

## REPORT

**TRADEMARK OFFICE ANNOUNCES  
CHANGES TO TRADEMARK FEES****December 11, 2020**

On November 20, 2020, the United States Patent and Trademark Office (USPTO) announced significant changes to several trademark fees, including Trademark Trial and Appeal Board (TTAB) fees, which are to take effect on January 2, 2021. These changes constitute the most extensive modifications to TTAB fees since 2017, and reflect the USPTO's objectives of better aligning fees with costs, protecting the integrity of the trademark register, improving the efficiency of various trademark filing processes, and ensuring financial sustainability to facilitate future agency operations. This Special Report summarizes the most relevant changes.

**I. Paper Filings**

Some of the fee increases raise the cost of paper filings, in order to encourage the use of electronic filing. As we do almost all filings electronically, this will not affect our clients significantly. We therefore will not discuss these changes in detail.

**II. Application and Application related Fees**

The fee for filing a TEAS Standard Application (generally used by our firm) will increase from \$275 per class to \$350 per class.

The fee for filing a TEAS Plus Application will increase from \$225 per class to \$250 per class.

**III. Declarations of Use**

The fee for filing Declarations of Use (Section 8 or 71), which are due six and ten years after the registration date, will increase from \$125 per class to \$225 per class.

The USPTO has now added a 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. The new fee is \$250 per class.

**IV. TTAB Filing Fees**

Filing fees for an opposition or cancellation proceeding before the TTAB will increase from \$400 per class to \$600 per class.

Initial 90-day extension requests for filing a notice of opposition, or second 60-day extension requests for filing a notice of opposition filed through ESTTA, the TTAB's electronic filing system, will increase from \$100 per application to \$200 per application. There is no fee for the first 30-day extension of time to file an opposition through ESTTA.

Final 60-day extension requests for filing a notice of opposition, filed through ESTTA will

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increase from \$200 per application to \$400 per application.

*Ex parte* appeals filed through ESTTA will increase from \$200 per class to \$225 per class.

The USPTO has added a 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 (there is still no fee for a first request). The new fee is \$100 per application.

The USPTO has added a new fee for appeal briefs in an *ex parte* appeal filed through ESTTA. The new fee is \$200 per class.

The USPTO has added a new fee for requests for oral hearings. The new fee is \$500 per proceeding.

## V. Petition to the Director and Letter of Protest Fees

The fee for filing a Petition to the Director filed through TEAS will increase from \$100 to \$250.

The fee for filing a Petition to Revive an abandoned application filed through TEAS will increase from \$100 to \$150.

The USPTO has added a new fee for filing a Letter of Protest. The new fee is \$50.

## VI. Partial Refunds for Petitions to Cancel

In addition to the new fees coming in January 2021, the USPTO will also be offering partial refunds for petitions to cancel in default judgments in the following instances:

1. If the cancellation involves only a nonuse or abandonment claim;
2. If the defendant did not appear; and
3. There were no filings other than the petition to cancel.

A full listing of the USPTO trademark fee increases can be found [here](#).

Questions regarding these upcoming fee changes, or any other trademark matters, can be addressed to our Trademark Department at [TrademarkGroup@oliff.com](mailto:TrademarkGroup@oliff.com).

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*Oliff 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 Oliff PLC. Readers should seek the advice of professional counsel before acting upon any of the information contained herein.*

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