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U.S. Department of Commerce
U.S. Patent and Trademark Office

Privacy Threshold Analysis
for the
Trademark Processing System – Internal Systems (TPS-IS)

U.S. Department of Commerce Privacy Threshold Analysis

USPTO Trademark Processing System – Internal Systems (TPS-IS)

Unique Project Identifier: PTOT-003-00

Introduction: This Privacy Threshold Analysis (PTA) is a questionnaire to assist with determining if a Privacy Impact Assessment (PIA) is necessary for this IT system. This PTA is primarily based from the Office of Management and Budget (OMB) privacy guidance and the Department of Commerce (DOC) IT security/privacy policy. If questions arise or further guidance is needed in order to complete this PTA, please contact your Bureau Chief Privacy Officer (BCPO).

Description of the information system: *Provide a brief description of the information system.*

The E-Government Act of 2002 defines "information system" by reference to the definition section of Title 44 of the United States Code. The following is a summary of the definition: "Information system" means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information. See: 44. U.S.C. § 3502(8).

The TPS-IS is an information system that provides support for the automated processing of trademark applications for the USPTO. TPS-IS includes nine applications that are used to support USPTO staff through the trademark review process. TPS-IS features the ability to interface with related systems within USPTO. The nine applications are listed below:

- First Action System for Trademarks 2 - FAST2
- Form Paragraph Editor Program - FPEP
- Trademark Cropped Image Manager -TCIM
- Trademark Image Capture and Retrieval System - TICRS
- Trademark Postal System - TPostal
- Trademark Data Entry and Update System - TRADEUPS
- Trademark Reporting and Monitoring System - TRAM
- X-Search - XS

Address the following elements:

a) Whether it is a general support system, major application, or other type of system
TPS-IS is a major application.

b) System location
TPS-IS is located at Alexandria, Virginia.

c) Whether it is a standalone system or interconnects with other systems (identifying and describing any other systems to which it interconnects)

TPS-IS interconnects with Trademark Processing System – External Systems (TPS-ES) and Trademark Next Generation (TMNG).

- TPS-ES is a major application that provides customer support for processing Trademark applications for USPTO. TPS-ES includes applications used to support USPTO staff and public users through the trademark application process.
- TMNG is a major application and provides support for the automated processing of trademark applications for the USPTO.

d) The purpose that the system is designed to serve

TPS-IS provides automated processing and customer support for Trademark applications for USPTO.

e) *The way the system operates to achieve the purpose*

TPS-IS includes nine applications used to support USPTO staff through the trademark review process. TPS-IS features the ability to interface with related systems within USPTO. The information systems are:

First Action System for Trademarks 2 (FAST2): FAST2 serves the USPTO Trademark Legal Instruments Examiner (LIE), their supervisors (SLIE), and the Intent to Use (ITU) staff. LIEs are personnel that perform reviews and update trademark cases. Each LIE is assigned to a law office where a system is needed to aid them in processing the work item associated with trademark cases. The FAST2 system allows LIEs to process the work items assigned to them. FAST2 presents the LIEs with a list of work items and allows them to choose items to process. When processing a work item, the FAST2 system allows the user to view and/or edit case information in related systems. It processes the PII data collected by TPS-ES as part of the trademark application process.

Form Paragraph Editor Program (FPEP): FPEP enables form paragraph editors to manage form paragraph data. Using FPEP, editors are able to create, delete, modify, and publish form paragraphs, and produce reports. Published form paragraphs are available to Trademark examiners through a presentation layer in FAST1 and FAST2. It does not process PII data.

Trademark Cropped Image Management (TCIM): TCIM accepts cropped images from Trademark Electronic Application System (TEAS), the Trademark Data Entry and Update System (TRADEUPS), and the Data Management Branch of the Office of System Network Management. The images are stored in a directory structure based on the serial

number of the associated trademark application. The TCIM database keeps an inventory of the stored image files and the date each file was received. It does not process PII data.

Trademark Image Capture and Retrieval System (TICRS): TICRS is designed to capture, store, retrieve, and print digital images of trademark application documents. TICRS has the following logical components: (1) the capture component enables the input of digital images by scanning paper and the capture of index data; (2) the storage component manages the physical storage of images and provides access control to maintain security; and (3) the retrieval component provides query and output capabilities for applications within the system. The information in the system is exported to a PDF document and given to the USPTO Webmaster to post onto the USPTO public website. Through USPTO's website, the public is able to query the PDF document to determine active fastener insignias. It processes the PII data collected by TPS-ES as part of the trademark application process.

