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内外知的財産権ニュース

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米国商標の料金改定(続報)

米国商標の出願等の手数料の改定が2025年1月18日付で発効されます。この手続きの詳細に関して、この度 USPTO より「Examination Guide 1-25/Examination Procedures for New Fees/January 2025」が発行されました。当該ガイドラインをみると新たな料金改定の商標出願に与える影響は、大きいものであると考えられます。先月号の「内外知的財産権ニュース」にて、お伝えしたようにランハム法1条、44条に基づく出願の基本料金は一律 US\$350(1区分)ですが、基礎要件(base application requirement)に合致しない場合には**追加料金が各区分毎**に発生します(66条のマドプロ出願は適用外です)。

追加料金の概要

(1) Insufficient information fee(情報不足の場合の手数料)→1 区分につき US\$100

* 方式補正が発生するような場合であり、例えば出願人の legal entity が書かれていない場合等

(2) Free-form text box identification fee(自由形式のテキスト ID 手数料)→1 区分につき US\$200

* 指定商品・役務が USPTO の ID マニュアルから直接取得したものでない場合

(3) Excess character identification fee(超過文字識別手数料)→関係する 1 区分につき US\$200

* 1,000 文字ごとに加算されるので例えば 2,000 文字であれば US\$400 が加算される

上記は出願時のみならず、審査官が審査で上記を発見した場合には Office Action 時に支払いが要求されることもあります。

また Free-form text box identification fee は ID マニュアルから採用しなかった区分のみならず同一出願のすべての区分に上記費用が発生するので ID マニュアルから採用しない場合には当該区分を別出願とすることが推奨されています。

計算例

① 2区分の出願で entity type を記載していなかった場合(*上記(1))

基本料 $\$350 \times 2 = \700

追加料金: Insufficient information fee $\$100 \times 2 = \200

計 US\$900

② 9 類、25 類の出願で 9 類は ID マニュアルを採用しなかったが、25 類は ID マニュアルを採用し、9 類も 25 類も 1000 文字を超えていた場合(*上記(2))

基本料 $\$350 \times 2 = \700

追加料金: Free-form text box identification fee $\$200 \times 2 = \400

Excess character identification fee $\$200 \times 1$ (9 類のみ) = \$200

計 US\$1,300

以上

Examination Guide 1-25

Examination Procedures for New Fees

January 2025

I.	Introduction.....	1
II.	Base Application Requirements and Additional Fees	2
A.	Base Application Requirements	2
B.	Assessment of Additional Fees	4
1.	Insufficient Information Fee	4
2.	Free-form Text ID Fee.....	5
3.	Excess Character ID Fee.....	7
C.	Fee Considerations and Procedures	8
1.	Payment of All Fees Assessed at Filing	8
2.	Same Fee Paid at Filing May Not be Required for Same Classes During Examination	8
3.	Different Fees for Same Application	9
III.	In-flight TEAS Standard, TEAS RF, and TEAS Plus Applications	10
A.	TEAS Standard and TEAS RF Applications.....	10
B.	TEAS Plus Applications.....	10
1.	Examined TEAS Plus Applications.....	10
2.	Unexamined TEAS Plus Applications	11
IV.	Other Fees	11

I. Introduction

On November 18, 2024, the United States Patent and Trademark Office (USPTO) published a final rule ([Setting and Adjusting Trademark Fees During Fiscal Year 2025](#), 89 FR 91062) establishing a new fee schedule and replacing the current Trademark Electronic Application System (TEAS) Plus and TEAS Standard application filing options with a single base application fee where additional fees apply based on the complexity and completeness of the application.¹

These rule changes are effective January 18, 2025. On that date, this examination guide will supersede the November 2024 edition of the Trademark Manual of Examining Procedure (TMEP) and any other official USPTO guidance to the extent any inconsistency exists.

