in FAA Order 7400.8K dated September 26, 2002.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to the appropriate environmental analysis in accordance with FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts, prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.23 [Amended]

2. § 73.23 is amended as follows:

* * * * *

R–2301E, Ajo East AZ [Amended]

By removing ''Time of designation. Monday–Friday, 0630–2230 local time; other times by NOTAM,'' and substituting ''Time of designation. Daily, 0630–2400 local time; other times by NOTAM.''

R–2304, Gila Bend AZ [Amended]

By removing ''Time of designation. 0700–2200 local time; other times by NOTAM,'' and substituting ''Time of designation. Monday–Saturday, 0630–2400 local time; other times by NOTAM.''

* * * * *

R–2305, Gila Bend AZ [Amended]

By removing ''Time of designation. 0700–2300 local time; other times by NOTAM,'' and substituting ''Time of designation. Monday–Saturday, 0630–2400 local time; other times by NOTAM.''

* * * * *

Issued in Washington, DC, on May 15, 2003.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 03–13037 Filed 5–29–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 2003–P–021]

RIN 0651–AB61

January 2004 Revision of Patent Cooperation Treaty Application Procedure

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The United States Patent and Trademark Office (Office) is proposing to amend the rules of practice to conform them to certain amendments made to the Regulations under the Patent Cooperation Treaty (PCT) that will take effect on January 1, 2004. These amendments will result in the addition of a written opinion in PCT chapter I, as well as a simplification of PCT designations and the PCT fee structure. In addition, the Office is proposing to adjust the transmittal, search, and international preliminary examination fees for international applications filed under the PCT to be more closely aligned with the actual average costs of processing a PCT application and conducting a PCT search and international preliminary examination under the new process.

COMMENT DEADLINE DATE: To be ensured of consideration, written comments must be received on or before June 30, 2003. No public hearing will be held.

ADDRESSES: Comments should be sent by electronic mail message via the Internet addressed to *AB61.Comments@uspto.gov*. Comments may also be submitted by mail addressed to: Mail Stop Comments-Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA, 22313–1450, or by facsimile to (703) 308–6459, marked to the attention of Mr. Richard Cole. Although comments may be submitted by mail or facsimile, the Office prefers to receive comments via the Internet. If comments are submitted by mail, the Office would appreciate the comments to be electronically filed on a DOS formatted 3½ inch disk with a paper copy of the comments.

The comments will be available for public inspection at the Office of the Commissioner for Patents, located in Crystal Park 2, Suite 910, 2121 Crystal Drive, Arlington, Virginia, and will be available through anonymous file transfer protocol (ftp) via the Internet (address: *http://www.uspto.gov*). Since comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included in the comments.

FOR FURTHER INFORMATION CONTACT: Richard R. Cole, Legal Examiner, Office of PCT Legal Administration (OPCTLA) directly by telephone at (703) 305–6639, or by facsimile at (703) 308–6459.

SUPPLEMENTARY INFORMATION: During the September–October 2002 meeting of the Governing Bodies of the World Intellectual Property Organization (WIPO), the PCT Assembly adopted various amendments to the Regulations under the PCT that enter into force on January 1, 2004. The amended PCT Regulations were published in the PCT Gazette of December 5, 2002 (49/2002), in section IV, at pages 25004–25061. The purposes of these amendments are to: (1) Improve coordination of international search (chapter I of the PCT) and international preliminary examination (chapter II of the PCT) through the provision of an enhanced international search and preliminary examination system; (2) simplify the PCT by changing the concept and operation of the designation system and the fee system; and (3) simplify signature and other filing requirements.

Enhanced International Search and Preliminary Examination System: Under the enhanced international search and preliminary examination system, the written opinion currently established during the chapter II procedure by the International Preliminary Examining Authority (IPEA) has been added to the chapter I procedure. Accordingly, the International Searching Authority (ISA) will be responsible for establishing a preliminary and non-binding written opinion on whether the claimed invention appears to be novel, to involve an inventive step and to be industrially applicable. In the event that a Demand for international preliminary examination is timely filed by applicant without a PCT Article 34 amendment,

the written opinion of the ISA will become the written opinion of the IPEA. If a Demand is not timely filed, the written opinion of the ISA will form the basis for the issuance, by the International Bureau (IB) on behalf of the ISA, of an ''International Preliminary Report on Patentability (chapter I of the Patent Cooperation Treaty)'' (''IPRP''), which will be communicated to all designated Offices and made available for public inspection after the expiration of 30 months from the priority date.

This revised system will result in a slight increase in the workload on the ISA, but should result in a substantial decrease in the workload on the IPEA. In addition, smaller Offices will benefit by the availability of an international preliminary report on patentability equivalent to the chapter II international preliminary examination report (*i.e.*, the IPRP) even if no Demand has been filed.

Under the revised system, the time limit for filing a Demand for international preliminary examination has changed. Specifically, the Demand must be filed within the later of: (1) Three months from issuance of the international search report and the written opinion of the ISA (or, if a search cannot be made, of the declaration under Article 17.2(a)); or (2) 22 months from the priority date. *See* PCT rule 54*bis*.1(a). Any Demand made after the expiration of this time limit will be considered as if it had not been submitted. *See* PCT rule 54*bis*.1(b). Any arguments or amendments in response to the written opinion of the ISA must be submitted within the time limit for filing the Demand to ensure consideration by the IPEA. It is noted that applicants may still desire to file the Demand prior to the expiration of 19 months of the priority date in order to delay entry into the national stage for those few remaining Contracting States that have taken a reservation to the 30-month time limit in Article 22(1).

