

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



**Privacy Threshold Analysis
for the
Trademark Next Generation**

U.S. Department of Commerce Privacy Threshold Analysis

USPTO Trademark Next Generation

Unique Project Identifier: PTOT-004-00

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 (in a way that a non-technical person can understand) of the information system that addresses the following elements:*

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 Trademark Next Generation (TMNG) is an application information system that provides support for the automated processing of trademark applications for the USPTO. TMNG provides users with bibliographic data in a standard markup form, business reporting and dashboard data sources. Publishing features are available to enable consumer’s access to published data in the official gazette to review information and search for items of interest. Editing features allow authorized users to perform editing functions (create, modify, delete) that are role-based for searching across current and archival versions. TMNG is also used by Examining Attorneys during the Examination phase of an application

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

Trademark Next Generation (TMNG) is a major application.

b) *System location*

Trademark Next Generation (TMNG) is located at 600 Dulany Street, Alexandria, VA 22314, on the 3rd floor, east wing at the Data Center.

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

TMNG interconnects with the following systems:

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

Enterprise UNIX Services (EUS): The EUS System consists of assorted UNIX operating system variants (OS) each comprised of many utilities along with the master control program, the kernel.

Service Oriented Infrastructure (SOI): SOI provides stable platforms and feature-rich services upon which USPTO applications can deploy.

Network and Security Infrastructure System (NSI): The 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 United States Patent and Trademark Office (USPTO) IT applications.

Enterprise Desktop Platform (EDP): The EDP is an infrastructure information system that provides a standard enterprise-wide environment that manages desktops and laptops running on the Windows operating system (OS), providing United States Government Configuration Baseline (USGCB) compliant workstations.

Enterprise Software Services (ESS): Provides Enterprise Directory Services, Role-Based Access Control System, Email as a Service, PTO Exchange Services, Symantec Endpoint Protection, Enterprise SharePoint Services, etc.

Trademark Processing System – External System (TPS ES): The purpose of this system is to provide service support for processing trademark applications for USPTO.

Trademark Processing System – Internal System (TPS IS): The purpose of this system is to provide service support for processing trademark applications for USPTO.

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

The TMNG is an application information system that provides support for the automated processing of trademark applications for the USPTO.

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

TMNG is an application information system, and provides support for the automated processing of trademark applications for the USPTO. It is comprised of the following six Automated Information Systems (AIS).

- Trademark Status and Document Retrieval (TSDR) provides bibliographic data in a standard markup form.
- Trademark Reporting and Data Mart (TRDM) provides business reports and dashboards connecting to respective data sources.
- Trademark Electronic Official Gazette (TMeOG) enable consumers of published data in the official gazette to review information and search for items of interest.
- Trademark Next Generation Identification Master List System (TMNG-IDM) allows authorized users to perform editing functions (create, modify, delete), provide role-based, searching across current and archival versions.

- TMNG Examination (formerly TMNG Internal System) is used by Examining Attorneys during the Examination phase of an application.
- Trademark Next Generation Content Management System (TMNG_CMS) purpose is to transition to a single modern content repository that will be used by all TMNG Examination systems.

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

TMNG 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

Federal employees, contractors, members of the public.

Note: Only a part of the application is public facing and available to the general public.

The general public will have access to only stored PII that is able to be released for public consumption.

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

TMNG uses web-based interfaces to access the information in the system. Some subsystems also provide web APIs to retrieve information in an automated fashion.

i) How information is transmitted to and from the system

TMNG uses HTTPS for transmitting to and from the system over the USPTO internal network, as well as the public internet. All external connections with systems outside of the USPTO are employed through Network and Security Infrastructure System (NSI).

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	<input type="checkbox"/>	d. Significant Merging	<input type="checkbox"/>	g. New Interagency Uses	<input type="checkbox"/>
b. Anonymous to Non-Anonymous	<input type="checkbox"/>	e. New Public Access	<input type="checkbox"/>	h. Internal Flow or Collection	<input type="checkbox"/>
c. Significant System Management Changes	<input type="checkbox"/>	f. Commercial Sources	<input type="checkbox"/>	i. Alteration in Character of Data	<input type="checkbox"/>

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 or 01-2017). *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 01-2019 or later). *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	<input type="checkbox"/>	Building entry readers	<input type="checkbox"/>
Video surveillance	<input type="checkbox"/>	Electronic purchase transactions	<input type="checkbox"/>
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 Next Generation 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 Next Generation and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

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<p>Privacy Act Officer Name: John Heaton Office: Office of General Law (O/GL) Phone: (571) 270-7420 Email: Ricou.Heaton@uspto.gov</p> <p>Signature: <u>Users, Heaton, John (Ricou)</u> <small>Digitally signed by Users, Heaton, John (Ricou) Date: 2021.04.19 11:39:22 -04'00'</small></p> <p>Date signed: _____</p>	<p>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</p> <p>Signature: <u>Users, Holcombe, Henry</u> <small>Digitally signed by Users, Holcombe, Henry Date: 2021.04.20 07:51:37 -04'00'</small></p> <p>Date signed: _____</p>
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