This examination guide provides guidance on implementation of the new fee structure for electronically filed² applications under Trademark Act sections 1 and/or 44,³ and the fees for allegations of use, post-registration maintenance filings, letters of protest, and certain petitions.

¹ 37 C.F.R. §§2.6(a)(1)(iii)-(vi), 2.22(b)-(d).

² On the effective date, a paper application is subject to a flat fee of \$850, per class. 37 C.F.R. §2.6(a)(1)(i). The base application requirements and additional fees do not apply to paper applications.

³ An application under section 66(a) having a receipt date that is on or after February 18, 2025 is subject to a flat fee of \$600, per class. 37 C.F.R. §2.6(a)(1)(ii)(A). The base application requirements and additional fees do not apply to section 66(a) applications.

II. Base Application Requirements and Additional Fees

On January 18, 2025, the TEAS Plus and TEAS Standard filing options will be discontinued and replaced with a single electronic base application. All electronically filed applications under sections 1 and/or 44 submitted on or after January 18, 2025⁴ are subject to the base application requirements set forth in 37 C.F.R. §2.22, including certification marks, collective marks, and collective membership marks, as well as applications for registration on the Principal and Supplemental Registers.

Applications that meet the base application requirements are subject to only a filing fee of \$350, per class.⁵ Applications that do not meet the base application requirements are subject to the filing fee, per class, and one or more of the following additional fees:

- (1) Insufficient information fee of \$100, per class;⁶
- (2) Free-form text box identification fee (free-form text ID fee) of \$200, per class, when any identification of goods and/or services is not taken directly from the USPTO's Acceptable Identification of Goods and Services Manual (ID Manual) in the electronic form (i.e., free-form text ID entry) or the fill-in-the-blank field of an ID Manual entry is misused;⁷ and/or
- (3) Excess character identification fee (excess character ID fee) of \$200 for each group of additional 1,000 characters beyond the first 1,000 characters in classes using free-form text ID entries, per affected class.⁸

These additional fees are discussed in further detail in [Part II.B](#).

No change to minimum filing requirements. An application must still meet the minimum filing requirements for receiving a filing date under 37 C.F.R. §2.21(a).⁹

A. Base Application Requirements

The requirements for a base application under 37 C.F.R. §2.22(a)(1)-(20) are as follows:

- (1) The applicant's name and domicile address;
- (2) The applicant's legal entity;
- (3) The citizenship of each individual applicant, or the state or country of incorporation or organization of each juristic applicant;
- (4) If the applicant is a domestic partnership, the names and citizenship of the general partners, or if the applicant is a domestic joint venture, the names and citizenship of the active members of the joint venture;
- (5) If the applicant is a sole proprietorship, the state of organization of the sole proprietorship and the name and citizenship of the sole proprietor;

⁴ Trademark correspondence transmitted electronically is considered filed on the date the USPTO receives the submission, in Eastern Time (ET). See TMEP §303.01.

⁵ 37 C.F.R. §2.6(a)(1)(iii).

⁶ 37 C.F.R. §§2.6(a)(1)(iv), 2.22(b).

⁷ 37 C.F.R. §§2.6(a)(1)(v), 2.22(c).

⁸ 37 C.F.R. §§2.6(a)(1)(vi), 2.22(d).

⁹ See TMEP §202.

