

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Trademark Public Advisory Committee (TPAC) – public meeting

Friday, August 11, 2023

11:00 AM



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# Trademarks management report

**David Gooder**

Commissioner for Trademarks

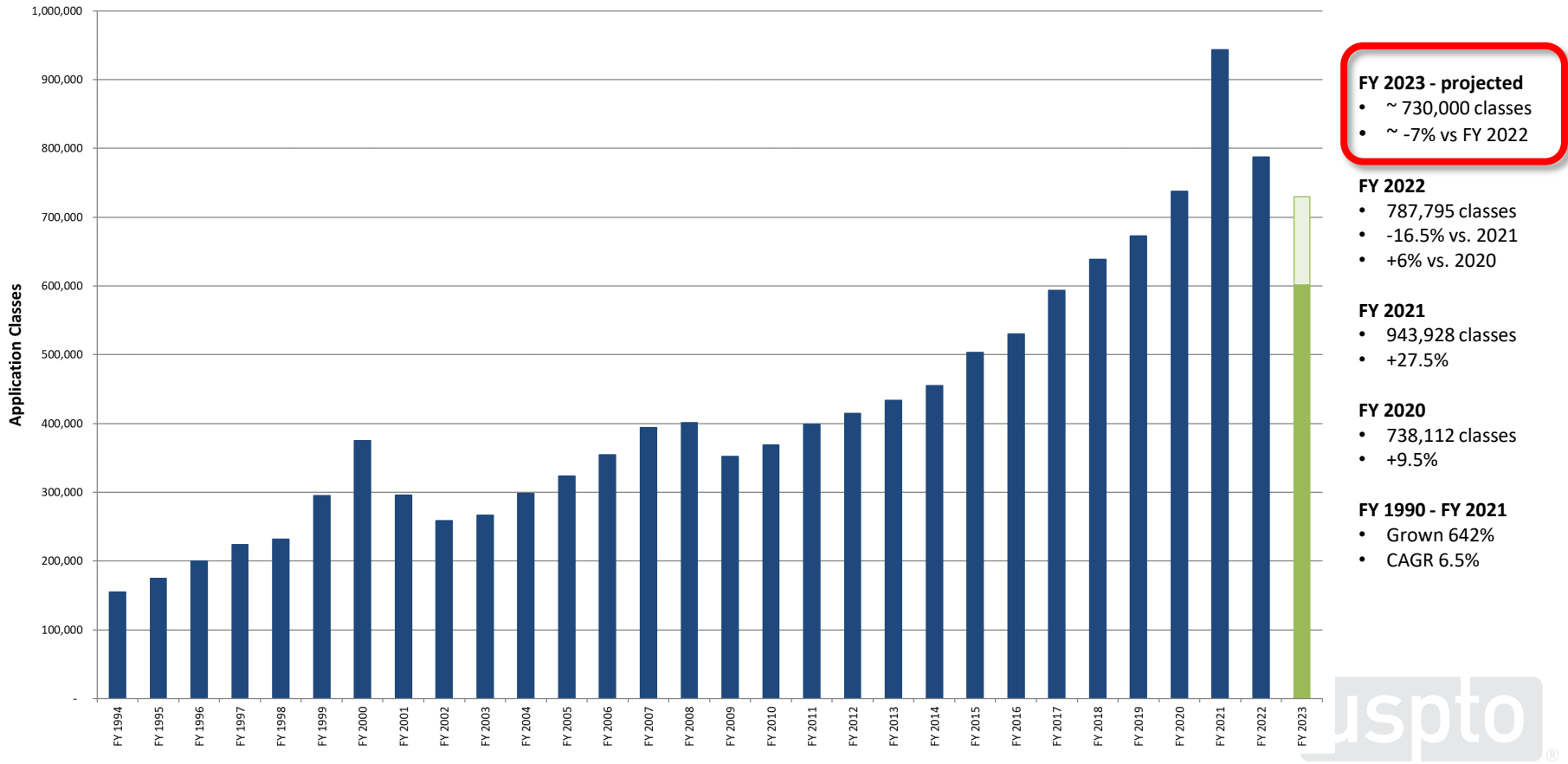


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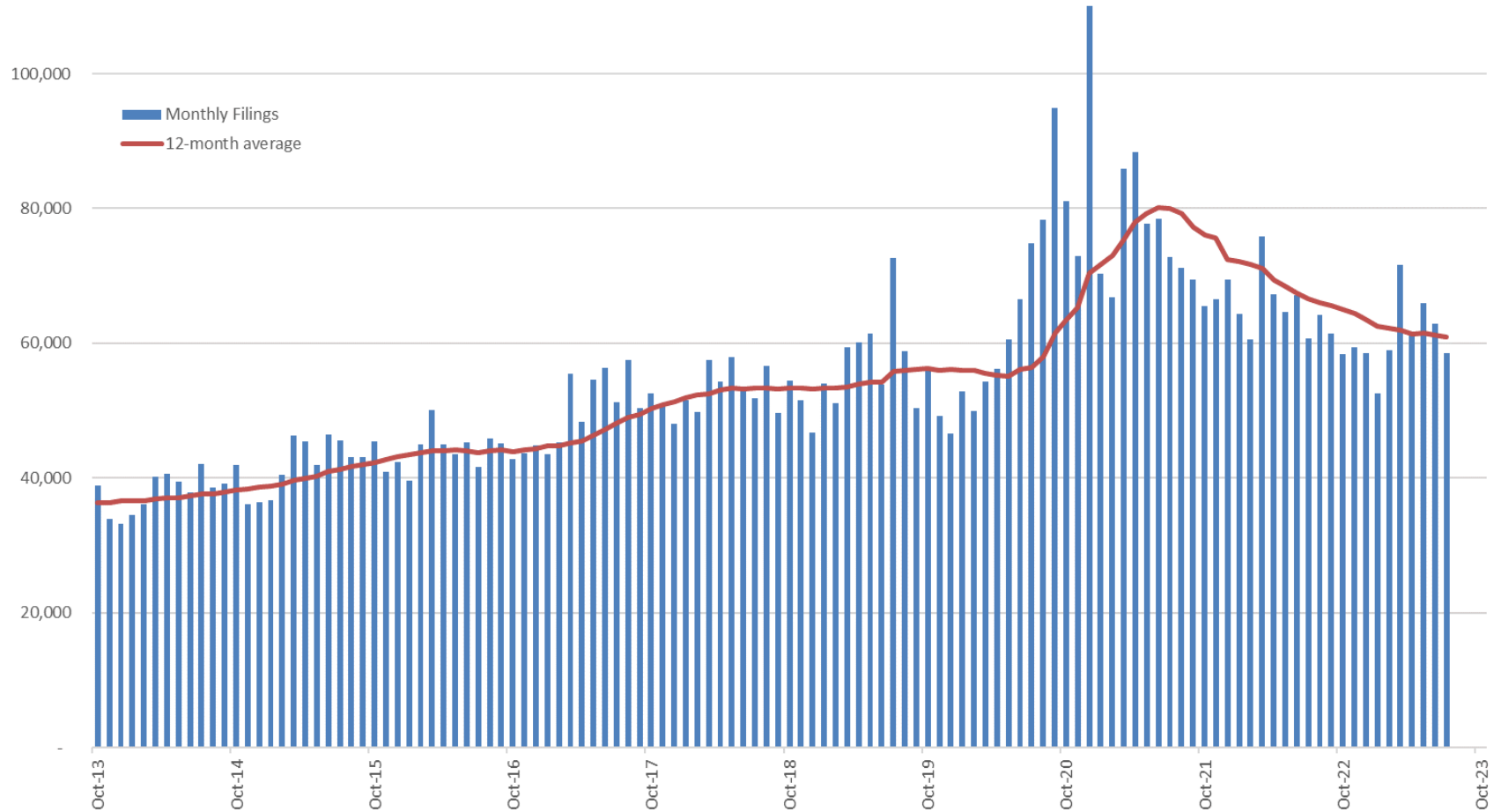
# Trademarks management report agenda

