                              | \$420               | \$420                                           |
| 9      | Petitions to Commissioner (small entity)                                                                                                                    | 2                              | \$168               | \$336                                           |

| IC No. | Information Collection Instrument                                                                                                                             | Estimated Annual Responses (a) | Filing fee (\$) (b) | Total non-hour cost burden (yr) (a) x (b) = (c) |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------|-------------------------------------------------|
| 9      | Petitions to Commissioner (micro entity)                                                                                                                      | 1                              | \$84                | \$84                                            |
| 14     | Issue Fee to UPSTO for an International Design Application (undiscounted entity)                                                                              | 972                            | \$740               | \$719,280                                       |
| 14     | Issue Fee to UPSTO for an International Design Application (small entity)                                                                                     | 247                            | \$296               | \$73,112                                        |
| 14     | Issue Fee to UPSTO for an International Design Application (micro entity)                                                                                     | 30                             | \$148               | \$4,440                                         |
| 14     | Application for International Registration submitted to WIPO – Issue Fee (Second part) for the U.S. (Transmitting to the USPTO by WIPO) (undiscounted entity) | 420                            | \$700               | \$294,000                                       |
| 14     | Application for International Registration submitted to WIPO – Issue Fee (Second part) for the U.S. (Transmitting to the USPTO by WIPO) (small entity)        | 155                            | \$350               | \$52,250                                        |
| 14     | Application for International Registration submitted to WIPO – Issue Fee (Second part) for the U.S. (Transmitting to the USPTO by WIPO) (micro-entity)        | 80                             | \$175               | \$14,000                                        |
|        | <b>Totals</b>                                                                                                                                                 | <b>4,582</b>                   | <b>- - -</b>        | <b>\$3,398,121</b>                              |

### Drawing Costs

The USPTO estimates that around 155 respondents that file international design applications through the USPTO as an office of indirect filing designate the United States for production design. The costs for preparing the drawings associated with these applications are estimated to be \$2,000 per application. Overall, the costs associated with submitting these drawings are estimated to be \$310,000.

### Postage Costs

The USPTO expects that at most 99% of the responses in this collection will be submitted by mail. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail legal flat rate envelope, will be \$9.95. The USPTO estimates approximately 12 submissions per year may be mailed to the USPTO, for an estimated total postage cost of \$119 per year.

**14. 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 GS-5 and GS-7 employees to process patent applications for this information collection.

The USPTO estimates that it takes a GS-5, step 1 employee 0.50 hours (30 minutes) to process a transmittal of issue fee. The USPTO estimates that the cost of a GS-5, step 1 employee is \$28.12 per hour (GS hourly rate of \$21.63 with 30% (\$6.49) added for benefits and overhead).

The USPTO estimates that it takes a GS-7, step 1 employee between 0.30 hours (18 minutes) and 1 hour on average to process the items in this collection. The USPTO estimates that the cost of a GS-7, step 1 employee is \$34.84 per hour (GS hourly rate of \$26.80 with 30% (\$8.04) added for benefits and overhead).

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**

| IC No. | Item                                                                           | Responses (a) | Hours (b)         | Burden (a) x (b) = (c) | Rate <sup>6</sup> (\$/hr) (d) | Total Cost (c) x (d) = (e) |
|--------|--------------------------------------------------------------------------------|---------------|-------------------|------------------------|-------------------------------|----------------------------|
| 1      | Application for International Registration (WIPO DM/1 (E) and PTO-1595)        | 155           | 1                 | 155                    | \$34.84                       | \$5,400                    |
| 2      | Claim and Reproductions (Drawings)                                             | 155           | 0.50 (30 minutes) | 78                     | \$34.84                       | \$2,718                    |
| 3      | Transmittal Letter                                                             | 5             | 0.50 (30 minutes) | 2                      | \$34.84                       | \$105                      |
| 4      | Appointment of a Representative (WIPO DM/7) filed indirectly through the USPTO | 63            | 0.30 (18 minutes) | 19                     | \$34.84                       | \$662                      |
| 5      | Petition to Excuse a Failure to Comply with a Time Limit                       | 3             | 0.50 (30 minutes) | 2                      | \$34.84                       | \$70                       |
| 6      | Petition to Convert to a Design Application under 35 U.S.C. Chapter 16         | 3             | 0.50 (30 minutes) | 2                      | \$34.84                       | \$70                       |
| 7      | Petition to Review a Filing Date                                               | 3             | 0.50 (30 minutes) | 2                      | \$34.84                       | \$70                       |
| 8      | Fee Authorization                                                              | 11            | 0.30 (18 minutes) | 3                      | \$34.84                       | \$105                      |
| 9      | Petitions to the Commissioner                                                  | 5             | 0.50 (30 minutes) | 3                      | \$34.84                       | \$105                      |