- (6) One or more bases for filing that satisfy all the requirements of 37 C.F.R. §§2.34, 2.44, or 2.45, as applicable, for each basis;
- (7) If the application contains goods and/or services in more than one class, compliance with 37 C.F.R. §2.86 (i.e., multiple-class application requirements);
- (8) A filing fee for each class of goods and/or services;
- (9) A verified statement that meets the requirement of 37 C.F.R. §§2.33, 2.44, or 2.45, as applicable, dated and signed by a person properly authorized to sign on behalf of the owner;
- (10) If the applicant does not claim standard characters, the applicant must attach a digitized image of the mark. If the mark includes color, the drawing must show the mark in color;
- (11) If the mark is in standard characters, a mark comprised only of characters in the USPTO's standard character set, typed in the appropriate field of the application;
- (12) If the mark includes color, a statement naming the color(s) and describing where the color(s) appears on the mark, and a claim that the color(s) is a feature of the mark;
- (13) If the mark is not in standard characters, a description of the mark;
- (14) If the mark includes non-English wording, an English translation of that wording;
- (15) If the mark includes non-Latin characters, a transliteration of those characters;
- (16) If the mark includes an individual's name or likeness, either (i) a statement that identifies the living individual whose name or likeness the mark comprises and written consent of the individual, or (ii) a statement that the name or likeness does not identify a living individual;
- (17) If the applicant owns one or more registrations for the same mark, and the owner(s) last listed in USPTO records of the prior registration(s) for the same mark differs from the owner(s) listed in the application, a claim of ownership of the registration(s) identified by the registration number(s);
- (18) If the application is a concurrent use application, compliance with 37 C.F.R. §2.42;
- (19) An applicant whose domicile is not located within the United States or its territories must designate an attorney as the applicant's representative and include the attorney's name, postal address, email address, and bar information; and
- (20) Correctly classified goods and/or services, with an identification of goods and/or services from the ID Manual within the electronic form.

An applicant has met the base application requirements and will not pay the additional fees set forth in [Part II.B.1-B.3](#) if, in the initial application, the applicant: (1) makes a reasonable attempt to supply all required information in paragraphs (a)(1) through (a)(19); and (2) uses the ID Manual within the electronic form for all goods and/or services in the application, including making a reasonable attempt to provide information for any ID Manual entry with a fill-in-the-blank field, in accordance with paragraph (a)(20).

Whether an applicant has made a reasonable attempt to supply the information required by paragraphs (a)(1) through (a)(19) will be evaluated in the same manner as the former

corresponding TEAS Plus filing requirements.¹⁰ Whether an applicant has made a reasonable attempt to provide information for any ID Manual entry with a fill-in-the-blank field is set forth in [Part II.B.2](#).

The *initial application* must meet the base application requirements to be subject to only the filing fee and no additional fees. Accordingly, correction of a deficiency made after the application is filed and prior to examination will not avoid a requirement for an applicable additional fee.¹¹ Conversely, if the initial application meets the base application requirements, any deficiency *arising from an amendment* will not incur any additional fees.

Example: The application is for “hair shampoo” in Class 3. The initial application meets all base application requirements. If the applicant later adds “medicated dandruff shampoo” in Class 5, which is within the scope of the original identification, the applicant would only be required to pay the filing fee of \$350 to add Class 5. An examining attorney must not require the insufficient information fee or free-form text ID fee on the sole basis that the applicant added a class. This is true even if the added class does not meet the multiple-class application requirements, because whether the additional fees are required is based on the initial application and not on deficiencies in later amendments.

In addition, no additional fee is required if the mark type is amended from a trademark or service mark to a certification mark, collective mark, or collective membership mark, or vice versa.

B. Assessment of Additional Fees

1. Insufficient Information Fee

The base application requirements in 37 C.F.R. §2.22(a)(1)-(19) generally correspond with the former TEAS Plus filing requirements currently set forth in TMEP §§819.01(b)-(f)(iv) and 819.01(h)-(q).¹² Similar to the former TEAS Plus processing fee, the applicant must pay an insufficient information fee of \$100, per class, if any of the base application requirements set forth in 37 C.F.R. §2.22(a)(1)-(19) are not met.¹³

The insufficient information fee does not apply to deficiencies arising from identification-related requirements, including requirements that arise from an identification falling within more than one class. In general, identification-related deficiencies in an application will incur the free-form text ID fee under 37 C.F.R. §2.22(a)(20).¹⁴ See [Part II.B.2](#) for the identification-related deficiencies that incur the free-form text ID fee and [Part II.C.3](#) for further discussion of the application of different fees in the same application.

