

NEW TRADEMARK FEE SCHEDULE TAKING EFFECT AT THE USPTO ON JANUARY 2, 2021

On November 16, 2020 the United States Patent and Trademark Office (USPTO) issued a Final Rule setting and adjusting trademark filing and Trademark Trial and Appeal Board (TTAB) fees for the first time since January 2017. The new fee schedule will take effect on January 2, 2021.

Notable new USPTO fees and fee increases are outlined below. Most significant are the increases in filing fees for new applications, notices of opposition, and cancellations, as well as a new fee for deleting goods or services in a registration after a Section 8 or 71 Declaration has been filed. Leydig encourages clients who are interested in filing new trademark applications to consider doing so prior to January 2, 2021 to avoid the increased USPTO fees.

Notable New USPTO Fees

Action	New USPTO Fee
Deletion of goods or services after filing a Section 8 or 71 Declaration, but before acceptance (including after a Post Registration Audit issues):	\$250 per class
Filing a Letter of Protest:	\$50 per letter
Filing an appeal brief in an ex parte appeal:	\$200 per class
Requesting an oral hearing in a TTAB proceeding:	\$500

Notable USPTO Fee Increases

Action	Old USPTO Fee	Increased USPTO Fee
Filing an Application through TEAS (standard):	\$275 per class	\$350 per class
Filing a Section 8 or 71 Declaration:	\$125 per class	\$225 per class
Filing a Petition to the Director:	\$100 per mark	\$250 per mark
Filing a Petition to Revive:	\$100 per mark	\$150 per mark
Filing a Petition to Cancel:	\$400 per class	\$600 per class
Filing a Notice of Opposition:	\$400 per class	\$600 per class
Filing an Initial 90 Day Extension Request To Oppose or Second 60 Day Request to Oppose:	\$100 per mark	\$200 per mark
Filing a Final 60-Day Extension Request to Oppose (no fee for 30 day extensions):	\$200 per mark	\$400 per mark
Filing an ex parte appeal through ESTTA:	\$200 per class	\$225 per class