- FY 2023 year to date business operations update
  - Filing performance and staffing
- Financial update (Office of the Chief Financial Officer)
  - Fee setting process
  - Trademark's level financial discussion
- Updates from Operations, Examination Policy and Administration/IT

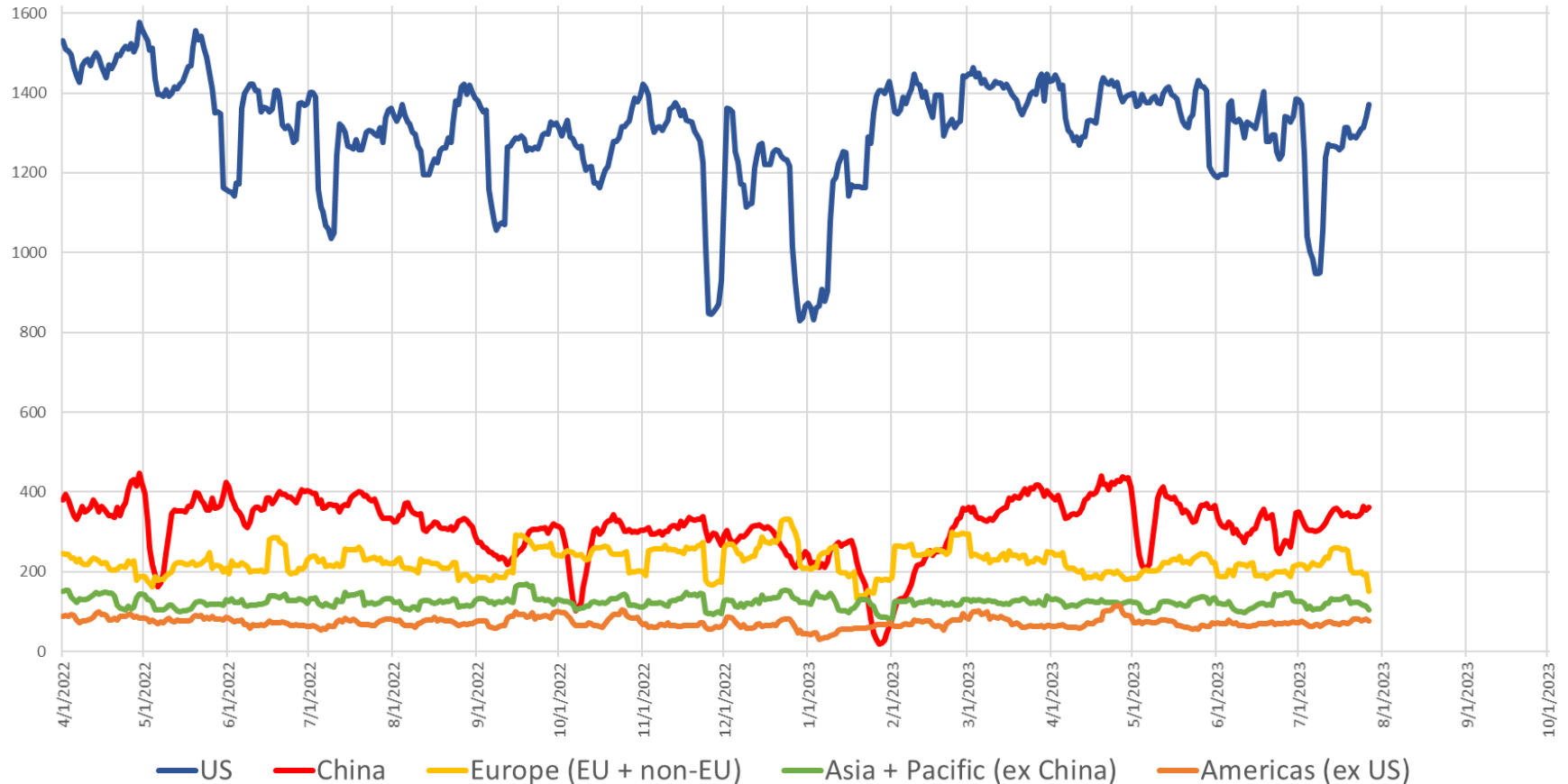
# Trademark application filing levels



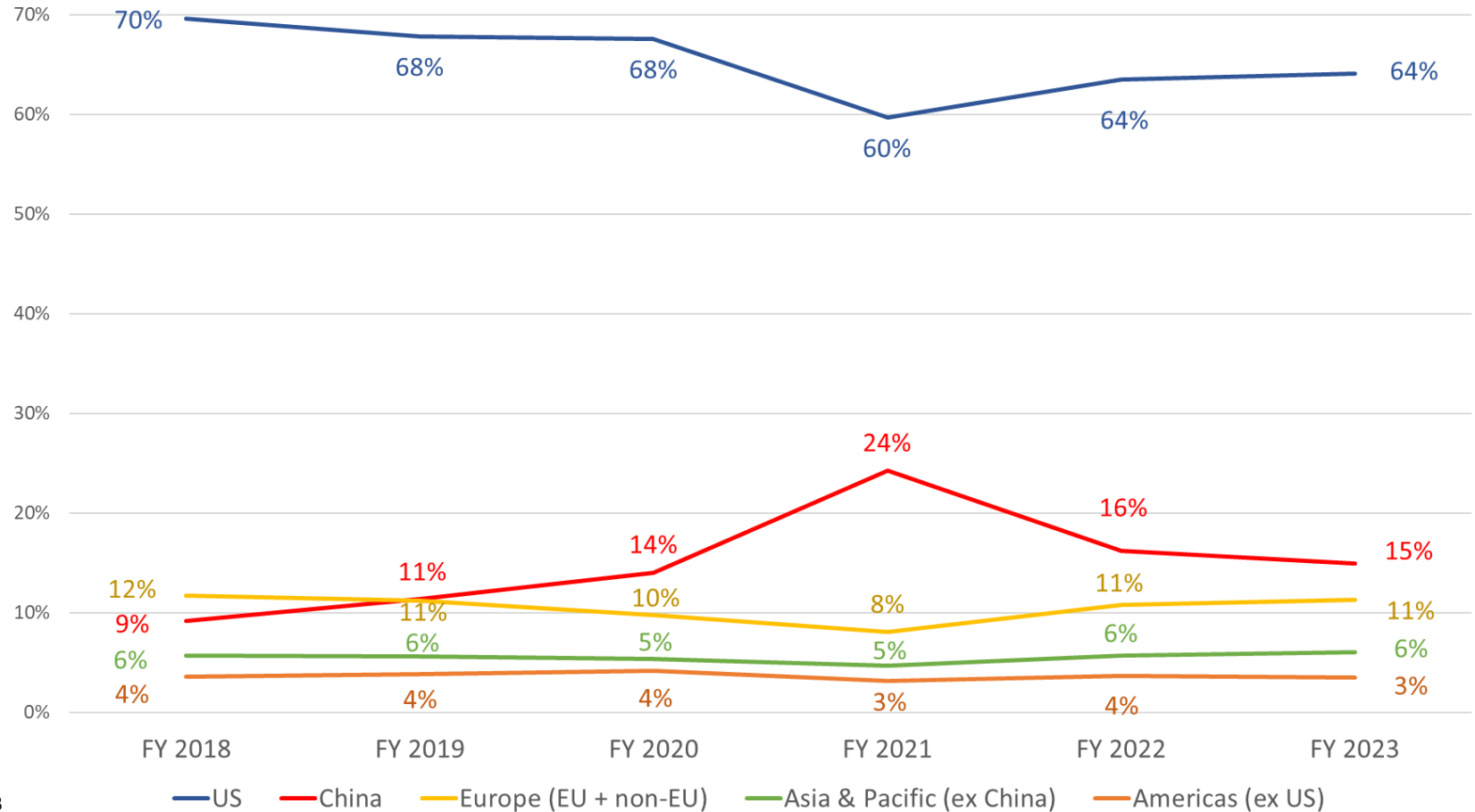
# Monthly application filings FY 2014 – 2023



