

INTELLECTUAL PROPERTY

ALERT

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## United States Patent and Trademark Office Fee Adjustments Effective January 2, 2021

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### **Important Notice – Please Mark Your Calendars!**

The United States Patent and Trademark Office (USPTO) has announced that it will adjust various filing fees, effective January 2, 2021. The fee adjustments have been deemed necessary to address increasing costs for USPTO and Trademark Trial and Appeal Board (TTAB) operations.

The most notable fee changes are listed below, along with a few tips for individuals and businesses using these services:

#### **USPTO FEES**

##### **Application and Application-Related Fees**

- TEAS Standard Filing: \$350 per class (up from \$275 per class)
- TEAS Plus Filing: \$250 per class (up from \$225 per class)
- Processing fee for failing to meet TEAS Plus requirements: \$100 per class (down from \$125 per class)

The increase in application-related fees serves as a prompt for companies and individuals to review their trademark portfolio and current website and social media usage to identify potentially valuable trademarks that should be protected through registration.

##### **Post-Registration Fees**

- Section 8 or 71 declaration filed through TEAS: \$225 per class (up from \$125 per class)
- 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

- There will be no fee for electronically filing a section 7 request to amend registration before submitting a section 8 or 71 declaration, if the filing only deletes goods, services, and/or classes in the request (otherwise, the current fee for filing a section 7 request through TEAS is \$100).

The new fee is an incentive for companies and individuals to take a proactive approach in examining their identifications of goods and services to ensure that they accurately describe the company's trademark use before filing Section 8 or 71 declarations.

##### **Petition to the Director and Letter of Protest Fees**

- Petition to the Director filed through TEAS: \$250 (up from \$100)
- Petition to revive an abandoned application filed through TEAS: \$150 (up from \$100)
- New fee for letter of protest: \$50 per application

##### **TTAB FEES**

- Petition to cancel filed through ESTTA: \$600 per class (up from \$400 per class)
- Notice of opposition filed through ESTTA: \$600 per class (up from \$400 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: \$200 per application (up from \$100 per application)

- There is still no fee for a first 30-day extension request for filing a notice of opposition, filed through ESTTA.
- Final 60-day extension request for filing a notice of opposition, filed through ESTTA: \$400 per application (up from \$200 per application)
- Ex parte appeal filed through ESTTA: \$225 per class (up from \$200 per class)
- 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
- 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

By continuing not to charge a fee for the first 30-day extension of time, but doubling the fee for the subsequent extension, the Trademark Trial and Appeal Board may be signaling a preference for parties to diligently resolve their disputes during that initial 30-day period. Parties that cannot work out their disagreements with the applicants within that time may opt to oppose upon the expiration of the first extension, and thereafter rely on consent motions to extend the time for response within the schedule of the opposition proceeding.

See Final Rule for all fee changes at –

<https://www.federalregister.gov/documents/2020/11/17/2020-25222/trademark-fee-adjustment>. ◆

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