

SUPPORTING STATEMENT
UNITED STATES PATENT AND TRADEMARK OFFICE
Global Intellectual Property Academy (GIPA) Surveys
OMB Control Number 0651-0065
2023

A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the information collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The Global Intellectual Property Academy (GIPA) was established in 2006 to offer training programs on enforcement of intellectual property rights, patents, trademarks, and copyrights. GIPA's training programs are designed to meet the specific needs of foreign government officials concerning various intellectual property topics. By attending these programs, foreign government officials learn about global intellectual property rights protection and enforcement and discuss strategies to handle the protection and enforcement issues in their respective countries. The GIPA training programs are an important instrument that USPTO uses to achieve its objectives of halting intellectual property theft and advancing intellectual property right policies.

Surveys will be conducted in an effort to provide additional details on "who" participants are, what kind of positions they hold, length of time working in an intellectual property area, type of organizations where respondents work, type of intellectual property functions, and the effect of the GIPA program on their professional work and their country's intellectual property efforts. This information is being collected to improve the services that the USPTO provides in its missions of serving the international IP community. The data captured will also be used to help meet organizational performance and accountability goals through the following legislative mandates and performance guidance:

- Government Performance and Results Act of 1993 (GPRA);¹ and
- Government Performance and Results Modernization Act of 2010 (GPRMA);² and
- President's Management Agenda (PMA);³ and
- Foundations for Evidence Based Policy Making Act of 2018.⁴

¹ <https://www.congress.gov/103/statute/STATUTE-107/STATUTE-107-Pg285.pdf>.

² <https://www.congress.gov/111/plaws/publ352/PLAW-111publ352.pdf>.

³ <https://www.performance.gov/pma/>.

⁴ <https://www.congress.gov/115/plaws/publ435/PLAW-115publ435.pdf>.

Evaluation and measurement efforts provide methodologically rigorous data activity and analyses in place of more subjective, ad hoc, non-standardized anecdotal material.

These voluntary surveys support various business goals developed by the USPTO to fulfill customer service and performance goals, to assist the USPTO in strategic planning for future initiatives, to verify existing service standards, and to establish new ones. The USPTO also uses these surveys to implement Executive Order 12862 of September 11, 1993, *Setting Customer Service Standards*, published in the *Federal Register* on September 14, 1993 (58 FR 48257).⁵

Table 1 provides the specific statutes and regulations authorizing the USPTO to collect the information discussed above:

Table 1: Information Requirements

Item No.	Requirement	Statute	Regulation
1	Overseas-Program Survey (or equivalent)	P.L. 103-62	31 U.S.C 1101, 1115
2	Post-Program Survey (or equivalent)	P.L. 103-62	31 U.S.C 1101, 1115
3	Alumni Survey (or equivalent)	P.L. 103-62	31 U.S.C 1101, 1115

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new information collection, indicate the actual use the agency has made of the information received from the current information collection.

The United States Patent and Trademark Office (USPTO) is requesting approval to conduct voluntary customer satisfaction surveys to provide the agency with feedback on the effectiveness of the various services provided to participants in the agency's Global Intellectual Property Academy.

This information collection will contain 3 surveys:

- Overseas-Program – This survey will be used to analyze the overall effectiveness of the program. This survey will be delivered to international participants at the conclusion of the GIPA training program conducted overseas.
- Post-Program – This survey will be used to analyze the overall effectiveness of the program. This survey will be done at the conclusion of the program.
- Alumni – This survey will be used to determine the value of the GIPA training program regarding the future job performance of the participant.

The Overseas program survey is proposed to replace the existing Pre-program survey and has a slightly different emphasis. All the surveys have updated questions and answer options. The surveys will be given to international and domestic participants who have attended or are attending GIPA training programs. The groups surveyed will include

⁵ <https://tile.loc.gov/storage-services/service/ll/fedreg/fr058/fr058176/fr058176.pdf>.

foreign government officials (including judges, prosecutors, police, customs officials, patent, trademark and copyright officials and policy makers) who came to the United States, or participated in training programs overseas, to learn about global intellectual property rights protection and enforcement in hopes that they become equipped to improve protection and enforcement of intellectual property rights in their home countries.

These voluntary participant satisfaction surveys will be used to evaluate the:

- a) percentage of foreign officials trained by GIPA who have initiated or implemented a positive intellectual property change in their organization;
- b) the percentage of foreign officials trained by GIPA who increased their expertise in intellectual property;
- c) the satisfaction of the intellectual property program; and
- d) the value of the experience as it relates to future job performance.