# USPTO application origins FY 2022 – 2023



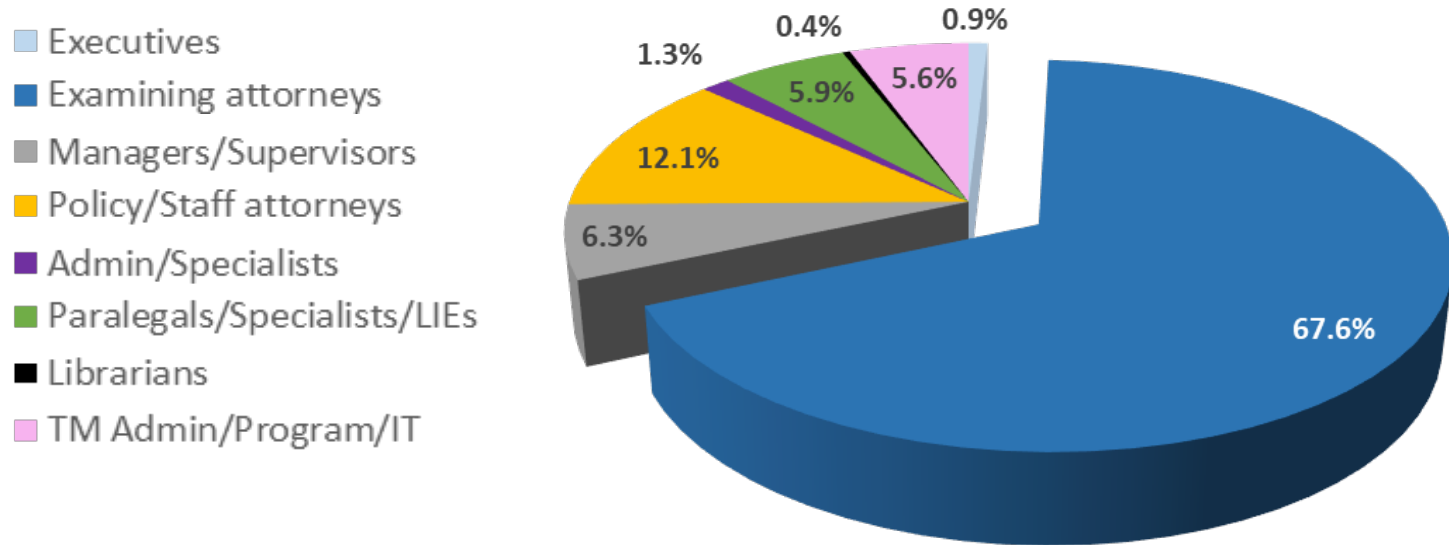
# Share of application classes filed by applicant's domicile (FY 2018 - 2023)





