

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Trademark Post Registration
OMB Control Number 0651-0055

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. This information collection covers various communications submitted by individuals and businesses to the USPTO after the registration of a trademark. One type of communication is a request to amend a registration to delete goods or services that are no longer being used by the owner. Registered marks remain on the register for 10 years and can be renewed but will be cancelled unless the owner files with the USPTO a declaration attesting to the continued use (or excusable non-use) of the mark in commerce, and a renewal application, with specific deadlines. Owners may also request to amend or divide a registration, respond to a post-registration office action, and surrender a registration.

In support of RIN 0651-AD65 (Setting and Adjusting Trademark Fees During Fiscal Year 2025; 89 FR 91062)¹, USPTO is changing 14 fees and adding six 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	7205	Declaration of Use of Mark in Commerce Under Section 8 – Filed During the Statutory Period (electronic)	\$225	\$325	+\$100
1	6205	Declaration of Use of Mark in Commerce Under Section 8 – Filed During the Statutory Period (paper)	\$325	\$425	+\$100
1	7205 7206	Declaration of Use of Mark in Commerce Under Section 8 – Filed During the Grace Period (electronic)	\$325	\$425	+\$100
1	6205 6206	Declaration of Use of Mark in Commerce Under Section 8 – Filed During the Grace Period (paper)	\$525	\$625	+\$100
1	7213	Adding a disclaimer to a registration (electronic)	Not previously included in 0651-0055	\$100	+\$100
1	6213	Adding a disclaimer to a registration (paper)	Not previously included in 0651-0055	\$200	+\$200

¹ <https://www.govinfo.gov/content/pkg/FR-2024-11-18/pdf/2024-26644.pdf>

1	7214	Amending registration for other than adding a disclaimer (electronic)	Not previously included in 0651-0055	\$100	+\$100
1	6214	Amending registration for other than adding a disclaimer (paper)	Not previously included in 0651-0055	\$200	+\$200
2	7201 7205	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9 – Filed During the Statutory Period (electronic)	\$525	\$650	+\$125
2	6201 6205	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9 – Filed During the Statutory Period (paper)	\$825	\$950	+\$125
2	7201 7203 7205 7206	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9 – Filed During the Grace Period (electronic)	\$725	\$850	+\$125
2	6201 6203 6205 6206	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9 – Filed During the Grace Period (paper)	\$1,225	\$1,350	+\$125
2	7204	§9 registration renewal application deficiency fee (electronic)	Not previously included in 0651-0055	\$100	+\$100
2	7207	§8 declaration deficiency fee (electronic)	Not previously included in 0651-0055	\$100	+\$100
3	7208	Declaration of Incontestability of a Mark Under Section 15 (electronic)	\$200	\$250	+\$50
3	6208	Declaration of Incontestability of a Mark Under Section 15 (paper)	\$300	\$350	+\$50
4	7205 7208	Combined Declaration of Use and Incontestability Under Sections 8 and 15 – Filed During the Statutory Period (electronic)	\$425	\$575	+\$150
4	6205 6208	Combined Declaration of Use and Incontestability Under Sections 8 and 15 – Filed During the Statutory Period (paper)	\$625	\$775	+\$150
4	7205 7206 7208	Combined Declaration of Use and Incontestability Under Sections 8 and 15 – Filed During the Grace Period (electronic)	\$525	\$675	+\$150
4	6205 6206 6208	Combined Declaration of Use and Incontestability Under Sections 8 and 15 – Filed During the Grace Period (paper)	\$825	\$975	+\$150

Table 2: Proposed Burden

Item No.	Fee Code(s)	Item	Reponses (a)	New Fee (b)	New Non-hour Cost Burden (a) x (b) = (c)
1	7205	Declaration of Use of Mark in Commerce Under Section 8 – Filed During the Statutory Period (electronic)	61,644	\$325	\$20,034,300
1	6205	Declaration of Use of Mark in Commerce Under Section 8 – Filed During the Statutory Period (paper)	1	\$425	\$425
1	7205 7206	Declaration of Use of Mark in Commerce Under Section 8 – Filed During the Grace Period (electronic)	6,163	\$425	\$2,619,275
1	6205 6206	Declaration of Use of Mark in Commerce Under Section 8 – Filed During the Grace Period (paper)	1	\$625	\$625
1	7213	Adding a disclaimer to a registration (electronic)	1	\$100	\$100
1	6213	Adding a disclaimer to a registration (paper)	1	\$200	\$200
1	7214	Amending registration for other than adding a disclaimer (electronic)	216	\$100	\$21,600
1	6214	Amending registration for other than adding a disclaimer (paper)	1	\$200	\$200
2	7201 7205	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9 – Filed During the Statutory Period (electronic)	85,984	\$650	\$55,889,600
2	6201 6205	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9 – Filed During the Statutory Period (paper)	1	\$950	\$950
2	7201 7203 7205 7206	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9 – Filed During the Grace Period (electronic)	8,598	\$850	\$7,308,300
2	6201 6203 6205 6206	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9 – Filed During the Grace Period (paper)	1	\$1,350	\$1,350
2	7204	§9 registration renewal application deficiency fee (electronic)	860	\$100	\$86,000
2	7207	§8 declaration deficiency fee (electronic)	2,165	\$100	\$216,500
3	7208	Declaration of Incontestability of a Mark Under Section 15 (electronic)	1,340	\$250	\$335,000
3	6208	Declaration of Incontestability of a Mark Under Section 15 (paper)	1	\$350	\$350
4	7205 7208	Combined Declaration of Use and Incontestability Under Sections 8 and 15 – Filed During the Statutory Period (electronic)	68,905	\$575	\$39,620,375

