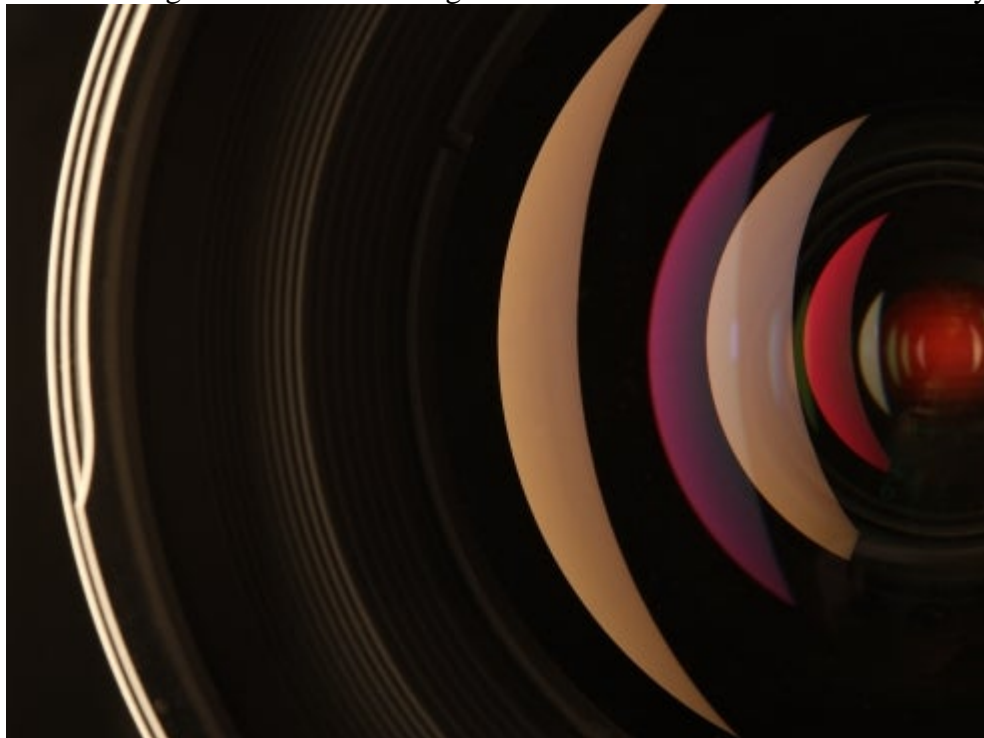


## [Updates](#)

January 17, 2025

USPTO's Significant Restructuring of Trademark Fees Takes Effect January 18, 2025



The U.S. Patent and Trademark Office (USPTO) previously announced a [final trademark rule](#) that will increase application filing, renewal, and other trademark-related fees effective January 18, 2025. The USPTO's new fee structure is intended to not only raise revenue consistent with the USPTO's expected budget over the coming years, but also to encourage more complete filings and streamline the examination process. This increase in fees will be coupled with a new application filing center with a single application option, discontinuing the TEAS Plus and TEAS Standard filing options. Trademark practitioners will need to be more proactive in gathering information for applications to avoid various surcharges that have been established. Trademark owners may also need to modify their filing approaches to reduce both application costs and review time. This Update evaluates the USPTO rule change on fees and proposes filing approaches for trademark practitioners to minimize the impact of the fee adjustments while maintaining the defensive value of trademark applications.

### **The Purpose of the Rule**

Under its authority granted by the Leahy-Smith America Invents Act and based on a biennial review of fees, costs, and revenues, the USPTO established certain fee adjustments. The USPTO determined that the adjustments would provide the agency with sufficient financial resources to facilitate the effective administration of the U.S. trademark system and to accomplish its mission to drive innovation and deliver high-quality trademark examination and review.

The USPTO conducted public hearings and a formal rulemaking process beginning in early 2023. The final rule was published on November 18, 2024, to become effective January 18, 2025.

