

TRADEMARK PUBLIC ADVISORY COMMITTEE

**Report on Trademark Fee Proposal
October 31, 2019**



**UNITED STATES PATENT AND
TRADEMARK OFFICE**

BACKGROUND

As part of its continuing commitment to fiscal responsibility, financial prudence, and operational efficiency, the United States Patent and Trademark Office (“USPTO” or “Office”) recently completed its comprehensive biennial fee review pursuant to its fee-setting authority under the Leahy-Smith America Invents Act (“AIA”). The Office’s fee review process includes a thorough evaluation of the existing fee schedules, as well as significant research and analysis on potential revisions to the schedules.

Section 10 of the AIA authorizes the Director to set or adjust the fees charged by the USPTO for its services. Trademark fees are to be set or adjusted to recover the aggregate estimated costs to the Office for processing, activities, services, and materials relating to trademarks, including administrative costs of the Office. On August 28, 2019, in accordance with this authority and as a result of the Office’s biennial fee review process, the Director notified the Trademark Public Advisory Committee (“TPAC”) of a proposal to adjust the trademark fee schedule and provided supporting documentation, copies of which are attached hereto. Notice of this proposal was published in the Federal Register (84 FR 45470) on August 29, 2019, and supporting materials were published on the USPTO website.

The USPTO has stated that it intends for this fee proposal to support three objectives: (1) better align fees with costs; (2) ensure the integrity of the Trademark Register; and (3) promote the efficiency of agency processes in the face of changes in filing behavior. The targeted fee adjustments are intended to align with the Office’s fee structure philosophy and the goal of providing sufficient financial resources to facilitate the effective administration of the United States intellectual property system. The Office plans to implement the proposed fee structure in fiscal year (“FY”) 2020, so that the new adjusted fees can be planned on for FY 2021 to ensure sufficient resources to support trademark operations and related services, and transition to next generation information technology (“IT”) systems.

As required by Section 10 of the AIA, TPAC held a public hearing relating to the proposal on September 23, 2019, during which we received testimony from interested stakeholders. We also reviewed written comments that stakeholders submitted by email to the USPTO. TPAC has carefully considered all of these comments, and now provides and makes available to the public this report setting forth our comments, advice, and recommendations regarding the fee proposal, as required by the AIA.

After the Director receives and considers our report, the USPTO plans to publish a Notice of Proposed Rule Making (“NPRM”) in the Federal Register in or around March 2020, setting forth its proposed trademark fees. The publication of the NPRM will open a 60-day period during which the public may provide written comments to the USPTO. After the USPTO receives and reviews responses to the NPRM, it plans to publish its final rule setting or adjusting trademark fees in the Federal Register in or around July 2020, with an effective date for the fee changes in or around August 2020.

PRELIMINARY COMMENTS

1. Need for Additional Revenue

The TPAC Annual Report last year stated, “In FY 2018, the USPTO considered its 5-year financial outlook and determined that additional fee adjustments are not warranted at this time. The USPTO continues to monitor filing trends and applicant and registrant behavior for changes that would impact future revenues.” (See TPAC Annual Report 2018, at p. 25). Several commenters have asked: What has changed?

The USPTO relies on the Trademark Operating Reserve to sustain operations if there are “short term lapses in appropriation authority, unanticipated lower fee collections and/or increases in operating expenses.” (See Trademark Fee Proposal, Detailed Appendices, Appendix J, at slide 65). The Operating Reserve improves the USPTO’s long-term financial stability and ability to respond to circumstances, protects the Office from unexpected increases in service requirements or declines in fee collections, mitigates the risk of a cash flow shortage, and minimizes the impact of typical fluctuations in fee collections. (See *id.*). Since we issued last year’s Annual Report, we have learned that the Trademark financial situation is projected to change without additional revenue. Specifically, the USPTO explained in its presentation at the public hearing, “Projected increases in filings and the costs necessary to support trademark operations, continued and promised investments in IT systems, IP Policy and USPTO programs are expected to exceed available revenues and operating reserve minimum balances by FY 2021.” (See Trademark Fee Proposal Executive Summary, at slide 5). Reasons for the current financial situation include pay raises not included in budget formulation requirements, as well as necessary spending on IT stabilization and modernization efforts. TPAC has long supported the USPTO’s goal to set and adjust fees to maintain the Trademark Operating Reserve at its optimal level (corresponding to six months of trademark operating expenses). For this reason, it appears a fee adjustment is now warranted.

2. Rationales for New/Adjusted Fees

TPAC understands that the USPTO has several different rationales for implementing or adjusting fees for certain services or activities. These rationales include: (1) unit cost recovery, i.e., recovering the Office’s estimated costs for a certain activity;¹ (2) subsidization, i.e., setting a fee for a particular activity above the Office’s estimated costs to help offset other activities that do not generate any revenue or sufficient revenue to pay for those activities, thereby enabling the Office to recover its aggregated estimated overall costs; and (3) behavioral influence, i.e., setting

¹ Individual unit cost expense information for most fees is available in the table “Table of Trademark Fees –Current, Proposed and Unit Cost” found at <https://www.uspto.gov/about-us/performance-and-planning/fee-setting-and-adjusting>. Individual unit costs help inform decision making by providing past years’ information to be used as an instrument when setting future year fee rates. However, individual unit costs may not drive a decision regarding where to set a fee. They are only one factor to be considered. For example, if a decision is made to drive behavior by lowering a fee below its actual cost, the Office has to consider what other fee to raise to offset that loss.

or increasing a fee to deter or encourage certain behaviors by users. In this report, we will point out how these differing rationales impact certain of our comments and recommendations.

DISCUSSION OF PROPOSED FEE CHANGES

1. Application Filing Fees (Fee Codes 6001, 7001, 7007, and 7009)

The Office is proposing modest increases for filing new applications:

- Paper: \$600/class (current) to \$750/class (proposed)
- Trademark Electronic Application System (“TEAS”): \$400/class (current) to \$500/class (proposed)
- TEAS Reduced Fee (“RF”): \$275/class (current) to \$350/class (proposed)
- TEAS Plus: \$225/class (current) to \$250/class (proposed)

TPAC supports these proposed increases. Two commenters objected to increasing the delta between the TEAS RF and TEAS Plus fees (currently \$50/class) to \$100/class under the proposal. However, the average unit costs for these tasks in 2018 were \$421/class for TEAS RF and \$336/class for TEAS Plus, a differential of \$85/class. Thus, increasing the delta between these two filing options appears justified, and both proposed fees are still reasonable based on a cost recovery rationale. In addition, TPAC believes it is appropriate for the Office to encourage filers to use TEAS Plus where appropriate, recognizing that TEAS Plus may not always be feasible in which case TEAS RF still provides a very economical option.

