

**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE**

And Reporting Offices:

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE USPTO

Office of Public Affairs

Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the USPTO

Patent Public Advisory Committee

Trademark Public Advisory Committee

USPTO Comprehensive Records Schedule
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DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

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USPTO Comprehensive Records Schedule

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

Record Series Detail

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE USPTO

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| 1 | <p>Controlled Correspondence Files Correspondence to and from high-level Executive, Judicial, or Legislative branch officials requiring special control. Subjects can cover all areas of intellectual property, USPTO policy, and high level agency administration:</p> <ul style="list-style-type: none"> a. Textual records b. Duplicate copies maintained solely for reference. | <p>N1-241-96-1:2 a. Close files at the end of each Congress (2 years) and transfer to the Certified Records Center. Destroy 5 years after closure. b. Nonrecords. Break files each fiscal year and destroy when 2 years old.</p> |
| 2 | <p>Director's Calendars The official record of appointments of the Director and Commissioners of Patents and Trademarks:</p> <ul style="list-style-type: none"> a. Official copy b. Unofficial copies | <p>N1-241-96-1:5 a. Permanent. Close files at the end of each calendar year and transfer to Certified Records Center at the end of each Director's term of office. Transfer to the National Archives when 25 years old. b. Delete when no longer necessary for agency business.</p> |
| 3 | <p>Director's Files Correspondence and memoranda, reports, and briefings relating to budget formulation, delegations of authority, examiner education fund, GAO and Inspector General reports, international matters (by country), labor management relations, legal materials (cases, opinions, rulings, proposed rulings, rule packages), legislation including copies of bills and hearings, management initiatives and reviews, organization and reorganization matters, personnel, procurement, and related subjects:</p> <ul style="list-style-type: none"> a. Record copy maintained in Director's Office. b. Duplicate copies maintained solely for reference in other offices. | <p>N1-241-96-1:1 a. Permanent. Close files annually and transfer to Certified Records Center when 2 years old. Transfer to the National Archives when 25 years old. b. Nonrecord. Destroy when no longer needed for current agency business.</p> |
| 4 | <p>E-Mail Senders' and recipients' versions of electronic mail messages that meet the definition of Federal records, and any attachments to the record messages after they have been copied to an electronic recordkeeping system, paper, or microfilm for recordkeeping purposes. NOTE: Along with the message text, the recordkeeping system must capture the names of sender and recipients and date (transmission data for recordkeeping purposes) and any receipt data when required.</p> | <p>GRS 20, 14 Delete from the e-mail system after copying to a recordkeeping system (treat as paper records: destroy or file as appropriate for the record series).</p> |
| 5 | <p>Index to Controlled Correspondence Index to Controlled Correspondence files</p> | <p>N1-241-96-1:3 Close files at the end of each Congress (2 years) and destroy 5 years after closure.</p> |

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE USPTO (Cont.)

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| 6 | Speaker's Files Invitations and related correspondence, schedules, travel itineraries and vouchers, and related records concerning scheduling of USPTO speakers. | N1-241-97-1:1 Destroy when 3 years old. |
| 7 | Speech Files Record copy of speeches given by the Director and other USPTO executives. | N1-241-96-1:4 Permanent. Close files at the end of Director's term or every 5 years, and transfer to Certified Records Center when 10 years old. Transfer to the National Archives when 25 years old. |
| Office of Public Affairs | | |
| 8 | Articles Files Articles submitted for clearance and published in magazines, journals, and other information media. Includes related background materials. | N1-241-97-1:4 Destroy when 10 years old. |
| 9 | Audiovisual Files - NONTEXTUAL MEDIA A collection of audiovisual material received from various sources within the USPTO illustrating or explaining policies, programs, and procedures as well as documenting official USPTO public affairs functions. Includes: motion pictures, audio tapes, video recordings, and still photography (with the exception of photographs of USPTO officials, which are maintained separately): a. Materials selected for historical value b. Materials not selected for historical value | N1-241-96-1:27 a. Permanent. Transfer directly to the National Archives when 10 years old. b. Destroy when no longer needed for current USPTO business. |
| 10 | Biographical Sketches and Portraits Files containing biographical material with photographs of higher level USPTO employees. | N1-241-96-1:26 Permanent. Close files at the end of each fiscal year. Transfer directly to the National Archives 10 years after closure. |
| 11 | Controlled Correspondence Files Copies of correspondence assigned by the Director or Commissioner requiring special attention. Responses may be signed by program office or drafted for signature of the Commissioner. Record copy is maintained in the Director's Office. | N1-241-96-1:28 Destroy when 2 years old. |
| 12 | Educational Outreach Program Files Files relating to USPTO's interest in the promotion and development of creativity and higher order thinking skills such as Project X/L or similar projects. Conferences related to these outreach programs bring together regional teachers and experts with the goal of providing information, teaching methods, and curriculum materials to students: a. Outreach program files b. Conference files. | N1-241-96-1:24 a. Close files at the end of each fiscal year and transfer to the Certified Records Center 3 years after closure. Destroy when 20 years old. b. Close files at the end of each fiscal year and transfer to the Certified Records Center 5 years after closure. Destroy 10 years after closure. |

