

SUPPORTING STATEMENT
United States Patent and Trademark Office
Fastener Quality Act Insignia Recordal Process
OMB CONTROL NUMBER 0651-0028
(January 2015)

A. JUSTIFICATION

1. Necessity of Information Collection

Under Section 5 of the Fastener Quality Act of 1999 (FQA), 15 U.S.C. § 5401 *et seq.*, certain industrial fasteners must bear an insignia identifying the manufacturer. It is also mandatory for manufacturers of fasteners covered by the FQA to submit an application to the United States Patent and Trademark Office (USPTO) for recordal of the insignia on the Fastener Insignia Register.

The procedures for the recordal of fastener insignia under the FQA are set forth in 15 CFR 280.300 *et seq.* The purpose of requiring both the insignia and the recordation is to ensure that certain fasteners can be traced to their manufacturers and to protect against the sale of mismarked, misrepresented, or counterfeit fasteners.

The insignia may be either a unique alphanumeric designation that the USPTO will issue upon request or a trademark that is registered at the USPTO or is the subject of an application to obtain a registration. After a manufacturer submits a complete application for recordal, the USPTO issues a Certificate of Recordal. These certificates remain active for five years. Applications to renew the certificates must be filed within six months of the expiration date or, upon payment of an additional surcharge, within six months following the expiration date.

If a recorded alphanumeric designation is assigned by the manufacturer, the designation becomes “inactive,” and the new owner must submit an application to reactivate the designation within six months of the date of assignment. If the recordal is based on a trademark application or registration, and that application or registration is assigned, the recordal becomes “inactive” and cannot be reactivated. Instead, the new owner of the trademark application or registration must apply for a new recordal. Manufacturers who record the insignia must notify the USPTO of any changes of address.

This information collection includes one form, the Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act (Form PTO-1611), which provides manufacturers with a convenient way to submit a request for the recordal of a fastener insignia or to renew or reactivate an existing Certificate of Recordal. Use of Form PTO-1611 is not mandatory, and applicants may instead prepare requests for recordal using their own format.

Table 1 identifies the statutory and regulatory provisions that require the USPTO to collect the information discussed above:

Table 1: Information Requirements to Record an Insignia or Renew a Recordal

Requirement	Statute	Rule
Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act	15 U.S.C. § 5401	15 CFR 280.300 – 280.326

2. Needs and Uses

The public uses this information collection to comply with the insignia recordal provisions of the FQA. An applicant may choose to use either the Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act (PTO-1611) or prepare requests for recordal using a document that includes the information required by 15 CFR 280.310(b)(1)-(8).

The USPTO uses the information in this collection to record, renew, or reactivate insignias under the FQA and to maintain the Fastener Insignia Register, which is open to public inspection. The public may download the Fastener Insignia Register from the USPTO Web site.

The information collection, maintenance, and use in this collection is based on OMB and USPTO guidelines. This includes the basic information-quality standards established in the Paperwork Reduction Act (44 U.S.C. Chapter 35), in OMB Circular A-130, and in the USPTO information-quality guidelines.

Table 2 describes how this collection of information is used by the public and by the USPTO:

Table 2: Needs and Uses of Information Collected for Insignia Recordal/Renewal

Form and Function	Form #	Needs and Uses
Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act	PTO-1611	<ul style="list-style-type: none"> Used by manufacturers of certain types of industrial fasteners to apply to the USPTO for recordal of fastener insignia. Used by the manufacturer to renew or reactivate the recordal of the fastener insignia. Used by the USPTO to process the information needed to issue, renew, or reactivate fastener insignia Certificates of Recordal. Used by the USPTO to establish and maintain the Fastener Insignia Registry.

3. Use of Information Technology

While developing a similar system for FQA filings would not be a cost-effective method given the comparatively small number of annual FQA filings versus trademark filings, using the relatively inexpensive method of setting up an electronic mail box to receive

electronically completed portable document format (PDF) versions of the FQA form provides numerous advantages.