2. Maintenance Fees (Fee Codes 6205, 6208, 6905, 7205, 7208, and 7905)

The Office is proposing the following increases for maintaining registrations:

- Section 8 Affidavit, paper: \$225/class (current) to \$325/class (proposed)
- Section 8 Affidavit, TEAS: \$125/class (current) to \$225/class (proposed)
- Section 71 Affidavit, paper: \$225/class (current) to \$325/class (proposed)
- Section 71 Affidavit, TEAS: \$125/class (current) to \$225/class (proposed)
- Section 15 Affidavit, paper: \$300/class (current) to \$325/class (proposed)
- Section 15 Affidavit, TEAS: \$200/class (current) to \$225/class (proposed)

Most commenters who spoke at the public hearing objected to these proposed increases. Many pointed out that the proposed fees greatly exceed the average unit costs for these filings. One commenter felt the proposed increases would further decrease renewal filings by small businesses, pointing to statistics showing that the overall renewal rate has already declined from 32.4% to 29.1% over the past few years. On the other hand, another commenter questioned the Office’s forecasted declines in revenue generated from Section 8/71 filings, noting that the revenue for maintenance fees has increased in each of the past few years.

In general, TPAC has concerns about these proposed increases for two reasons: (1) the current fee for each of these filings already greatly exceeds the Office’s average unit cost, and (2) the amount of the proposed increase for Section 8/71 filings is so significant (80% if filed through

TEAS). TPAC therefore first recommends that the Office be very clear and transparent in explaining its rationale for increasing these particular fees, which we assume is to subsidize other services and not to deter registrants from filing maintenance documents.

We also recommend that the Office clearly explain why these particular filings are being targeted to carry such a heavy burden on subsidization. One possible reason might be that if marks are still in use at the time each Section 8/71 Affidavit is due, the business using the mark is presumably successful and can afford higher maintenance costs. Another possible reason might be a concern that the percentage of registrations that are not maintained may increase in the future, particularly registrations issued to foreign applicants, which have dramatically increased in recent years. However, this latter rationale could be construed as burdening domestic registrants to subsidize foreign applicants. Whatever the reasons for the proposed increases to these particular fees, they should be clearly explained.

We also recommend that the Office consider reducing the amount of the proposed increases for Section 8/71 Affidavits from \$100/class to \$25 or \$50/class, so the cost does not provide a disincentive to making such filings.

Finally, we recommend against any increase in the Section 15 Affidavit fees, given that the Office does not conduct any substantive examination of such filings. The current fees already greatly exceed average unit costs for Section 15 Affidavits, and also exceed the fees for Section 8/71 Affidavits (which the Office does examine).

3. Deletion of Goods/Services

The Office is proposing the following new fees for deletion of goods/services from a registration:

- Deletion prior to or with Section 8 filing, paper or TEAS: \$0
- Deletion as a result of post registration audit, paper: \$200/good or service
- Deletion as a result of post registration audit, TEAS: \$100/good or service
- Deletion as a result of adverse Trademark Trial and Appeal Board (“TTAB”) finding, paper: \$200/good or service
- Deletion as a result of adverse TTAB finding, TEAS: \$100/good or service

Most commenters at the hearing objected to these proposed new fees, at least as charged on a per good or service basis. Several commenters noted that certain classes and industries require much more specificity in identifications of goods and services than others, and a per good/service fee would penalize registrants in those industries more harshly than others. It would also penalize registrants who have voluntarily provided more specificity in their identifications than required. It may also be difficult to determine what is a separate good or service in some situations for purposes of the proposed fee. Finally, one commenter expressed concern about whether the proposed fee structure might be viewed by the Office as a means of generating revenue, thereby encouraging expansion of the audit program for financial reasons and incentivizing Examining Attorneys to adopt stricter audit requirements.

TPAC agrees with many of these concerns. TPAC would support a fee for deletion of goods or services as a result of a post-registration audit on two conditions: (1) that the proposed fee (\$100 for TEAS and \$200 for paper filings) be charged per each class in which goods or services are deleted, not per good or service;² and (2) that the new fee be accompanied by a no-fee option for voluntarily cancelling goods or services from a registration at any time prior to an audit.

We believe offering a no-fee option for voluntary deletions in tandem with the required fee for post-audit deletions (similar to that proposed) is appropriate, otherwise there would be no incentive for registrants to clean up their registrations voluntarily. They would have to pay a fee either way. In our view, the goal should be not only to discourage registrants from filing inaccurate Section 8 Affidavits, but also to encourage them to promptly correct previously filed Section 8 Affidavits or trim down registrations as soon as they determine their mark is not used on particular goods or services covered by a registration. Although the Office's fee proposal includes a \$0 fee option for deletion of goods or services "prior to or with §8 Filing," we recommend that the Office provide this option to be available at any time (other than in response to a post-registration audit). For example, if a registrant discovers that particular goods or services covered are not in use after it files a Section 8 Affidavit, it should be able to use the \$0 fee option to delete those goods or services at that time.

We do not support the proposed new fees following an adverse TTAB finding, for several reasons. First, it is unclear when the fee would apply, and how it would be implemented. For example, would it only apply in non-use cases, would it also apply in abandonment cases, or would it apply in other cases as well? The current proposed fee schedule is silent as to the nature of the claims that would result in the fee. Also, would the fee apply to default judgments?

Further, we are concerned about situations where the registrant's Statement of Use ("SOU") or Section 8 Affidavit was accurate when filed, but the registrant later ceases use on certain goods or services covered by the registration. If the TTAB finds those goods/services should be cancelled from the registration due to abandonment, is that an "adverse finding" for purposes of this fee? That would not seem appropriate, because in this situation there was no false statement in the SOU or Section 8 Affidavit filed by the registrant.

Finally, the "paper" v. "non-paper" distinction does not seem appropriate in the context of a TTAB decision. It appears the proposal would charge the higher paper fee if the petitioner initiated the cancellation proceeding by paper, even if the registrant filed the SOU or Section 8 Affidavit through TEAS. We do not understand why the registrant should have to pay a higher fee for deletion in that situation.

² We do not recommend raising the proposed fee to a higher amount per class at this time. The Office's random audit program is still in its infancy, and its potentially beneficial, long-term impact on educating the public and incentivizing registrants to be more accurate in their Section 8/71 Affidavits is still being developed. Further, in many situations a higher deletion fee could penalize inaccuracies in Section 8/71 Affidavits resulting from honest mistakes rather than any fraudulent intent. Finally, if the deletion fee is set too high (i.e., above the fee for filing a new application), the registrant may simply elect not to pay the fee in favor of filing a new application.

