



Small Entity Compliance Guide

Trademark Fee Adjustment

**U.S. Department of Commerce
United States Patent and Trademark Office
October 21, 2016**

Section 10 of the Leahy-Smith America Invents Act (AIA) authorizes the United States Patent and Trademark Office (USPTO or the Office) to set or adjust by rule any trademark fee established, authorized, or charged under the Trademark Act of 1946 (15 U.S.C. 1051 et seq.) as amended (the Trademark Act or the Act) for any services performed by, or materials furnished by, the Office. Section 10 prescribes that fees may be set or adjusted only to recover the aggregate estimated costs to the Office for processing, activities, services, and materials relating to trademarks, including administrative costs to the Office with respect to such Trademark and Trademark Trial and Appeal Board (TTAB) operations. The Office sets or adjusts 42 trademark processing and service fees under section 10 of the AIA in the Final Rule, “Trademark Fee Adjustment”, 81 FR 72694 (Oct. 21, 2016). These new fees are effective on January 14, 2017.

The Office prepared this Compliance Guide (Guide) in accordance with the requirements of section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121). The Office intends this Guide to serve as an introduction to the provisions of the Final Rule and, more specifically, the changes in trademark fees most relevant to small entities, including independent trademark applicants and holders.

This Guide is organized as follows:

- 1) Applicants
- 2) Fee Changes
- 3) How to Pay Fees
- 4) Effective Dates
- 5) Available Resources

This Guide does not supersede the Final Rule or any existing regulations or guidance issued in other agency regulations. The Final Rule remains the official record of the Office’s section 10 fee and procedural changes. For the full text of the Final Rule, *see* 81 FR 72694 (Oct. 21, 2016).

1) Applicants

The Office does not collect or maintain statistics in trademark cases on small- versus large-entity applicants, and this information would be required in order to determine the number of small entities that would be affected by the Final Rule. The Office believes that the overall impact of the fee structure implemented in the Final Rule on applicants and registrants will be positive, because it promotes the more cost-effective electronic filing system. There will be little or no impact for the majority of applicants and registrants that file electronically and communicate on a timely basis.

2) Fee Changes

The Final Rule sets or adjusts trademark fees consistent with section 10 authority and the Office's rulemaking goals. The Final Rule does not implement any changes to the process of paying fees, nor does it introduce any new regulations by which entities eligible for fee reductions must comply.

This section of the Guide offers an overview of both new and restructured fee changes as well as a specific discussion of changes.

The fee structure increases the per-class fee for an initial application filed on paper by \$225 to \$600, and increases the fees for 31 other paper filings by between \$75 and \$200 (per class, where applicable). The per-class fee for an initial application filed using the regular Trademark Electronic Application System (TEAS) option is increased by \$75 to \$400. This increase also applies to requests for extension of protection and subsequent designations filed under the Madrid Protocol (15 U.S.C. 1141e; Madrid Protocol Article 8(7)(a)). For requests for extensions of time to file a statement of use electronically, the Office is reducing the fee. In addition, 10 TTAB-related fees are established or revised, six of which differentiate the fees for initiating a proceeding electronically or on paper, and increase these as compared to the prior undifferentiated fees; and four that establish electronic and paper filing fees for requests to extend time to file a notice of opposition in certain circumstances. These new fees are effective January 14, 2017.

See the Table of Trademark Fee Changes appended to this Guide for the full list of current and prior fee amounts. The table lists "Current Fees" for paper and electronic filings and the "Final Fee Schedule" set in the Final Rule.

3) How to Pay Fees

As noted above, the Final Rule does not change the way that an applicant or other trademark stakeholder pays trademark fees to the USPTO.

Any fee adjusted by the Final Rule that is paid on or after the effective date of the Final Rule is subject to the new fee amount. The amount of the fee to be paid for a given item will be determined by the date of filing of that item with the Office. The fees required in the Final Rule, "Trademark Fee Adjustment", 81 FR 72694 (Oct. 21, 2016) must be paid in U.S. dollars at the time of submission.

Applicants should continue to follow the guidance issued by the USPTO concerning fee payment processes and procedures. *See* the USPTO websites listed under “Available Resources” for more information.

4) Effective Dates

The fees set in the Final Rule are effective on January 14, 2017.