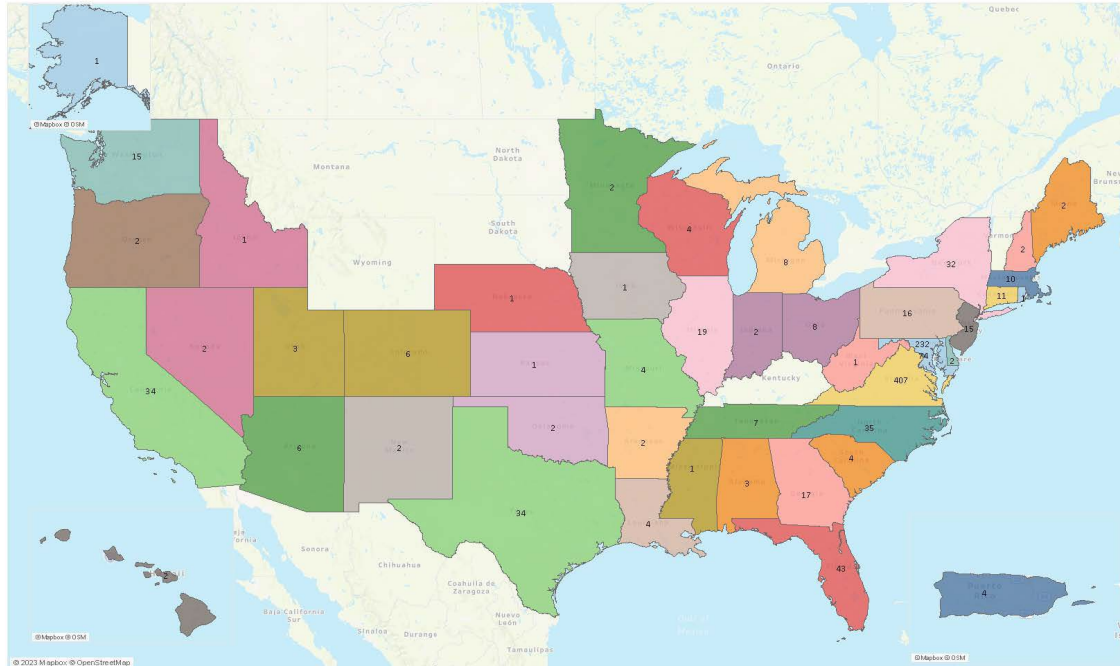
# Trademarks staffing

- 1,137 Trademarks employees (8.5% of USPTO)
- 764 examining attorneys (67.9% of Trademarks)
- 87 examining attorneys onboarded in FY 2023
- Plans to hire 50-60 examining attorneys in FY 2024



# Where are we today...literally!

Telework locations of Trademarks Employees across the US and Puerto Rico



Telework data from ETIS as of 07-17-2023

Produced by the Office of Human Resources HRIS Data Analytics

Questions please email: CAD\_Data\_Analytics@uspto.gov

## 1,131 Professionals (as of June 30, 2023)

- 90.80% teleworking – full time
  - 1006 TEAP or Remote 50 mile program
    - 88.95%
  - 21 “Hotelers”
    - 1.86%
  - 95 Routine
    - 8.40%
  - 5 Situational
    - 0.44%
  - 4 no telework
    - 0.35%

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# Trademark Public Advisory Committee (TPAC) financial management update

**Sean Mildrew**

August 11, 2023



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# Agenda

- FY 2023 status
- 2022-2026 Strategic Plan
- On the horizon
  - FY 2024 budget status
  - FY 2025 budget formulation
  - Fee setting

# FY 2023 financial status

*The end-of-year trademark operating reserve is projected to be \$176.0M, above the minimum level of \$120M.*

<i>\$ in millions</i>	Patents	Trademarks	USPTO
<b>USPTO FY 2023 appropriation level</b>	\$ 3,711.3	\$ 542.1	\$ 4,253.4
Update to fee revenue estimate	(114.3)	(85.2)	(199.84)
<b>Projected end-of-year fee revenue</b>	<b>3,597.0</b>	<b>456.6</b>	<b>4,053.6</b>
Operating reserve and other revenue <sup>1/</sup>	821.7	217.6	1,039.3
PTFRF reprogramming	23.5	8.2	31.6
<b>Total FY 2023 estimated funds available</b>	<b>4,442.2</b>	<b>682.3</b>	<b>5,124.5</b>
Total estimated end-of-year spending	(3,570.4)	(506.3)	(4,076.7)
<b>Estimated end-of-year operating reserve</b>	<b>\$ 871.8</b>	<b>\$ 176.0</b>	<b>\$ 1,047.8</b>

<sup>1/</sup> This line reflects the beginning-of-year operating reserve balance plus estimated other revenue and deducts the OIG transfer of \$2.45M as required per our appropriation. Other revenue includes recoveries, parking fees, reimbursements, and expenditure refunds. Totals shown may differ due to rounding.