### **The Final Rule: What Clients and Practitioners Need To Know**

The final rule sets or adjusts 28 trademark fees, including the addition of seven new fees and the discontinuance of four fees. Under the new fee schedule, routine fees to obtain and maintain a trademark registration (*e.g.*, application filings, intent-to-use filings, and post-registration maintenance fees) will be restructured, resulting in increased overall application fees depending on the application particulars, along with increased maintenance fees.

The tables below reflect some of the most significant fee changes that are likely to affect the trademark practice.

#### New Application Fees

Fee Description	Current Fee	New Fee
TEAS Standard Application	\$350	N/A—Application Eliminated
TEAS Plus Application	\$250	N/A—Application Eliminated
Base Application (Sections 1 and 44), Per Class	N/A	\$350
Insufficient Information Surcharge (Sections 1 and 44), Per Class	N/A	\$100
Free-Form Text Box Surcharge (Sections 1 and 44), Per Class	N/A	\$200
Group of 1,000 Characters After First 1,000 Characters in Free-Form Text Box Surcharge (Sections 1 and 44), Per Affected Class	N/A	\$200
Application Fee Filed With World Intellectual Property Organization (WIPO) (Section 66(a)), Per Class	\$500	\$600 Implementing February 18, 2025

#### Adjusted Post-Registration and Other Fees

Fee Description	Current Fee	New Fee
Amendment To Allege Use Per Class	\$100	\$150
Statement of Use, Per Class	\$100	\$150
Section 9 Registration Renewal Application, Per Class	\$300	\$325
Section 8 Declaration, Per Class	\$225	\$325
Section 15 Declaration, Per Class	\$200	\$250
		\$325
Section 71 Declaration, Per Class	\$225	
		Implementing February 18, 2025
Renewal Fee Filed at WIPO	\$300	\$325

Fee Description	Current Fee	New Fee
Letter of Protest	\$50	\$150
Petition to the Director	\$250	\$400
Petition To Revive an Application	\$150	\$250

## Key Points in the “New” Fees and Application Structure

The USPTO has removed the bifurcated application process for TEAS Plus and TEAS Standard applications, replacing them with a single base application with the same base cost as the current TEAS Standard application. Key effects of the new application structure are discussed below.

### 1. New Identification-Related Fees?

In order to persuade users to use the Trademark Next Generation ID Manual (ID Manual), the USPTO is instituting a number of identification-based fees. For one, using custom identifications (*i.e.*, free-form text) will come with a surcharge of \$200 per class. Additionally, *and only when using custom identifications*, each additional group of 1,000 characters beyond the first 1,000 characters in the free-form text box, including punctuation and spaces, will incur an added fee of \$200 per class.

The USPTO has noted in the final rule that the fee will not apply if the application exceeds the character limit based on an examiner’s required amendments or when adding exclusionary language (*e.g.*, to avoid opposition) later in prosecution.

The USPTO stated it has no plans to substantially expand the ID Manual but noted that trademark owners can suggest additions for USPTO review. In individual cases, trademark owners should consider taking advantage of additions to the ID Manual for their goods and services, if available.

### 2. Insufficient Information Surcharge

The information required for a base application is the same as the current TEAS Plus requirements. If an application is missing any of the required information, it will be subject to an “insufficient information” surcharge of \$100 per class. Importantly, this fee will be assessed based on information in an initial filing and cannot be avoided by correction in preliminary amendments.

Missing any of the following information in the initial filing could trigger this fee during prosecution: ?

- Applicant's name and domicile address?.
- Applicant’s legal entity.
- Citizenship of each individual applicant, general partner, joint venture member, or sole proprietor or the state or country of incorporation or organization of each juristic applicant.
- One or more bases for filing that satisfy all the requirements of 37 C.F.R. § 2.34 (*e.g.*, verification statements, priority claims, etc.).
  - Note: For a Section 1(a) filing, the mark on the specimen must be “substantially exact” to the mark on the drawing.
- Compliance with 37 C.F.R. § 2.86 for applications claiming one or more goods/services class (*e.g.*, filing fee, filing bases, etc.).