Trademark Postal System (TPostal): TPostal serves trademark notices to trademark applicants, replacing the manual system for the production of most trademark outgoing notices. USPTO uses an automatic postcard service provided by the Click2Mail system. Click2Mail is a partner of the U.S. Postal Service that supports electronic submission of notices to be mailed. TPostal implements the necessary interface to Click2Mail. TPostal generates and sends bulk mail to the Click2Mail website for printing, stamping, and mailing trademark notices; no user intervention is required. It processes the PII data collected by TPS-ES as part of the trademark application process.

Trademark Data Entry and Update System (TRADEUPS): TRADEUPS is used for new application data entry and the editing of bibliographic data and Trademark text. The system is designed to interface with the TRAM System and the USPS address verification software to verify that the correspondence address submitted by an applicant is deliverable. TRADEUPS includes those data elements and functions required to process new applications in the re-Examination Section. It processes the PII data collected by TPS-ES as part of the trademark application process.

Trademark Reporting and Monitoring System (TRAM): TRAM provides support to all facets of trademark operations. TRAM includes a database consisting of bibliographic text and prosecution history data. TRAM also supports trademark operations from receipt of new applications to the publication of the TMOG and post-registration activities. The publicly-releasable PII collected by components of the TPS-ES system is stored within TRAM.

X-Search (XS): XS is a client-server application that supports Trademark Examination

attorneys searching for existing marks prior to ranting a registration. The application's Graphical User Interface (GUI) allows users to perform searches, display hit lists, and print and save search histories; displays associated cropped images; and provides online help. It also provides access to reference materials for use by the trademark examiners and lawyers. It is used to support the information needs of the Trademark Examining Attorneys. It processes the PII data collected by TPS-ES as part of the trademark application process.

f) A general description of the type of information collected, maintained, used, or disseminated by the system

The system collects trademark application data such as the applicant's name and address, and legal entity such as a corporation, partnership, LLC, etc.

g) Identify individuals who have access to information on the system

TPS-IS uses client/server and web-based interfaces to access the information in the system. The general public or applicants have access to the system via the public facing web-based interface and government employees and contractors who process applications have access to the back-end system. The public does not have access to the sensitive PII in the system.

h) How information in the system is retrieved by the user

TPS-IS uses client/server and web-based interfaces to access the information in the system.

i) How information is transmitted to and from the system

TPS-IS information systems use Hypertext Transfer Protocol (HTTP) and Transmission Control Protocol/Internet Protocol (TCP/IP) for transmitting to and from the system over the USPTO internal network. All data in transit is encrypted and all requests that are made are automatically re-directed to HTTP Secure (HTTPS).

Questionnaire:

1. Status of the Information System

1a. What is the status of this information system?

☐ This is a new information system. *Continue to answer questions and complete certification.*

☐ This is an existing information system with changes that create new privacy risks. *Complete chart below, continue to answer questions, and complete certification.*

Changes That Create New Privacy Risks (CTCNPR)					
a. Conversions	☐	d. Significant Merging	☐	g. New Interagency Uses	☐
b. Anonymous to Non-Anonymous	☐	e. New Public Access	☐	h. Internal Flow or Collection	☐

c. Significant System Management Changes	☐	f. Commercial Sources	☐	i. Alteration in Character of Data	☐
j. Other changes that create new privacy risks (specify):					

☐ This is an existing information system in which changes do not create new privacy risks, and there is not a SAOP approved Privacy Impact Assessment. *Continue to answer questions and complete certification.*

☒ This is an existing information system in which changes do not create new privacy risks, and there is a SAOP approved Privacy Impact Assessment. *Skip questions and complete certification.*

1b. Has an IT Compliance in Acquisitions Checklist been completed with the appropriate signatures?

☐ Yes. This is a new information system.

☐ Yes. This is an existing information system for which an amended contract is needed.

☐ No. The IT Compliance in Acquisitions Checklist is not required for the acquisition of equipment for specialized Research and Development or scientific purposes that are not a National Security System.

☒ No. This is not a new information system.

2. Is the IT system or its information used to support any activity which may raise privacy concerns?

NIST Special Publication 800-53 Revision 4, Appendix J, states "Organizations may also engage in activities that do not involve the collection and use of PII, but may nevertheless raise privacy concerns and associated risk. The privacy controls are equally applicable to those activities and can be used to analyze the privacy risk and mitigate such risk when necessary." Examples include, but are not limited to, audio recordings, video surveillance, building entry readers, and electronic purchase transactions.

☐ Yes. *(Check all that apply.)*

Activities			
Audio recordings	☐	Building entry readers	☐
Video surveillance	☐	Electronic purchase transactions	☐
Other (specify):			

☒ No.