First, by allowing users to fill the forms out electronically, fewer errors in transcription of the data will be made. Frequently, the USPTO receives forms that were completed by hand, which are often difficult to read. Second, by allowing the completed forms to be sent via electronic mail, there is less likelihood of the form being misrouted or lost in the regular mail. Third, international manufacturers can use electronic mail to avoid postal delays and the higher costs associated with international postage. Finally, the current modifications to the form will allow for more efficient development in the future. Use of a fillable form for entering data will enable the USPTO to establish field-specific data capture, which will eventually be used to automatically transfer the data to the corresponding database and eliminate the process of manually entering the new applications one at a time. Presently, each field of data is manually entered into a database, which repeats work done by the customer and potentially leads to errors.

4. Efforts to Identify Duplication

This information is collected only when a manufacturer requests that the USPTO record or renew a fastener insignia. This information is not collected elsewhere and does not result in a duplication of effort.

5. Minimizing the Burden to Small Entities

This collection does not impose a significant economic impact on small entities or small businesses. Only manufacturers of certain fasteners that are covered under the FQA are required to respond to this collection. This information is not available from any other source. The same information is required from every manufacturer who requests the recordal or renewal of a fastener insignia.

6. Consequences of Less Frequent Collection

This information is collected only when a manufacturer applies for recordal, renewal, or reactivation of a fastener insignia and is not found elsewhere. If this information were not collected, the manufacturers and the USPTO would be unable to comply with the regulations implementing the FQA. Renewal of the Certificate of Recordal is required every five years, and reactivation is required when ownership of a recorded alphanumeric designation is assigned to another entity. This collection of information could not be conducted less frequently. Less frequent collection would result in inaccurate or obsolete information in the fastener insignia registry.

7. Special Circumstances in the Conduct of Information Collection

There are no special circumstances associated with this collection of information.

8. Consultation Outside the Agency

The 60-Day Notice was published in the *Federal Register* on October 30, 2014 (79 Fed. Reg. 64573). The public comment period ended on December 30, 2014. The USPTO received no public comments in response to the Notice.

In addition, several large and well-organized bar associations frequently communicate their views to the USPTO. Also, the Trademark Public Advisory Committee (TPAC) was created by the American Inventors Protection Act of 1999 to advise the Director of the USPTO on the agency's operations, including its goals, performance, budget, and user fees. The TPAC includes nine voting members who are appointed by and serve at the pleasure of the Secretary of Commerce. The statute also provides non-voting membership on the Committee for the agency's three recognized unions. Members include inventors, lawyers, corporate executives, entrepreneurs, and academicians with significant experience in management, finance, science, technology, labor relations, and intellectual property issues. The members of the TPAC reflect the broad array of USPTO's stakeholders and embrace the USPTO's e-government initiative. This diversity of interests is an effective tool in helping the USPTO nurture and protect the intellectual property that is the underpinning of America's strong economy. These organized groups did not communicate any comments regarding the present renewal.

9. Payment or Gifts to Respondents

This information collection does not involve a payment or gift to any respondent.

10. Assurance of Confidentiality

Fastener insignia applications are not confidential and are open to public inspection.

11. Justification for Sensitive Questions

None of the required information in this collection is considered to be sensitive.

12. Estimate of Hour and Cost Burden to Respondents

Table 3 calculates the anticipated burden hours and costs of this information collection to the public, based on the following factors:

- **Respondent Calculation Factors**

The USPTO estimates that 82 Applications for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act will be submitted annually.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately 15 minutes (0.25 hours) to submit the information in this collection, including the time to gather the necessary information, prepare the form, and submit the request for recordal or renewal of a fastener insignia to the USPTO.

- **Cost Burden Calculation Factors**

The USPTO uses a paraprofessional rate of \$125 per hour for respondent cost burden calculations. This is the average rate for paralegals as shown in the *2013 National Utilization and Compensation Survey* published by the National Association of Legal Assistants (NALA).