- Filing fees for each class of goods/services.
- A properly signed verification statement.
- A digitized image of a mark not claiming standard characters (in color if applicable).
- A standard character mark written in the USPTO's standard character set.
- A statement naming the color(s) and describing where the color(s) appear on a mark and a claim that the color(s) is a feature of the mark.
- A description of any nonstandard character marks.
- English translation of any non-English wording in the mark.
- Name and likeness consent statements, both positive (*i.e.*, name refers to a living individual) and negative (*i.e.*, name does not refer to a living individual).
- Transliteration of non-Latin characters in the mark.
- Prior registration claims when owner name does not match.
- Compliance with § 2.42 for concurrent-use applications.
- Designation of an attorney as applicant's representative for applicants not domiciled within the United States.

In response to concerns during the rulemaking process that many of these requirements may be improperly applied by an examining attorney, the USPTO stated that applicants may respond with arguments to overcome insufficient information fee requests. The USPTO also noted that applicants can file [complaints](#) based on inconsistent examination with the USPTO's Consistency Initiative.

Further, the fees are applicable in cases where an applicant may have been unaware of a requirement, for example, where a mark includes a term that translates from a foreign language and no translation is provided. The USPTO noted that the fees could also be charged even if one of these requirements was corrected in a preliminary amendment that was filed prior to the examining attorney's review.

## Takeaways

In light of the new rule, it is more important than ever to work with experienced counsel for filing trademark applications in order to prevent additional fees and delays that could be avoided through advance diligence.

1. **Conduct clearance searches.** Given that more trademark filers are likely to choose standard descriptions from the USPTO's ID Manual, more marks may be applied and registered for more generalized goods and services. Broader filings may lead to increased citations based on future registrations and applications made using standard descriptions. While the extent of this potential impact on register conflict due to standard descriptions is unclear, clearance searches can provide trademark owners with information needed to reduce conflict with earlier federal filings. In the context of a greater number of filings that may rely on the USPTO's standard descriptions from the ID Manual, pre-filing searches are likely to be more valuable.
2. **Customize filing strategies.** Under the new rules, certain filers may benefit from the broader ID Manual descriptions, while other trademark owners may find it beneficial to revise their description language given the new surcharges for lengthy descriptions. In other cases, maintaining existing descriptions may be valuable to avoid any loss in coverage. Trademark counsel can help to decide what is most important based on proposed or current offerings and/or business plans.
3. **ID Manual additions.** While it may be possible to avoid certain surcharges using descriptions for the USPTO's ID Manual, the ID Manual may lack appropriate descriptions, particularly for new technologies or highly specialized goods and services. Trademark owners in new or unique industries should consider proposing new identification of goods or services through the USPTO's [dedicated email address](#) for ID Manual suggestions.

4. **Complete thorough pre-filing research.** Trademark owners should aim to provide as much information as possible about a mark to counsel before seeking registration, and counsel should conduct their own research to avoid new fees based on missing information. Under the new base application system, missing certain application requirements may generate additional surcharges. Some of these requirements could be easy to overlook, such as English translations of non-English wording, prior registration claims when an owner does not match, and name and likeness consent statements (including negative statements in cases where the name in the mark does *not* refer to a living individual). As an example, some marks may include wording that has a meaning in a less common language, and the applicant may not know of or have intended this meaning. In that case, not including the translation statement in the initial filing could lead to a per-class surcharge. Accordingly, it is that much more important to research the mark before seeking federal registration. If trademark owners are aware that their proposed filing will require any of the information highlighted above, gathering it up front will maximize efficiency and help avoid surcharges.

## Conclusion

The changes to the fee schedule reflected in the final rule demonstrate a continued effort by the USPTO to hold trademark applicants to high standards, minimize incomplete applications, and streamline the trademark application examination process. The changes may cause an increase in expenses for certain applicants, particularly those trademark owners with complex technologies or specialized goods and services. Companies and brand owners should be familiar with these changes and consult legal counsel before filing trademark applications to develop effective protection strategies and avoid unnecessary surcharges.

For any questions regarding the new USPTO fee schedule and how to navigate its changes, please reach out to members of Perkins Coie's [Trademark, Copyright, Internet, and Advertising](#) team.

## Authors

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