4. Requests for Reconsideration/Suspension

The Office is proposing the following new fees:

- Request for Reconsideration prior to appeal, paper: \$500/application
- Request for Reconsideration prior to appeal, TEAS: \$400/application
- Request for Reconsideration with Notice of Appeal, paper: \$500/application
- Request for Reconsideration with Notice of Appeal, Electronic System for Trademark Trials and Appeals (“ESTTA”): \$400/application
- Request for Suspension/Remand with Notice of Appeal, paper: \$500/application
- Request for Suspension/Remand with Notice of Appeal, ESTTA: \$400/application

Virtually every speaker at the hearing objected to or expressed concerns about these proposed new fees. Many of the commenters noted that Requests for Reconsideration are often beneficial to the USPTO and users because they resolve issues and avoid appeals. One commenter also argued that applicants are sometimes forced to file Requests for Reconsideration because of insufficient explanations given by Examining Attorneys in Office Actions.

TPAC shares many of these concerns. In our view, the rationale for these new fees should be to recover costs only, not to discourage these types of requests. However, the amounts of these proposed fees seem arbitrary and intended to discourage filing. For example, the proposed fees for filing a Request for Reconsideration with a Notice of Appeal could get very expensive. In the case of electronic filings, the fees would be \$400 per application for the Request plus \$400 per class for the Notice of Appeal. For this reason, we recommend that the Office provide some estimate of unit costs for these requests and set the fees proportionally.

We also recommend that the Office consider not charging for the first Request for Reconsideration or Suspension, or for Requests filed within three months after a final Office Action, as such requests are often filed to resolve issues raised or maintained in a final action and thereby avoid the need for an appeal (e.g., to agree to an Examining Attorney’s disclaimer requirement or amendment to the identification of goods/services, to request suspension because the applicant has filed a cancellation action against a blocking registration or the blocking registration has entered a Section 8 grace period).

Finally, we note that the proposed fees for paper requests in these categories are only slightly higher than for the corresponding electronically filed requests. If the goal is to deter paper filing, the Office should consider increasing the differential between paper and electronic requests. Moreover, we suspect that the average unit costs of processing paper Requests for Reconsideration or Suspension are likely quite a bit higher than the unit costs for processing electronically-filed requests.

5. Petitions to the Director (Fee Codes 6005 and 7005)

The Office is proposing increasing the fees for Petitions to the Director, as follows:

- Paper: \$200 (current) to \$350 (proposed)
- TEAS: \$100 (current) to \$250 (proposed)

A couple of commenters objected to these proposed increases, arguing that: (1) they exceed the average unit cost (for TEAS filing); (2) it is unclear which petitions the fees apply to; and (3) an increase is inappropriate in view of the importance of correcting errors by the USPTO.

TPAC is concerned that the rationale for these proposed increases is unclear. The average unit cost in 2018 for electronic filings was \$108, well below the new proposed fee of \$250, while the unit cost of paper filings was \$3,006. We believe the rationale for these fees should be cost recovery (not discouraging filing) and should more closely align with the average unit costs of the filings, so we recommend that the Office consider reducing the amount of the increase proposed for electronic petitions and increase the amount proposed for paper petitions.

We also understand that the average unit cost for certain types of petitions (e.g., petitions to revive under Rule 2.66) is much less than the average unit cost for other types of petitions (e.g., petitions under Rule 2.146), as the Office's handling of certain petitions is largely automated. For this reason, we recommend that the Office consider charging different fees for different types of petitions that are more proportional to their average unit costs. For example, the Office could maintain the current fee for Rule 2.66 petitions, and charge the proposed fees for Rule 2.146 petitions.

Finally, we note that petitions are often made to correct mistakes made by the Office. We encourage the Office to continue its practice of readily refunding fees for petitions that are granted to correct a USPTO mistake.

6. Letters of Protest

The Office is proposing the following new fees for Letters of Protest:

- Paper: \$200
- TEAS: \$100

Many commenters objected to charging any fee for filing a Letter of Protest. These commenters argued that Letters of Protest can provide a valuable service to the USPTO and help improve the accuracy and integrity of the Register, so they should not be discouraged. Although TPAC agrees that Letters of Protest can be helpful to the Office and to the public and should not be discouraged, it is also true that the USPTO incurs costs in reviewing and processing Letters of Protest. Thus, we believe charging a fee is appropriate based on a cost recovery rationale (not to discourage filing).

Regarding the amount of the proposed fees, TPAC recommends that the Office provide an estimate of the average unit cost for processing Letters of Protest to support the proposed amount

of the fee. Absent such cost estimates, the views of TPAC members on whether \$100 is an appropriate amount for the TEAS fee were not uniform. Some members felt intuitively that \$100 is a bargain, given the average unit cost probably meets or exceeds \$100 and the fact that a successful Letter of Protest can save the filer the cost of having to file an opposition. Others suggested starting with a lower amount (perhaps a nominal fee like \$20) would be better since Letters of Protest frequently serve a valuable function of alerting the Office to potential or actual errors in examination and because there were so many negative comments received.

7. TTAB Fees (Fee Codes 6401, 6402, 6403, 6404, 6405, 7401, 7402, 7403, 7404, and 7405)

The TTAB proposes to increase or implement the following fees:

- Petition to Cancel, paper: \$500/class (current) to \$700/class (proposed)
- Notice of Opposition, paper: \$500/class (current) to \$700/class (proposed)
- Petition to Cancel, ESTTA: \$400/class (current) to \$600/class (proposed)
- Notice of Opposition, ESTTA: \$400/class (current) to \$600/class (proposed)
- Notice of Appeal, paper: \$300/class (current) to \$500/class (proposed)
- Notice of Appeal, ESTTA: \$200/class (current) to \$400/class (proposed)
- Request for first 90-day extension to oppose, paper: \$200/application (current) to \$400/application (proposed)
- Request for first 90-day extension to oppose, ESTTA: \$100/application (current) to \$200/application (proposed)
- Request for final 60-day extension to oppose, paper: \$300/application (current) to \$500/application (proposed)
- Request for final 60-day extension to oppose, ESTTA: \$200/application (current) to \$400/application (proposed)
- 2nd/subsequent extension of time to file appeal brief, paper: \$200/application (new)
- 2nd/subsequent extension of time to file appeal brief, ESTTA: \$100/application (new)
- Request for Oral Hearing: \$500/application (new)

The TTAB also proposed a new fee for filing a motion for summary judgment, but informed TPAC after the public hearing that it will not pursue this proposed fee.

Commenters expressed a number of concerns and objections relating to certain of these proposed TTAB fees. After carefully considering all of the comments received from the public, we make the following recommendations.

TPAC generally supports the proposed fees for Petitions to Cancel and Notices of Opposition, with one caveat (discussed below). The average unit cost in 2018 for cancellation and

opposition proceedings (as well as ex parte appeals) exceeded \$2000, so the proposed increases seem justified based on a cost recovery rationale.³

Regarding appeals, we think it would be more appropriate to maintain the current fees for filing a Notice of Appeal, and only charge the proposed additional fee (\$200/class) if and when the applicant files an appeal brief.⁴ Many appeals are resolved before an appeal brief is filed, and we suspect that the TTAB does not incur substantial costs if the appeal does not proceed beyond the Notice of Appeal.

