

USPTO To Raise Trademark Fees in January 2021

The USPTO has opted to raise fee prices for a variety of trademark actions effective on January 2, 2021. In making these changes, the USPTO weighed factors such as the current state of the U.S. economy, the needs of the agency, and advice from the public. Ultimately, the new changes will impact trademark application filing fees, post-registration fees, and Trademark Trial and Appeal Board fees.

Fee Increases

In what appears to be an effort to encourage TEAS Plus filings, the fee for TEAS Plus filings was raised only \$25 per class to \$250 per class, whereas TEAS Standard filing fees were raised \$75 per class to \$350 per class. The difference between these filings is strictly in the description of goods and services. TEAS Plus filings use the USPTO's ID Manual to choose from predetermined descriptions of goods and services. When the goods or services to be included in the application do not fit within the prescribed list, we then have to draft our own descriptions and use the more expensive TEAS Standard filing.

Section 8 and Section 71 Declarations of Continued Use must be filed during the 5th year after registration and then again with subsequent renewal applications. The current rate of \$125 per class will increase to \$225 per class. Notably, a new \$250 per class fee has been created for deleting goods and services from a registration *after* submitting a Section 8 or 71 Declaration. As you may be aware, the USPTO now randomly selects Section 8 or 71 Declarations for audit. This new particularly heavy fee is likely trying to send a clear message to trademark owners to maintain only the goods and services with which the mark is being actively used. If a registration is selected for audit and in response the owner must delete goods and services from the registration because of an inability to prove use, the new \$250 fee will be imposed for **each class** in which goods or services have been deleted. Though this new fee is steep, there will be no longer be a fee for filing a Section 7 request to amend a registration to delete goods and services (or for any other permitted amendment) if it is filed before the Section 8 or 71 Declaration is filed.

Finally, these changes also affect Trademark Trial and Appeal Board fees. The most notable changes include: increasing the fee for filing a petition to cancel from \$400 per class to \$600 per class; increasing the fee for filing a notice of opposition from \$400 per class to \$600 per class; and, increasing the fee from \$100 per application to \$200 per application for requests for extension of time to file a notice of opposition over 30 days.

Impact on Trademark Owners

As these changes becoming effective on January 2, 2021, we urge trademark owners to file Section 8 or 71 Declarations and Renewals **before year end** for registrations which have due dates prior to December 31, 2021 to take advantage of the current fee rates. With prices

increasing on a per-class basis, we encourage trademark owners to be mindful of the specific goods and services for which their marks are registered and to remove those with which the mark is not actively being used. If a new trademark application is in your future, we also suggest filing before December 31, 2020 under the current lower rates.

For information on how these fee changes may impact you, or for assistance in filings, please contact us.

To see a full list of fee changes, please visit [the USPTO website](#).