# 2022-2026 Strategic Plan

- The USPTO released the 2022-2026 Strategic Plan in June 2023. The five goals that we aim to achieve are:
  - Goal 1: Drive inclusive U.S. innovation and global competitiveness;
  - Goal 2: Promote the efficient delivery of reliable intellectual property (IP) rights;
  - Goal 3: Promote the protection of IP against new and persistent threats;
  - Goal 4: Bring innovation to impact for the public good; and
  - Goal 5: Generate impactful employee and customer experiences by maximizing agency operations.
- The agency will submit its budget requests and report its performance measures to align with the new strategic plan.

# On the horizon

- **FY 2024 President's budget**
  - The Senate and House Commerce, Justice, Science, and Related Agencies Subcommittee appropriation hearings occurred July 13, 2023, and July 14, 2023, respectively.
    - Both hearings focused on other bureaus within the Department of Commerce (DOC).
- **FY 2025 budget formulation**
  - The USPTO is finalizing fee estimates and requirements for the FY 2025 Office of Management and Budget (OMB) budget submission.
  - The draft document will be provided to the public advisory committees and the DOC for review later this month (August 2023).
  - The tentative OMB submission date is September 11, 2023.

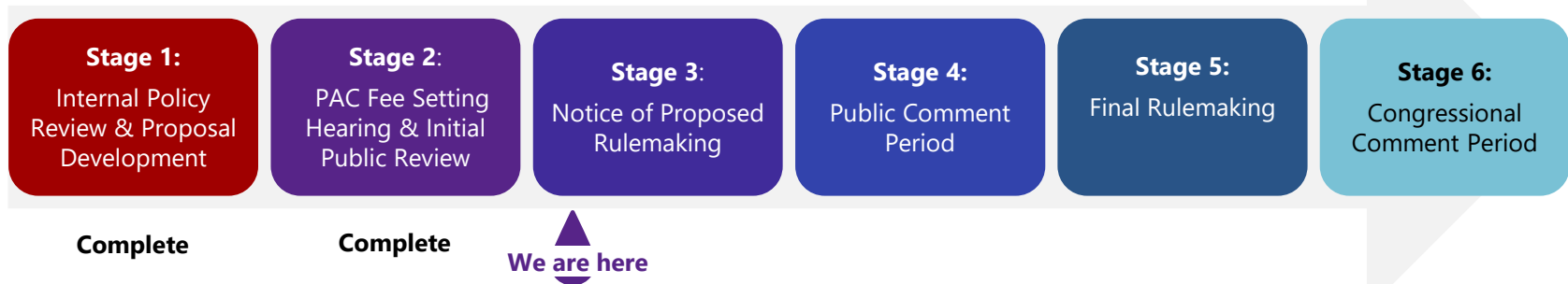




# On the horizon—fee setting

*Fee setting is a multiyear process; effective date expected in FY 2025.\**

- The USPTO will begin the process of drafting a notice of proposed rulemaking (NPRM) to set and adjust trademark-related fees with the benefit of the TPAC Fee Setting Report.
  - The agency expects to publish the NPRM in the Federal Register for public comment in late winter/early spring 2024.



*\*As a fee-funded agency, the USPTO must periodically assess and adjust fees to ensure our fee collections finance the aggregate costs necessary to register and maintain accurate and reliable trademarks.*



# Thank you!

**Sean Mildrew**

Deputy Chief Financial Officer

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