5) Available Resources

Trademark Fee Adjustment, 81 FR 72694 (Oct. 21, 2016)

USPTO, Fees and Payments Frequently Asked Questions (FAQ), available at:

<https://www.uspto.gov/learning-and-resources/fees-and-payment/fees-payments-faqs>

USPTO, Trademark Fee Information, available at:

<https://www.uspto.gov/trademark/trademark-fee-information>

USPTO, Leahy-Smith America Invents Act Implementation Information, “Fees and Budgetary Issues,” available at:

<https://www.uspto.gov/patent/laws-and-regulations/america-invents-act-aia/fees-and-budgetary-issues>

USPTO, USPTO Fee Information, available at:

<https://www.uspto.gov/learning-and-resources/fees-and-payment>

Appendix A

USPTO Section 10 Fee Setting – Table of Trademark Fee Changes

Fee Code	37 CFR	Description	Current Fees		Final Rule Fees		Unit Cost		
			Paper	Electronic	Paper	Electronic	FY 2013	FY 2014	FY 2015
Application Filing Fees***									
6001	2.6(a)(1)(i)	Filing an Application on Paper, per Class	\$375		\$600		\$642	\$661	\$788
7001	2.6(a)(1)(ii)	Filing and Application through TEAS, per Class		\$325		\$400	\$399	\$409	\$473
7009	2.6(a)(1)(iii)	Filing a TEAS Reduced Fee (RF) Application through TEAS under §2.23, per Class		\$275		\$275	n/a	n/a	415
7007	2.6(a)(1)(iv)	Filing a TEAS Plus Application through TEAS under §2.22, per Class		\$225		\$225	\$290	\$294	\$340
6006	2.6(a)(19)(i)	Request to Divide and Application Filed on Paper, per New Application Created	\$100		\$200		\$213	\$221	\$281
7006	2.6(a)(19)(ii)	Request to Divide and Application Filed through TEAS, per New Application Created		\$100		\$100	n/a	n/a	n/a
6008	2.6(a)(1)(v)	Additional Processing Fee under §2.22(c) or §2.223(c), per Class	\$50		\$125		\$32	\$38	\$51
7008	2.6(a)(1)(v)	Additional Processing Fee under §2.22(c) or §2.223(c), per Class		\$50		\$125	\$6	\$3	\$8
Maintaining Exclusive Rights Fees***									
6201	2.6(a)(5)(i)	Filing an Application for Renewal of a Registration on Paper, per Class	\$400		\$500		\$63	\$69	\$87
7201	2.6(a)(5)(ii)	Filing an Application for Renewal of a Registration through TEAS, per Class		\$300		\$300	\$27	\$27	\$31
6203	2.6(a)(6)(i)	Additional Fee for Filing a Renewal Application During the Grace Period on Paper, per Class	\$100		\$200		\$67	\$77	\$105
7203	2.6(a)(6)(ii)	Additional Fee for Filing a Renewal Application During the Grace Period through TEAS, per Class		\$100		\$100	\$11	\$7	\$13
6204	2.6(a)(21)(i)	Correcting a Deficiency in a Renewal Application via Paper Filing	\$100		\$200		\$88	\$102	\$132
7204	2.6(a)(21)(ii)	Correcting a Deficiency in a Renewal Application via TEAS Filing		\$100		\$100	n/a	n/a	n/a
6205	2.6(a)(12)(i)	Filing an Affidavit under §8 of the Act on Paper, per Class	\$100		\$225		\$64	\$70	\$88
7205	2.6(a)(12)(ii)	Filing an Affidavit under §8 of the Act through TEAS, per Class		\$100		\$125	\$28	\$28	\$32
6206	2.6(a)(14)(i)	Additional Fee for Filing a §8 Affidavit During the Grace Period on Paper, per Class	\$100		\$200		\$67	\$77	\$105
7206	2.6(a)(14)(ii)	Additional Fee for Filing a §8 Affidavit During Grace Period through TEAS, per Class		\$100		\$100	\$11	\$7	\$13

