

**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**  
**Madrid Protocol**  
**0651-0051**

Background

This collection of information is required by the Trademark Act of 1946, 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. The Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) is an international treaty that allows a trademark owner to seek registration in any of the participating countries by filing a single international application.

The International Bureau (IB) of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland, administers the international registration system. The Madrid Protocol Implementation Act of 2002 amended the Trademark Act to provide that: (1) the owner of a U.S. application or registration may seek protection of its mark in any of the participating countries by submitting a single international application through the USPTO and (2) the holder of an international registration may request an extension of protection of the international registration to the United States. The Madrid Protocol came into effect in the United States on November 2, 2003, and is implemented under 15 U.S.C. 1141 *et seq.* and 37 CFR parts 2 and 7. Individuals and businesses that use or intend to use such marks in commerce may file an application to register the marks with the USPTO. Both the register and the information provided in pending applications for registration can be accessed by the public in order to determine the availability of a mark and lessen the likelihood of initiating the use of a mark previously adopted by another.

In support of 0651-0AD82 (Partial Replacement of an Earlier National Registration or Registration), the USPTO is increasing the number of respondents associated with an item in this information collection, resulting in an additional increase in respondent burden hours and non-hourly costs.

Summary of Changes

The USPTO is increasing the respondents associated with the Replacement Requests (Item 4) from 11 to 14 respondents. This increases the estimated burden hours by 2 hours and adds \$300 in fees to the estimated non-hourly cost burdens. As a result of this rule, the total annual respondent burden hours will increase from 48,671 hours to 48,673 hours. Likewise, the total non-hourly cost burden will also increase from \$30,987,155 to \$30,987,455.

Changes in Burden

0651-0051's revised burden is as follows:

- 54,085 responses
- 48,673 burden hours
- \$30,987,455 in non-hourly costs