

REPORT

**REDUCTION OF U.S. GOVERNMENT FEES FOR
TRADEMARK APPLICATIONS AND RENEWALS**

December 19, 2014

On December 16, the U.S. Patent and Trademark Office (USPTO) announced reduced fees for Trademark Applications and Renewals, effective on **January 17, 2015**. The fee reductions apply to a new version of a regular Trademark Electronic Application System (TEAS) application and to the existing TEAS Plus application option. The main motivation of the reduction is to further encourage electronic filing.

I. Summary of Fee Changes

The USPTO filing fee for a new application filed using the regular TEAS application form will be reduced \$50, from the current fee of \$325 to \$275 per class. This will be called a "TEAS Reduced Fee" or "TEAS RF" application.

The USPTO filing fee for a new application filed via the existing TEAS Plus option will be reduced \$50, from the current fee of \$275 to \$225 per class.

The USPTO § 9 filing fee for an application for renewal of a registration submitted via TEAS will be reduced \$100, from \$400 per class to \$300 per class.¹

The USPTO filing fees for trademark applications and renewals filed on paper will

remain unchanged. The USPTO filing fee for a trademark application filed on paper is \$375 per class. The USPTO filing fee for an application for renewal filed on paper will be \$400 per class.

II. Application Options and Eligibility

The reduced fees apply to applications under §1 and §44 of the Trademark Act and renewals of trademark registrations. The reduced fees do not apply to trademark applications filed via the Madrid Protocol under §66(a), 15 U.S.C. 1141f(a).

TEAS RF is available to applicants seeking registration of any type of mark on the Principal or Supplemental Registers.

TEAS Plus is available only to applicants seeking registration of a trademark or service mark on the Principal Register. Applications for certification marks, collective marks, and collective membership marks and applications for registration on the Supplemental Register cannot be filed using TEAS Plus.

III. Requirements

If an application does not meet the requirements applicable to either TEAS RF or TEAS Plus, the applicant must pay the \$50 processing fee required by 37 CFR §2.6(a)(1)(v).

Filers using either the TEAS RF or TEAS Plus options are required to authorize email communication from the USPTO and to submit

¹ An additional \$100 is due at the same time for the filing of a § 8 affidavit of use.

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most subsequent correspondence electronically using TEAS during the prosecution of the application. The requirement for electronic submissions is not a burden, as we have made all submissions electronically for many years.

Filers using the new TEAS RF option **are not** required to comply with the additional TEAS Plus requirements — most significantly the requirement to submit correctly classified goods and/or services with an identification of goods and/or services taken from the USPTO's Acceptable Identification of Goods and Services Manual. That is, TEAS RF applications can include a free form identification of goods and/or services without incurring a \$50 surcharge.

Because of this limitation on the identification of goods and services, we have not previously recommended use of TEAS Plus except where an application has a short identification of goods or services with common names found in the manual (e.g., an application for jewelry).

IV. Informal Communications

Informal communications by telephone or email with a USPTO Examining Attorney do not violate the requirement that the applicant submit documents via TEAS during the prosecution of the application. While informal communications do not usually replace formal responses to Office Actions, such communications can be useful to further clarify specific issues, streamline the length of prosecution and reduce overall prosecution costs.

V. Recommendations

- Potential trademark applicants prior to the effective date of January 17, 2015 should weigh the \$50 per class cost savings of waiting to file after that date versus the risk that someone else will file a relevant application (or begin use of a relevant mark) in the meantime.

- Where an application for renewal is not due until after January 17, registrants should consider deferring the filing to realize the savings of \$100 per class.
- Potential foreign applicants considering whether to proceed under the Madrid Protocol or through a direct filing in the United States should take into account the higher application fees under the Madrid Protocol.
- We continue to encourage electronic filings and the resulting reduced fees, including those applicable under the new TEAS RF option.
- In appropriate circumstances (short identifications that can be based on approved descriptions in the USPTO Identification Manual), applicants should consider whether a TEAS Plus filing would be beneficial.

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Oloff PLC is a full-service Intellectual Property law firm based in historic Alexandria, Virginia. The firm specializes in patent, copyright, trademark, and antitrust law and litigation, and represents a large and diverse group of domestic and international clients, including businesses ranging from large multinational corporations to small privately owned companies, major universities, and individual entrepreneurs.

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