Office of Public Affairs (Cont.)

- 13 Exhibit Files**
Correspondence, photographs, reports, and related materials concerning major exhibits developed by the United States Patent and Trademark Office, such as the 175th anniversary exhibit.

- 14 News Release Files**
Record copy of each news release.

- 15 Photographs and Negatives**
Portraits of key United States Patent and Trademark Office officials and senior executives, exhibit photographs, and other photographs documenting USPTO programs and public affairs services. Record elements include the negative and one captioned print:

Newsletter photographs, and other photographs used in internal USPTO announcements or bulletins, routine retirement or award photographs, and photographs of social events that do not relate to agency-wide activities or missions.

- N1-241-96-1:19**
Permanent. Close files at the end of the exhibit and transfer to Certified Records Center when 5 years after closure. Transfer to National Archives when 30 years old.

- N1-241-96-1:23**
Permanent. Close files at the end of each fiscal year and transfer to Certified Records Center 10 years after closure. Transfer to the National Archives when 30 years old.

- N1-241-96-1:20b**
Permanent. Close inactive files annually at the end of each fiscal year. Transfer directly to the National Archives in subject order in accordance with regulations found in 36 CFR 1228.184, 3 years after closure.

NOTE: To provide for the proper preservation of USPTO's photographic images, color and black and white negatives should be maintained in separate files (see below) while in agency custody, and transferred separately to the National Archives in accordance with the disposition instruction. For each type of audiovisual record designated as permanently valuable, the specific components required by 36 CFR 1228.184 for preservation, reproduction, and reference are listed below. - Black and white photography: the original negative and a captioned print. - Color photography: the original negative, a captioned print, and duplicate negative, if one exists. - Color transparency and slide photography: The original and one duplicate copy. - Slide sets or filmstrips and accompanying audio recordings or scripts: Two copies. - Finding aids: All indexes, log books, catalogs or similar materials that serve as a finding aid to negatives, prints, slides, or other photographic records.

Office of Public Affairs (Cont.)**16 Photographs and Negatives (non-permanent)**

All other photographs and negatives not mentioned in previous series.

N1-241-96-1:20a

Destroy when no longer needed for current agency business.

NOTE: To provide for the proper preservation of USPTO's photographic images, color and black and white negatives should be maintained in separate files (see below) while in agency custody, and transferred separately to the National Archives in accordance with the disposition instruction. For each type of audiovisual record designated as permanently valuable, the specific components required by 36 CFR 1228.184 for preservation, reproduction, and reference are listed below. - Black and white photography: the original negative and a captioned print. - Color photography: the original negative, a captioned print, and duplicate negative, if one exists. - Color transparency and slide photography: The original and one duplicate copy. - Slide sets or filmstrips and accompanying audio recordings or scripts: Two copies. - Finding aids: All indexes, log books, catalogs or similar materials that serve as a finding aid to negatives, prints, slides, or other photographic records.