As in current PCT chapter II procedures, the IPEA will still establish an international preliminary examination report, though the report will now bear the title ''International Preliminary Report on Patentability (Chapter II of the Patent Cooperation Treaty).'' This report will be established within the applicable time limit under PCT rule 69 (usually within 28 months from the priority date).

Under the revised system, payment of the international preliminary examination fee and handling fee is not required until the later of one month from the filing of the Demand or 22 months from the priority date. *See* PCT rules 57.3(a) and 58.1(b). However, where the IPEA and the ISA are the same and the IPEA wishes to start examination at the same time as the international search, the IPEA may require that the examination and handling fees be paid within one month of an invitation by the IPEA to pay such fees. *See* PCT rule 57.3(c).

Automatic Indication of All Designations Possible under the PCT; Relaxed Signature and other Filing Requirements; Simplified Fee System: Under the amendments to the Regulations of the PCT, upon filing an international application, applicant will obtain automatic and all-inclusive coverage of all designations available under the PCT, including all kinds of protection as well as both national and regional patent protection. *See* PCT rule 4.9. Similarly, the mere filing of a Demand will constitute the election of all designated States. *See* PCT rule 53.7. Thus, applicants need not, at the time of filing the international application, specifically designate individual Contracting States, or choose certain kinds of protection or indicate expressly whether national or regional protection is sought. Such matters will be resolved in the national phase.

This automatic and all-inclusive designation system overcomes a current pitfall for applicants who have inadvertently omitted specific designations upon filing the international application and such designations were not, or could not be, timely confirmed under PCT rule 4.9(c). For example, if the original international application papers did not contain at least one designation, an international filing date could not be accorded as of the initial receipt date of the application papers. *See* PCT Article 11(1)(iii)(b). Furthermore, even in those applications containing at least one designation, PCT rule 4.9(b) required that any additional States and/or additional kinds of protection be confirmed by the submission of a written notice, accompanied by payment of the appropriate confirmation fee, within a relatively short time period (*i.e.*, 15 months from the priority date). This time period was frequently overlooked by applicants. Under the new system of automatic designations/elections, the current procedures for precautionary designations and later elections become unnecessary and have been eliminated from the PCT Rules. This will reduce the workload on the PCT Receiving Office (RO) and IPEA by eliminating processing of precautionary designations and later elections, as well as petitions relating to omitted designations.

As a further benefit of the automatic designation system is the simplification of the PCT fee system. Under the current PCT fee structure, both a ''basic'' fee and a ''designation'' fee are required. Moreover, these fees are due at different times in different amounts depending on when they are paid. Under the new system, these fees have been eliminated in favor of a single international filing fee (comprised of two fee components, a first fee component for up to 30 sheets of paper and a second fee component for sheets of paper in excess of 30) due at one time.

As a consequence of the automatic designation system, applicant/inventors will have to be named in the international application. To alleviate hardships with regard to obtaining signatures of all the applicants named on the Request, PCT rule 26 has been amended to provide that, for purposes of Article 14(a)(i), the international application will be considered as signed in accordance with the PCT Regulations if the Request has been signed by at least one applicant. *See* PCT rule 26.2*bis*(a). In addition, if there is more than one applicant, PCT rule 26.2*bis*(b) provides that, for purposes of PCT Article 14(1)(a)(ii), it is sufficient that the identifying information (*i.e.*, address, residence and nationality) be provided for only one applicant who is entitled under PCT rule 19.1 to file the international application with the RO. This means that for purposes of filing an international application with the United States Receiving Office (RO/US) as the competent RO, this information must be provided with respect to at least one applicant who is a citizen or resident of the United States. Notwithstanding the amendments to PCT rule 26, a designated/elected Office may still require applicants to furnish, during the national stage, confirmation of the international application by the signature of any applicant who has not signed the Request and any missing identifying information. *See* PCT rule 51*bis*.1(a).

PCT rule 90.4 has been revised to permit the RO, ISA, or IPEA to waive the requirement for a power of attorney, except in instances of applicant initiated withdrawals under PCT rule 90*bis*.

Discussion of Specific Rules

Title 37 of the Code of Federal Regulations, part 1, is proposed to be amended as follows:

Section 1.14: Section 1.14(i)(1)(ii) is proposed to be amended to exclude members of the public from obtaining a copy of the written opinion of the United States International Searching

Authority (ISA/US) until the expiration of thirty months from the priority date of the international application. Under PCT rule 44*ter*.1 (as amended), the ISA is not permitted to allow access to the written opinion of the ISA before the expiration of 30 months from the priority date unless authorized by the applicant.

Section 1.413: Section 1.413(c) is proposed to be amended to reflect the additional major function of the ISA/US of preparing and transmitting written opinions.

Section 1.421: Section 1.421(b) is proposed to be amended to remove reference to § 1.425, which will be removed. Under PCT rule 26.2*bis*(a) (as amended), the international application will be considered to satisfy the signature requirement for purposes of PCT Article 14(1)(a)(i) if the request is signed by at least one applicant (except that all of the applicants' signatures will still be required for withdrawals, *see* discussion of § 1.421(g)). Accordingly, the current requirement in § 1.425 that the failure of an inventor to sign the request in an international application designating the United States will only be excused where the inventor could not be found or reached after diligent effort or refused to sign the request will no longer be applicable. Section 1.421(b) is also proposed to be amended to include the requirement of § 1.424 that joint inventors must jointly apply for an international application. Section 1.424 is proposed to be removed (*see* discussion of § 1.424).