At filing. If an applicant omits certain required information in the initial application, the trademark electronic filing system will require the insufficient information fee of \$100, per

¹⁰ See TMEP §§819.01(b)-(f)(iv) and 819.01(h)-(q) for additional information regarding what constitutes a reasonable attempt to supply the required information for each element.

¹¹ This assumes the applicable fee was not paid at filing. If a particular fee is paid at filing, an examining attorney must not require the same fee during examination for the applicable classes. See [Part II.C.2](#).

¹² The base application requirements set forth in 37 C.F.R. §2.22(a)(1)-(19) do not correspond with the identification requirements currently set forth in TMEP §819.01(g). Not using identifications of goods and/or services from the ID Manual within the electronic form is subject to the free-form text ID fee discussed in [Part II.B.2](#). There is no additional fee required for section 44 applications where the identification in the application exceeds the scope of the identification in the foreign application or registration.

¹³ 37 C.F.R. §§2.6(a)(1)(iv), 2.22(b).

¹⁴ 37 C.F.R. §§2.6(a)(1)(v), 2.22(c).

class. The electronic form will indicate all elements that will incur an insufficient information fee if omitted.

During examination. If the insufficient information fee is not assessed at filing and the examining attorney determines that the applicant did not provide required information, or provided irrelevant or clearly inappropriate information (e.g., the notation "???" is entered), the required information will be considered omitted and the examining attorney must issue an Office action requiring the insufficient information fee.¹⁵

Per class. The insufficient information fee applies to all active classes in the application at the time the fee is assessed, even if classes are subsequently deleted, and will also apply to any new classes that are subsequently added to the application.

Example: The service mark application is for two classes. The applicant uses the ID Manual within the electronic form for each service listed, and the insufficient information fee is not assessed at filing. The examining attorney determines the application does not meet the base application requirements because a translation of the non-English wording in the mark was not provided. The Office action includes: (1) a requirement for a translation statement; (2) a requirement for the insufficient information fee for two classes; and (3) a refusal of registration as to one class under section 2(d). If the applicant responds by submitting a translation and deleting the class that was refused under section 2(d), the applicant must still pay the insufficient information fee for two classes, because there were two classes in the application when the Office action requiring the insufficient information fee was issued.

Because the insufficient information fee applies to all classes in the application at the time the fee is assessed, an Office action requiring this additional fee can never be a partial refusal.

2. Free-form Text ID Fee

To meet the base application requirement set forth in 37 C.F.R. §2.22(a)(20), all goods and/or services in the application must be taken directly from the ID Manual within the electronic form. If the applicant elects to enter any goods or services using the free-form text box in the initial application, or the applicant misuses the fill-in-the-blank field of an ID Manual entry, the base application requirement set forth in 37 C.F.R. §2.22(a)(20) is not met, and the applicant must pay a free-form text ID fee of \$200, per class.¹⁶

At filing. If an applicant enters any free-form text ID entries in the application, the applicant will be required to pay the free-form text ID fee of \$200, per class, at filing. Any identification entered using the free-form text box is considered a free-form text ID entry, even if the identification entered is copied from the ID Manual. Once a free-form text ID entry is entered, the fee will be assessed for every class in the application even if the applicant elects to use the ID Manual within the electronic form for any other identification entries in the application. In general, to avoid the free-form text ID fee for any classes in which only entries from the ID Manual within the electronic form are used, the applicant may file a separate application for those entries.

During examination. Additionally, some ID Manual entries require the applicant to complete parenthetical information (e.g., "specify the function of the programs"). The display of such entries will include a field for the applicant to fill in the necessary information, following the

¹⁵ Cf. TMEP §§819.01(b)-(f)(iv), 819.01(h)-(q).