The Global Intellectual Property Academy conducted an initial pilot survey of alumni participants of programs held in fiscal year 2008. The results from the pilot produced insights into how GIPA could make its services and programs more cost effective, efficient and responsive to its participants' needs. The results from the alumni survey were considered in the design of a pre-program and a post-program survey that have been used since FY 2010. In reviewing data from the surveys and a pilot conducted in 2018 using GIPA's online survey platform, revisions to the surveys are being made to streamline the survey process. The results from the 2018 pilot of the alumni survey were used to design the overseas survey, eliminate the pre-program survey, revise the post-program survey to use retrospective pre-testing methodology, and eliminate unnecessary duplication of questions in all 3 surveys. The post-program and alumni surveys are streamlined versions of surveys already approved by OMB in 2017. The overseas survey is a shortened version of the post-program survey and will be used as the basis for expanding the surveys into other languages. The use of the 3 surveys will allow the USPTO to collect data spanning the life of the GIPA training cycle and expand data activity to more GIPA training participants.

The information collected, maintained, and used in this information 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.

These voluntary surveys support various business goals developed by the USPTO to fulfill customer service and performance goals, to assist the USPTO in strategic planning for future initiatives, to verify existing service standards, and to establish new ones. The USPTO also uses these surveys to implement Executive Order 12862 of September 11,

1993, *Setting Customer Service Standards*, published in the *Federal Register* on September 14, 1993 (Volume 58, Number 176).⁶

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

Table 2: Needs and Uses

Item No.	Form/Function	Form No.	Needs and Uses
1	Overseas-Program Survey (or equivalent)	No Number	<ul style="list-style-type: none"> Permits the customer to provide feedback on program effectiveness, service, facilities, teaching practices, and processes immediately after completing the training program. Allows the USPTO to ask participants direct questions concerning the service, facilities, teaching practices, and processes and to obtain customer feedback after a program has been completed.
2	Post-Program Survey (or equivalent)	No Number	<ul style="list-style-type: none"> Permits the customer to provide feedback on program effectiveness, service, facilities, teaching practices, and processes immediately after completing the training program. Allows the USPTO to ask participants direct questions concerning the service, facilities, teaching practices, and processes and to obtain customer feedback after a program has been completed.
3	Alumni Survey (or equivalent)	No Number	<ul style="list-style-type: none"> Permits the customer to provide feedback on program effectiveness approximately one year after completing the training program. Allows the USPTO to obtain customer feedback after a program has been completed.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological information collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of activity. Also describe any consideration of using information technology to reduce burden.

The surveys in this information collection will be primarily electronic (in HTML format) with paper options available in cases where there is poor Internet connectivity or access restrictions to the Internet. The paper versions of the survey will be in Word and will be e-mailed to the participants or provided on location. During the pilot survey, the USPTO did not need to use paper copies of the surveys so the agency expects that paper copies of the surveys will only be needed in rare instances as a back-up to the electronic options.

The USPTO has engaged the assistance of the Federal Consulting Group (FCG) of the U.S. Department of the Interior for this effort. USPTO is primarily using SurveyMonkey®, for online delivery, tracking, and analysis. GIPA and FCG have dedicated GIPA accounts through SurveyMonkey®. Should it be required, FCG can also provide dedicated survey administration for GIPA using other online platforms including Zoho Survey, Survey Gizmo, and Qualtrics.

The surveys will be sent to participants by an e-mail invitation. These e-mail invitations will contain a link to the survey which will take the participant to the web-based survey in

⁶ <https://www.archives.gov/files/federal-register/executive-orders/pdf/12862.pdf>.

question. If the participant wishes to opt out of the survey, he or she merely needs to click on the built-in link provided in the e-mail invitation.

The link to the survey in the e-mail invitation is an individualized link that is tied to a particular GIPA participant. This link is uniquely tied to the individual and as a result, participants do not need passwords, user ids, or usernames to access the survey.

Once the individual is taking the survey, he or she can take the survey in more than one sitting and their answers up to that point will be saved. However, once the survey is actually submitted, the participant will not be able to take the survey again. The data from the submitted survey will reside on SurveyMonkey's servers.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This information is collected only when participants respond to the surveys. The information to be requested will not duplicate data affecting current programs or data currently provided by the respondents. No sources of similar information are available and there is no duplication of requirements.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Information collected under this information collection is not expected to have particular burdens on small businesses as almost all program participants are sponsored by a government (foreign or domestic).

