

U.S. Patent and Trademark Office Set to Increase Trademark Fees in 2025

November 22, 2024

The United States Patent and Trademark Office ("PTO") has issued its **Final Rule** adjusting filing fees at all stages of the trademark application and maintenance filing process. The new fees will take effect on January 18, 2025.

In an effort to further incentivize applicants to use the standard goods/service descriptions from the PTO's Acceptable Goods and Services Manual ("ID Manual"), the PTO is doing away with the standard and reduced fee structure and is instead moving forward with one fee for all applications, adding additional fees for applicants who craft their own listing of goods/services.

Single base, per class application fee: The final rule includes a single base fee of \$350 per class for all applications.

Surcharge for non-standard description: A new fee of \$200 per class will apply where an applicant enters a description of goods or services using the free-form text box instead of using pre-approved descriptions from the ID Manual. This effectively raises the fee for a standard application from \$350 to \$550.

Surcharge for incomplete information: There will be a new fee of \$100 per class for applications that do not include all of the information required for the specific filing.

Surcharge for long descriptions: Non-standard, free-form descriptions of goods or services in a single class that exceed 1,000 characters, including punctuation and spaces, will incur a fee of \$200 for each additional 1,000 characters. This surcharge will not apply if all descriptions are selected from the ID Manual.

Across the Board Increases for Maintaining Trademarks

Fees for maintaining trademarks have been increased across the board. But, there are no increases to grace period fees.

Increases for Intent to Use Applications

The USPTO increased Statement of Use ("SOU") filing fees by 50%, but did not increase the cost to file extensions of time to file a Statement of Use.

Takeaways

- Budgeting fees for applications will now depend more on the goods/services themselves rather than the number of classes chosen by an applicant. Using the ID Manual to craft the listing of goods/services will now have significant financial benefits.
- Applicants in emerging fields that may not yet be included in the ID Manual will likely need to pay a higher fee because standard descriptions will not be available.
- If you have a trademark application that can be renewed prior to January 18, 2025, you may want to consider an early renewal to avoid the increase in fees.
- If you have a pending intent-to-use mark and have a statement of use ready to file, you may want to consider doing so before January 18, 2025.

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If you have any questions about the impact of these changes, please contact your Miller Canfield attorney or the authors of this alert.