¹⁶ 37 C.F.R. §§2.6(a)(1)(v), 2.22(c).

instructions within the listing (i.e., a fill-in-the-blank field). If only entries from the ID Manual within the electronic form were used in the initial application and, therefore, the free-form text ID fee was not assessed at filing, this per class fee will be assessed during examination if the applicant misuses the fill-in-the-blank field by leaving the fill-in-the-blank field empty, inserting information that is clearly inappropriate for the selected identification, or inserting additional goods and/or services that are unrelated to the selected identification.

For example, the fee is required if the applicant selects entries from the ID Manual within the electronic form for all goods and/or services in the initial application but provides the following wording in the fill-in-the-blank field:

"processed meat, namely, *laptop computers*;"

"bicycle parts, namely, *bicycle parts*;"

"sound recordings featuring music, and *sunglasses*;"

"clothing, namely, *goods*;"

"Printed educational materials in the field of *specify subject matter*;"

In these situations, the applicant has, in effect, failed to submit an identification from the ID Manual in the initial application, and the application therefore does not meet the base application requirements. The free-form text ID fee is required even if the applicant later cures or deletes the unacceptable terminology.

The free-form text ID fee is not required if the identification of goods and/or services has a fill-in-the-blank field and the applicant makes a reasonable attempt to supply the required information in accordance with the instructions, but the identification requires amendment because the information:

- (1) sets forth related goods and/or services in another class (e.g., headwear, namely, football helmets (headwear that is clothing is in Class 25, football helmets are in Class 9));
- (2) is indefinite (e.g., maternity clothing, namely, sportswear);
- (3) includes indefinite wording from the parenthetical guidance provided for instructional purposes (e.g., "specify," "indicate," "etc."),¹⁷ but otherwise includes additional wording in the entry that complies with the instruction in the fill-in-the-blank field (e.g., Dental instruments, namely, specify items, e.g., picks, burrs, mirrors); or
- (4) is inaccurate.¹⁸

No fee for amendment of acceptable identification from ID Manual within the electronic form. If the ID Manual within the electronic form is used for each good and/or service listed and there is no misuse of the fill-in-the-blank field, the free-form text ID fee will not be required if the identification of goods and/or services is later amended, either in response to a requirement or on the applicant's own initiative. This is true even if the amendment to the identification is unacceptable. Similarly, this fee is not required if the identification is acceptable and correctly classified as filed, but is amended during examination to add or substitute another class (e.g., amendment from "headwear" in Class 25 to add "helmets" in Class 9; although "helmets" is not an acceptable identification and would require amendment

¹⁷ See TMEP §1402.04.

¹⁸ See TMEP §1402.05.

to indicate the type of helmets, because the original identification was an acceptable identification from the ID Manual, the free-form text ID fee is not required).

Per class. The free-form text ID fee applies to all active classes in the application at the time the fee is assessed, even if classes are subsequently deleted, and will apply to any new classes that are subsequently added to the application.

Example: The application is for one class. The applicant uses free-form text ID entries in the identification, but otherwise meets the other base application requirements. The applicant pays the filing fee and free-form text ID fee at filing, which totals \$550 (\$350 + \$200). The examining attorney determines that the identification is indefinite and may fall in more than one class. If the applicant adds one or more classes to the application, the applicant must pay the filing fee (\$350) and free-form text ID fee (\$200) for each added class (i.e., \$550 for each added class).

Because the free-form text ID fee applies to all classes in the application at the time the fee is assessed, an Office action requiring this additional fee can never be a partial refusal.

3. Excess Character ID Fee

The excess character ID fee applies to any class in which: (1) the applicant uses a free-form text ID entry in the initial application; and (2) the identification of goods and/or services in that class exceeds 1,000 characters. In this situation, the applicant must pay the \$200 excess character ID fee for each additional group of 1,000 characters beyond the first 1,000 characters, for that class.¹⁹ The characters counted include text, punctuation, spaces, and any ID Manual entries in that class.

