

U.S. Trademark Fees Going Up

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PRACTICES Trademark and Advertising, Trademark Prosecution, Intellectual Property

How Trademark Owners Can Prepare for and Minimize Impact of January Fee Increases

The United States Patent and Trademark Office (“USPTO”) has announced increases to its current trademark fee structure beginning Jan. 18, 2025. These fee increases are intended to more accurately reflect the USPTO’s costs for providing trademark services and administering the U.S. trademark system.

Following are highlights of some of the most noteworthy rate increases and key takeaways for minimizing the impact these increases may have on trademark budgets:

Changes in Application Filing Fees. The USPTO previously offered two different application options – the more limited Trademark Electronic Application System (TEAS) Plus (\$250), and the more flexible TEAS Standard (\$350). These application options are being replaced with a single standard application referred to as the “Base Application” for \$350 per class. Additionally, the fee for filing an application under Trademark Act Section 66(a) (Madrid Protocol) has increased from \$500 to \$600 per class. Further, to help improve examination efficiency, the USPTO plans to implement a \$100 surcharge per class for applications that are incomplete or contain insufficient information to support examination.

New Charges for Goods and Services Descriptions. The USPTO will begin charging additional fees for applicants wishing to customize their descriptions of goods and services. This is intended to discourage lengthy and unique descriptions which can take significant time for examiners to review. Applicants will be charged (1) a \$200 fee per class for using the free-form text box for listing goods and services instead of using the pre-approved descriptions from the Trademark ID Manual; and (2) a \$200 fee per class for every 1,000 characters used beyond the first 1,000 characters in each class description. This change marks a significant divergence from current practice and could result in substantial fee increases in connection with trademark applications with goods and services descriptions that require a considerable amount of nuance and/or breadth.

Increased Fees for Statements of Use. The USPTO is increasing fees in connection with filing Statements of Use and Amendments to Allege Use for intent-to-use applications from \$100 per class to \$150 per class. Per the USPTO, these fees, which haven’t been adjusted since 2002, better reflect the time required to process evidence of use which has increased due to an influx of questionable specimen submissions, consequently resulting in an uptick in office actions.

Increased Fees for Trademark Renewals. The USPTO will also be increasing fees for trademark renewals and related required maintenance filings as noted in the chart below. The USPTO indicates that these costs have increased due to inflation, post-registration audits, and an increase in legal review needed to address possible fraudulent activity.

Key Takeaways

Looking ahead to 2025, trademark owners should thoughtfully consider their filing and maintenance strategies to minimize the impact these upcoming fee increases have on their trademark budgets:

- **Submit Maintenance Filings Before Jan. 18, 2025.** If any of your registrations are in the window for submitting post-registration maintenance filings, you can benefit from cost savings by submitting the filings now, before the fees increase on Jan. 18.
- **Ensure Your Application Is Complete and Correct.** You may be able to avoid some of the USPTO’s new surcharges by ensuring that future trademark applications are complete before filing. Think strategically about your trademark coverage needs to help avoid added fees for unnecessary goods and services, which could also result in increased fees down the road if the goods and services become subject to an examiner audit.
- **Consider The Trademark ID Manual as a Cost-Saving Tool.** When filing a trademark application, it is imperative that you have adequate coverage for your material goods and services. However, considering the new fees accompanying lengthy and unique descriptions of goods and services, it may be useful to strategically incorporate the approved descriptions provided by the Trademark ID Manual to bypass additional fees and minimize the risk of potentially costly office actions.

Haynes Boone’s [Trademark and Advertising Group](#) can assist you with strategic guidance on how these changes impact your trademark portfolio. For a detailed summary on the new fees, visit the USPTO ([here](#)) and see below for a quick reference guide on some of the important fee changes.

2025 Trademark Fee Changes

Application Filing Fees	Current Fee	New Fee
Base Application Fee (Sections 1 and 44), per class [NEW]	N/A	\$350
Application Fee Filed with WIPO (Section 66(a)), per class	\$500	\$600
Subsequent Designation Fee Filed with WIPO (Section 66(a)), per class	\$500	\$600
Surcharge for Insufficient Information (Sections 1 and 44), per class [NEW]	N/A	\$100
Surcharge for Custom Goods/Services Description (i.e., using the free-form text box instead of the Trademark ID Manual) (Sections 1 and 44), per class [NEW]	N/A	\$200
Surcharge for Descriptions Exceeding 1000 Characters in a class (Sections 1 and 44), per affected class [NEW]	N/A	\$200

Intent-to-Use Fees		
Amendment to Allege Use (AAU), per class	\$100	\$150
Statement of Use (SOU), per class	\$100	\$150
Section 9 Registration Renewal, per class	\$300	\$325
Section 8 Declaration, per class	\$225	\$325
Section 15 Declaration, per class	\$200	\$250
Section 71 Declaration, per class	\$225	\$325
Renewal Fee Filed at WIPO	\$300	\$325
Petitions and Letters of Protest Fees		
Petition to the Director	\$250	\$400
Petition to Revive an Application	\$150	\$250
Letter of Protest	\$50	\$150