4	6205 6208	Combined Declaration of Use and Incontestability Under Sections 8 and 15 – Filed During the Statutory Period (paper)	1	\$775	\$775
4	7205 7206 7208	Combined Declaration of Use and Incontestability Under Sections 8 and 15 – Filed During the Grace Period (electronic)	6,890	\$675	\$4,650,750
4	6205 6206 6208	Combined Declaration of Use and Incontestability Under Sections 8 and 15 – Filed During the Grace Period (paper)	1	\$975	\$975
		Totals	242,775	- - -	\$130,787,650

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	7205	Declaration of Use of Mark in Commerce Under Section 8 – Filed During the Statutory Period (electronic)	\$13,869,900	\$20,034,300	+\$6,164,400
1	6205	Declaration of Use of Mark in Commerce Under Section 8 – Filed During the Statutory Period (paper)	\$325	\$425	+\$100
1	7205 7206	Declaration of Use of Mark in Commerce Under Section 8 – Filed During the Grace Period (electronic)	\$2,002,975	\$2,619,275	+\$616,300
1	6205 6206	Declaration of Use of Mark in Commerce Under Section 8 – Filed During the Grace Period (paper)	\$525	\$625	+\$100
1	7213	Adding a disclaimer to a registration (electronic)	Not previously included in 0651-0055	\$100	+\$100
1	6213	Adding a disclaimer to a registration (paper)	Not previously included in 0651-0055	\$200	+\$200
1	7214	Amending registration for other than adding a disclaimer (electronic)	Not previously included in 0651-0055	\$21,600	+\$21,600
1	6214	Amending registration for other than adding a disclaimer (paper)	Not previously included in 0651-0055	\$200	+\$200
2	7201 7205	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9 – Filed During the Statutory Period (electronic)	\$45,141,600	\$55,889,600	+\$10,748,000
2	6201 6205	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9 – Filed During the Statutory Period (paper)	\$825	\$950	+\$125

2	7201	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9 – Filed During the Grace Period (electronic)	\$6,233,550	\$7,308,300	+\$1,074,750
	7203				
	7205				
	7206				
2	6201	Combined Declaration of Use of Mark in Commerce and Application for Renewal of Registration of a Mark Under Sections 8 and 9 – Filed During the Grace Period (paper)	\$1,225	\$1,350	+\$125
	6203				
	6205				
	6206				
2	7204	§9 registration renewal application deficiency fee (electronic)	Not previously included in 0651-0055	\$86,000	+\$86,000
2	7207	§8 declaration deficiency fee (electronic)	Not previously included in 0651-0055	\$216,500	+\$216,500
3	7208	Declaration of Incontestability of a Mark Under Section 15 (electronic)	\$268,000	\$335,000	+\$67,000
3	6208	Declaration of Incontestability of a Mark Under Section 15 (paper)	\$300	\$350	+\$50
4	7205	Combined Declaration of Use and Incontestability Under Sections 8 and 15 – Filed During the Statutory Period (electronic)	\$29,284,625	\$39,620,375	+\$10,335,750
	7208				
4	6205	Combined Declaration of Use and Incontestability Under Sections 8 and 15 – Filed During the Statutory Period (paper)	\$625	\$775	+\$150
	6208				
4	7205	Combined Declaration of Use and Incontestability Under Sections 8 and 15 – Filed During the Grace Period (electronic)	\$3,617,250	\$4,650,750	+\$1,033,500
	7206				
	7208				
4	6205	Combined Declaration of Use and Incontestability Under Sections 8 and 15 – Filed During the Grace Period (paper)	\$825	\$975	+\$150
	6206				
	6208				
Totals			\$100,422,550	\$130,787,650	+\$30,365,100

Summary of Burden

The aforementioned rulemaking results in the revision of multiple fees and the addition of six fees, with an increase of \$30,365,100 in annual non-hourly costs to collection 0651-0055.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Non-hourly Cost Burden	\$103,718,072	\$30,365,100	\$134,083,172

0651-0055's revised burden is as follows:

- 271,793 annual responses (no change)
- 162,987 annual burden hours (no change)
- \$134,083,172 in annual non-hourly burden costs