A similar argument could be made for oppositions and cancellations. Many such proceedings are decided by default judgment, in which case the TTAB incurs no significant additional costs after the petition or notice is filed. We recommend the TTAB consider maintaining the current filing fees for filing a Notice of Opposition and Petition to Cancel, and only charge the plaintiff the additional \$200/class fee at a later date (e.g., after the defendant files an answer). However, we recognize that charging the plaintiff a second fee at a later date if there is no default could be difficult to implement in practice. Alternatively, the TTAB could consider increasing the fees for filing a Petition to Cancel or Notice of Opposition as proposed, but refund part of the fee if the defendant defaults. Such a fee structure would encourage the filing of Petitions to Cancel and Notices of Opposition, which in many cases support the Office's goal of decluttering the Register.

TPAC recommends against raising the fees for extensions of time to oppose, for several reasons: (1) the fees already greatly exceed what we assume is the average unit cost (given that processing of such requests is largely automated), and doubling those fees seems excessive; (2) it would appear the rationale must be at least in part to discourage such requests, but as multiple commenters noted, they are often filed to provide more time for settlement discussions, which can avoid the need to file an opposition and thus should be encouraged; and (3) fees for extensions of time to oppose were first implemented just a few years ago, so it seems premature to be raising them again so quickly.

TPAC supports the proposed fees for the second and subsequent extensions of time to file an appeal brief. Such requests should be discouraged, in general.

Finally, we support a fee to request an oral hearing, provided the rationale is cost recovery and not to discourage such requests. As some commenters noted, oral hearings can be helpful and beneficial in many cases. However, it is also true that the TTAB incurs significant costs in conducting oral hearings and all users subsidize the few parties requesting oral hearings. Some commenters argued that no fee should be charged to request an oral hearing because similar procedures are available free of charge in court proceedings. But this argument overlooks the fact that the courts are funded by taxpayers while the USPTO is funded purely by user fees. As for the

³ TPAC understands that TTAB proceedings have historically been subsidized to a large extent by revenue generated from Trademark Operations, while AIA trials at the Patent Trial and Appeal Board are mostly self-funded. Currently, TTAB fees cover only about 33% of its overall costs. Although TPAC believes changes to the funding model for the TTAB over time to make it more self-sufficient may merit further consideration, study, and discussion with stakeholders, TPAC is not in a position to recommend any drastic changes at this time.

⁴ TPAC made a similar suggestion in its 2015 trademark fee proposal report.

amount of the fee, it would be helpful for the USPTO to provide an estimate of the average cost of conducting oral hearings, to help put the proposed fee in context.

As for oral hearings in opposition and cancellation proceedings, we recommend that the Office provide that the proposed fee be charged per hearing requested, not per application. Thus, if a particular proceeding involves multiple applications and/or registrations but all would be addressed in a single oral hearing, only one fee would be charged.

ATTACHMENTS



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

August 28, 2019

VIA ELECTRONIC TRANSMISSION

Trademark Public Advisory Committee (TPAC)

ATTN: William Barber, Esq., Chairperson

Pirkey Barber

1801 East 6th Street, Suite 300

Austin, Texas 78702

Dear Members of the Trademark Public Advisory Committee:

As part of its continuing commitment to fiscal responsibility, financial prudence, and operational efficiency, USPTO recently completed its comprehensive biennial fee review using the fee-setting authority provided by the Leahy-Smith America Invents Act (AIA). Based on the results of the review, we are now ready to engage the intellectual property (IP) stakeholder community to ensure we move forward through the regulatory fee adjustment process with a proposal that best serves our nation's IP system.

The fee review process included a thorough evaluation of the existing fee schedule as well as significant research and analysis on potential revisions to the schedule. The fee proposals are intended to support three objectives: better align fees with costs; ensure the integrity of the register; and promote the efficiency of agency processes in the face of some changes in filing behavior. I believe that the resulting proposal's appropriate fee adjustments will ensure that the USPTO continues to deliver on its commitment to ensure the integrity of the Trademark register while simultaneously increasing operational efficiency.


These targeted fee adjustments are aligned with the Office's fee structure philosophy, and the goal of providing sufficient financial resources to facilitate the effective administration of the United States intellectual property system. Transitioning to this proposed fee structure in fiscal year (FY) 2020, so that the new adjusted fees can be planned on for FY 2021 would ensure sufficient resources to support trademark operations and related services with more options for applicants. We are on the right path to success - trademark quality metrics and pendency targets have been achieved year after year; the transition to next generation IT systems is under way; and global collaboration is advancing. I strongly believe that the proposal will mitigate the very real possibility that our success could be compromised by future funding complications.

Enclosed with this letter are two documents. The first provides a summary of the proposal to help you understand the changes being proposed. It includes details on our fee-setting process, highlights of the issues and information we have considered, and describes the specific changes being proposed. The second provides a detailed listing of the fee adjustments. In addition, the Office has established a website, <https://www.uspto.gov/about-us/performance-and-planning/fee-setting-and-adjusting>, which contains further background material that will aid in your analysis.

As the Office is proposing to use its fee-setting authority under section 10 of the Leahy-Smith America Invents Act (AIA), TPAC is required to act to hold a public hearing within the 30-day period following receipt of this proposal. The Act also requires TPAC to make available to the public a written report setting forth in detail the comments, advice, and recommendations of the committee following the public hearing on the fee proposal. Soon, we will reach out to TPAC to answer any questions and to assist with the logistics and material needed to conduct the public hearing.

I look forward to hearing your comments and recommendations on the proposal, as I am confident our collaboration will only enhance the final product and ultimately strengthen Trademark operations.

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrei Iancu", with a stylized flourish at the end.

Andrei Iancu

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

Enclosures:

Attachment I – Executive Summary of Trademark Fee Adjustment Proposal

Attachment II – Listing of Proposed Fee Adjustments

Cc:

Elisabeth Roth Escobar (TPAC Vice Chair) Marriott International, Inc.

Stephanie Bald, Kelly IP, LLP

Christopher Kelly, Wiley Rein LLP

Anne Gilson LaLonde

Ilene B. Tannen, Jones Day

Donna A. Tobin, Royer, Cooper, Cohen, Braunfeld

Kelly Walton, Dell Inc.

Brian J. Winterfeldt, Winterfeldt IP Group, PLLC

Jay Besch, National Treasury Employees Union, Local 245

Pedro C. Fernandez, Patent Office Professional Association

Harold E. Ross, National Treasury Employees Union, Local 243

Mary Boney Denison, Commissioner for Trademarks

Gerard F. Rogers, Chief Administrative Trademark Judge

UNITED STATES
PATENT AND TRADEMARK OFFICE



Trademark Fee Proposal

Executive Summary

Trademark Public Advisory Public Hearing
September 23, 2019



Overview

- The USPTO is exercising its fee setting authority to set and adjust trademark fees to recover the aggregate estimated cost of the trademark operation, IP Policy and USPTO administrative services that support trademark operations.
- The USPTO needs to increase fees, in part, to support critical IT projects necessary to solve challenges facing the office and to address impacts of increases in filings and costs necessary to support Trademark operations and the Trademark Trial and Appeal Board.
- This public hearing is an opportunity for the USPTO to present and for the Trademark Public Advisory Committee (TPAC) to receive comments on a proposal to adjust certain trademark process and service fees.
- There will be an additional opportunity for the public to provide comments on this proposal through the rule-making process.
- The USPTO fee setting authority is authorized by Section 10 of the Leahy-Smith America Invents Act (AIA), as amended by the Study of Underrepresented Classes Chasing Engineering and Science Success Act of 2018 (SUCCESS Act).