Section 1.421(c) is proposed to be amended as a consequence of the change to PCT rule 4.9, as the United States will always be designated upon filing of an international application.

Section 1.421(d) is proposed to be amended to reflect the change to PCT rule 90.4(d) permitting the RO to waive the requirement for a separate power of attorney.

Section 1.421(f) is proposed to be amended to clarify that for purposes of requests under PCT rule 92*bis* to effect a change in an indication concerning the applicant, agent or common representative, such requests may be required to be signed by all applicants.

Section 1.421(g) is proposed to be amended to remove the text of PCT rule 92*bis* as unnecessary and to clarify that for purposes of withdrawals under PCT rule 90*bis* of the international application, designations, priority claim, Demand or elections, the request for withdrawal must be signed by all applicants. Furthermore, where the request for withdrawal is signed by an attorney, agent, or common representative, a power of attorney from the applicants appointing that attorney, agent or common representative will be required. This proposed clarification is consistent with PCT rule 90.4(e) (as amended), which prohibits the RO, ISA, IPEA, and IB from waiving the separate power of attorney requirement in cases of withdrawals under rule 90*bis*. An exception to this signature requirement is made in cases where an inventor cannot be found or reached after diligent effort. *See* PCT rule 90*bis*.5(b).

Section 1.424: This section is proposed to be removed. The requirement in 1.424 regarding the naming of joint inventors in international applications will be moved to § 1.421(b). The further requirement relating to signature requirements of joint inventors, including reference to § 1.425, will no longer be applicable (*see* discussion of § 1.421(b)).

Section 1.425: This section is proposed to be removed (*see* discussion of § 1.421(b)).

Section 1.431: Section 1.431(b)(3) is proposed to be amended to remove reference to 1.424, which is proposed to be removed. Sections 1.431(c) and (d) are proposed to be amended to reflect the new fee structure applicable to international applications under revised PCT rule 15. Specifically, the international ''basic fee'' and ''designation fee'' have been combined into a single ''international filing fee.'' In addition, the late payment fee provision of § 1.431(c)(1) is proposed to be amended as a consequence of this new fee structure, consistent with amended PCT rule 16*bis*.2.

Section 1.432: Section 1.432 is amended to reflect the change to PCT rule 4.9, which provides that the filing of the request shall constitute: (1) The designation of all Contracting States that are bound by the PCT on the international filing date; (2) an indication that for those States for which PCT Articles 43 or 44 apply, the filing of the request constitutes an indication for the grant of every kind of protection which is available by way of the designation of that State; and (3) an indication that the international application is, for those States to which PCT Article 45(1) applies, for the grant of a regional patent and also, unless PCT Article 45(2) applies, a national patent. As a consequence of the ''automatic'' designation system provided under revised PCT rule 4.9, the procedure under former PCT rule 4.9(b) and (c) regarding confirmation of precautionary designations has been eliminated from that rule, and therefore, is proposed to be removed from § 1.432.

Section 1.434: Section 1.434(d) is proposed to be amended to remove the requirement that international applications designating the United States must include the address and the signature of the inventor except as provided by §§ 1.421(d), 1.422, 1.423 and 1.425. Under PCT rule 26.2*bis* (as amended), if there is more than one applicant, it is sufficient that the request is signed by only one of them, and that the address is provided with respect to one of the applicants who is entitled, in accordance with rule 19.1, to file the international application with the RO. Section 1.434(d)(3) is also proposed to be redesignated as new § 1.434(e) for clarity.

Section 1.445: Section 1.445(a)(1) is proposed to be amended to increase the transmittal fee from $240.00 to $300.00. 35 U.S.C. 376(b) authorizes the Office to (*inter alia*) prescribe the transmittal fee, search fee, supplemental search fee, and preliminary examination fee for PCT international applications. This transmittal fee amount more accurately reflects the Office's actual average costs of processing international applications, and is also consistent with the filing fee for applications under 35 U.S.C. 111(a) proposed by the Office in the 21st Century Strategic Plan (information concerning the Office's 21st Century Strategic Plan is available on the Office's Internet Web site *www.uspto.gov*).

Section 1.445(a)(2)(i) is proposed to be amended to reduce the search fee charged by the ISA/US where there is a corresponding prior U.S. application filed under 35 U.S.C. 111(a) from $450 to $300. Section 1.445(a)(2)(i) is also proposed to be amended to clarify the conditions for obtaining benefit of the reduced search fee where there is such a prior corresponding application. Pursuant to PCT rule 42.1, the ISA/US has, in most cases, only three months to establish the International Search Report. In order for the ISA/US to be able to utilize the benefits of a search conducted in a prior corresponding application filed under 35 U.S.C. 111(a), the Office must be informed of the prior corresponding application in sufficient time and in such manner so as to permit the Office to utilize the search and examination conducted in the prior application. Accordingly, § 1.445(a)(2)(i) is proposed to be amended to require applicants to timely furnish adequate identifying information of the prior U.S. application in order to qualify for the lower search fee. Specifically, applicant must identify the prior nonprovisional application by U.S. application number upon filing the international application, if such number is known. If

such number is not known, then applicant must identify the prior application by filing date, title, and name of applicant (and preferably the application docket number) so that the Office will be able to identify the prior application.

