

# 2025 USPTO fee increase

The U.S. Patent and Trademark Office (USPTO) is raising fees for many routine trademark filings as of January 18, 2025, and is simultaneously adopting a new filing platform and fee structure for new applications seeking registration under Sections 1 and 44 of the Lanham Act. [More](#)

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Retirement of the “TEAS” platform and Introduction of “Trademark Center” for Filing Applications.

As of January 18, 2025, new U.S. applications (other than Madrid Protocol extensions of protection) must be prepared and submitted using the new Trademark Center platform at [trademarkcenter.uspto.gov](https://trademarkcenter.uspto.gov).

The \$350 per Class “Base Application” Filing Fee.

Filing fees for national applications will be assessed based on a new approach that, according to the USPTO’s final rule [\[here\]](#), is designed to “optimiz[e] trademark application pendency through the promotion of efficient operations and filing behaviors.” As it has done with “TEAS Plus” applications in the past, the USPTO will assess its lowest application fee, now set at \$350 per class, for applications that (i) meet a stringent set of initial filing requirements, (ii) use approved identifications of goods and services that are manually selected from the USPTO’s approved list directly within the filing platform, and (iii) do not exceed 1000 characters in a class.

The \$100/class “Insufficient Information” Surcharge.

The USPTO will impose a \$100 per class surcharge for applications that do not satisfy its requirements for a “base” application. Some of the *nineteen* circumstances that can result in imposition of this surcharge are:

- the application is submitted unsigned
- a use-based application is submitted without first-use dates or a specimen of use

- an application based on a home country registration is submitted without the home country registration or its English translation, if applicable
- applicant's domicile address is not submitted
- applicant has not properly classified and paid for all classes of goods/services
- applicant has not claimed ownership of prior registrations it owns for the same mark where the owner name last listed in Office records for the prior registrations differs from the owner listed in the application.

The surcharge will be imposed if the requirements are not met *at the time of filing*. Thus, an application filed unsigned, with the signed declaration submitted a few days later, will still incur the “insufficient information” surcharge. The surcharge will be collected either when the application is filed or during the examination process if the examiner determines that the application did not meet all of the requirements to avoid the surcharge.

**FZLZ Observation:** Strategic considerations may outweigh the USPTO's financial incentive to file an application that meets the USPTO's stringent requirements on the filing date. Among other things, obtaining the earliest possible filing date – such as by filing the application unsigned or by omitting a first use date – provides an unknown but potentially incalculable advantage to the applicant.

#### The \$200 per Class “Free Form Entry” Goods/Services Surcharge.

Goods and services identifications entered in any class in a “free form” manner, rather than being manually selected from the USPTO's official list of acceptable identifications, will incur a surcharge of \$200/class, and this surcharge will be multiplied by all classes in the application – even for classes that are not entered in a “free form” manner. This surcharge will be incurred even when all of the entered goods/services do, in fact, appear in the USPTO's official manual of acceptable identifications, but are entered in a “free form” manner, rather than selected from the list of acceptable identifications.

**FZLZ Observation:** In many cases, the benefit of using the “free form” entry of goods/services will far outweigh the surcharge. Among other things, “free form” entry (i) ensures that the goods/services entered in the application are exactly as approved in advance (i.e., copy/paste from the applicant's instructions); (ii) preserves the ability to use broad phrases that do not satisfy the USPTO's

requirements for sufficient specificity (which is particularly advantageous when a first trademark filing is intended to be the basis for Convention priority and/or a filing of an application in jurisdictions that do not require the same level of specificity as the USPTO); (iii) maintains the broad scope of the wording from the applicant's home country registration to allow for maximum flexibility in crafting later amendments to the identification, and (iv) saves the excessive amount of time required to use the "hunt and peck" method to select each item from the USPTO's approved list and then to proofread the identification prepared by this manual process, especially when the identification is lengthy.

#### The \$200 Surcharge for "Each Group Of 1000 Characters in an Identification of Goods/Services".

Applications with more than 1000 characters in an identification of goods/services in a class (including spaces and punctuation) and that are entered "free form" will incur an additional surcharge of \$200 for each group of up to an additional 1000 characters in the same class. Thus, an identification that contains 3275 characters in a class will incur a \$600 surcharge for the extra 2,275 characters in the class beyond the first 1000, as well as \$200 more for the Free Form Entry surcharge.

**FZLZ Observation:** Using broad terms in the initial application and amending to identify the goods/services more specifically during prosecution will not incur the surcharge, even if the goods/services as amended exceed 1000 characters.

#### Applicants Using the Madrid Protocol System are Not Subject to Surcharges.

Applications for registration of a mark with the USPTO filed by means of an extension of protection of an International Registration will be charged a flat fee of \$600/class, effective February 18, 2025. No surcharges will apply to these applications.

#### Increased Fees for Other Routine Filings:

The new fees include:

Section 8 or 71 Declarations of Use: \$325/class

Section 9 renewal: \$325/class

Section 15 incontestability: \$250/class

Allegation of Use: \$150/class

Fees for some less routine trademark filings will also increase. Here are other increased fees:

Letter of Protest: \$150

Petition to Revive: \$250

Petition to the Director: \$400

To discuss how these new fees might apply to a particular filing program or for any other information, please contact us.

### **Primary Contacts**

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