

USPTO Trademark Fee Changes: Key Updates and Fee Avoidance Strategies for Applicants



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The USPTO has announced significant changes to its trademark fee schedule, introducing new surcharges and increasing existing fees. These changes will take effect on January 18, 2025, for most filings and on February 18, 2025, for Madrid Protocol filings designating the U.S. The increased fees were enacted to ensure the USPTO has the resources to administer the U.S. trademark system effectively.

New Base Fee Structure and Requirements

The current distinction between TEAS Standard and TEAS Plus applications will be eliminated. Instead, a single electronic base application fee of \$350 per class will apply, provided applicants meet the following requirements:

- 1. **Completeness at Filing:** Applications must include all required information at the time of filing, such as the applicant's address, email address, mark description, and first-use dates (if applicable).
- 2. **Use of Pre-Approved Descriptions:** Descriptions of goods and services must align with those in the USPTO's

Trademark ID Manual ("ID Manual").

Failure to meet these requirements will result in the following surcharges:

- A \$100 surcharge for incomplete applications at the time of filing.
- A \$200 surcharge per class for applicants who use the free-form text box to describe goods and services instead of selecting pre-approved descriptions from the ID Manual.
- An additional \$200 fee for every 1,000 characters beyond the first 1,000 characters in the free-form text box, including punctuation and spaces.

The ID Manual, integrated into the electronic application, contains thousands of pre-approved identifications. Applicants are encouraged to use this tool to avoid the free-form text surcharges, which are intended to offset the increased costs of reviewing lengthy or complex descriptions. Additionally, the USPTO provides a vehicle for requesting the addition of goods and services descriptions to the ID Manual, although such requests are not always accepted. We can work with you to find the most cost-effective way to list your goods and services.

Impact of New Surcharges

Applicants relying on free-form text for goods and services descriptions may face significantly higher fees, with a minimum cost of \$550 per class for descriptions not included in the ID Manual. These changes will be particularly impactful for foreign applicants whose U.S. applications often include extensive descriptions from foreign filings.

Madrid Protocol applications are exempt from these surcharges since WIPO currently cannot collect them. However, the base fee for Madrid Protocol applications designating the US will increase from \$500 to \$600 starting February 18, 2025.

Changes to Post-Registration Fees

Post-registration maintenance fees will also increase, effective January 18, 2025:

- Sections 8 and 71 (Declaration of Use) filings: \$325 per class.
- Section 9 (Renewal of Application) filings: \$325 per class.
- Section 15 (Declaration of Incontestability) filings: \$250 per class.

Takeaway

The revised fee structure might prompt applicants to reassess their filing strategies and allocate funds differently for future trademark applications. Collaborating with trademark counsel to ensure complete applications and leveraging standard descriptions can help minimize extra costs.

The USPTO's Final Rule can be found [here](#). Below is a summary of the fee changes and increases.

Key Filing Fee Changes

	Current Fee	New Fee	Dollar Change	% Change
Base application per class	N/A	\$350	N/A	N/A
Fee for insufficient information per class	N/A	\$100	N/A	N/A
Fee for using the free-form text box to enter the identification of goods/services per class	N/A	\$200	N/A	N/A
For each additional group of 1,000 characters beyond the first 1,000 per class	N/A	\$200	N/A	N/A
Amendment to Allege Use or Statement of Use per class	\$100	\$150	\$50	50%
Section 9 registration renewal application, per class	\$300	\$325	\$25	8%
Section 8 declaration, per class	\$225	\$325	\$100	44%
Section 15 declaration, per class	\$200	\$250	\$50	25%
Section 71 declaration, per class	\$225	\$325	\$100	44%
Letter of protest	\$50	\$150	\$100	200%

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