Section 1.445(a)(2)(ii) is proposed to be amended to increase the search fee charged by the ISA/US in situations not covered by § 1.445(a)(2)(i) from $700 to $1,000. This search fee amount more accurately reflects the Office's actual average costs of searching international applications in situations not covered by § 1.445(a)(2)(i). This search fee amount is higher than the search fee amount for applications under 35 U.S.C. 111(a) as proposed by the Administration because of additional costs associated with both searching international applications and the preparation and transmittal of a written opinion of the ISA. Additionally, international applications must be searched (and examined) under the PCT unity of invention standard, where applications under 35 U.S.C. 111(a) are searched (and examined) under the restriction standard set forth in 35 U.S.C. 121. Moreover, the search fee set forth in § 1.445(a)(2)(i) must also cover preparation of a written opinion (the ''International Preliminary Report on Patentability (Chapter I of the Patent Cooperation Treaty)'' (''IPRP'')) under the revised system.

In addition, the fee charged by the ISA/US for searching an additional invention is proposed to be increased from $210 to $1,000. This amount more accurately reflects the Office's actual average costs of searching and examining additional inventions. In this regard, it is noted that the search fee and the supplemental search fee charged by every other international searching authority are the same (except for the ISA/JP, which charges a supplemental search fee that is only slightly lower than the search fee).

Section 1.445(a)(4) is proposed to be deleted, as confirmation fees will no longer be applicable.

Section 1.445(b) is amended to reflect the combining of the basic and designation fees into a single ''international filing fee''.

Section 1.455: Section 1.455(b) is proposed to be amended to be consistent with PCT rule 90.4 as it relates to the manner of appointment of agent, attorney or common representative.

Section 1.480: Section 1.480(a) is proposed to be amended to reflect the new time limits in PCT rule 57.3 and 58.2 for submitting the handling and preliminary examination fees.

Section 1.480(d) is proposed to be added, consistent with PCT rule 53.7 (as amended), to provide that the filing of a Demand shall constitute the election of all Contracting States that are designated and bound by chapter II of the Treaty on the international filing date. Accordingly, it will no longer be necessary to specify in the Demand those States that are elected.

Section 1.480(e) is proposed to be added to provide that any Demand filed after the expiration of the applicable time limit in PCT rule 54*bis*.1(a) shall be considered as if it had not been submitted. *See* PCT rule 54*bis*.1(b) (as amended).

Section 1.481: Section 1.481(a) is proposed to be amended to provide that the handling fee and preliminary examination fee that are due are those fees in effect on the date of payment of the handling and preliminary examination fees. *See* PCT rules 57.3(d) and 58.1(b).

Section 1.482: Section 1.482(a)(1) is proposed to be amended to increase the preliminary examination fee charged by the IPEA/US from $490 to $600 if the international search fee was paid to the United States Patent and Trademark Office as an ISA (the preliminary examination fee charged by the IPEA/US if the international search fee was not paid to the United States Patent and Trademark Office as an ISA will remain at $750). This proposed increase is necessary to cover the additional cost associated with conducting the preliminary examination by the IPEA/US. Under the enhanced international search and preliminary examination system, a written opinion will be established by the ISA and sent to applicant. As a result of the change to the time limit in PCT Article 22(1), it is no longer necessary, in most cases, to file a Demand in order to delay entry into the national stage to thirty months from the priority date. In view of these changes, it is anticipated the majority of applicants filing a Demand under the revised system will no longer be doing so to simply further delay entry into the national stage, but rather will be doing so to obtain a positive ''International Preliminary Report on Patentability (Chapter II of the Patent Cooperation Treaty)'' by the IPEA. As such applicant will need to file one or more amendments under PCT Article 34 in the international application to overcome any negative determinations set forth in the written opinion by the ISA, the Office's costs of examining each international application as the US/IPEA for applicants who file a Demand under the revised system will increase.

For the same reason, as well as reasons set forth with regard to the increase in the supplemental search fee under § 1.445(a)(3), § 1.482(a)(2) is proposed to be amended to increase the additional preliminary examination fee for examining additional inventions to $600 (regardless of whether the international search fee was paid to the United States Patent and Trademark Office as an ISA).

Section 1.482(b) is proposed to be amended to refer to revised PCT rule 57 as it relates to handling fee requirements.

Section 1.484: Section 1.484(b) is proposed to be amended to refer to revised PCT rule 69.1 as to when the IPEA/US may start international preliminary examination. PCT rule 69.1 was revised to prohibit the IPEA from starting preliminary examination until it is in possession of, *inter alia*, the written opinion of the ISA. PCT rule 69.1 provides for two exceptions to this requirement. Both exceptions apply when the IPEA and the ISA for the international application are the same authority. The first exception permits the IPEA to start examination at the same time as the international search, subject to certain limitations. *See* PCT rule 69.1(b). The second exception occurs when the ISA considers the conditions under PCT Article 34(2)(c)(i) to (iii) to be fulfilled. In such cases, a written opinion by the ISA need not be established. *See* PCT rule 69.1(b)*bis*.

