

SUPPORTING STATEMENT
United States Patent and Trademark Office
Native American Tribal Insignia Database
OMB CONTROL NUMBER 0651-0048
2026

A. JUSTIFICATION

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

The Trademark Law Treaty Implementation Act of 1998 (Pub. L. 105-330, 302, 112 Stat. 3071) required the USPTO to study issues surrounding the protection of the official insignia of federally and state-recognized Native American tribes under trademark law. The USPTO conducted the study and presented a report to the House and Senate Judiciary Committees on November 30, 1999.¹ One of the recommendations made in the report was that the USPTO create and maintain an accurate and comprehensive database containing the official insignia of all federally and state-recognized Native American tribes. In accordance with this recommendation, the Senate Committee on Appropriations directed the USPTO to create this database. The USPTO published the final procedures for establishing and maintaining the tribal insignia database in the Federal Register on August 24, 2001 (66 FR 44603).²

The USPTO database of official tribal insignias provides evidence of what a federally or state-recognized Native American tribe considers to be its official insignia. Section 2(a) of the Trademark Act, 15 U.S.C. 1052(a), disallows the registration of marks that falsely suggest a connection with a non-sponsoring person or institution, including a Native American tribe. The database thereby assists trademark examining attorneys in their examination of applications for trademark registration by serving as a reference for determining the registrability of a mark that may falsely suggest a connection to the official insignia of a Native American tribe. The database, included within the trademark search system, is available to the public on the USPTO website, and includes an online help program for using the system. More information about the program is available on the website at <https://www.uspto.gov/trademarks/laws/native-american-tribal-insignia>.

Tribes are not required to request that their official insignia be included in the database. The entry of an official insignia into the database does not confer any rights to the tribe that submitted the insignia, and entry is not the legal equivalent of registering the insignia

¹ <https://www.govinfo.gov/content/pkg/PLAW-105publ330/pdf/PLAW-105publ330.pdf>.

² <https://www.govinfo.gov/content/pkg/FR-2001-08-24/pdf/01-21479.pdf>.

as a trademark under 15 U.S.C. 1051 *et seq.* The inclusion of an official tribal insignia in the database does not create any legal presumption of validity or priority, does not carry any of the benefits of federal trademark registration, and is not a determination as to whether a particular insignia would be allowed or refused registration as a trademark pursuant to 15 U.S.C. 1051 *et seq.*

Requests from federally recognized tribes to enter an official insignia into the database must be submitted in writing and include: (1) a depiction of the insignia, including the name of the tribe and the address for correspondence; (2) a copy of the tribal resolution adopting the insignia in question as the official insignia of the tribe; and (3) a statement, signed by an official with authority to bind the tribe, confirming that the insignia included with the request is identical to the official insignia adopted by the tribal resolution.

Requests from state-recognized tribes must also be in writing and include each of the three items described above that are submitted by federally recognized tribes. Additionally, requests from state-recognized tribes must include either: (a) a document issued by a state official that evidences the state's determination that the entity is a Native American tribe; or (b) a citation to a state statute designating the entity as a Native American tribe.

The USPTO enters insignia that have been properly submitted by federally or state-recognized Native American tribes into the database and does not investigate whether the insignia is actually the official insignia of the tribe making the request.

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	Request to Record an Official Native American Tribal Insignia of a Federally Recognized Tribe	P.L. 105-330, Sec. 302, 112 Stat. 3071 (1998)	N/A
2	Request to Record an Official Native American Tribal Insignia of a State-Recognized Tribe	P.L. 105-330, Sec. 302, 112 Stat. 3071 (1998)	N/A

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

The database of official insignia of Native American tribes is included within the USPTO's database of material that is not registered, but is searched to determine the registrability of marks. Inclusion of official insignia in this database will ensure that an examining attorney will consider these insignia before making a final determination of the registrability of a

mark that may be similar. The insignia database is available to the public on the USPTO website.

The public can search for official tribal insignias included in the database by choosing the “Word and/or Design Mark Search (Structured)” search option in Trademark Search, entering “Native American” as the “Search Term,” choosing “Other Data” as the “Field,” and clicking on “Submit Query.” Official tribal insignia are identified by serial numbers that begin with the code “89” in the list of records returned by the search.

