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

Privacy Threshold Analysis
for the
Trademark Processing System –External Systems (TPS-ES)

U.S. Department of Commerce Privacy Threshold Analysis

USPTO Trademark Processing System – External Systems (TPS-ES)

Unique Project Identifier: PTOT-002-00

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).

TPS-ES is a Major Application that provides customer support for processing Trademark applications for USPTO. TPS-ES includes six applications that are used to support USPTO staff and public users through the trademark application process. The six applications are described below:

MADRID Protocol is an international trademark filing and registration system that was designed to simplify and reduce the costs of foreign trademark filing. This protocol secures protection for the International Registration of Marks and is organized by the International Bureau (IB), a division of the World Intellectual Property Organization (WIPO).

Trademark Design and Search Code Manual (TDSCM) is an Internet-accessible database. It is a Web-based application that allows public access to search and retrieve design search codes.

Trademark Electronic Application System (TEAS) provides a Web site for electronic filing of Trademark applications. Post submission, TEAS facilitates the transfer of these applications to Trademark Operations for intake processing.

Trademark Electronic Application System International (TEASi) is a Web application that provides users the ability to submit trademark applications that are filed under international treaties, satisfying the conditions and requirements of the MADRID Protocol Implementation Act and of the Office of Trademarks.

Trademark Electronic Search System (TESS) provides public access to search for pending and abandoned Trademark applications and registration.

Trademark Identification Manual (TIDM) provides trademark examiners and the general public with a web-based interface for searching the Trademark Identification Manual.

Address the following elements:

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

b) System location
The components of TPS-ES are primarily located at 600 Dulany Street, Alexandria, Virginia.
TPS-ES resides on the USPTO network (PTONet).

c) Whether it is a standalone system or interconnects with other systems (identifying and describing any other systems to which it interconnects)
The TPS-ES is a Major Application that provides customer support for processing Trademark applications for USPTO. It interconnects with the following systems:

Security and Compliance Services (SCS): SCS provides Security Incident and Event Management, Enterprise Forensic, Enterprise Management System, Security and Defense, Enterprise Scanner, Enterprise Cybersecurity Monitoring Operations, Performance Monitoring Tools, Dynamic Operational Support Plan, & Situational Awareness and Incident Response.

Enterprise Windows Services (EWS): EWS is an Infrastructure information system that provides a hosting platform for major applications that support various USPTO missions.

Network and Security Infrastructure System (NSI): NSI is an Infrastructure information system and provides an aggregate of subsystems that facilitates the communications, secure access, protective services, and network infrastructure support for all USPTO information technology (IT) applications.

Database Services (DBS): DBS is an Infrastructure information system that provides a Database Infrastructure to support mission of USPTO database needs.

Enterprise Software Services (ESS): ESS is a major application that provides an architecture capable of supporting current software services at USPTO.

Information Dissemination Support System (IDSS): IDSS is a major application that provides automated support for the timely search and retrieval of electronic text and images concerning patent applications and patents by USPTO internal and external users.

Intellectual Property Leadership Management System (IPLMSS): IPLMSS is a major application that groups and manages seven separate subsystems to provide tools to cull and organize large amounts of legal data to support the Freedom of Information Act

(FOIA) requests, Privacy Act requests and appeals, to docket and track cases, manage library content, route electronic notices, develop and maintain assessments, and to register and maintain the practitioner roster and monitor practitioner disciplinary action.

Service Oriented Infrastructure (SOI): SOI is a general support system and infrastructure information system that provides the underlying services for a mobile, feature-rich, and stable platform upon which USPTO applications can be deployed.

Trademark Next Generation (TMNG): TMNG is a major application that provides support for the automated processing of trademark applications for the USPTO.

Trademark Processing System – Internal System (TPS IS): TPS-IS is an information system that provides support for the automated processing of trademark applications for the USPTO.

World Intellectual Property Organization (WIPO): The World Intellectual Property Organization or WIPO is a UN specialized agency created in 1967 to promote intellectual property (IP) protection and encourage creative activity all over the world. WIPO is basically a global forum for IP policy, services, information and cooperation.