Fee Code	37 CFR	Description	Current Fees		Final Rule Fees		Unit Cost		
			Paper	Electronic	Paper	Electronic	FY 2013	FY 2014	FY 2015
6207	2.6(a)(20)(i)	Correcting a Deficiency in a §8 Affidavit via Paper Filing	\$100		\$200		\$93	\$105	\$136
7207	2.6(a)(20)(ii)	Correcting a Deficiency in a §8 Affidavit via TEAS Filing		\$100		\$100	n/a	n/a	n/a
6208	2.6(a)(13)(i)	Filing an Affidavit under §15 of the Act on Paper, per Class	\$200		\$300		\$64	\$70	\$88
7208	2.6(a)(13)(ii)	Filing an Affidavit under §15 of the Act through TEAS, per Class		\$200		\$200	\$28	\$28	\$32
6210	2.6(a)(7)(i)	Filing to Publish a Mark Under §12(c) on Paper, per Class	\$100		\$200		n/a	n/a	n/a
7210	2.6(a)(7)(ii)	Filing to Publish a Mark Under §12(c) through TEAS, per Class		\$100		\$100	n/a	n/a	n/a
6211	2.6(a)(8)(i)	Issuing New Certificate of Registration upon Request of Registrant, Request Filed on Paper	\$100		\$200		\$535	\$872	\$972
7211	2.6(a)(8)(ii)	Issuing New Certificate of Registration upon Request of Registrant, Request Filed through TEAS		\$100		\$100	n/a	n/a	n/a
6212	2.6(a)(9)(i)	Certificate of Correction of Registrant's Error, Request Filed on Paper	\$100		\$200		\$535	\$872	\$972
7212	2.6(a)(9)(ii)	Certificate of Correction of Registrant's Error, Request Filed through TEAS		\$100		\$100	\$220	\$400	\$416
6213	2.6(a)(10)(i)	Filing a Disclaimer to a Registration, on Paper	\$100		\$200		n/a	n/a	n/a
7213	2.6(a)(10)(ii)	Filing a Disclaimer to a Registration, through TEAS		\$100		\$100	n/a	n/a	n/a
6214	2.6(a)(11)(i)	Filing an Amendment to a Registration, on Paper	\$100		\$200		\$535	\$872	\$972
7214	2.6(a)(11)(ii)	Filing an Amendment to a Registration, through TEAS or ESTTA		\$100		\$100	\$6	\$3	\$8
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	\$100		\$200		\$257	\$298	\$382
7002	2.6(a)(2)(ii)	Filing an Amendment to Allege Use under §1(c) of the Act through TEAS, per Class		\$100		\$100	\$75	\$76	\$86
6003	2.6(a)(3)(i)	Filing a Statement of Use under §1(d)(1) of the Act on Paper, per Class	\$100		\$200		\$130	\$135	\$151
7003	2.6(a)(3)(ii)	Filing a Statement of Use under §1(d)(1) of the Act through TEAS, per Class		\$100		\$100	\$102	\$103	\$108
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	\$150		\$225		\$437	\$665	\$70

Fee Code	37 CFR	Description	Current Fees		Final Rule Fees		Unit Cost		
			Paper	Electronic	Paper	Electronic	FY 2013	FY 2014	FY 2015
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		\$150		\$125	\$17	\$17	\$25
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	\$100		\$200		\$1,545	\$3,379	\$158
7901	7.6(a)(1)(ii)	Certifying an International Application Based on a Single Application or Registration, Filed through TEAS, per Class		\$100		\$100	\$97	\$97	\$160
6902	7.6(a)(2)(i)	Certifying an International Application Based on More Than One Basic Application or Registration Filed on Paper, per Class	\$150		\$250		\$1,606	\$3,453	n/a
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	\$97	\$97	\$160
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	\$100		\$200		\$67	\$77	\$105
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	\$6	\$3	n/a
6904	7.6(a)(5)(i)	Filing a Notice of Replacement under §7.28 on Paper, per Class	\$100		\$200		\$37	\$835	\$92
7904	7.6(a)(5)(ii)	Filing a Notice of Replacement under §7.28 through TEAS, per Class		\$100		\$100	n/a	n/a	n/a
6905	7.6(a)(6)(i)	Filing an Affidavit Under §71 of the Act on Paper, per Class	\$100		\$225		\$82	\$80	\$104
7905	7.6(a)(6)(ii)	Filing an Affidavit Under §71 of the Act through TEAS, per Class		\$100		\$125	\$21	\$6	\$5
6906	7.6(a)(7)(i)	Surcharge for Filing an Affidavit Under §71 of the Act During Grace Period on Paper, per Class	\$100		\$200		n/a	n/a	\$104
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	\$21	\$6	\$5
6907	7.6(a)(3)(i)	Transmitting a Subsequent Designation under §7.21, Filed on Paper	\$100		\$200		\$134	n/a	\$116
7907	7.6(a)(3)(ii)	Transmitting a Subsequent Designation under §7.21, Filed through TEAS		\$100		\$100	\$65	\$46	\$111
6908	7.6(a)(8)(i)	Correcting a Deficiency in a §71 Affidavit Filed on Paper	\$100		\$200		n/a	\$6	n/a
7908	7.6(a)(8)(ii)	Correcting a Deficiency in a §71 Affidavit Filed through TEAS		\$100		\$100	\$21	\$6	\$5