Sections 1.484(e) through (g) are proposed to be redesignated as §§ 1.484(g) through (i), respectively. Proposed § 1.484(e) now provides, consistent with PCT rule 66.1*bis*, that the written opinion of the ISA shall be considered to be the written opinion of the IPEA/US.

Proposed § 1.484(f) now provides that the IPEA may establish further written opinions, subject to the conditions specified in § 1.484(d). Establishment of additional written opinions by the IPEA is provided for in PCT rule 66.4(a).

Section 1.484(g) is proposed to be amended as a consequence of the amendment to § 1.484(f).

Section 1.484(h) is proposed to be amended to provide clarification regarding conducting personal and telephonic interviews with the examiner under the revised system.

Rulemaking Considerations

Regulatory Flexibility Act: The Deputy General Counsel for General Law of the United States Patent and Trademark Office has certified to the Chief Counsel for Advocacy of the Small Business Administration that changes proposed in this notice will not have a significant

impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)). The changes proposed in this notice primarily implement corresponding changes required to conform United States rules for international applications to the amendments to the PCT Regulations which become effective on January 1, 2004. The amendments to the PCT Regulations will simplify the PCT application process and fee structure, and as such, will benefit all patent applicants (including small entities) using the PCT system.

The proposed changes to the PCT international stage fees are to adjust these fees to be in alignment with the actual average costs of conducting a PCT search and international preliminary examination under the new process. This realignment does result in a proposed increase in the search fee for applicants who do not have a corresponding U.S. application under 35 U.S.C. 111(a) in which the filing fee was paid, a proposed increase in the supplemental search fee, and a proposed increase in the preliminary examination fee. However, as PCT Article 22 was amended (effective April 1, 2002) to extend its time limit for entering the national stage to 30 months from the priority date of the PCT application, PCT applicants are no longer required to file a Demand for preliminary examination under PCT Article 31 (and pay the preliminary examination fee) in order to delay commencement of the national stage until 30 months from the priority date. *See Revision of the Time Limit for National Stage Commencement in the United States for Patent Cooperation Treaty Applications*, 67 FR 520 (Jan. 4, 2002), 1254 *Off. Gaz. Pat. Office* 204 (Jan. 29, 2002). In addition, the International Searching Authority will now be providing a written opinion as part of the PCT Chapter I processing. Thus, any PCT applicant (including a small entity) with a corresponding U.S. application under 35 U.S.C. 111(a) in which the filing fee was paid will pay as little as $600 (a transmittal fee of $300 and a search fee of $300) to obtain the benefits for which it was previously necessary to pay $1,180 (a transmittal fee of $240 and a search fee of $450, and a preliminary examination fee of $490), and any PCT applicant (including a small entity) without a corresponding U.S. application under 35 U.S.C. 111(a) (*e.g.*, an applicant with no corresponding U.S. application, or only a corresponding U.S. provisional application under 35 U.S.C. 111(b)) will still pay only $1,300 (a transmittal fee of $300 and a search fee of $1,000) to obtain the benefits for which it was previously necessary to pay $1,430 (a transmittal fee of $240 and a search fee of $700, and a preliminary examination fee of $490).

Some PCT applicants will still file a Demand for preliminary examination under the revised PCT system to obtain a positive ''International Preliminary Report on Patentability (Chapter II of the Patent Cooperation Treaty)'' by the IPEA and thus expedite the national examination process. A PCT applicant (including a small entity) without a corresponding U.S. application under 35 U.S.C. 111(a) who still wishes to file a Demand for preliminary examination under the revised PCT system will pay $1,900 (a transmittal fee of $300, a search fee of $1,000, and a preliminary examination fee of $600), where it was previously necessary to pay only $1,430 (a transmittal fee of $240 and a search fee of $700, and a preliminary examination fee of $490), for an increase of $470 in fees. This increase is insignificant in comparison to the cost (for any business entity) of obtaining foreign patent protection. *See International Trade: Federal Action Needed to help Small Businesses Address Foreign Patent Challenges*, GAO–02–789 at 2 (July 2002) (noting that extending patent protection to nine other countries could cost between $160,000 and $330,000).

Executive Order 13132: This rule making does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

Executive Order 12866: This rule making has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

Paperwork Reduction Act: This proposed rule involves information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collections of information involved in this proposed rule have been reviewed and previously approved by OMB under the following control numbers: 0651–0021 and 0651–0031. The United States Patent and Trademark Office is not resubmitting any information collection package to OMB for its review and approval because the changes in this notice do not affect the information collection requirements associated with the information collection under these OMB control numbers.

The title, description and respondent description of the information collection is shown below with an estimate of the annual reporting burden. Included in the estimate is the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information.

OMB Number: 0651–0021.

Title: Patent Cooperation Treaty.

Form Numbers: PCT/RO/101, ANNEX/134/144, PTO–1382, PCT/IPEA/401, PCT/IB/328.

Type of Review: Approved through December of 2003.

Affected Public: Individuals or households, business or other for-profit institutions, Federal agencies or employees, not-for-profit institutions, small businesses or organizations.

Estimated Number of Respondents: 331,288.

Estimated Time Per Response: Between 15 minutes and 4 hours.

Estimated Total Annual Burden Hours: 401,083.

Needs and Uses: The information collected is required by the Patent Cooperation Treaty (PCT). The general purpose of the PCT is to simplify the filing of patent applications on the same invention in different countries. It provides for a centralized filing procedure and a standardized application format.