Example: The applicant uses the ID Manual within the electronic form and adds “t-shirts; hats;” in Class 25, then switches to the free-form text box and enters an additional 1,000-character description of other goods in Class 25. The total character count for Class 25 is 1,016 (1,000 characters for the description entered in the free-form text box plus 16 characters for the letters, space, and punctuation for the “t-shirts; hats;” entries added from the ID Manual in the electronic form²⁰). The free-form text ID fee applies (\$200), and the excess character ID fee for this class would be \$200.

In a multiple-class application, the excess character ID fee does not apply to: (1) any class where only entries from the ID Manual within the electronic form are used; or (2) any class where the total character count for the class is 1,000 characters or fewer.

Example: The application is for Classes 9 and 25. Free-form text ID entries are used in both classes, along with other ID Manual entries. The total character count for Class 9 is 1,050 characters. The total character count for Class 25 is 100 characters. The excess character ID fee of \$200 only applies to Class 9 and would not be required for Class 25, because the identifications in Class 25 do not exceed 1,000 characters. If Class 9 had 2,050 characters, the excess character ID fee total would be \$400, which is the fee for two groups of 1,000 characters beyond the first 1,000 characters.

¹⁹ 37 C.F.R. §§2.6(a)(1)(vi), 2.22(d).

²⁰ If necessary to separate it from following entries, the trademark electronic filing system will add a semi-colon and space (i.e., “; ”) to entries added from the ID Manual in the electronic form, and/or at the end of a free-form text ID entry.

Example: The application is for Classes 9 and 25. Free-form text ID entries are only used in Class 9. Class 25 consists only of entries from the ID Manual within the electronic form. The total character count for Class 9 is 1,050 characters. The total character count for Class 25 is also 1,050 characters. The excess character ID fee *only applies* to Class 9. Although Class 25 exceeds 1,000 characters, Class 25 does not contain any free-form text ID entries. The excess character ID fee assessed would be \$200.

At filing only. The excess character ID fee will only be assessed by the trademark electronic filing system at filing and will not be assessed during examination.

C. Fee Considerations and Procedures

1. Payment of All Fees Assessed at Filing

The trademark electronic filing system will assess all filing fees and any applicable additional fees known at the time of filing. All filing fees and additional fees that are assessed at filing must be paid in order to submit the application.

Example: If an applicant files an application for two classes and only uses entries from the ID Manual within the electronic form, but elects not to provide its entity type, the system will assess an insufficient information fee of \$100 for each class in the application. The applicant must pay the total fee of \$900 to submit the application to the USPTO, which covers the filing fees for two classes ($\$350 \times 2 = \700) and the insufficient information fee for two classes ($\$100 \times 2 = \200).

If the examining attorney determines that the initial application has not met the base application filing requirements and the trademark electronic filing system did not assess the relevant insufficient information or free-form text ID fees, then the examining attorney must issue an Office action requiring the applicant to pay the additional fee(s).

2. Same Fee Paid at Filing May Not be Required for Same Classes During Examination

If the insufficient information fee or free-form text ID fee is paid at filing for each class, the examining attorney will not require the *same* fee for those classes even if additional deficiencies are found during examination.

Example: The application is for three classes. The applicant only uses entries from the ID Manual within the electronic form but does not submit a verified statement. The applicant pays the insufficient information fee for each class in the application at filing, which totals \$300 ($\100×3). Even if the examining attorney later determines that the application does not meet a different base application requirement under 37 C.F.R. §2.22(a)(1)-(19), the examining attorney must not require the insufficient information fee for these same three classes. However, if the applicant later amends the application to *add* one or more classes, the applicant must pay the filing fee (\$350) and insufficient information fee (\$100) for each added class (i.e., \$450 for each added class).

Example: The application is for two classes. The applicant elects to use free-form text ID entries and entries from the ID Manual within the electronic form, but otherwise meets the base application requirements. The applicant pays the free-form text ID fee for each class in the application at the time of filing, which totals \$400 ($\200×2).

