

# IP Alert | 2025 U.S. TRADEMARK FEE CHANGES

On November 15, 2024, the U.S. Patent and Trademark Office announced its final rule to update its trademark fee schedule effective **January 18, 2025**.

Not only will fees increase for both new applications and existing registrations, but the new rule will change the way trademark applications are filed in the first place.

## Impactful Changes to New/Pending Applications

- **What types of new applications will be affected by the new rule?**
  - Use-based applications (Section 1(a) of the Trademark Act)
  - Intent to use applications (Section 1(b) of the Trademark Act)
  - Applications based on foreign applications/registrations (Section 44 of the Trademark Act)
- **What about Madrid Protocol applications (Section 66 of the Trademark Act)?**
  - Madrid Protocol applications are not affected by the new rule because the World Intellectual Property Organization (WIPO) is currently unable to collect additional fees before recording a Madrid application. That said, the fee for Madrid applications extending into the U.S. will increase from \$500 to \$600.

## Impactful Changes to Applications and Registrations

- **What new application fees will be imposed?**
  - The following new fees will be imposed as “surcharge fees” for incomplete or missing information in filing new applications. Some examples include:
    - \$200 per class to use the free-form text box to describe goods/services instead of using pre-set descriptions in the [Trademark ID Manual](#).
    - \$200 per class for every 1000 characters (including punctuation and spaces) in the goods/services descriptions beyond the first 1000 characters
    - \$100 per class for incomplete or missing information with respect to the following aspects of the application:
      - The applicant’s name, domicile address, and legal entity
      - A description of a stylized/design mark, including any color claims
      - Goods and/or services that belong in more than one class
      - A claim of ownership of prior registrations
      - A transliteration of non-Latin characters
      - An English translation of non-English wording
      - If the mark includes an individual’s name or likeness, statements either identifying the living individual or that the name or likeness does not identify a living individual
      - Designation of a U.S. attorney (if the applicant’s domicile is not located in the U.S. or its territories)
      - The required declaration (missing or unsigned)
- **Which existing fees will be raised?**
  - **Amendments to Allege Use/Statement of Use (for Intent-to-Use Applications)**
    - Amendment to Allege Use or a Statement of Use will increase to \$150 per class
  - **Registration Maintenance/Renewal Declarations**
    - Section 8 Declaration will increase to \$325 per class
    - Section 9 Declaration will increase to \$325 per class
    - Section 15 Declaration will increase to \$250 per class
    - Section 71 Declaration will increase to \$325 per class
  - **Petitions**
    - Petition to the Director will increase to \$400
    - Petition to Revive Application will increase to \$250

## Key Takeaways

- To the extent possible, aim to file new trademark applications, statements of use, and maintenance and renewal documents before the fees increase on January 18, 2025.
- Budgeting for new applications from filing through prosecution will be more difficult given the new surcharge fees, which can quickly add up if an application contains several classes.
- Applicants, especially international applicants that typically have longer descriptions of goods and/or services because they are based on their home/foreign applications or registrations, should carefully consider the 1,000-character limit prior to filing to avoid the \$200 per class surcharge.

*The character limit includes punctuation and spaces. For comparison, this “Key Takeaways” section has 1,270 characters, including punctuation and spaces.*

- If applicants cannot find accepted terms for their goods and services in the Trademark ID Manual, consider sending a suggestion for them to be added to the Manual. Currently, the Trademark ID Manual is updated weekly and an applicant can submit a request for particular identification to be added to the Manual. Responses are usually provided within 1-2 business days, and if accepted, the new identification will appear in the next weekly update of the Manual.