3. Does the IT system collect, maintain, or disseminate business identifiable information (BII)?

As per DOC Privacy Policy: "For the purpose of this policy, business identifiable information consists of (a) information that is defined in the Freedom of Information Act (FOIA) as "trade secrets and commercial or financial information obtained from a person [that is]

privileged or confidential." (5 U.S.C.552(b)(4)). This information is exempt from automatic release under the (b)(4) FOIA exemption. "Commercial" is not confined to records that reveal basic commercial operations" but includes any records [or information] in which the submitter has a commercial interest" and can include information submitted by a nonprofit entity, or (b) commercial or other information that, although it may not be exempt from release under FOIA, is exempt from disclosure by law (e.g., 13 U.S.C.)."

☒ Yes, the IT system collects, maintains, or disseminates BII.

☐ No, this IT system does not collect any BII.

4. Personally Identifiable Information (PII)

4a. Does the IT system collect, maintain, or disseminate PII?

As per OMB 17-12: "The term PII refers to information that can be used to distinguish or trace an individual's identity either alone or when combined with other information that is linked or linkable to a specific individual."

☒ Yes, the IT system collects, maintains, or disseminates PII about: *(Check all that apply.)*

- ☒ DOC employees
- ☒ Contractors working on behalf of DOC
- ☐ Other Federal Government personnel
- ☒ Members of the public

☐ No, this IT system does not collect any PII.

If the answer is "yes" to question 4a, please respond to the following questions.

4b. Does the IT system collect, maintain, or disseminate Social Security numbers (SSNs), including truncated form?

☐ Yes, the IT system collects, maintains, or disseminates SSNs, including truncated form.

Provide an explanation for the business need requiring the collection of SSNs, including truncated form.
Provide the legal authority which permits the collection of SSNs, including truncated form.

☒ No, the IT system does not collect, maintain, or disseminate SSNs, including truncated form.

4c. Does the IT system collect, maintain, or disseminate PII other than user ID?

☒ Yes, the IT system collects, maintains, or disseminates PII other than user ID.

☐ No, the user ID is the only PII collected, maintained, or disseminated by the IT system.

4d. Will the purpose for which the PII is collected, stored, used, processed, disclosed, or disseminated (context of use) cause the assignment of a higher PII confidentiality impact level?

Examples of context of use include, but are not limited to, law enforcement investigations, administration of benefits, contagious disease treatments, etc.

☐ Yes, the context of use will cause the assignment of a higher PII confidentiality impact level.

☒ No, the context of use will not cause the assignment of a higher PII confidentiality impact level.

If any of the answers to questions 2, 3, 4b, 4c, and/or 4d are "Yes," a Privacy Impact Assessment (PIA) must be completed for the IT system. This PTA and the SAOP approved PIA must be a part of the IT system's Assessment and Authorization Package.

CERTIFICATION

☒ The criteria implied by one or more of the questions above **apply** to the Trademark Processing System – Internal Systems (TPS-IS) and as a consequence of this applicability, a PIA will be performed and documented for this IT system.

☐ The criteria implied by the questions above **do not apply** to the Trademark Processing System – Internal Systems (TPS-IS) and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

System Owner Name: Donald Ulrich Office: Office of the Chief Information Officer (OCIO) Phone: (571) 272-1093 Email: Donald.Ulrich@uspto.gov Signature: Users, Ulrich, Donald Digitally signed by Users, Ulrich, Donald Date: 2023.08.15 16:34:24 -04'00' Date signed: _____	**Chief Information Security Officer** Name: Timothy S. Goodwin Office: Office of the Chief Information Officer (OCIO) Phone: (571) 272-0653 Email: Timothy.Goodwin@uspto.gov Signature: Users, Goodwin, Timothy Digitally signed by Users, Goodwin, Timothy Date: 2023.08.17 15:34:35 -04'00' Date signed: _____
Privacy Act Officer Name: Heaton John Office: Office of General Law (O/GL) Phone: (703)-756-1240 Email: Ricou.Heaton@uspto.gov Signature: John Ricou Heaton Digitally signed by John Ricou Heaton Date: 2023.08.15 10:05:38 -04'00' Date signed: _____	**Bureau Chief Privacy Officer and Co-Authorizing Official** Name: Henry J. Holcombe Office: Office of the Chief Information Officer (OCIO) Phone: (571) 272-9400 Email: Jamie.Holcombe@uspto.gov Signature: Users, Holcombe, Henry Digitally signed by Users, Holcombe, Henry Date: 2023.08.17 16:23:17 -04'00' Date signed: _____
Co-Authorizing Official Name: David S. Gooder Office: Office of The Commissioner for Trademarks (T/COM) Phone: (571) 270-0980 Email: David.Gooder@uspto.gov Signature: Users, Gooder, David S. Digitally signed by Users, Gooder, David S. Date: 2023.08.29 12:40:07 -04'00' Date signed: _____	