Even if the examining attorney later discovers misuse of the fill-in-the-blank field for any of the ID Manual entries in the application, the examining attorney must not require the free-form text ID fee for these same two classes. However, if the applicant later amends the application to *add* one or more classes, the applicant must pay the filing fee (\$350) and free-form text ID fee (\$200) for each added class (i.e., \$550 for each added class).

3. Different Fees for Same Application

Different fees may apply to the same application, and all three additional fees may be assessed in the same application.

Example: The application is for Classes 9 and 25. Free-form text ID entries are only used in Class 9 and not Class 25, and the applicant enters information in all required fields. The total character count for Class 9 is 1,050 characters. The total character count for Class 25 is also 1,050 characters, but because it only consists of ID Manual entries, the excess character ID fee does not apply to this class. The applicant would be required to pay a total of \$1,300 in order to submit the application, which consists of the filing fees for two classes ($\$350 \times 2 = \700), the free-form text ID fee for two classes ($\$200 \times 2 = \400), and the excess character ID fee for Class 9 only (\$200). If, during examination, the examining attorney discovers the applicant entered "XXX" for its entity type, the examining attorney would require the insufficient information fee for two classes ($\$100 \times 2 = \200).

However, use of the free-form text box or misuse of the fill-in-the-blank field incurs the free-form text ID fee, and does not incur the insufficient information fee, even if the identification includes more than one class. Examining attorneys must not require the insufficient information fee based on identification-related deficiencies resulting from use of the free-form text box or misuse of the fill-in-the-blank field of an identification from the ID Manual.

Example: A free-form text ID entry is entered for "baseball batting helmets, baseballs, and baseball t-shirts" in Class 9, but otherwise meets the base application requirements. The applicant submits a fee of \$550, which covers the filing fee for one class (\$350) and the free-form text ID fee for one class (\$200). The examining attorney must not require the insufficient information fee even though the identification includes goods in more than one class (e.g., baseball batting helmets in Class 9, baseball t-shirts in Class 25, and baseballs in Class 28). However, if the applicant later amends the application to *add* one or more classes, the applicant must pay the filing fee (\$350) and free-form text ID fee (\$200) for each added class (i.e., \$550 for each added class).

If, however, the examining attorney determines the application does not meet a base application requirement under 37 C.F.R. §2.22(a)(1)-(19), unrelated to the identification, then the examining attorney will require the insufficient information fee if such fee was not already paid at filing.

Example: A free-form text ID entry is entered for "baseball batting helmets, baseballs, and baseball t-shirts" in Class 9, and the applicant enters information in all required fields. The applicant submits a fee of \$550, which covers the filing fee for one class (\$350) and the free-form text ID fee for one class (\$200). During examination, the examining attorney discovers the applicant entered "XXX" for its entity type. The examining attorney must require the insufficient information fee for one class (\$100). If the applicant later amends the application to *add* one or more classes, the applicant

must pay the filing fee (\$350), free-form text ID fee (\$200), and insufficient information fee (\$100) for each added class (i.e., \$650 for each added class).

III. In-flight TEAS Standard, TEAS RF, and TEAS Plus Applications

As of January 18, 2025, the TEAS Standard fee of \$350, TEAS Plus application fee of \$250, and TEAS Plus processing fee of \$100, per class, will be discontinued. The following section provides guidance on how the new fees will be applied to in-flight TEAS Standard, TEAS RF²¹, and TEAS Plus applications filed before January 18, 2025.

A. TEAS Standard and TEAS RF Applications

TEAS Standard and TEAS RF applications are not subject to any of the additional fees set forth in [Part II.B](#). On and after January 18, 2025, any class added to these applications will be subject to the filing fee of \$350, per class.²²

B. TEAS Plus Applications

On and after January 18, 2025, any pending TEAS Plus applications that would have been subject to the TEAS Plus processing fee will be subject to the insufficient information fee if the application fails to satisfy any of the requirements for a base application set forth in 37 C.F.R. §2.22(a)(1)-(19) that correspond with the former TEAS Plus filing requirements.²³ Examining attorneys must not require the TEAS Plus processing fee in an Office action once the new rule takes effect, but instead must require the insufficient information fee. In addition, pending TEAS Plus applications will not be subject to the excess character ID fee or free-form text ID fee for misuse of the fill-in-the-blank fields in the identification. Further, the insufficient information fee does not apply to identification-related deficiencies in the application.