OMB Number: 0651–0031.

Title: Patent Processing (Updating).

Form Numbers: PTO/SB/08A/08B/21/22/23/24/25/26/27/30/31/32/35/37/36/42/43/61 61/PCT/62/63/64 64/PCT/67/68/91/92/96/97, PTO–2053–A/B, PTO–2054–A/B, PTO–2055–A/B.

Type of Review: Currently under review.

Affected Public: Individuals or households, State or local governments, farms, business or other for-profit institutions, not-for-profit institutions, small businesses or organizations, and Federal government.

Estimated Number of Respondents: 2,208,339.

Estimated Time Per Response: 1 minute 48 seconds to 8 hours.

Estimated Total Annual Burden Hours: 830,629 hours.

Needs and Uses: During the processing of an application for a patent, the applicant/agent may be required or desire to submit additional information to the Office concerning the examination of a specific application. The specific information required or which may be submitted includes: Information Disclosure Statements; Terminal Disclaimers; Petitions to Revive; Express Abandonments; Appeal Notices; Petitions for Access; Powers to Inspect; Certificates of Mailing or Transmission; Statements under

§ 3.73(b); Amendments, Petitions and their Transmittal Letters; and Deposit Account Order Forms.

Comments are invited on: (1) Whether the collection of information is necessary for proper performance of the functions of the agency; (2) the accuracy of the agency's estimate of the burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information to respondents.

Interested persons are requested to send comments regarding these information collections, including suggestions for reducing this burden, to Robert J. Spar, Director, Office of Patent Legal Administration, United States Patent and Trademark Office, Washington, DC 20231, or to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, 725 17th Street, NW., Room 10235, Washington, DC 20503, Attention: Desk Officer for the United States Patent and Trademark Office.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of Information, Inventions and patents, Reporting and record keeping requirements, Small businesses.

For the reasons set forth in the preamble, 37 CFR part 1 is proposed to be amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2).

2. Section 1.14 is amended by revising paragraph (i)(1)(ii) to read as follows:

§ 1.14 Patent applications preserved in confidence.

* * * * *

(i) * * *

(1) * * *

(ii) With respect to the Search Copy, the U.S. acted as the International Searching Authority, except for the written opinion of the International Search Authority which shall not be available until the expiration of thirty months from the priority date; or

* * * * *

3. Section 1.413 is amended by revising paragraphs (a) and (c) to read as follows:

§ 1.413 The United States International Searching Authority.

(a) Pursuant to appointment by the Assembly, the United States Patent and Trademark Office will act as an International Searching Authority for international applications filed in the United States Receiving Office and in other Receiving Offices as may be agreed upon by the Director, in accordance with agreement between the Patent and Trademark Office and the International Bureau (PCT Art. 16(3)(b)).

* * * * *

(c) The major functions of the International Searching Authority include:

(1) Approving or establishing the title and abstract;

(2) Considering the matter of unity of invention;

(3) Conducting international and international-type searches and preparing international and international-type search reports (PCT Art. 15, 17 and 18, and PCT rules 25, 33 to 45 and 47), and issuing declarations that no international search report will be established (PCT Article 17(2)(a));

(4) Preparing written opinions of the International Searching Authority in accordance with PCT Rule 43*bis* (when necessary); and

(5) Transmitting the international search report and the written opinion of the International Searching Authority to the applicant and the International Bureau.

4. Section 1.421 is amended by revising paragraphs (b) through (g) as follows:

§ 1.421 Applicant for international application.

* * * * *

(b) Although the United States Receiving Office will accept international applications filed by any resident or national of the United States of America for international processing, for the purposes of the designation of the United States an international application must be filed, and will be accepted by the Patent and Trademark Office for the national stage only if filed, by the inventor or as provided in §§ 1.422 or 1.423. Joint inventors must jointly apply for an international application.

(c) For the purposes of designations other than the United States, international applications may be filed by the assignee or owner.

(d) A registered attorney or agent of the applicant may sign the international application Request and file the international application for the applicant. A separate power of attorney from each applicant may be required.

(e) Any indication of different applicants for the purpose of different Designated Offices must be shown on the Request portion of the international application.

(f) Requests for changes in the indications concerning the applicant, agent, or common representative of an international application shall be made in accordance with PCT Rule 92*bis* and may be required to be signed by all applicants.

(g) Requests for withdrawals of the international application, designations, priority claims, the Demand, or elections shall be made in accordance with PCT Rule 90*bis* and must be signed by all applicants. A separate power of attorney from the applicants will be required for the purposes of any request for a withdrawal in accordance with PCT Rule 90bis which is not signed by all applicants. The submission of a separate power of attorney may be excused upon the request of another applicant where one or more inventors cannot be found or reached after diligent effort. Such a request must be accompanied by a statement explaining to the satisfaction of the Director the lack of the signature concerned.

§ 1.424 [Removed]

5. Section 1.424 is removed.

§ 1.425 [Removed]

6. Section 1.425 is removed.

7. Section 1.431 is amended by revising paragraphs (b)(3), (c) and (d) to read as follows:

§ 1.431 International application requirements.