Table 3: Burden Hour/Burden Cost to Respondents for Insignia Recordal/Renewal

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act	0.25	82	20.5	\$125.00	\$2,562.50
Total	- - - -	82	20.5	- - - -	\$2,562.50

13. Total Annualized (Non-Hour) Cost Burden

The total annual (non-hour) cost burden for this collection is estimated to be \$1,683.52 per year, which includes \$1,680 in filing fees and \$3.52 in postage.

Filing Fees:

- New recordals, renewals, or reactivations of fastener insignia per year at \$20 each: 82 new (\$1,640)
- Late renewals (after the expiration date but within six months of that date) that incur a surcharge of \$20 each: 2 late (\$40)

Postage Costs:

- Non-electronic responses of up to four per year at \$0.88 postage: \$3.52

14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-7, step 10 employee approximately 15 minutes (0.25 hours) to process the information in this collection. The USPTO estimates that the cost of a GS-7, step 10 employee is \$34.87 per hour (GS hourly rate of \$26.82 with 30% (\$8.05) added for benefits and overhead).

Table 4 calculates the burden hours and cost to the Federal Government for processing this information collection:

Table 4: Burden Hour/Burden Cost to the Federal Government for Insignia Recordal/Renewal

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
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Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act	0.25	82	20.5	\$34.87	\$714.84
Total	- - - - -	82	20.5	- - - - -	\$714.84

15. Reason for Change in Burden Since Previous Renewal

Summary of Changes Since the Previous Renewal

The currently approved hourly cost burden for this collection is \$2,562.50. This is a decrease of \$365.50 from \$2,928.

The currently approved annual (non-hour) cost burden for this collection is \$1,683.52. This is a decrease of \$360.48 from \$2,044.

The currently approved burden cost to the Federal Government is \$714.84. This is a decrease of \$105.16 from \$820.

Changes in Burden Estimate Since the 60-Day Notice

- There was a decrease in the number of responses from 95 to 82
- Subsequently, there was a decrease in burden hours from 24 to 20.5
- The hourly cost burden likewise fell from \$3,000 to \$2,652.50
- For filing fees there was a decrease from \$1,900 to \$1,680;
 - o New recordals, renewals, or reactivations of fastener insignia per year at \$20 each: 82 new (\$1640),
 - o Late renewals (after the expiration date but within six months of that date) that incur a surcharge of \$20 each: 2 late (\$40)
- The number of non-electronic responses per year fell from 5 to 4; at \$0.88 postage (\$3.52)

Changes in Respondent Cost Burden

The currently approved hourly cost burden for this collection is \$2,562.50. This is a decrease of \$365.50 from \$2,928 due to an administrative adjustment decrease from 95 to 82 respondents (24 to 20.5 burden hours) despite an increase in the paraprofessional rate from \$122 to \$125.

The currently approved annual (non-hour) cost burden for this collection is \$1,683.52. This is a decrease of \$360.48 from \$2,044 due to the drop in number of respondents, late renewals decreasing from 7 to 2 and non-electronic postage costs decreasing from 5 to 4.

Changes in Responses and Burden Hours

There is a decrease in the number of responses from 95 to 82, and accordingly from 24 burden hours to 20.5 burden hours.

Changes in Burden Costs to the Federal Government

There is a decrease in burden cost of \$105.16 to the Federal Government, as although the hourly rate increased from \$34.18 to \$34.87, the number of respondents dropped from 95 to 82 changing the total cost to the federal government from \$820 to \$714.84.

16. Project Schedule

There is no plan to publish this information for statistical use. However, the USPTO does publish a register of active fastener insignia that is available for public inspection. The Fastener Insignia Register may be downloaded or viewed from the USPTO Web site, and printed copies may be purchased from the USPTO.

17. Display of Expiration Date of OMB Approval

The form in this information collection will display the OMB Control Number and the expiration date of OMB approval.

18. Exception to the Certificate Statement

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.