

## REPORT

## USPTO TRADEMARK FEE INCREASES

December 3, 2024

The U.S. Patent and Trademark Office (USPTO) issued a final rule to adjust certain trademark fees effective Saturday, January 18, 2025. The new fee schedule increases fees for Statements of Use, Amendments to Allege Use, and Section 8 and 71 Declarations. Notably, the new fee schedule also discontinues the TEAS PLUS program. The new fee schedule also introduces new fees relating to new application filings, including surcharge fees for failure to satisfy new application filing requirements and fees relating to the identification of goods and services.

The following sections address details relating to the fees being introduced for new trademark application filings as well as other important aspects relating to the new fee increases. The attached chart shows the current fees as well as the new fees effective January 18. The chart reflects the more common fees that are increasing. A full listing of the current and new fees can be found on the USPTO website [here](#).

**I. New Trademark Application Filing Fees****A. Discontinuation of TEAS Plus and TEAS Standard Options**

The USPTO is implementing a single electronic application filing option that will discontinue both TEAS Plus and TEAS Standard filing options, as well as the processing fee for failing to meet the requirements of a TEAS Plus

application. The USPTO seeks to incentivize more complete and timely filings and improve prosecution with this change.

**B. New Application Filing Fees**

The USPTO will implement a new single electronic application filing fee is \$350, per class, and the paper filed application filing fee is being increased to \$850, per class.

Applications filed via the Madrid Protocol under section 66(a) will not be subject to the new surcharges. Instead, the existing flat application fee for Madrid applications, including subsequent designations, will increase from \$500 to \$600 per class, as paid in Swiss francs to the World Intellectual Property Organization (WIPO). The renewal fee filed with WIPO will increase from \$300 to \$350. WIPO fee increases go into effect on February 18, 2025.

The Section 71 declaration fee, applicable to owners of registered extension of protection under the Madrid Protocol, is increasing from \$225 to \$325.

**C. Trademark Application Filing Surcharge Fees****1. Filing Requirements**

The USPTO is implementing a \$100 surcharge to the base application filing fee for failing to satisfy filing requirements. These requirements include:

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- The applicant's name and domicile address;
- The applicant's legal entity;
- The citizenship of each individual applicant, or the state or country of incorporation or organization of each juristic applicant;
- If the applicant is a domestic partnership, the names and citizenship of the general partners, or if the applicant is a domestic joint venture, the names and citizenship of the active members of the joint venture;
- One or more bases for filing that satisfy all the requirements of § 2.34. If more than one basis is set forth, the applicant must comply with the requirements of § 2.34 for each asserted basis;
- If the application contains goods and/or services in more than one class, compliance with § 2.86;
- A filing fee for each class of goods and/or services, as required by § 2.6(a)(1)(ii) or (iii);
- A verified statement that meets the requirements of § 2.33, dated and signed by a person properly authorized to sign on behalf of the owner pursuant to § 2.193(e)(1);
- If the applicant does not claim standard characters, the applicant must attach a digitized image of the mark. If the mark includes color, the drawing must show the mark in color;
- If the mark is in standard characters, a mark comprised only of characters in the Office's standard character set, typed in the appropriate field of the application;
- If the mark includes color, a statement naming the color(s) and describing where the color(s) appears on the mark, and a claim that the color(s) is a feature of the mark;
- If the mark is not in standard characters, a description of the mark;
- If the mark includes non-English wording, an English translation of that wording;
- If the mark includes non-Latin characters, a transliteration of those characters;
- If the mark includes an individual's name or likeness, either (1) a statement that identifies the living individual whose name or likeness the mark comprises and written consent of the individual, or (2) a statement that the name or likeness does not identify a living individual (see section 2(c) of the Act);
- If the applicant owns one or more registrations for the same mark, and the owner(s) last listed in Office records of the prior registration(s) for the same mark differs from the owner(s) listed in the application, a claim of ownership of the registration(s) identified by the registration number(s), pursuant to § 2.36;
- If the application is a concurrent use application, compliance with § 2.42;
- An applicant whose domicile is not located within the United States or its territories must designate an attorney as the applicant's representative, pursuant to § 2.11(a), and include the attorney's name, postal address, email address, and bar information; and
- Correctly classified goods and/or services, with an identification of goods and/or services from the Office's Acceptable Identification of Goods and Services Manual within the electronic form.

If any of the above information is omitted from the application filing, the USPTO will issue a \$100 surcharge.

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**2. Identification Free-Form Text Box Fee**

The USPTO is setting a new \$200 fee per class for applicants who choose to enter descriptions of goods and services in the free-form text box. To avoid this surcharge, applicants may use the Trademark ID manual available in the electronic application, which includes existing identifications deemed acceptable by the USPTO.

**3. 1,000 Characters Fee**

The USPTO is setting a new fee of \$200 for each group of 1,000 characters in an identification of goods and/or services beyond the first 1,000 characters in the free-form text box, including punctuation and spaces. Based on the USPTO's review, less than 5% of directly filed application exceeds 1,000 characters.

**II. Amendment to Allege Use and Statement of Use Fees**

The USPTO is increasing fees for the AAUs and SOUs to \$150 per class for electronic filings and \$250 per class for paper filings.

**III. Post-registration Maintenance Fees**

The USPTO is increasing the section 9 registration renewal fee from \$300 to \$325, the section 8 declaration fee from \$225 to \$325, the section 15 declaration fee to \$250, and section 71 declaration from \$225 to \$325, when being filed electronically. Fees for paper filing section 9 registration renewals will increase from \$500 to \$525, per class, paper filing section 8 declarations will increase from \$325 to \$425, per class, paper filings for section 15 declarations will increase from \$300 to \$350, per class, and paper filings for section 71 declarations will increase from \$325 to \$425.

**IV. Letter of Protest Fee**

The USPTO is increasing the fee for filing a letter of protest from \$50 to \$150, indicating that USPTO costs are considerable in relation to letters of protests, as many of them are not filed in compliance with § 2.149 and only 27% of letters resulted in Examining attorneys issuing a refusal based on the asserted grounds.

**V. Other Petition Fees**

The USPTO also increases its Petition to the Director fee from \$250 to \$400 and Petition to revive an application from \$150 to \$250 for electronic filings. Fees for paper filing a Petition to the Director will increase from \$350 to \$500 and paper filing a Petition to revive an application will increase from \$250 to \$350.

**VI. Recommendation**

We recommend that your short-term planning be based at least on the enclosed revised fee schedule.

In light of the impending increase in fees and the potential uncertainty around budgeting for these new fees, potential applicants may wish to consider whether to file new applications in advance of the January 18, 2025, effective date.

Trademark filing and prosecution costs are likely to increase as a result of the new Identification Free-Form Text Box fee, particularly for applicants in newer or emerging technology areas as the Trademark ID Manual may not be updated to include appropriate descriptions. Even if the Trademark ID Manual includes appropriate descriptions, applicants will need to weigh the benefits of selecting a pre-approved identification in lieu of possibly broader protection that may be obtained by incurring surcharges for the use of longer, more customized descriptions.

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*Oloff PLC is a full-service Intellectual Property law firm based in historic Alexandria, Virginia. The firm specializes in patent, copyright, trademark, and antitrust law and litigation, and represents a large and diverse group of domestic and international clients, including businesses ranging from large multinational corporations to small privately owned companies, major universities, and individual entrepreneurs.*

*This Special Report is intended to provide information about legal issues of current interest. It is not intended as legal advice and does not constitute an opinion of Oloff PLC. Readers should seek the advice of professional counsel before acting upon any of the information contained herein.*

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