* * * * *

(b) * * *

(3) The international application contains at least the following elements (PCT Art. 11(1)(iii)):

(i) An indication that it is intended as an international application (PCT Rule 4.2);

(ii) The designation of at least one Contracting State of the International Patent Cooperation Union (§ 1.432);

(iii) The name of the applicant, as prescribed (note §§ 1.421–1.423);

(iv) A part which on the face of it appears to be a description; and

(v) A part which on the face of it appears to be a claim.

(c) Payment of the international filing fee (PCT Rule 15.2) and the transmittal and search fees (§ 1.445) may be made in full at the time the international application papers required by

paragraph (b) of this section are deposited or within one month thereafter. The international filing, transmittal, and search fee payable is the international filing, transmittal, and search fee in effect on the receipt date of the international application.

(1) If the international filing, transmittal and search fees are not paid within one month from the date of receipt of the international application and prior to the sending of a notice of deficiency which imposes a late payment fee, applicant will be notified and given one month within which to pay the deficient fees plus the late payment fee. Subject to paragraph (c)(2) of this section, the late payment fee will be equal to the greater of:

(i) Fifty percent of the amount of the deficient fees; or

(ii) An amount equal to the transmittal fee;

(2) The late payment fee shall not exceed an amount equal to the 25% of the international filing fee not taking into account any fee for each sheet of the international application in excess of thirty sheets (PCT Rule 16*bis*).

(3) The one-month time limit set pursuant to paragraph (c) of this section to pay deficient fees may not be extended.

(d) If the payment needed to cover the transmittal fee, the international filing fee, the search fee, and the late payment fee pursuant to paragraph (c) of this section is not timely made in accordance with PCT Rule 16*bis*.1(e), the Receiving Office will declare the international application withdrawn under PCT Article 14(3)(a).

8. Section 1.432 is revised to read as follows:

§ 1.432 Designation of States by filing an international application.

The filing of an international application request shall constitute:

(a) The designation of all Contracting States that are bound by the Treaty on the international filing date;

(b) An indication that the international application is, in respect of each designated State to which PCT Article 43 or 44 applies, for the grant of every kind of protection which is available by way of the designation of that State; and

(c) An indication that the international application is, in respect of each designated State to which PCT Article 45(1) applies, for the grant of a regional patent and also, unless PCT Article 45(2) applies, a national patent.

9. Section 1.434 is amended by revising paragraph (d) and adding paragraph (e) to read as follows:

§ 1.434 The request.

* * * * *

(d) For the purposes of the designation of the United States of America, an international application shall include:

(1) The name of the inventor; and

(2) A reference to any prior-filed national application or international application designating the United States of America, if the benefit of the filing date for the prior-filed application is to be claimed.

(e) An international application may also include in the Request a declaration of the inventors as provided for in PCT Rule 4.17(iv).

10. Section 1.445 is revised to read follows:

§ 1.445 International application filing, processing and search fees.

(a) The following fees and charges for international applications are established by the Director under the authority of 35 U.S.C. 376:

(1) A transmittal fee (see 35 U.S.C. 361(d) and PCT Rule 14)—$300.00

(2) A search fee (see 35 U.S.C. 361(d) and PCT Rule 16):

(i) If a corresponding prior United States National application filed under 35 U.S.C. 111(a) with the filing fee under § 1.16(a) has been filed and the corresponding prior United States National application is identified by application number, if known, or if the application number is not known by the filing date, title, and name of applicant (and preferably the application docket number), in the international application or accompanying papers at the time of filing the international application—$300.00

(ii) For all situations not provided for in paragraph (a)(2)(i) of this section—$1000.00

(3) A supplemental search fee when required, per additional invention—$1000.00

(4) A fee equivalent to the transmittal fee in paragraph (a)(1) of this section for transmittal of an international application to the International Bureau for processing in its capacity as a Receiving Office (PCT Rule 19.4).

(b) The international filing fee shall be as prescribed in PCT Rule 15.

11. Section 1.455 is amended by revising paragraph (b) to read as follows:

§ 1.455 Representation in international applications.

* * * * *

(b) Appointment of an agent, attorney or common representative (PCT Rule 4.8) must be effected either in the Request form, signed by applicant, in the Demand form, signed by applicant, or in a separate power of attorney submitted either to the United States Receiving Office or to the International Bureau.

* * * * *

12. Section 1.480 is amended by revising paragraph (a) and adding paragraphs (d) and (e) to read as follows:

§ 1.480 Demand for international preliminary examination.

(a) On the filing of a proper Demand in an application for which the United States International Preliminary Examining Authority is competent and for which the fees have been paid, the international application shall be the subject of an international preliminary examination. The preliminary examination fee (§ 1.482(a)(1)) and the handling fee (§ 1.482(b)) shall be due within the applicable time limit set forth in PCT Rule 57.3.

* * * * *

(d) The filing of a Demand shall constitute the election of all Contracting States which are designated and are bound by Chapter II of the Treaty on the international filing date (PCT Rule 53.7).

(e) Any Demand filed after the expiration of the applicable time limit set forth in PCT Rule 54*bis*.1(a) shall be considered as if it had not been submitted (PCT Rule 54*bis*.1(b)).

13. Section 1.481 is amended by revising paragraph (a) to read as follows:

§ 1.481 Payment of international preliminary examination fees.

(a) The handling and preliminary examination fees shall be paid within the time period set in PCT Rule 57.3. The handling fee or preliminary examination fee payable is the handling fee or preliminary examination fee in effect on the date of payment.

