

United States Trademark Updates



Prepared for
2024 INTA Conference Attendees

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USPTO Proposed Trademark Fee Changes

In March 2024, the United States Patent and Trademark Office (USPTO) issued a notice to set or increase certain trademark fees. The proposal, if adopted, would go into effect in fiscal year 2025.^[1]

The proposed fee changes impact:

- Applications
- Intent-to-use filings:
 - Amendments to Allege Use
 - Statements of Use
- Renewals
- Declarations of Use / Incontestability
- Petitions
- Letters of Protest

[1] USPTO fiscal year 2025 runs from October 1, 2024 – September 30, 2025.

USPTO Proposed Trademark Fee Changes

Initial Application Proposed Changes:

- No more TEAS Standard and TEAS Plus Options
- Instead, single base application, with additional surcharges for:
 - Submissions of incomplete applications (\$100/class)
 - Using free-form text to create goods/services ID instead of preapproved drop-down menus containing acceptable IDs (\$200/class)
 - Using free-form text to create goods/services ID in excess of 1000 characters (\$200 per 1000 characters)
- Proposed fee of \$850 for base application
 - Per class proposed fee of \$350

USPTO Proposed Trademark Fee Changes

Madrid Filings Proposed Changes:

- Single base application, with additional surcharges for:
 - Submissions of incomplete applications (\$100/class)
 - Using free-form text to create goods/services ID instead of preapproved drop-down menus containing acceptable IDs (\$200/class)
 - Using free-form text to create goods/services ID in excess of 1000 characters (\$200 per 1000 characters)
- Proposed fee of \$350 / class for base application filed through § 66(a)

USPTO Proposed Trademark Fee Changes

Intent-to-Use Changes:

- Amendment to Allege Use
 - From \$100 to \$150 (assuming electronic filing)
- Statement of Use
 - From \$100 to \$150 (assuming electronic filing)

USPTO Proposed Trademark Fee Changes

Post-Registration Maintenance Filings:

- § 9 renewal and renewal fees paid through WIPO
 - From \$300 to \$350 per class (assuming electronic filing)
- § 8 declaration and § 71 declaration
 - From \$225 to \$300 (assuming electronic filing)
- § 15 declaration of incontestability
 - From \$200 to \$250 (assuming electronic filing)

USPTO Proposed Trademark Fee Changes

Petitions and Letters of Protest:

- Letter of Protest
 - From \$50 to \$150
- Petition to the Director
 - From \$250 to \$400 (assuming electronic filing)
- Petition to Revive
 - From \$150 to \$250 (assuming electronic filing)

USPTO Proposed Trademark Fee Changes

Additional Resources:

- USPTO's Latest Trademark Fee setting information is found [here](#).
- Public Comments close May 28, 2024:
 - <https://www.federalregister.gov/documents/2024/03/26/2024-06186/setting-and-adjusting-trademark-fees-during-fiscal-year-2025>

Marshall Gerstein Trademark Team Attending 2024 INTA Conference



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- Advises clients on trademarks & copyrights
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Thank you

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