17 Posters

Posters and other graphic arts that are created to document agency-wide public affairs activities or programs, special events and anniversaries, museum exhibits, historical accomplishments of the USPTO, and to inform the public regarding USPTO's mission and activities.

N1-241-96-1:43

Permanent. Transfer two copies of each poster directly to the National Archives when 10 years old.

18 Public Affairs Report

Weekly, monthly, and quarterly reports relating to public affairs activities prepared for the Department of Commerce.

N1-241-97-1:5

Destroy when 6 months old.

19 Public Affairs Subject Files

Files containing record copy of correspondence, reports, background papers used for projects, and general materials used as a resource for the office.

N1-241-96-1:25

Close files at the end of each fiscal year and transfer to the Certified Records Center 3 years after closure. Destroy 20 years after closure.

20 Publications Files

Record copy of each publication that contributes to an understanding of the organization and functioning of the United States Patent and Trademark Office. National Archives when 30 years old.

N1-241-96-1:21

Permanent. Close files at the end of each fiscal year and transfer to Certified Records Center 10 years after closure. Transfer to

Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the USPTO

21 Deputy Director's Files

Correspondence, memoranda, reports, and briefings relating to budget formulation, delegation of authority, examiner education, inspection and audit reports, labor/management relations, legal materials (such as cases, opinions, rulings, proposed rulings, rule packages, and the like) legislation, copies of bills, hearings, management initiatives and reviews, organization and reorganization materials, and personnel and procurement materials for the Deputy's attention.

N1-241-96-1:40

Permanent. Close files annually and transfer to the Certified Records Center when 2 years old. Transfer to the National Archives when 25 years old.

Patent Public Advisory Committee

22 Records of the Public Advisory Committees

The Patent and Trademark Public Advisory Committees were created by the 1999 American Inventors Protection Act to advise the Director of the USPTO on the agency's operations, including its goals, performance, budget, and user fees. The Advisory Committee records include but are not limited to committee meetings, correspondence files, and comments on Rule Packages by Committee members:

- a. Committee Meetings. Records include agendas, committee correspondence, minutes, final reports, official speeches, lectures and briefings, meeting transcripts and related records documenting the committee accomplishments.
- b. Working Files. Records that include general letters and memorandums, forms, reports, and other material all relating to administrative functions.
- c. Rule Packages Files. Records include copies of rule changes, review notes, background materials, and other related papers used to provide comments to the Office of General Counsel with respect to regulatory conflicts and appropriate legal language in agency rulemaking procedures.
- d. Electronic Mail and Word Processing System Copies:
 - 1) Copies that have no further administrative value after the recordkeeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.
 - 2) Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.
- e. Chronological Files. Records include copies of outgoing correspondence signed by the Administrative Officer and filed in chronological order.
- f. Financial Files. Records include copies of the financial transactions made by the PTPA staff such as: copies of USPTO contracts, blanket purchase agreements, and purchase orders.

N1-241-01-03

- a. Permanent. Cut off files annually. Retire to Federal Records Center (Certified Records Center) when five years old. Transfer to NARA when 15 years old.
- b. Cut off files annually. Destroy when 3 years old or no longer needed [N1-241-96-1:11].
- c. Transfer records to the Office of General Counsel (OGC). OGC is the office of record for Rule Packages. Follow the related schedule in the OGC's office [N1-241-96-1:11]. All other copies are for reference only. Destroy when no longer needed by the Committee(s).
- d. Electronic Mail and Word Processing System Copies:
 - 1) Destroy/delete within 180 days after the recordkeeping copy has been produced.
 - 2) Destroy/delete when dissemination, revision, or updating is complete.
- e. Nonrecord. Destroy when no longer needed for current agency business.
- f. Nonrecord. Official record copies of contracts are kept by the Office of Finance and are disposed of according to a separate schedule. See CRS 3 series 327. Official record copies of Blanket Purchase Agreements and Purchase Orders are kept by the Office of Procurement. Destroy when no longer needed for current agency business.

Trademark Public Advisory Committee

23 Records of the Public Advisory Committees - See Above

N1-241-01-03