

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



**Privacy Threshold Analysis  
for the  
Trademark Processing System – Internal Systems**

## **U.S. Department of Commerce Privacy Threshold Analysis**

### **USPTO Trademark Processing System – Internal Systems**

**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 and its purpose:** *Provide a general description of the information system in a way that a non-technical person can understand.*

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).

*a) Whether it is a general support system, major application, or other type of system*

Trademark Processing System - Internal Systems (TPS-IS) is a major application.

*b) System location*

The components of TPS-IS are primarily located at 600 Dulany Street, Alexandria, VA 22314, on the 3rd floor, east wing at the Data Center. TPS-IS 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)*

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

*d) The purpose that the system is designed to serve*

TPS-IS provides support for the automated processing of trademark applications for the USPTO.

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

TPS-IS includes 10 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.

TPS-IS is comprised of the following Automated Information Systems:

1. First Action System for Trademarks 1 (FAST1)  
FAST1 is used by examiners to process new trademark applications. It processes the PII data submitted as part of the application process.
2. First Action System for Trademarks 2 (FAST2)  
FAST2 is used by legal instrument examiners and their supervisors to review and update trademark cases. It processes the PII data submitted as part of the application process.
3. Form Paragraph Editor Program (FPEP)  
FPEP is used to maintain standard form paragraphs for trademark workflow. It does not process PII data.
4. Trademark Cropped Image Management (TCIM)  
TCIM receives and stores trademark image files associated with an application. It does not process PII data.
5. Trademark Image Capture and Retrieval System (TICRS)  
TICRS captures, stores, retrieves, and prints digital images of trademark application documents. It processes the PII data submitted as part of the application process.
6. Trademark Information System Reporting (TIS Reporting)  
TIS Reporting provides enhanced reporting capabilities to Trademark Management of workflow and status. It does not process PII data.
7. Trademark Postal System (TPostal)  
TPostal serves Trademark notices to trademark applications. It processes the PII data submitted as part of the application process.
8. Trademark Data Entry and Update System (TRADEUPS)  
TRADEUPS is used for new application data entry and the editing of bibliographic data and Trademark text. It processes the PII data submitted as part of the application process.
9. Trademark Reporting and Monitoring System (TRAM)  
TRAM provides support to all facets of Trademark operations. It stores and processes the PII data submitted as part of the application process.
10. X-Search (XS)  
XS allows examiners to search existing marks prior to granting a new registration. It processes the PII data submitted as part of the application process.

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

TPS-IS processes the following information types: Intellectual Property Protection information, Record Retention information, and Official Information Dissemination information.

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

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

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 uses HTTP for transmitting to and from the system over the USPTO internal network.

**Questionnaire:**

## 1. 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.*

<b>Changes That Create New Privacy Risks (CTCNPR)</b>					
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 (version 01-2015). *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 (version 01-2017 or later). *Skip questions and complete certification.*

## 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.)*

<b>Activities</b>			
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 about: *(Check all that apply.)*

- ☐ Companies
- ☐ Other business entities

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

4. Personally Identifiable Information

4a. Does the IT system collect, maintain, or disseminate personally identifiable information (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
- ☐ National Institute of Standards and Technology Associates
- ☐ 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, user ID is the only PII collected, maintained, or disseminated by the IT system.

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 approved PIA must be a part of the IT system’s Assessment and Authorization Package.***

## CERTIFICATION

☒ I certify the criteria implied by one or more of the questions above **apply** to the TPS-IS and as a consequence of this applicability, I will perform and document a PIA for this IT system.

☐ I certify the criteria implied by the questions above **do not apply** to the TPS-IS and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

Ganesh Shetty

Name of System Owner (Acting) (SO): \_\_\_\_\_

Signature of SO: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Privacy Act Officer (PAO): \_\_\_\_\_ Ricou Heaton\_\_\_\_\_

Signature of PAO: \_\_\_\_\_ Date: \_\_\_\_\_

Don Watson

Name of Chief Information Security Officer (CISO): \_\_\_\_\_

Signature of CISO: \_\_\_\_\_ Date: \_\_\_\_\_

Henry J. Holcombe

Name of Authorizing Official (AO) & Bureau Chief Privacy Officer (BCPO): \_\_\_\_\_

Signature of Co-AO & BCPO: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Co-Authorizing Official (Co-AO) or Designated Representative: David S. Gooder

Signature of Co-AO: \_\_\_\_\_ Date: \_\_\_\_\_