

Client Alert

November 2024

Significant Changes to United States Patent and Trademark Office Fees for Trademark Filings in 2025

On November 18, 2024, the United States Patent and Trademark Office (“USPTO”) officially published its Final Rule for filing and maintenance fee increases for 2025. In so doing, the USPTO added new fee categories and increased many of its existing fees. The purpose of the changes and increases, according to the Final Rule outlining the same, is to “provide the agency with sufficient financial resources to facilitate the effective administration of the U.S. trademark system.” It is noted in the Final Rule that many of the fees have not increased for over 20 years. The fees discussed below are the USPTO fees only. Of course, the fees mentioned below are just the government fees, and legal fees are extra.

Application Filing Fees – Importance of Proper Listing of Goods/Services

Trademark application filing fees will now be \$350 per class for each new application filed electronically. If the application does not use the USPTO’s Acceptable Identification of Goods and Services Manual (“ID Manual”) for its goods and services, there will be an additional \$200 surcharge per class. The hope is that this will encourage applicants to use the ID Manual, which will not only save the cost of \$200 per class but it will also greatly lessen the chance of receiving an Office Action based on the description of goods/services.

In addition, the USPTO will limit the goods/services descriptions to 1,000 characters per class, and for any description greater than 1,000 characters, the USPTO will charge an additional \$200 for each additional group of 1,000 characters per class. Because the USPTO examiners must review every item listed for compliance with U.S. laws, in enacting this new fee category, the Final Rule states:

To ensure that applicants who submit lengthy identifications pay the costs of their review, the USPTO is setting a new fee of \$200 for each additional group of 1,000 characters beyond the first 1,000 characters in the free-form text box, including punctuation and spaces.

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This new fee may most often affect non-U.S. applicants who simply copy their goods/services from applications or registrations in their home countries where long lists of goods/services are commonplace. Such extensive listings are not in keeping with U.S. practice, however, and are not recommended for U.S. filings.

Surcharge for Failure to Provide Required Information

The USPTO will also begin charging a surcharge of \$100 per class for any application that fails to include certain information or meet certain requirements, such as:

- The applicant's name and domicile address;
- The applicant's legal entity type;
- The citizenship of each individual applicant, or the state or country of incorporation of 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;
- If the applicant is a sole proprietorship, the state of organization of the sole proprietorship and the name and citizenship of the sole proprietor;
- The correct filing basis (i.e. use-based, intent to use, or foreign application/registration);
- For multi-class applications, compliance with 37 C.F.R. §2.86 (i.e. proper filing basis listed for each class, etc.);
- Proper fees paid for each class;
- A verified statement that the mark is in use or that the applicant has a bona fide intention to use the mark on all the goods/services listed;
- For any mark that is not a standard character word mark, a proper digitized image of the design or logo;
- If the mark is a standard character word mark, a properly typed mark;
- If the mark includes colors, a proper description of the colors;
- For any mark that is not a standard character word mark, a description of the mark;

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- An English translation of any non-English words used in the mark;
- If the mark includes non-Latin characters, a transliteration of those characters;
- If the mark includes an individual’s name or likeness, either a consent from the living individual or a statement that the name or likeness does not depict a living individual;
- If the applicant owns one or more registrations of the same mark, a claim of ownership of the other registrations;
- An applicant whose domicile is not located in the U.S. must designate a U.S. attorney as its representative before the USPTO.

Other Fee Increases

Some of the other fee increases for the most common matters include:

Description (for electronic filings)	Current Fee	New Fee
Amendment to Allege Use or Statement of Use for intent-to-use applications per class	\$100	\$150
Renewal of Registration per class	\$525	\$650
Section 8 or Section 71 Declaration of Use filed between the 5 th and 6 th years of registration per class	\$225	\$325
Section 15 Declaration of Incontestability per class	\$200	\$250

The new fees and increases will go into effect on January 18, 2025.

Please contact the Olshan attorney with whom you regularly work or the attorney listed below if you would like to discuss further or have questions with respect to this matter.

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