6. Describe the consequence to Federal program or policy activities if the information collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the information is not collected, the USPTO will be unable to document the effectiveness, impacts or outcomes of its vital training programs and capacity building initiatives on intellectual property protection and enforcement. The agency will not be able to meet accountability requirements or to assess the degree to which programs are meeting their goals. Information collected is needed for annual planning and resource allocation.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

- requiring respondents to submit more than an original and two copies of any document; requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use;
- requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

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

8. **If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of information collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

The 60-Day Notice was published in the *Federal Register* on [DATE] (88 FR 48209).⁷ The comment period ended on September 25. No comments were received.

In addition, a 30-day notice was published in the Federal Register on September 29, 2023 (88 FR 67257). The public comment period ends on October 29, 2023.

⁷ <https://www.govinfo.gov/content/pkg/FR-2023-07-26/pdf/2023-15788.pdf>.

The USPTO has long-standing relationships with several large and well-organized groups who frequently communicate their views, such as the American Bar Association (ABA), American Intellectual Property Law Association (AIPLA), and International Trademark Association (INTA), the Trademark Public Advisory Committee (TPAC) as well as business groups and users of our public facilities.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

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

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the information collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Confidential and proprietary information is protected in accordance with USPTO regulations, although there is no statutory or contractual basis for extending confidentiality. All survey results will be kept confidential, in that there is non-attribution of responses to an identifiable person in reporting the data. However, the survey responses are not anonymous (meaning that there is no identifier attached to the responses).

Survey respondents will be advised on the survey form or in a privacy statement that participation is voluntary and that the data provided will be kept confidential. Individuals given the opportunity to take a survey will be assured of the confidentiality of their replies under 5 U.S.C. § 552 (Freedom of Information Act), 5 U.S.C § 552a (Privacy Act of 1974) and OMB Circular No. A-130, as applicable. The USPTO and its external contractors follow all procedures and policies as stipulated under the Privacy Act of 1974.

All GIPA evaluation respondents are informed of the following:

- All personal information collected through surveys, interviews, and focus groups is considered confidential.
- All responses will be coded to ensure the confidentiality of individual responses.
- Data collected will not be shared, sold, or used for fundraising or any other purpose unrelated to the evaluation.
- Survey data and findings will be used only in an aggregate form for the express purposes of fulfilling the data needs of USPTO's GIPA Program's associated planning and reporting requirements.

The survey data will reside on SurveyMonkey's protected web server, but the actual distribution of the data will be controlled by the USPTO survey administrator and FCG through their dedicated accounts. Since the data resides on a protected server and the

distribution of the data is controlled, usernames and passwords are needed to access the survey data. Access roles are controlled by the USPTO and FCG account administrators. Only the survey administrator and FCG will have access to individual survey responses for analysis purposes only. The raw data collected from the surveys is not released and is retained by FCG to ensure the confidentiality of the responses. FCG will only report the aggregated data and the frequency of the responses. They will not report the individual responses to the survey or report on any comments about the survey.

The USPTO does not intend to collect any personal identifying data from participants taking the survey. The USPTO intends to maintain contact information for the participants in a separate file from the quantitative data.

The survey responses, the contact and respondent information, and the e-mail invitation will reside in 3 different files in a secured folder on SurveyMonkey's server. One file will contain the survey results, which will be created from the survey responses. The second file will contain the contact information used to identify where to send the e-mail invitations and the demographic data obtained from the GIPA participants. The third file will identify the participants who were sent the e-mail invitation and will contain the e-mail invitation. These 3 files are relational files.

These surveys are electronic surveys that can be completed online. The only way that participants can access the surveys is through the individualized links to the survey contained in the e-mail invitations. These links are uniquely tied to the participant and are the only way that the survey results can be linked back to the participant and the demographic data which is being used to track the survey responses in order to ensure that the survey findings are representative across all of the variables.

SurveyMonkey.com, LLC is listed as an active participant on the U.S. Department of Commerce's Privacy Shield Framework at <https://www.privacyshield.gov/participant?id=a2zt0000000Gn7zAAC>.

Copies of SurveyMonkey's Anonymity and Security Statements can be found at: https://help.surveymonkey.com/articles/en_US/kb/Are-my-survey-responses-anonymous-and-secure, and <https://www.surveymonkey.com/mp/legal/security/>.

