U.S. PATENT AND TRADEMARK OFFICE

Trademark eGov

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USPTO Privacy Impact Assessment Statement

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U.S. Patent and Trademark Office

USPTO Office of the Chief Information Officer (OCIO)

Privacy Impact Assessment (PIA)

1) What information is to be collected (e.g., nature and source)?

The Application data: New trademark applications are accepted via the Internet. These applications contain data pertaining to the mark and the supporting legal considerations such as the goods or services to which the mark is applied, the dates of use and other attributes that the Office must consider in the examination process. The applications also contain bibliographic data (Applicant name, Applicant address, Citizenship, and Correspondence address) collected from the applicant or applicant's legal representative.

Additional data is collected in other forms to support subsequent processing requirements for the application or registration. These include specific correspondence to support the modification (such as request for amendment) and maintenance (including renewal) of the application or registration on file within the Office.

The application payment related data (Credit Card and Deposit Account information) are collected to cover fees within these submissions. (Payment related data is covered under the Revenue and Accounting Management (RAM) Privacy Impact Assessment available under separate cover.)

The application data is made available with the Trademark Application and Registration Retrieval (TARR) system, also on the USPTO's Web site. The Trademark application data is considered public information, and is made available to the public as soon as possible. Financial information that accompanies Trademark applications or subsequent office communications are not considered public (payment related data is covered under the Revenue and Accounting Management (RAM) Privacy Impact Assessment available under separate cover).

2) Why is the information being collected (e.g., to determine eligibility)?

The USPTO is the only organization authorized by Congress to grant trademarks per 15 U.S.C. 1051-1127 which contains provisions of the Trademark Act of 1946 that govern the administration of the trademark registration system of the Patent and Trademark Office.

Trademark data is required to obtain or retain benefits. It is collected by the United States Patent and Trademark Office (USPTO) to review trademark applications for federal registration to determine whether an applicant meets the requirements for registration, and maintain the federal trademark register.

3) What is the intended use of the information (e.g., to verify existing data)?

Trademark data is to determine whether an applicant meets the requirements for federal registration, and to maintain the federal trademark register.

4) With whom the information will be shared (e.g., another agency for a specified programmatic purpose)?

If the Trademark is allowed to register, pertinent information is extracted and forwarded to the Government Printing Office for production of the Trademark Official Gazette (also published on the Web) and the registration certificate (also published on the Web). Trademark Registration information is disseminated to the public via the Web at:

http://www.uspto.gov/web/offices/ac/ido/oeip/catalog/products/tmprod-1.htm

In addition, the Trademark Postal System will have an interface with the United States Post Office to transfer data for printing and mailing directly into the postal stream that in the past was printed, put into envelope, stamped and delivered to the post office for mailing. USPTO is also conducting preliminary discussions with the United States Customs Service to share Trademark data. Currently, owners of Trademarks can request that the US Customs block entrance of goods into the US that would violate the Trademark. The burden of proof is on the owner to present certified copies of a Trademark registration and ownership reports to US Customs officials..

5) What opportunities individuals have to decline to provide information (i.e., where providing information is voluntary) or to consent to particular uses of the information (other than required or authorized uses), and how individuals can grant consent?

Applying for intellectual property protection is not required and is at the discretion of the applicant.

6) How will the information be secured (e.g., administrative and technological controls)?

The use of external and internal firewalls and data encryption within the USPTO's infrastructure prevent access to privacy-related information by the public, employees and contractor staff access that do not have a need to know. Access controls include: userid and password required for system, database; directory access and modification permission controls; file access and modification permission controls; screen and function access controls; and PC and terminal access controls. Security controls are monitored by users, administrators, intrusion detection systems (IDS), and audits.

Operational controls include securing all hardware associated with this system in the USPTO Data Center. The Data Center is controlled by access card entry, and is manned by a uniformed guard service to restrict access to the servers, their operating systems and databases. Contingency planning has been prepared for the data center as

a whole and is documented in the Infrastructure Disaster Recovery Plan (updated 08/2002).

There are a number of technical controls used for the Trademark Postal System components that provide the public access. Password authentication (userid and passwords) on the server is accomplished by using operating system userids and passwords, and database userids and passwords. In addition, all communication to PTONet is to servers located between 2 firewalls. The first firewall protects the servers communicating to the public. The second firewall protects the PTONet and the TPS component data. Only the servers located between the firewalls can communicate through the second firewall to data stores and servers within the PTONet.

7) Is a system of records is being created under the Privacy Act, 5 U.S.C. 552a.?

No. Information only concerns entities, such as corporations rather than individuals, as they are connected with goods and/or services.