High Level Process and Tentative Timeline

- January – August 2019 – Biennial fee review conducted to assess fee schedule, estimated revenues and future budgetary requirements (aggregate revenue to recover aggregate costs).
- September 2019 – TPAC Public Hearing, with the first opportunity for public comments on fee proposal.
- March 2020 – Publish Federal Register Notice of Proposed Rulemaking (NPRM), with another opportunity for the public to submit written feedback.
- March – April 2020 – Public comment period. The USPTO encourages public input about the proposed fee schedule to guide the Agency in decision making.
- July 2020 – Publish Final Rule in the Federal Register following analysis, and consideration and deliberation of public feedback.
- August 2020 – Proposed effective date for fee changes.



Fee Proposal Considerations

- Improve the accuracy of the Register and proof of use.
- Address changes in filing behavior that could result in fewer post registration filings.
- Ensure sufficient aggregate revenue to recover aggregate cost of Trademark operations in future years (based on current projections).
- More closely align fee rates to recover more of the cost of appeal and trial proceedings which are increasing.

Impact of Maintaining Current Fee Schedule

- Some behaviors, if unaddressed, will continue to impact timeliness and quality, and unfairly burden all trademark filers, when selecting and applying for marks.
- The timeliness and the quality of the examination and registration processes can be undermined by an inaccurate register.
- Projected increases in filings and the costs necessary to support trademark operations, continued and promised investments in IT systems, IP Policy and USPTO programs are expected to exceed available revenues and operating reserve minimum balances by FY 2021.
- Managing without an adequate operating reserve would put the USPTO in jeopardy of being unable to respond to emergency situations including having to cease all but essential operations.



Proposed Trademark Fee Changes

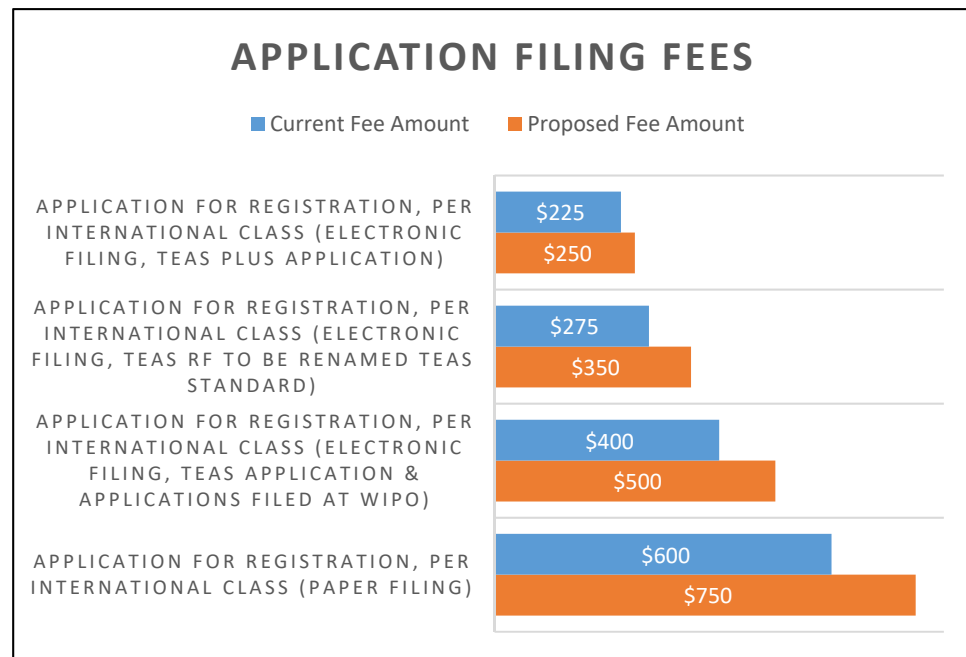
The proposed changes impact the following Trademark Process Fees:

- Applications for Registration Fees.
- Petitions and New Fees for Letter of Protest and Request for Reconsideration.
- Post Registration Maintenance Fees.
- New Fees for Deletion of Goods and Services Following Audit or Adverse Decision.
- Trademark Trial and Appeal Board Fees.



Proposed Application for Registration Fees

- Fee increases will help offset the cost of examining applications that are partially funded through intent to use (ITU) and post registration fees.
- Incentivize TEAS Plus filings for inherent efficiencies and savings.
- Fee steps between filing methods reflect relative unit processing costs.
- Mandatory electronic filing will be the preferred method of doing business, with exceptions permitted by petition or treaty.



Proposed Petition and New Letter of Protest and Request for Reconsideration Fees

- Petitions and letters of protest require significant work by the office. Fee changes are needed to offset some of those costs.
- Proposed increase of \$150 resulting in a fee of \$250 per petition for electronic filings or \$350 for paper filings.
- Establish a fee for filing a Letter of Protest of \$100 for electronic filings or \$200 for paper filings.
- Establish a fee for filing a Request for Reconsideration prior to appeal of \$400 for electronic filings or \$500 for paper filings.

Post Registration Maintenance Fees

- The proposed fee changes aim to promote early decluttering of the registry when marks are no longer in use.
- Offset lower renewal rates and mitigate the risk of a net examination loss while keeping fees low enough to encourage continued participation.
- Proposed increase of \$100 resulting in a fee of \$225 per class for filing Sections 8, and 71. Filing on paper to increase to \$325 per class.
- Proposed increase of \$25 resulting in a fee of \$225 per class for filing Section 15. Filing on paper to increase to \$325 per class.

NEW FEE

Deleting Goods or Services as Part of a Post Registration Audit

- The proposed fees will help to promote voluntary decluttering and will contribute to a more accurate register.
- No fee would be charged if changes were made prior to or with a Section 8 or 71 filing.
- Establish a fee of \$100 per good/service for filing electronically or \$200 for paper filings if changes are made as a result of a post registration audit or TTAB case (discussed later).



Trademark Trial and Appeal Board Fees

TTAB Increases to Existing Fees

- Work impacts a relatively small subset of trademark filers.
- The cost of operations is heavily subsidized by all trademark filers through revenues from other fees.
- Adding fees for services currently provided without a fee would reduce the amount of the subsidy and improve alignment between costs and fee rate.
- Ex parte appeals have only been adjusted once in the last 27 years, and inter partes (trial) fees were only adjusted once in the last 17 years.
- The following six slides layout the proposed changes and new fees for TTAB services.