Trilateral Network (TRINET): TRINET disseminates unpublished patent application information and priority documents in regards to the application process. TRINET is an Infrastructure information system, and provides secure network connectivity for electronic exchange and dissemination of patent data between authenticated endpoints at the Trilateral Offices and TRINET members. The Trilateral Offices consist of the United States Patent and Trademark Office (USPTO), the European Patent Office (EPO), and the Japanese Patent Office (JPO). The TRINET members consist of the World Intellectual Property Office (WIPO), the Canadian Intellectual Property Office (CIPO) and the Korean Intellectual Property Office (KIPO). All members sign an MOU agreement to share patent information through end user access and credentials provided by USPTO TRINET.

d) The purpose that the system is designed to serve
TPS-ES provides support for the automated processing of trademark applications for the USPTO.

e) The way the system operates to achieve the purpose
To achieve its purpose, TPS-ES works in conjunction with the systems below:

Trademark Madrid System (MADRID) – Madrid assists the Office of Trademark in sending and receiving data from IB-related to international applications that are being handled by the USPTO.

Trademark Design and Search Code Manual (TDSCM) - TDSCM is a web-based application that allows trademark examining attorneys and the general public to search and retrieve design search codes from the TDSCM's Design Search Codes Manual.

Trademark Electronic Application System (TEAS) and Trademark Electronic Application System International (TEASi) - TEAS and TEASi provide customers with the means to electronically complete and register a trademark domestically or internationally. The applicant's information is stored and is publically available for trademark discovery via TDSCM and TESS. Bibliographic information collected from trademark registrants, include:

- The applicant's name and address.
- The applicant's legal entity.

The following information can be collected from trademark registrants but is not required to submit the trademark for processing:

- If the applicant is a partnership, the names and citizenship of the applicant's general partners.
- The entity's address for correspondence.
- An e-mail address for correspondence and an authorization for the Office to send correspondence concerning the application to the applicant or applicant's attorney by e-mail (only business email addresses are published).

The information is collected to uniquely identify the registrant of a trademark. The information becomes part of the official record of the application and is used to document registrant location and for official communications. After the application has been filed, the information is part of the public record and a member of the public may request a copy of the application file. However, applicants are informed and sign a consent that the information given will be accessible to the public. Please see *"Appendix A"* for banner warning statement.

Trademark Electronic Search System (TESS) - TESS is designed to provide the general public with the capability to search text and images of pending, registered, and dead Trademark applications via internet browser.

Trademark Identification Manual (TIDM) - The Trademark Identification Manual (TIDM) system is a component that provides trademark examiners and the public with a web-based interface for searching and retrieving the text of the Trademark Classification Manual.

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

TPS-ES processes the following information types: Intellectual Property Protection Information, Customer Services Information, and Official Information Dissemination Information.

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

TPS-ES is accessible in whole or in part by the following: USPTO trademark business users, system administrators, system developers, and the general public.

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

TPS-ES uses web-based interfaces to access the information in the system. Some subsystems also provide web application programming interfaces (APIs) to retrieve information in an automated fashion.

i) ***How information is transmitted to and from the system***

TPS-ES uses Hypertext Transfer Protocol Security (HTTPS) for transmitting to and from the system over the USPTO internal network, as well as the public internet.

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 – External Systems (TPS-ES)** 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 – External Systems (TPS-ES)** and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

System Owner Name: Donald Ulrich Office: Trademark Systems Division Phone: 571- 272-1093 Email: Donald.Ulrich@uspto.gov Signature: _____ Date signed: _____	**Chief Information Security Officer** Name: Don Watson Office: Office of the Chief Information Officer (OCIO) Phone: (571) 272-8130 Email: Don.Watson@uspto.gov Signature: _____ Date signed: _____
Privacy Act Officer Name: Ezequiel Berdichevsky Office: Office of General Law (O/GL) Phone: (571) 270-1557 Email: Ezequiel.Berdichevsky@uspto.gov Signature: _____ 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: _____ Date signed: _____
Co-Authorizing Official Name: David S. Gooder Office: Trademark Systems Division Phone: (571) 270-0980 Email: David.Gooder@uspto.gov Signature: _____ Date signed: _____	