(1) If the handling and preliminary examination fees are not paid within the time period set in PCT Rule 57.3, applicant will be notified and given one month within which to pay the deficient fees plus a late payment fee equal to the greater of:

(i) Fifty percent of the amount of the deficient fees, but not exceeding an amount equal to double the handling fee; or

(ii) An amount equal to the handling fee (PCT Rule 58*bis*.2).

(2) The one-month time limit set in this paragraph to pay deficient fees may not be extended.

* * * * *

14. Section 1.482 is revised to read as follows:

§ 1.482 International preliminary examination fees.

(a) The following fees and charges for international preliminary examination

are established by the Director under the authority of 35 U.S.C. 376:

(1) The following preliminary examination fee is due on filing the Demand:

(i) If an international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority—$600.00

(ii) If the International Searching Authority for the international application was an authority other than the United States Patent and Trademark Office—$750.00

(2) An additional preliminary examination fee when required, per additional invention—$600.00

(b) The handling fee is due on filing the Demand and shall be as prescribed in PCT Rule 57.

15. Section 1.484 is amended by revising paragraphs (b), (e) through (g) and adding paragraphs (h) and (i) to read as follows:

§ 1.484 Conduct of international preliminary examination.

* * * * *

(b) International preliminary examination will begin in accordance with PCT Rule 69.1.

* * * * *

(e) The written opinion established by the International Searching Authority under PCT Rule 43*bis*.1 shall be considered to be a written opinion of the United States International Preliminary Examining Authority for the purposes of paragraph (d) of this section.

(f) The International Preliminary Examining Authority may establish further written opinions under paragraph (d) of this section.

(g) If no written opinion under paragraph (d) of this section is necessary, or if no further written opinion under paragraph (f) of this section is to be established, or after any written opinion and the reply thereto or the expiration of the time limit for reply to such written opinion, an international preliminary examination report will be established by the International Preliminary Examining Authority. One copy will be submitted to the International Bureau and one copy will be submitted to the applicant.

(h) An applicant will be permitted a personal or telephone interview with the examiner, which may be requested after the filing of a Demand, and must be conducted during the period between the establishment of the written opinion and the establishment of the international preliminary examination report. Additional interviews may be conducted where the examiner determines that such additional interviews may be helpful to advancing the international preliminary examination procedure. A summary of any such personal or telephone interview must be filed by the applicant or, if not filed by applicant be made of record in the file by the examiner.

(i) If the application whose priority is claimed in the international application is in a language other than English, the United States International Preliminary Examining Authority may, where the validity of the priority claim is relevant for the formulation of the opinion referred to in Article 33(1), invite the applicant to furnish an English translation of the priority document within two months from the date of the invitation. If the translation is not furnished within that time limit, the international preliminary report may be established as if the priority had not been claimed.

Dated: May 23, 2003.

James E. Rogan,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 03–13533 Filed 5–29–03; 8:45 am]

BILLING CODE 3510–16–P

POSTAL SERVICE

39 CFR Part 111

Alternative Addressing Formats

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise Domestic Mail Manual (DMM) A040 to standardize when alternative addressing formats may be used and to clarify the differences between the various formats. In addition, postage payment options would be specified, prohibiting the use of uncanceled stamps on mail with simplified addresses, to enable efficient handling and processing of this mail. Corresponding sections of DMM F010 also would be revised.

DATES: Comments must be received on or before June 30, 2003.

ADDRESSES: Mail or deliver written comments to the Manager, Mailing Standards, 1735 N Lynn Street, Suite 3025, Arlington VA 22209–6038. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, at Postal Service Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor North, Washington DC. Comments may be submitted also via fax to (703) 292–4058, ATTN: Bill Chatfield.

FOR FURTHER INFORMATION CONTACT: Bill Chatfield at (703) 292–3964.

SUPPLEMENTARY INFORMATION: Three types of alternative addressing formats may be used in lieu of the typical addressing format (*i.e.*, addressee name, address, city, state, and ZIP Code). These alternative addressing formats include a simplified address format (such as ''Postal Customer'') with no actual delivery address, an occupant address format which provides for a generic customer reference in combination with a specific delivery address, and an exceptional address format which has all the traditional addressing elements but includes a current resident alternative to provide for delivery to the address even if the specific addressee is no longer at the address.

Current restrictions on the type of mail for which these formats may be used are more stringent for the exceptional address format than for the simplified or occupant address formats, although the same complications (such as accountable mail being addressed to a generic addressee) would ensue for mail addressed using any of the three alternative address formats.

The current summary introduction does not adequately distinguish between simplified and occupant formatting, thus clarifications would be added.

A new section (to be numbered A040.1.0) would be added to standardize the types of mail that may be mailed with any alternative addressing format. New A040.1.2 extends the current prohibitions for combining exceptional address mail with certain categories of mail and services to all types of alternatively addressed mail. Since each type of alternative address provides for a nonspecific addressee name, the same restrictions currently placed only on mail with the exceptional address format would be extended to any mail with an alternative address format.

New section A040.1.3 explains treatment of all undeliverable mail (previously written only under A040.3.0 for exceptional address format) having alternative addresses and provides for similar treatment of mail with either simplified or occupant addresses. This section replaces old section A040.3.4. A qualifying phrase (''related solely to the address'') is added after ''undeliverable for another reason,'' since there are reasons indicated in Exhibit F010.4.1 that have to do with the name, such as