

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Trademark Petitions
OMB Control Number 0651-0061

Background

The United States Patent and Trademark Office (USPTO) administers the Trademark Act, 15 U.S.C. 1051 *et seq.*, which provides for the registration of trademarks, service marks, collective trademarks and 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 USPTO. Individuals and businesses may also submit various communications to the USPTO, including letters of protest, requests to make special, responses to petition inquiry letters, petitions to make special, requests to restore a filing date, and requests for reinstatement. The regulations implementing the Trademark Act are set forth in 37 CFR Part 2.

The USPTO is consolidating and streamlining several of its forms. Changes to the information systems allow the Petition 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).

The USPTO is moving the respondents associated with the Petition to Amend Basis Post-Publication (PTO-1772) from information collection 0651-0050 (Response to Office Action and Voluntary Amendment Forms) and moving them into 0651-0061 to consolidate similar petition actions. The respondents will be included in the Petition to Director form (PTO-2301).

Summary of Changes

The addition of the PTO-1772 respondents from information collection 0651-0050 results in an increase in the associated annual responses, hourly burden estimates, and filing fees.

Changes in Burden

The addition of the PTO-1772 respondents from 0651-0050 results in the following burden changes for this information collection:

Table 1: Changes in Burden

Burden Type	Currently Approved	Proposed Changes	New Estimates
Responses	29,984	590	30,574
Hours	32,267	590	32,857
Non-hourly costs (\$)	7,084,610	236,000	7,320,610

Therefore, the revised burden for 0651-0061 is as follows:

- 30,574 annual responses
- 32,857 annual burden hours
- \$7,320,610 in annual non-hourly cost burdens