

SUPPORTING STATEMENT
United States Patent and Trademark Office
Fastener Quality Act Insignia Recordal Process
OMB CONTROL NUMBER 0651-0028
(April 2018)

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 Quality Guidelines from Section 515 of Public Law 106-554, Treasury and General Government Appropriations Act for Fiscal Year 2001, apply to this information collection, and this information collection and its supporting statement comply with all applicable information quality guidelines, *i.e.*, the OMB and specific operating-unit guidelines.

This proposed collection of information will result in information that will be collected, maintained, and used in a way consistent with all applicable OMB and 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

Currently, 99% of new trademark applications are filed electronically using the USPTO's Trademark Electronic Application System (TEAS) and approximately 87% are prosecuted electronically from end to end. As a result, USPTO customers are accustomed to filing a variety of documents electronically and consider the use of paper forms for their FQA filings to be tedious and time consuming. 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, when the USPTO receives forms that were completed by hand, they are often difficult to read. By allowing users to fill out and submit the forms electronically, fewer errors in transcription of the data will be made. Second, by allowing the completed forms to be sent via electronic mail, there is less likelihood of the form being misrouted or lost. 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, a clerk must enter each field of data 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 January 10, 2018 (83 Fed. Reg. 1245). The public comment period ended on March 12, 2018. The USPTO received no public comments in response to the Notice.

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.

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 96 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 20 minutes (0.33 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 \$145 per hour for respondent cost burden calculations. This is the average rate for paralegals as shown in the *2016 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	0.33	96	32	\$145.00	\$4,640.00
Total	- - -	96	32	- - -	\$4,640.00

13. Total Annualized (Non-Hour) Cost Burden

The total annual (non-hour) cost burden for this collection is estimated to be \$2,121.96 per year, which includes \$2,120 in filing fees and \$1.96 in postage.

Filing Fees:

- 96 new recordals, renewals, or reactivations of fastener insignia per year at \$20 each: \$1,920
- 10 late renewals (after the expiration date but within six months of that date) that incur a surcharge of \$20 each: \$200

Postage Costs:

- 2 non-electronic responses per year in first-class, 1-ounce envelopes, at \$0.98 postage: \$1.96

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 \$37.24 per hour (GS hourly rate of 28.64 with 30% (\$8.59 added for benefits and overhead).

Table 6 calculates the burden hours and cost to the Federal Government for processing this information collection:

Table 6: 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)
Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act	0.25	96	24	\$37.24	\$893.76
Total	- - -	96	24	- - -	\$893.76

15. Reason for Change in Burden Since Previous Renewal

A) Changes in collection since previous OMB approval in 2015

OMB previously approved the renewal of this information collection in April 2015. The current collection contains:

- 82 responses
- 20.50 burden hours
- \$2,562.50 in respondent hourly cost burden
- \$1,683.52 in annual (non-hour costs)

B) Changes proposed in this request to OMB

The proposed collection, as outlined in the tables above, seeks to modify the existing collection. The proposed collection contains an estimated:

- 96 responses
- 32 burden hours
- \$4,640.00 in respondent hourly cost burden
- \$2,120.96 in annual (non-hour costs)

Changes in Respondent Cost Burden

The total respondent cost burden for this collection has increased by \$2,077.50 (from \$2,562.50 to \$4,640.00) from the previous renewal due to:

- **Increases in estimated hourly rates.** The 2015 renewal used an estimated rate of \$125 per hour for respondents (paraprofessionals) to this collection. For the current renewal, the USPTO is using updated hourly rates of \$145 for paraprofessionals.

- **Increases in estimated burden hours.** The total estimated burden hours have increased from 20.50 in the 2015 renewal to 32 for the current renewal due to overall increases in the estimated annual responses and increased time to complete the application.

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses will increase by 14 (from 82 to 96) and the total burden hours will increase by 11.50 (from 20.50 to 32). These changes are due to agency estimates.

Changes in Annual (Non-Hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$438.44 (from \$1,683.52 to \$2,120.96) due to increases in agency estimates.

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 viewed or downloaded and printed from the USPTO Web site.

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.