

INTELLECTUAL PROPERTY INFORMATION MEMO

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Fee Changes for Trademark Matters

The United States Patent and Trademark Office (USPTO) has announced changes to trademark fees¹, all of which will take effect on Jan. 18, 2025, except for the fees for international applications filed under the Madrid Protocol, which will take effect on Feb. 18, 2025. Fees are increasing for initial filings, establishing use, and maintaining registrations. These adjustments reflect the USPTO's efforts to align its fees with rising operational costs and to encourage accurate and efficient filings. Below we highlight some key changes for electronic filings with the USPTO and some recommendations for handling your trademark portfolio.

Unified Electronic Filing Fee and Surcharges for Applications filed under §§ 1(a), 1(b), 44(d) & 44(e)

– The USPTO is discontinuing the TEAS Plus and TEAS Standard application options and replacing these filing options with a single base application fee, per class, to incentivize more complete and timely filings and improve prosecution.

Additional filing surcharges will apply depending on the complexity and completeness of the application. Below is a chart showing the new unified electronic filing fee and surcharge fees for applications filed under Sections 1(a), 1(b), 44(d) & 44(e).

Description of Fees for Applications filed under §§ 1(a), 1(b), 44(d) & 44(e)	Fee (USD)
Base application fee, per class	\$350
Insufficient information surcharge, per class	\$100
Surcharge for using the free-form text box to identify goods/services (instead of the Trademark ID Manual), per class	\$200
Surcharge for each 1,000 characters beyond the first 1,000 characters, per class	\$200

The surcharge for insufficient information will apply if the application fails to satisfy any of the requirements for a base application as specified in (a)(1) through (19) of § 2.22. For example, the surcharge will be imposed if the citizenship of each individual applicant, or the state or country of incorporation or organization of each juristic applicant is not included with the application.

Applicants who choose to use the free-form text box to identify goods and/or services (instead of the pre-approved descriptions from the ID Manual) will incur a \$200 surcharge, per class. There will also be a \$200 surcharge, per class, for each additional group of characters beyond the first 1,000 characters allowed in the free-form text box, including punctuation and spaces. Applicants who enter identifications from the ID Manual will not incur this fee even if the characters exceed the first 1,000 characters. Additionally, this fee will not apply to amended identifications that exceed the character limit in a response to an Office Action.

¹ Setting and Adjusting Trademark Fees During Fiscal Year 2025, A Rule by the Patent and Trademark Office on Nov. 18, 2024, available [here](#).

Fees for an International Application filed under § 66(a) (Madrid Protocol) - An application filed under the Madrid Protocol will have an application fee of \$600, per class, as paid in Swiss francs. This fee is increased from \$500, per class. Madrid applications will not be subject to the surcharges discussed above. The fee for renewing an international registration will also be increased to \$325. As noted above, the increased fees for Madrid applications will take effect on Feb. 18, 2025.

Statements of Use (SOU)/Allegations of Use (AOU) - The USPTO is increasing the fees for a statement of use and an allegation of use to \$150, per class.

Post-Registration Maintenance Fees - The fee for filing the necessary affidavit for maintaining a trademark registration between the fifth- and sixth-years following registration under § 8 is increasing to \$325, per class. The fee for filing the optional declaration of incontestability under § 15 is increasing to \$250, per class. The fee for filing a renewal application under § 9 is increasing to \$325, per class. Thus, the fee for filing a combined declaration of use and incontestability is increasing from \$425 to \$575, per class, and the fee for filing a declaration of use and renewal application is increasing from \$525 to \$650, per class.

Takeaways – Applicants might want to reassess or update their filing strategies in view of the new application fee structure and surcharges. Applicants relying on free-form text for identifying goods and services will face a minimum official fee of \$550/per class (versus the previous official fee of \$350/per class). Particularly for Madrid filings, Applicant’s might want to use the pre-approved descriptions of goods and/or services from the ID Manual.

We are here to help navigate these changes and ensure your trademark filings are handled efficiently. For further assistance or to discuss your strategic options, please contact any attorney in Bond’s [intellectual property practice](#).

