

SUPPORTING STATEMENT
U.S. Department of Commerce
National Institute of Standards and Technology
NIST Invention Disclosure Form and Inventor Information Sheet (DN-45)
OMB Control No. 0693-0085

SUPPORTING STATEMENT PART A

Abstract

This includes narrative information explaining the purpose, scope, and benefit(s) of this data collection request. Suggested word length limit - 250 words only.

The NIST DN-45 Invention Disclosure Form is used to collect information pertaining to inventions created by Federal employees or by non-Federally employed individuals who have created an invention using NIST laboratory facilities as NIST Associates. The collection of this information is required to protect the United States rights to inventions created using Federal resources. The information collected on the form allows the Government to determine: (1) if an invention has been created; (2) the status of any statutory bar that pertains to the potential invention or that may pertain to the invention in the future. The information collected may allow the Government to begin a patent application process.

The Inventor Information Sheet is used to collect information from individuals who have been named as potential inventors on a NIST Invention Disclosure Form. The information collected is needed to file a patent application, determine if respondent considers themselves an inventor, determine potential assignees, determine relevant statutory authority NIST may use to consolidate rights, and determine citizenship information.

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 National Institute of Standards and Technology (NIST) DN-45 Invention Disclosure Form is used to collect information pertaining to inventions created by Federal employees or by non-Federally employed individuals who have created an invention using NIST laboratory facilities as NIST Associates. The collection of this information is required to protect the United States rights to inventions created using Federal resources. The information collected on the form allows the Government to determine: 1) if an invention has been created; 2) the status of any statutory bar that pertains to the potential invention or that may pertain to the invention in the future. The information collected may allow the Government to begin a patent application process.

The Inventor Information Sheet is used to collect from individuals who have been named as potential inventors on a NIST Invention Disclosure Form. The collection of this information is

used for multiple purposes: 1) Some of the information may be required to file a patent application, if NIST seeks to protect a federally owned invention, pursuant to 35 USC §207. 2) The form, in part, is a statement made by the respondent declaring whether the respondent considers herself/himself to be an inventor. 3) Some of the information is needed for NIST to determine potential assignees with which NIST would potentially negotiate consolidation of rights and other patent related matters. 4) Some of the information helps NIST determine under which statutory authority NIST may consolidate rights in an invention with other potential assignees. 5) Country citizenship information is required to determine whether a Scientific and Technology agreement or treaty with the respondent's country may impact the U.S. Government's rights to the invention.

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 is collected by the Technology Partnerships Office and shared with the Office of Chief Counsel at NIST. The information may also be shared with non-Governmental entities that may have ownership rights to the potential invention. The Government collects this information to execute the policy and objective of the Congress expressed at 35 U.S.C. §200. 35 U.S.C. §207 authorizes Federal agencies to apply for, obtain, and maintain patents or other forms of protection ... on inventions in which the Federal Government owns a right, title, or interest. 35 U.S.C. §207 also authorizes each Federal agency to undertake all other suitable and necessary steps to protect and administer rights to federally owned inventions on behalf of the Federal government. The information collected through the NIST DN-45 is necessary for NIST to execute the authority granted at 35 U.S.C. §207.

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 form is a Word fillable document that can be downloaded from the NIST website. The form can be emailed to the NIST Technology Partnerships Office or sent by other electronic file transfer methods. There is also an option to for electronic submission.

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.

This type of information can only be collected through the NIST DN-45. Information collected by other potential co-owners does not contain information sufficient to determine 1) Government rights to the invention; 2) statutory authority under which to license, or otherwise make available, the Government's interest in the invention.

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

The collection could apply to a small business or other small entity if such an entity had an employee Associate conducting research using NIST facilities or was a party to a Collaborative Research and Development Agreement. The information requested in this information collection is required and necessary to determine ownership of the intellectual property, and the potential scope of Government rights to the intellectual property.

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 Federal Government would not be able to assess its rights to use inventions created using NIST resources. The Government would not be able to fulfill the policy and objective expressed by Congress in 35 USC 200 to use the patent system to bring federally supported inventions to practical application for the benefit of the U.S. public.

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 that will prevent NIST from collecting the information in a manner inconsistent with OMB guidelines.

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. 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.

A 60-day Federal Register Notice (FRN) soliciting public comments was published on Friday, November 21, 2025 (Vol. 90, Number 223, pages 52619-52620). No comments were received.

A 30-day Federal Register Notice (FRN) soliciting public comment was published on Friday, January 23, 2026 (Vol. 91, Number 15, pages 2914-2915).

NIST meets with most individuals who fill out the DN-45. The results of the meetings led to minor updates to the DN-45.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There are no payments or gifts to respondents for the act of responding.

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

In accordance with provisions of The Privacy Act of 1974, as amended (5 U.S.C. § 552a), information in this system is maintained in a Privacy Act System of Records and applicable System of Record Notices (SORNs) are required.

Disclosure of this information is subject to all the published routine uses as identified in the Privacy Act System of Records Notices:

COMMERCE/DEPT-23: Information Collected Electronically in Connection with Department of Commerce Activities, Events, and Programs

Additionally, in accordance with the privacy provisions of the E-Government Act of 2002, a Privacy Impact Assessment is required for this information system. The information is maintained in NIST's PIA for system **100-02 Associate Directors' Staff Offices System**. A copy of the PIA is attached as a supplementary document.

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.

No questions of a sensitive nature will be asked of the individuals providing this information.

12. Provide estimates of the hour burden of the collection of information.

	Number of Respondents	Time per Response	Burden hours
Invention Disclosure	10	3 hours	30 hours
Inventor Information	100	30 minutes	50 hours
TOTAL	110		80 hours

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).

There is no cost to the respondent.

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.

Employee labor cost at both NIST and DOC counsel is approximately \$100,000 for this information collection. This staff is responsible for analyzing, evaluating, summarizing, and/or reporting on the collected information.

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

Minor changes were made to the DN-45. Contact email addresses were updated, instructions were improved, one question was deleted, and one question was added. Track change versions are attached as supplemental documents.

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.

There is no publication of information for this information collection.

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 OMB approval and expiration date will be displayed on the information collection instrument.

18. Explain each exception to the topics of the certification statement identified in “Certification or Paperwork Reduction Act Submissions.”

There are no exceptions to this information collection.