Proposed Trademark Trial and Appeal Board Fees

- The proposal will more closely align fee rates to recover more of the cost of appeal and trial proceedings.
- Proposed increase of \$200 per class for all electronic new filings of appeals, oppositions or cancellations.
- Proposed increase of \$200 per class for all such filings in paper filed requests.



NEW FEE

Extension of Time to File Appeal Brief

- This fee would be imposed after the first extension of time. This fee seeks to discourage the filing of multiple extensions of time to file an appeal brief in order to facilitate the timely resolution of cases and obtain reimbursement of the costs of review of the extensions by paralegals and/or judges.
- Establish a fee for a second or subsequent request - \$100 per request for filing electronically, \$200 per request for paper filing (per application fee, not per class fee).

NEW FEE

Deleting Goods or Services from Registration

- This proposal promotes the accuracy of the trademark register.
- Establish a fee if changes are made to a registration's identification of goods or services because of an adverse TTAB finding; \$100 per good/service for initial filing made electronically or \$200 for initial paper filing.
- No fee would be charged if changes were made prior to filing a pleading stating reliance on the registration or of a counterclaim attacking one.



NEW FEE

Request for Reconsideration or Remand Fees

- This fee would promote the timely processing of the appeal process because requests for reconsideration delay the appeal process and require manual processing by TTAB and/or Trademarks' employees.
- Establish a fee for filing a Request for Reconsideration concurrent with a notice of appeal of \$400 for electronic filings or \$500 for paper filings.



NEW FEE

Request for Oral Hearing

- Oral hearings are costly for the Board because they frequently require significant staff time coordinating logistics v. a case submitted on the papers.
- An oral hearing fee would shift some of the cost of holding an oral hearing to the parties making the request rather than being born pro rata by all appellants, including the majority who do not request oral hearings.
- Establish a \$500 per appeal, opposition or cancellation oral hearing fee.



NEW FEE

Filing a Motion for Summary Judgment

- Motions for summary judgment require significant work by the Trademark Trial and Appeal Board. Adding a fee would permit the Office to recover some of its costs.
- Establish a fee for filing a motion for summary judgment of \$500.

Conclusion

Proposed fee adjustments represent:

- An **incentive for broader adoption** of the cost-effective electronic filing, communication, and processing.
- A better and **fairer** cost recovery system more closely aligning fees and costs.
- A **balance** between subsidizing costs for a relative few, promoting a strong incentive for electronic filing, and ensuring an accurate federal register as a reliable indicator of marks in use.
- A solution to changes in filing behaviors.
- A solution to the need for more and more IT solutions to solve challenges.
- A stable financial **foundation** to fulfill our mission and maintain our performance with our disciplined cost-effectiveness.



Additional Information

Fee Setting Proposals and Materials

<http://www.uspto.gov/about-us/performance-and-planning/fee-setting-and-adjusting>

Comments may be sent by email to: fee.setting@uspto.gov by September 30, 2019.





USPTO Trademark Fee Adjustment
Table of Trademark Fees - Current and Proposed

Fee Code	37 CFR	Description	Current Fees		Proposed Fees		Increase/(Decrease)		Percentage Change	
			Paper	Electronic	Paper	Electronic	Paper	Electronic	Paper	Electronic
Application Filing Fees***										
6001	2.6(a)(1)(i)	Filing an Application on Paper, per Class	\$600		\$750		\$150		25%	
7001	2.6(a)(1)(ii)	Filing and Application through TEAS, per Class		\$400		\$500		\$100		25%
7009	2.6(a)(1)(iii)	Filing a TEAS Reduced Fee (RF) Application through TEAS under §2.23, per Class		\$275		\$350		\$75		27%
7007	2.6(a)(1)(iv)	Filings a TEAS Plus Application through TEAS under §2.22, per Class		\$225		\$250		\$25		11%
6006	2.6(a)(19)(i)	Request to Divide an Application Filed on Paper, per New Application Created	\$200		\$200		\$0		0%	
7006	2.6(a)(19)(ii)	Request to Divide an Application Filed through TEAS, per New Application Created		\$100		\$100		\$0		0%
6008	2.6(a)(1)(v)	Additional Processing Fee under §2.22(c) or §2.223(c), per Class	\$125		\$125		\$0		0%	
7008	2.6(a)(1)(v)	Additional Processing Fee under §2.22(c) or §2.223(c), per Class		\$125		\$125		\$0		0%
Maintaining Exclusive Rights Fees***										
6201	2.6(a)(5)(i)	Filing an Application for Renewal of a Registration on Paper, per Class	\$500		\$500		\$0		0%	
7201	2.6(a)(5)(ii)	Filing an Application for Renewal of a Registration through TEAS, per Class		\$300		\$300		\$0		0%
6203	2.6(a)(6)(i)	Additional Fee for Filing a Renewal Application During the Grace Period on Paper, per Class	\$200		\$200		\$0		0%	
7203	2.6(a)(6)(ii)	Additional Fee for Filing a Renewal Application During the Grace Period through TEAS, per Class		\$100		\$100		\$0		0%
6204	2.6(a)(21)(i)	Correcting a Deficiency in a Renewal Application via Paper Filing	\$200		\$200		\$0		0%	
7204	2.6(a)(21)(ii)	Correcting a Deficiency in a Renewal Application via TEAS Filing		\$100		\$100		\$0		0%
6205	2.6(a)(12)(i)	Filing an Affidavit under §8 of the Act on Paper, per Class	\$225		\$325		\$100		44%	
7205	2.6(a)(12)(ii)	Filing an Affidavit under §8 of the Act through TEAS, per Class		\$125		\$225		\$100		80%
6206	2.6(a)(14)(i)	Additional Fee for Filing a §8 Affidavit During the Grace Period on Paper, per Class	\$200		\$200		\$0		0%	
7206	2.6(a)(14)(ii)	Additional Fee for Filing a §8 Affidavit During Grace Period through TEAS, per Class		\$100		\$100		\$0		0%
6207	2.6(a)(20)(i)	Correcting a Deficiency in a §8 Affidavit via Paper Filing	\$200		\$200		\$0		0%	
7207	2.6(a)(20)(ii)	Correcting a Deficiency in a §8 Affidavit via TEAS Filing		\$100		\$100		\$0		0%
6208	2.6(a)(13)(i)	Filing an Affidavit under §15 of the Act on Paper, per Class	\$300		\$325		\$25		8%	
7208	2.6(a)(13)(ii)	Filing an Affidavit under §15 of the Act through TEAS, per Class		\$200		\$225		\$25		13%
6210	2.6(a)(7)(i)	Filing to Publish a Mark Under §12(c) on Paper, per Class	\$200		\$200		\$0		0%	
7210	2.6(a)(7)(ii)	Filing to Publish a Mark Under §12(c) through TEAS, per Class		\$100		\$100		\$0		0%
6211	2.6(a)(8)(i)	Issuing New Certificate of Registration upon Request of Registrant, Request Filed on Paper	\$200		\$200		\$0		0%	
7211	2.6(a)(8)(ii)	Issuing New Certificate of Registration upon Request of Registrant, Request Filed through TEAS		\$100		\$100		\$0		0%
6212	2.6(a)(9)(i)	Certificate of Correction of Registrant's Error, Request Filed on Paper	\$200		\$200		\$0		0%	
7212	2.6(a)(9)(ii)	Certificate of Correction of Registrant's Error, Request Filed through TEAS		\$100		\$100		\$0		0%
6213	2.6(a)(10)(i)	Filing a Disclaimer to a Registration, on Paper	\$200		\$200		\$0		0%	
7213	2.6(a)(10)(ii)	Filing a Disclaimer to a Registration, through TEAS		\$100		\$100		\$0		0%
6214	2.6(a)(11)(i)	Filing an Amendment to a Registration, on Paper	\$200		\$200		\$0		0%	
7214	2.6(a)(11)(ii)	Filing an Amendment to a Registration, through TEAS or ESTTA		\$100		\$100		\$0		0%
New		Deletion of Goods or Services, Prior to or with §8 Filing, on Paper			\$0		\$0			