<sup>6</sup> [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/DCB\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/DCB_h.aspx).

|           |                                                                                                                                                                                                                                                            |              |                      |            |              |                 |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------------|------------|--------------|-----------------|
| <b>10</b> | Oath or Declaration of the Creator under Rule 8(1)(a)(ii) of the Common Regulations (WIPO DM/1/I (E)) (Declaration of Inventorship for the Designation of the United States of America) filed indirectly through the USPTO                                 | 31           | 0.50<br>(30 minutes) | 16         | \$28.12      | \$450           |
| <b>11</b> | Oath or Declaration of the Creator under Rule 8(1)(a)(ii) of the Common Regulations (WIPO DM/1/I (E)) (Substitute Statement in Lieu of a Declaration of Inventorship for the Designating the United States of America) filed indirectly through the USPTO. | 2            | 0.50<br>(30 minutes) | 1          | \$34.84      | \$35            |
| <b>12</b> | Information On Eligibility for Protection (WIPO DM/1/III (E)) filed indirectly through the USPTO                                                                                                                                                           | 3            | 0.50<br>(30 minutes) | 2          | \$34.84      | \$70            |
| <b>13</b> | Reduction of United States Individual Designation Fee under Section 408(b) of the Administrative Instructions (WIPO DM/1/IV (E)) filed indirectly through the USPTO                                                                                        | 8            | 0.50<br>(30 minutes) | 4          | \$34.84      | \$139           |
| <b>14</b> | Supporting Document(s) Concerning Priority Claim under Article 4 of the Paris Convention (WIPO DM/1/V (E)) filed indirectly through the USPTO                                                                                                              | 5            | 0.50<br>(30 minutes) | 3          | \$34.84      | \$105           |
| <b>15</b> | Fee(s) Transmittal to USPTO for an International Design Application (PTOL-85 Part B (Hague))                                                                                                                                                               | 780          | 0.50<br>(30 minutes) | 390        | \$34.84      | \$13,588        |
|           | <b>Totals</b>                                                                                                                                                                                                                                              | <b>1,231</b> | <b>- - -</b>         | <b>683</b> | <b>- - -</b> | <b>\$23,688</b> |

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

|                            | 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 | 1,231     | 0                                 | 0                                       | -475                                        | 0                                            | 1,706               |
| Annual Time Burden (Hr)    | 2,052     | 0                                 | 0                                       | -249                                        | 0                                            | 2,301               |
| Annual Cost Burden (\$)    | 3,460,141 | 0                                 | 0                                       | 319,767                                     | 0                                            | 3,388,473           |

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

The total number of respondents has decreased by 475 due to estimated fluctuations in the number of responses in this information collection. This decrease in the number of respondents and responses results in a decrease of 249 hours in the annual time burden estimates.

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

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$319,767 from the previous approval. This increase is due to estimated fluctuations in submissions for items that require a fee.

**16. 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. However, patent and trademark assignment records are available to the public at the USPTO Public Search Facilities and on the USPTO website.

**17. 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 USPTO-sponsored forms in this information collection will display the OMB Control Number and the expiration date of OMB approval. This information collection also contains various forms used by international organizations, specifically WIPO. The burden associated with these forms is included in this collection of information, but the forms themselves are not subject to the Paperwork Reduction Act requirements as they are sponsored and controlled by a non-US entity.

**18. 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.