The applicable PIA for this information collection is the Privacy Impact Assessment for the Patent End to End (PE2E) System (March 14, 2022), which is available at https://osec.doc.gov/opog/privacy/pto%20pias/PE2E-PIA_SAOP_Approval_Delegation.pdf

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be**

made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

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

- 12. Provide estimates of the hour burden of the collection of information. The statement should:**
- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
 - **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
 - **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under 'Annual Cost to Federal Government'.**

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

- **Respondent Calculation Factors**
Based on projections for the upcoming surveys, the USPTO estimates that it will receive a total of 750 responses for the overseas, post-program, and alumni surveys.
- **Burden Hour Calculation Factors**
The USPTO estimates that it will take the public approximately 15 minutes (0.25 hours) to complete the surveys in this information collection. This includes the time to gather the necessary information, respond to the survey, and submit it to the USPTO.
- **Cost Burden Calculation Factors**
The USPTO expects that the audience for the GIPA training programs will typically consist of high-ranking government officials, judges, lawyers, examiners, and others. Since individuals with varying job titles and pay grades typically attend the GIPA training programs, the USPTO is currently unable to derive a concise international labor rate for these individuals. Additionally, since the training is conducted in the United States, the USPTO is using a United States pay rate to

calculate the hourly labor rates. If the agency can obtain more concise hourly labor rate data for these individuals, these rates will be used to calculate the respondent burden in the future. For this information collection, USPTO uses Bureau of Labor Statistics (BLS) Occupation Employment Statistics wage category 23-1021 (Administrative Law Judges: Federal Executive Branch)⁸ to represent an estimated wage of program attendees. USPTO estimates that the hourly wage will be in the 90th percentile, as respondents will likely be senior officials living in metropolitan areas, for an hourly rate of \$72.82. The USPTO estimates that the total respondent cost burden for this information collection is \$13,690.

Table 3: Total Burden Hours and Hourly Costs for Foreign Government Respondents

Item No.	Item	Estimated Annual Respondents (a)	Responses per Respondent (b)	Estimated Annual Responses (a) x (b) = (c)	Estimated Time for Response (hours) (d)	Estimated Annual Burden Hours (c) x (d) = (e)	Rate ⁹ (\$/hour) (f)	Estimated Annual Burden (e) x (f) = (g)
1	Overseas-Program Survey (or equivalent)	225	1	225	0.25	56	\$72.82	\$4,078
2	Post-Program Survey (or equivalent)	150	1	150	0.25	38	\$72.82	\$2,767
3	Alumni Survey (or equivalent)	375	1	375	0.25	94	\$72.82	\$6,845
	Totals	750	- - -	750	- - -	188	- - -	\$13,690

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

- The cost estimate should be split into 2 components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates,

⁸ <https://www.bls.gov/oes/current/oes231021.htm>

⁹ <https://www.bls.gov/oes/current/oes231021.htm>.

agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no capital start-up, maintenance costs, recordkeeping costs, filing fees, or postage costs associated with this information collection.

- 14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.**

The USPTO has hired a contractor through FCG to conduct data analysis and draft a report on the alumni survey data. Costs will be approximately \$44,000. The contractor will advise on setting up the survey and provide results for each of the programs. The contractor will prepare a narrative report of selected programs held at GIPA. This report will be prepared by statisticians and will include the raw data from the survey, as well as the analytical findings.

- 15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.**

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	750	0	0	0	0	750
Annual Time Burden (Hr)	188	0	0	0	0	188
Annual Cost Burden (\$)	0	0	0	0	0	0

For this extension there are no changes to the number of responses, annual time burden, or annual cost burden in this information collection.

- 16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The USPTO will not publish this information for public use, nor will the raw data be released. Some aggregate data is made available to the public through reports generated by USPTO and FCG Survey Analysts. There are no plans to publish the statistical data. Reporting of the data will not be used to incentivize participant response rates.

The overseas and post-program surveys are conducted for each GIPA course and will result in a course specific brief report which tabulates frequencies of responses and average ratings to close-ended questions and content analysis of qualitative responses from open-ended questions. These reports are available online or can be distributed to the USPTO course manager, GIPA staff, and other internal stakeholders. It is not anticipated that course-specific summaries will be distributed outside of USPTO. However, aggregated data will be included with the report from the alumni survey. The alumni survey will be conducted annually, generally occurring in the late summer with data available by December. Analysis of the alumni data will include tabulation of response frequencies and average ratings for close-ended questions and content analysis for open-ended questions. As data is gathered, filtering and cross-tabulation will be used to identify trends with specific audience subsets (e.g. by country, experience in the IP filed, level of official, etc.). Standard error calculation will be used.

FCG is responsible for submitting to USPTO all evaluation data collection information, tabulation, and analysis, and a Final Report and Executive Summary for publication. The contractor will also submit preliminary and draft reports to USPTO for iterative review. The USPTO disseminates Final Reports to USPTO program managers, partner organizations, and other internal and external stakeholders. In addition, Final Reports are made available to the general public.

These reports are not published by any third-party entity. All products of the information collections are the property of the USPTO.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

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

- 18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”**

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