The information collected, maintained, and used 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 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	Request to Record an Official Native American Tribal Insignia of a Federally Recognized Tribe	No Form Associated	<ul style="list-style-type: none"> • Used by the tribal government to request entry of their official insignia into the USPTO database of official tribal insignias. • Used by the USPTO to determine whether a trademark for which registration is sought may falsely suggest a connection to an official insignia of a Native American tribe. • Used by the USPTO as evidence of what a Native American tribe considers to be its official insignia and its official address for correspondence. • Used by the USPTO to maintain a public search database.
2	Request to Record an Official Native American Tribal Insignia of a State-Recognized Tribe	No Form Associated	<ul style="list-style-type: none"> • Used by the tribal government to request entry of their official insignia into the USPTO database of official tribal insignias. • Used by the USPTO to determine whether a trademark for which registration is sought may falsely suggest a connection to an official insignia of a Native American tribe. • Used by the USPTO as evidence of what a Native American tribe considers to be its official insignia and its official address for correspondence. • Used by the USPTO to maintain a public search database.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological 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 collection. Also describe any consideration of using information technology to reduce burden.

The USPTO accepts submissions for the Native American tribal insignia database by email, mail, facsimile, or hand delivery to the USPTO. Email submissions are accepted at NativeAmericanTribalInsigniaSubmissions@uspto.gov. The USPTO does not collect these submissions through electronic information systems. The expected number of submissions is relatively small, and each submission includes only a small number of data elements. Therefore, the USPTO believes that the development of an electronic form to collect the insignia information is not cost effective at this time.

However, the USPTO does use information technology to process these submissions. When the USPTO receives a request to record an official insignia for a Native American tribe, the image of the insignia, the tribe's name, and the correspondence address are electronically captured and stored in a database. The database is used to populate the automated trademark search system (X-Search), which employs sophisticated functions to search the text and image data to aid trademark examiners in reviewing submissions.

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 only collected when a Native American tribe submits an official insignia to be entered into the USPTO database. This information is not collected elsewhere and does not result in a duplication of effort.

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

This information does impact small entities, since the respondents are tribal governments. However, the USPTO does not expect that this information collection will have a significant economic impact on small entities. The same information is required from every respondent, and this information is not available from any other source. This information collection has no associated fees.

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

This information is collected only when a Native American tribe submits its official insignia for inclusion in the database of Native American insignia. These submissions could not be collected less frequently. If the collection of information were not conducted, the USPTO could not comply with the Congressional recommendation to create a database containing the official insignia of federally and state-recognized Native American tribes.

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; or
 - 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 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 January 23, 2026 (91 FR 2916).³ The comment period ended on March 24, 2026. The USPTO received no public comments in response to the notice.

The USPTO published a 30-day notice in the *Federal Register* on May28,2026 (91 FR 31704).⁴ The comment period will close on June29, 2026.

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 collection requires a system of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Confidentiality is not required in the processing of official insignias for the USPTO database. The tribal insignia database is open to public inspection.

The USPTO collects this information under authority of 35 U.S.C. 1, 6, and 261 and E.O. 9424 for patents and 15 U.S.C. 1057 and 1060 for trademarks.

This information collection contains information which is subject to the Privacy Act. This information is collected on trademark records and recordations. Privacy Act Statements

³ <https://www.govinfo.gov/content/pkg/FR-2026-01-23/pdf/2026-01229.pdf>.

⁴ [Federal Register URL here].

are included on these forms. The following System of Records Notice (SORN) provides privacy disclosures and information about USPTO's handling of personally identifiable information (PII) that is part of this information collection.

SORN COMMERCE/USPTO-26 Trademark Application and Registration Records, published on February 18, 2020 (85 FR 8847), provides information about the USPTO's handling of personally identifiable information that is collected regarding trademark assignments.⁵

Information in this system of records is derived from persons who have applied for or registered a trademark. The purposes of this system are to carry out the duties of the USPTO to issue federal trademark registrations and maintain a register of trademarks. The system allows the USPTO to collect and maintain records generated as customers apply for and prosecute a trademark application and maintain a trademark registration.

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 collection is considered to be sensitive. The USPTO follows OMB guidance for the Federal Standards for the Classification of Federal Data on Race and Ethnicity.⁶

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**

⁵ <https://www.govinfo.gov/content/pkg/FR-2020-02-18/pdf/2020-03068.pdf>.

⁶ <https://www.govinfo.gov/content/pkg/FR-2024-03-29/pdf/2024-06469.pdf>.

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’.

- Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.

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

- **Respondent Calculation Factors**

The USPTO estimates that it will receive approximately 39 responses per year from 39 respondents for this information collection, with approximately 100% of these responses submitted by small entities.