**USPTO Trademark Fee Adjustment
Table of Trademark Fees - Current and Proposed**

Fee Code	37 CFR	Description	Current Fees		Proposed Fees		Increase/(Decrease)		Percentage Change	
			Paper	Electronic	Paper	Electronic	Paper	Electronic	Paper	Electronic
New		Deletion of Goods or Services, Prior to or with §8 Filing				\$0		\$0		
New		Deletion of Goods or Services as a Result of a Post Registration Audit, per Good or Service Deleted on Paper			\$200		\$200			
New		Deletion of Goods or Services as a Result of a Post Registration Audit, per Good or Service Deleted				\$100		\$100		

USPTO Trademark Fee Adjustment
Table of Trademark Fees - Current and Proposed

Fee Code	37 CFR	Description	Current Fees		Proposed Fees		Increase/(Decrease)		Percentage Change	
			Paper	Electronic	Paper	Electronic	Paper	Electronic	Paper	Electronic
Intent to Use/Use Fees***										
6002	2.6(a)(2)(i)	Filing an Amendment to Allege Use under §1(c) of the Act on Paper, per Class	\$200		\$200		\$0		0%	
7002	2.6(a)(2)(ii)	Filing an Amendment to Allege Use under §1(c) of the Act through TEAS, per Class		\$100		\$100		\$0		0%
6003	2.6(a)(3)(i)	Filing a Statement of Use under §1(d)(1) of the Act on Paper, per Class	\$200		\$200		\$0		0%	
7003	2.6(a)(3)(ii)	Filing a Statement of Use under §1(d)(1) of the Act through TEAS, per Class		\$100		\$100		\$0		0%
6004	2.6(a)(4)(i)	Filing a Request under §1(d)(2) of the Act for a Six-Month Extension of Time for Filing a Statement of Use under §1(d)(1) of the Act on Paper, per Class	\$225		\$225		\$0		0%	
7004	2.6(a)(4)(ii)	Filing a Request under §1(d)(2) of the Act for a Six-Month Extension of Time for Filing a Statement of Use under §1(d)(1) of the Act through TEAS, per Class		\$125		\$125		\$0		0%
Madrid Protocol Fees***										
6901	7.6(a)(1)(i)	Certifying an International Application Based on a Single Application or Registration, Filed on Paper, per Class	\$200		\$200		\$0		0%	
7901	7.6(a)(1)(ii)	Certifying an International Application Based on a Single Application or Registration, Filed through TEAS, per Class		\$100		\$100		\$0		0%
6902	7.6(a)(2)(i)	Certifying an International Application Based on More Than One Basic Application or Registration Filed on Paper, per Class	\$250		\$250		\$0		0%	
7902	7.6(a)(2)(ii)	Certifying an International Application Based on More Than One Basic Application or Registration Filed through TEAS, per Class		\$150		\$150		\$0		0%
6903	7.6(a)(4)(i)	Transmitting a Request to Record an Assignment or Restriction, or Release of a Restriction, under §7.23 or §7.24 Filed on Paper	\$200		\$200		\$0		0%	
7903	7.6(a)(4)(ii)	Transmitting a Request to Record an Assignment or Restriction, or Release of a Restriction, under §7.23 or §7.24 Filed through TEAS		\$100		\$100		\$0		0%
6904	7.6(a)(5)(i)	Filing a Notice of Replacement under §7.28 on Paper, per Class	\$200		\$200		\$0		0%	
7904	7.6(a)(5)(ii)	Filing a Notice of Replacement under §7.28 through TEAS, per Class		\$100		\$100		\$0		0%
6905	7.6(a)(6)(i)	Filing an Affidavit Under §71 of the Act on Paper, per Class	\$225		\$325		\$100		44%	
7905	7.6(a)(6)(ii)	Filing an Affidavit Under §71 of the Act through TEAS, per Class		\$125		\$225		\$100		80%
6906	7.6(a)(7)(i)	Surcharge for Filing an Affidavit Under §71 of the Act During Grace Period on Paper, per Class	\$200		\$200		\$0		0%	
7906	7.6(a)(7)(ii)	Surcharge for Filing an Affidavit Under §71 of the Act During Grace Period through TEAS, per Class		\$100		\$100		\$0		0%
6907	7.6(a)(3)(i)	Transmitting a Subsequent Designation under §7.21, Filed on Paper	\$200		\$200		\$0		0%	
7907	7.6(a)(3)(ii)	Transmitting a Subsequent Designation under §7.21, Filed through TEAS		\$100		\$100		\$0		0%
6908	7.6(a)(8)(i)	Correcting a Deficiency in a §71 Affidavit Filed on Paper	\$200		\$200		\$0		0%	
7908	7.6(a)(8)(ii)	Correcting a Deficiency in a §71 Affidavit Filed through TEAS		\$100		\$100		\$0		0%
New		Deletion of Goods or Services, Prior to or with a §71 Filing on Paper			\$0		\$0			
New		Deletion of Goods or Services, Prior to or with a §71 Filing through TEAS				\$0		\$0		
Trademark Trial and Appeal Board Fees***										
6401	2.6(a)(16)(i)	Filing a Petition to Cancel on Paper, per Class	\$500		\$700		\$200		40%	
7401	2.6(a)(16)(ii)	Filing a Petition to Cancel through ESTTA, per Class		\$400		\$600		\$200		50%
6402	2.6(a)(17)(i)	Filing a Notice of Opposition on Paper, per Class	\$500		\$700		\$200		40%	
7402	2.6(a)(17)(ii)	Filing a Notice of Opposition through ESTTA, per Class		\$400		\$600		\$200		50%
6403	2.6(a)(18)(i)	Ex Parte Appeal to the Trademark Trial and Appeal Board Filed on Paper, per Class	\$300		\$500		\$200		67%	

