IP News: USPTO Fee Increase

Trademark Fees Increasing January 2, 2021

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For the first time in almost three years, the USPTO is raising its Trademark and Trademark Trial and Appeal Board fees. If your company wishes to file a new trademark application, Declaration of Use, or any kind of adverse Notice or Petition, it may make sense to file before the end of the year.

The goals of the fee increases, as stated by the USPTO, are to:

- Enhance the quality of examinations
- Achieve optimal examination times
- Invest in modernizing USPTO systems and infrastructure
- Provide stability to USPTO operations, even in times of financial fluctuations

The fee increases, per class, are as follows:

Applications:

TEAS Standard (an application with custom identifications of goods/services): From $275 to $350

TEAS Plus (an application using standard IDS): From $225 to $250

Post-Registration Fees:

Declaration of Use (Sect. 8 or 71): From $125 to $225

New Fee:

For deleting goods, services, and/or classes from a registration after submitting a section 8 or 71 declaration, but before the declaration is accepted: $250 per class if filed through TEAS

Petition and Letter of Protest Fees:

Petition to the Director: From $100 to $250

Petition to Revive an Abandoned Application: From $100 to $150

Letter of Protest: New fee of $50

TTAB (Trademark Trial and Appeal Board) Fees:

Petition to Cancel: From $400 to $600, however, the USPTO will provide **partial refunds** for petitions to cancel in default judgments if the cancellation involves only a nonuse or abandonment claim, the defendant didn't appear, and there were no filings other than the petition to cancel.

Notice of Opposition: From $400 to $600

Extensions of Time to Oppose – First 30 Day extension – no change (0); Final 60 Day Extension, from $200 to $400

Ex parte Appeal: $200 to $225

New fee for second, and subsequent, requests for an extension of time to file an appeal brief in an ex parte appeal filed through ESTTA: $100 per application. There is still no fee for a first request.

New fee for appeal briefs in an ex parte appeal filed through ESTTA: $200 per class

New fee for requests for oral hearings: $500 per proceeding

Please contact Sean Detweiler should you have questions concerning this subject.