The USPTO estimates that approximately 95% of the responses in this collection will be submitted electronically via Trademark, which customers may access through the USPTO website.

- **Burden Hour Calculation Factors**

The USPTO estimates that it takes a federally or state-recognized Native American tribe approximately one hour to gather the necessary information, prepare the appropriate document(s), and submit the item to the USPTO. Using these burden factors, the USPTO estimates that the total respondent hourly burden for this information collection is 39 hours per year.

- **Cost Burden Calculation Factors**

The USPTO expects that the items in this information collection will be prepared by the tribal counsel. The USPTO uses a professional rate of \$87.86 per hour for respondent cost burden calculations, which is the mean hourly rate for lawyers as shown in May 2024 Bureau of Labor Statistics Occupational Employment and Wage Statistics profiles (wage category 23–1011).

Using these hourly rates, the USPTO estimates that the total respondent cost burden for this information collection is \$3,426 per year.

Table 3: Total Burden Hours and Hourly Costs to Tribal Government Respondents

Item No.	Item	Estimated Annual Respondents	Responses per Respondent	Estimated Annual Responses	Estimated Time for Response (hours)	Estimated Burden (hour/year)	Rate ⁷ (\$/hour)	Estimated Annual Respondent Cost Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)

⁷ <https://data.bls.gov/oesprofile/>.

1	Request to Record an Official Insignia of a Federally Recognized Tribe	11	1	11	1	11	\$87.86	\$966
2	Request to Record an Official Insignia of a State Recognized Tribe	28	1	28	1	28	\$87.86	\$2,460
	Totals	39	---	39	---	39	---	\$3,426

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 two 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, 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.**

This collection has non-hourly cost burdens in the form of postage costs for mailing items to the USPTO.

The total non-hour respondent cost burden for this collection is estimated to be \$25 per year, comprised entirely of the postage costs.

Postage Costs

The USPTO expects that at most 5% of the responses in this collection will be submitted by mail. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail legal flat rate envelope, will be \$12.25. The USPTO estimates approximately two submissions per year may be mailed to the USPTO, for an estimated total postage cost of \$25 per year.

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 employs GS-15 to process the requests to record an official insignia of a federally or state-recognized Native American tribe in the USPTO database.

The USPTO estimates that the cost of a GS-15, step 6 employee is \$128.74 per hour (GS hourly rate of \$94.49 with 36.25% (\$34.25) added for benefits and overhead).

The USPTO estimates that it takes an employee 30 minutes (0.50 hours) to process the requests.

Table 4 calculates the burden hours and costs to the federal government for processing this information collection:

Table 4: Burden Hour/Cost to the Federal Government

Item No.	Item	Estimated Annual Responses (a)	Estimated Burden Hours (b)	Estimated Hourly Burden (a) x (b) = (c)	Rate ^a (\$/hr) (d)	Total Federal Government Cost (c) x (d) = (e)
1	Request to Record an Official Insignia of a Federally Recognized Tribe	11	0.50 (30 minutes)	6	\$128.74	\$772
2	Request to Record an Official Insignia of a State-Recognized Tribe	28	0.50 (30 minutes)	14	\$128.74	\$1,802
	Totals	39	- - -	20	- - -	\$2,574

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

Table 5: ICR Summary of Burden

	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	39	0	0	34	0	5
Annual Time	39	0	0	34	0	5

⁸ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/DCB_h.pdf.

Burden (Hr)						
Annual Cost Burden (\$)	25	0	0	5	0	20

Changes Since the Publication of the 60-Day Notice

Since the publication of the 60-Day Notice in the *Federal Register*, the USPTO has updated its postage rates to reflect more accurate estimates. This results in an increase of \$1 in non-hour costs, for a new estimated total annual respondent cost burden of \$25.

Change in Responses and Hourly Burden due to Adjustment in Agency Estimate

The total number of responses has increased by 34 due to estimated fluctuations in the number of respondents/submissions in this information collection. This increase in the number of respondents and responses results in a corresponding increase of 34 hours in the annual time burden estimates.

Change in Annual Non-hour Costs due to Adjustment in Agency Estimate

For this renewal, the USPTO estimates that the total annual non-hour costs will increase by \$5 from the previous approval. This increase is due to an increase in mailed submissions and postage costs.

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 does not plan to publish this information for statistical use. However, the tribal insignia database is available to the public on the USPTO website.

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.

There are no forms in this information collection on which to 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.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.