USPTO Trademark Fee Adjustment
Table of Trademark Fees - Current and Proposed

Fee Code	37 CFR	Description	Current Fees		Proposed Fees		Increase/(Decrease)		Percentage Change	
			Paper	Electronic	Paper	Electronic	Paper	Electronic	Paper	Electronic
7403	2.6(a)(18)(ii)	Ex Parte Appeal to the Trademark Trial and Appeal Board Filed through ESTTA, per Class		\$200		\$400		\$200		100%
6404	2.6(a)(22)(i)	Filing a Request for an Extension of Time to File a Notice of Opposition under §2.102(c)(3) on Paper	\$200		\$400		\$200		100%	
7404	2.6(a)(22)(ii)	Filing a Request for an Extension of Time to File a Notice of Opposition under §2.102(c)(3) through ESTTA		\$100		\$200		\$100		100%
6405	2.6(a)(23)(i)	Filing a Request for an Extension of Time to File a Notice of Opposition under §2.102(c)(1)(ii) or (c)(2) on Paper	\$300		\$500		\$200		67%	
7405	2.6(a)(23)(ii)	Filing a Request for an Extension of Time to File a Notice of Opposition under §2.102(c)(1)(ii) or (c)(2) through ESTTA		\$200		\$400		\$200		100%
New		Filing a Request for Reconsideration Concurrent with a Notice of Appeal on Paper, per Application			\$500		\$500			
New		Filing a Request for Reconsideration Concurrent with a Notice of Appeal, per Application				\$400		\$400		
New		Filing a Request for Suspension and Remand Concurrent with a Notice of Appeal on Paper, per Application			\$500		\$500			
New		Filing a Request for Suspension and Remand Concurrent with a Notice of Appeal, per Application				\$400		\$400		
New		Deletion of Goods or Services as a Result of an Adverse Finding in a Trademark Trial and Appeal Board Case on Paper, per Class			\$200		\$200			
New		Deletion of Goods or Services as a Result of an Adverse Finding in a Trademark Trial and Appeal Board Case, per Class				\$100		\$100		
New		Filing a First Request for an Extension of Time to File an Appeal Brief on Paper, per Application			\$0		\$0			
New		Filing a First Request for an Extension of Time to File an Appeal Brief, per Application				\$0		\$0		
New		Filing a Second or Subsequent Request for an Extension of Time to File an Appeal Brief on Paper, per Application			\$200		\$200			
New		Filing a Second or Subsequent Request for an Extension of Time to File an Appeal Brief, per Application				\$100		\$100		
New		Request Motion for Summary Judgment				\$500		\$500		
New		Request for an Oral Hearing, per Application				\$500		\$500		
Other Trademark Fees										
6991	2.7(a)	Recordal Application Fee	\$20	\$20	\$20	\$20	\$0	\$0	0%	
6992	2.7(b)	Renewal Application Fee	\$20	\$20	\$20	\$20	\$0	\$0	0%	
6993	2.7(c)	Late Fee for Renewal Application Fee	\$20	\$20	\$20	\$20	\$0	\$0	0%	
6994	2.7(a)	Application Fee for Reactivation of Insignia, per Request	\$20	\$20	\$20	\$20	\$0	\$0	0%	
8501	2.6(b)(1)	Printed Copy of Registered Mark, Copy Only. Service Includes Preparation of Copies by the Office within Two to Three Business Days and Delivery by USPS; and Preparation of Copies by the Office within One Business Day of Receipt and Delivery to an Office Box, or by Electronic Means	\$3		\$3		\$0		0%	
8503	2.6(b)(4)(i)	Certified Copy of Registered Mark, Showing Title and/or Status, Regular Service	\$15		\$15		\$0		0%	
8504	2.6(b)(4)(ii)	Certified Copy of Registered Mark, Showing Title and/or Status, Expedited Local Service	\$30		\$30		\$0		0%	
8507	2.6(b)(2)	Certified or Uncertified Copy of Trademark Application as Filed Processed within Seven Calendar Days	\$15		\$15		\$0		0%	
8508	2.6(b)(3)	Certified or Uncertified Copy of Trademark-Related Official Record	\$50		\$50		\$0		0%	
8513	2.6(b)(5)	Certified or Uncertified Copy of Trademark Records, per Document Except as Otherwise Provided in this Section	\$25		\$25		\$0		0%	
8514	2.6(b)(7)	For Assignment Records, Abstracts of Title and Certification, per Registration	\$25		\$25		\$0		0%	
8521	2.6(b)(6)	Recording Each Trademark Assignment, Agreement or Other Document Relating to the Property in a Registration or Application, First Property in a Document	\$40		\$40		\$0		0%	
8522	2.6(b)(6)	Recording Each Trademark Assignment, Agreement or Other Document Relating to the Property in a Registration or Application, for Each Additional Property in the Same Document	\$25		\$25		\$0		0%	

USPTO Trademark Fee Adjustment
Table of Trademark Fees - Current and Proposed

Fee Code	37 CFR	Description	Current Fees		Proposed Fees		Increase/(Decrease)		Percentage Change	
			Paper	Electronic	Paper	Electronic	Paper	Electronic	Paper	Electronic
8533	2.6(b)(8)	Additional Fee for Overnight Delivery		\$40		\$40		\$0		0%
8534	2.6(b)(9)	Additional Fee for Expedited Service		\$160		\$160		\$0		0%

**USPTO Trademark Fee Adjustment
Table of Trademark Fees - Current and Proposed**

Fee Code	37 CFR	Description	Current Fees		Proposed Fees		Increase/(Decrease)		Percentage Change	
			Paper	Electronic	Paper	Electronic	Paper	Electronic	Paper	Electronic
Trademark Processing Fees***										
6005	2.6(a)(15)(i)	Petitions to the Director Filed on Paper	\$200		\$350		\$150		75%	
7005	2.6(a)(15)(ii)	Petitions to the Director Filed through TEAS		\$100		\$250		\$150		150%
New		Letter of Protest on Paper			\$200		\$200			
New		Letter of Protest				\$100		\$100		
New		Request for Reconsideration, Prior to Appeal, on Paper			\$500		\$500			
New		Request for Reconsideration, Prior to Appeal				\$400		\$400		
Finance Service Fees										
9101	2.6(b)(10)	Processing Each Payment Refused or Charged Back by a Financial Institution	\$50		\$50		\$0		0%	
9202	2.6(b)(11)	Deposit Account Service Charge for Each Month when the Balance at the End of the Month is below \$1,000	\$25		\$25		\$0		0%	

*** The 7000 Series Fee Code (e.g., 7001, 7002, etc.) is used for Electronic Filing via TEAS.