Fee Code	37 CFR	Description	Current Fees		Final Rule Fees		Unit Cost		
			Paper	Electronic	Paper	Electronic	FY 2013	FY 2014	FY 2015
Trademark Trial and Appeal Board Fees***									
6401	2.6(a)(16)(i)	Filing a Petition to Cancel on Paper, per Class	\$300		\$500		\$2,240	\$2,158	\$2,667
7401	2.6(a)(16)(ii)	Filing a Petition to Cancel through ESTTA, per Class		\$300		\$400	\$2,340	\$2,198	\$3,125
6402	2.6(a)(17)(i)	Filing a Notice of Opposition on Paper, per Class	\$300		\$500		\$2,000	\$1,796	\$2,256
7402	2.6(a)(17)(ii)	Filing a Notice of Opposition through ESTTA, per Class		\$300		\$400	\$2,099	\$1,851	\$2,713
6403	2.6(a)(18)(i)	Ex Parte Appeal to the Trademark Trial and Appeal Board Filed on Paper, per Class	\$100		\$300		\$1,873	\$2,274	\$2,614
7403	2.6(a)(18)(ii)	Ex Parte Appeal to the Trademark Trial and Appeal Board Filed through ESTTA, per Class		\$100		\$200	\$1,973	\$2,315	\$3,072
New	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		n/a	n/a	n/a
New	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	n/a	n/a	n/a
New	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		n/a	n/a	n/a
New	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	n/a	n/a	n/a
Other Trademark Fees									
6991	2.7(a)	Recordal Application Fee	\$20	\$20	\$20	\$20	\$847	\$1,324	\$1,290
6992	2.7(b)	Renewal Application Fee	\$20	\$20	\$20	\$20	\$847	\$1,324	\$1,290
6993	2.7(c)	Late Fee for Renewal Application Fee	\$20	\$20	\$20	\$20	\$847	\$1,324	\$1,290
6994	2.7(a)	Application Fee for Reactivation of Insignia, per Request	\$20	\$20	\$20	\$20	\$847	\$1,324	\$1,290
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	n/a	n/a	n/a
8503	2.6(b)(4)(i)	Certified Copy of Registered Mark, Showing Title and/or Status, Regular Service		\$15		\$15	n/a	n/a	n/a
8504	2.6(b)(4)(ii)	Certified Copy of Registered Mark, Showing Title and/or Status, Expedited Local Service		\$30		\$30	n/a	n/a	n/a

Fee Code	37 CFR	Description	Current Fees		Final Rule Fees		Unit Cost		
			Paper	Electronic	Paper	Electronic	FY 2013	FY 2014	FY 2015
8507	2.6(b)(2)	Certified or Uncertified Copy of Trademark Application as Filed Processed within Seven Calendar Days		\$15		\$15	n/a	n/a	n/a
8508	2.6(b)(3)	Certified or Uncertified Copy of Trademark-Related Official Record		\$50		\$50	n/a	n/a	n/a
8513	2.6(b)(5)	Certified or Uncertified Copy of Trademark Records, per Document Except as Otherwise Provided in this Section		\$25		\$25	n/a	n/a	n/a
8514	2.6(b)(7)	For Assignment Records, Abstracts of Title and Certification, per Registration		\$25		\$25	n/a	n/a	n/a
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	n/a	n/a	n/a
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	n/a	n/a	n/a
8523	2.6(b)(10)	Labor Charges for Services, per Hour or Fraction Thereof		\$40		discontinue	n/a	n/a	n/a
8524	2.6(b)(11)	Unspecified Other Services, Excluding Labor		at cost		discontinue	n/a	n/a	n/a
New	2.6(b)(8)	Additional Fee for Overnight Delivery				\$40	n/a	n/a	n/a
New	2.6(b)(9)	Additional Fee for Expedited Service				\$160	n/a	n/a	n/a
8902	2.6(b)(9)	Self-Service Copy Charge, per Page Copishare Card		\$0.25		discontinue	n/a	n/a	n/a
Trademark Processing Fees***									
6005	2.6(a)(15)(i)	Petitions to the Director Filed on Paper	\$100		\$200		\$2,845	\$3,107	\$2,792
7005	2.6(a)(15)(ii)	Petitions to the Director Filed through TEAS		\$100		\$100	\$90	\$94	\$101
Finance Service Fees									
9101	2.6(b)(10)	Processing Each Payment Refused or Charged Back by a Financial Institution		\$50		\$50	n/a	n/a	n/a
9201	2.6(b)(13)(i)	Establish Deposit Account		\$10		discontinue	n/a	n/a	n/a
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	n/a	n/a	n/a
<p>*** The 7000 Series Fee Code (e.g., 7001, 7002, etc.) is used for Electronic Filing via TEAS. Note: The TM fee unit expense numbers in this report have been updated to reflect changes to the Process Mail activity, and therefore will not match prior reports.</p>									