

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Substantive Submissions Made During Prosecution of the Trademark Application
OMB Control Number 0651-0054

Background

This collection of information is required by the Trademark Act, 15 U.S.C. § 1051 *et seq.*, which provides for the registration of trademarks, service marks, collective trademarks and collective service marks, collective membership marks, and certification marks. Individuals and businesses that use or intend to use such marks in commerce may file an application to register their marks with the United States Patent and Trademark Office (USPTO).

Such individuals and businesses may also submit various communications to the USPTO, including providing additional information needed to process a request to delete a particular filing basis from an application or to divide an application identifying multiple goods and/or services into two or more separate applications. Applicants may seek a six-month extension of time to file a statement that the mark is in use in commerce or submit a petition to revive an application that was abandoned for failure to submit a timely response to an office action or a timely statement of use or extension request. In some circumstances, an applicant may expressly abandon an application by filing a request for withdrawal of the application.

The USPTO administers the Act through Title 37 of the Code of Federal Regulations. These rules allow the USPTO to request and receive information required to process applications. These rules also allow applicants to submit certain amendments to their applications.

The USPTO is consolidating and streamlining its petitions and request forms to make these processes more efficient. Changes to the information systems allow the Petitioner to the Director to collect requests to make special, petitions to make special, requests to restore filing dates, and petitions to change filing basis, which were previously stand-alone forms, into a single petition form. However, each petition must be submitted separately, even if they use the same basic format and form request instrument (PTO-2301).

As a part of this effort, the USPTO is moving four petitions (PTO-1557 (Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services/Collective Membership Organizations After NOA), PTO-2194 (Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action), PTO-2195 (Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request), and PTO-2301 (Petition to Director)) from information collection 0651-0054 (Substantive Submissions Made During Prosecution of the Trademark Application) to information collection 0651-0061 (Trademark Petitions). As a result, four IC lines and their associated fees will be removed from information collection 0651-0054.

Summary of Changes

The USPTO proposes moving four IC lines and four petitions from information collection 0651-0054 to information collection 0651-0061:

- PTO-1557 (Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services/Collective Membership Organization After NOA)
- PTO-2194 (Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action)
- PTO-2195 (Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request)
- PTO-2301 (Petition to Director)

Removing four IC lines from information collection 0651-0054 will result in an associated decrease in the hourly burden and the annual non-hourly costs in the form of filing fees.

Changes in Burden

The removal of four IC lines will result in the following burden changes to this information collection:

Table 2: Changes in Burden

Burden Type	Currently Approved	Proposed Changes	New Estimates
Responses	374,707	-25,585	349,122
Hours	266,567	-24,839	241,728
Non-hourly costs (\$)	51,143,805	-6,755,902	44,387,903

Therefore, the revised burden for 0651-0054 is as follows:

- 349,122 annual responses
- 241,728 annual burden hours
- \$44,387,903 in annual non-hourly cost burdens