On and after January 18, 2025, any class added to a pending TEAS Plus application will be subject to the filing fee of \$350, per class.²⁴ No additional fees will apply to added classes for any pending TEAS Plus applications.

The following sections discuss how the insufficient information fee will be assessed for in-flight TEAS Plus applications on and after January 18, 2025.

1. Examined TEAS Plus Applications

If an Office action issued before January 18, 2025, the Office action required the TEAS Plus processing fee, and the applicant does not pay the fee in response, the examining attorney will maintain and continue the requirement for payment of the fee as an insufficient information fee under 37 C.F.R. §2.22(b), as applicable. If the application is otherwise in condition to be made final, the examining attorney must make the requirement for the insufficient information fee final. If the application is not in condition for a final refusal and a new nonfinal Office action must issue, the examining attorney must maintain and continue the requirement for the insufficient information fee.

²¹ The TEAS RF application filing option was previously renamed TEAS Standard ([Changes to the Trademark Rules of Practice to Mandate Electronic Filing](#), 84 FR 37081), but TEAS RF applications are still pending.

²² 37 C.F.R. §2.6(a)(1)(iii).

²³ 37 C.F.R. §2.6(a)(1)(iv), 2.22(b). See TMEP §§819.01(b)-(f)(iv) and 819.01(h)-(q).

²⁴ 37 C.F.R. §2.6(a)(1)(iii).

The base application requirements set forth in 37 C.F.R. §2.22(a)(1)-(19) do not include requirements: (1) that the application include correctly classified goods and/or services, with an identification of goods/services taken directly from the ID Manual within the electronic form; or (2) that the scope of the goods and/or services covered by the section 44 basis not exceed the scope of the goods and/or services in the foreign application or registration. Accordingly, if the TEAS Plus processing fee was assessed in the initial Office action for failing to meet these requirements, the examining attorney must withdraw the requirement for the TEAS Plus processing fee and will not require the insufficient information fee.

If an Office action issued before January 18, 2025, the Office action required the TEAS Plus processing fee, and the applicant pays the fee on or after January 18, 2025, the examining attorney will accept the payment of the fee. The insufficient information fee of \$100 is the same amount as the TEAS Plus processing fee of \$100. If there are no other outstanding issues, the examining attorney will approve the application for publication. If a further Office action is required, the examining attorney will notify the applicant that the fee payment was satisfied and not require an additional fee.

If an Office action issued before January 18, 2025, and the TEAS Plus processing fee is paid before January 18, 2025. If the application is in condition for approval for publication, the examining attorney may approve the application for publication. If a further Office action is required, the examining attorney will notify the applicant that the fee payment was satisfied and not require an additional fee. If the application was already approved for publication, it is not necessary to withdraw the application from publication.

2. Unexamined TEAS Plus Applications

TEAS Plus applications that are examined on or after January 18, 2025 will only be subject to the insufficient information fee if the base application requirements under 37 C.F.R. §2.22(a)(1)-(19) are not met. See [Part II.B](#). Examining attorneys must not require a TEAS Plus processing fee but must instead issue the requirement for an insufficient information fee under 37 C.F.R. §2.22(b).

IV. Other Fees

For the remaining fees set forth in the final rule, such as the fees for allegations of use, post-registration maintenance filings, letters of protest, and certain petitions, the amount payable is determined at the time of payment. Accordingly, as of January 18, 2025, any fee increase applies, even to those applications or registrations with Office actions or deficiency or inquiry letters issued prior to that date.