

**DEPARTMENT OF THE TREASURY****Customs Service**

19 CFR Parts 7, 11, 12, 18, 19, 24, 54, 101, 102, 111, 114, 123, 128, 132, 134, 141, 145, 146, 148, 151, 152, 177, 181, and 191

[T.D. 95-29]

**Technical Amendments to the Customs Regulations; Correction**

**AGENCY:** Customs Service, Treasury.

**ACTION:** Final rule; correction.

**SUMMARY:** This document makes a correction to the document published in the **Federal Register** which made certain technical corrections to various authority citations to reflect amendments to the Harmonized Tariff Schedule of the United States made by the North American Free Trade Agreement (NAFTA) and the Uruguay Round of the General Agreement on Tariffs and Trade (GATT).

**EFFECTIVE DATE:** This correction is effective May 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Gregory R. Vilders, Attorney, Regulations Branch, (202) 482-6930.

**SUPPLEMENTARY INFORMATION:****Background**

On April 11, 1995, Customs published in the **Federal Register** (60 FR 18347) T.D. 95-29 to make certain technical corrections to various statutory authority citations contained in the Customs Regulations (19 CFR Chapter 1) to reflect amendments to the Harmonized Tariff Schedule of the United States (HTSUS) made by the North American Free Trade Agreement (NAFTA) and the Uruguay Round of the General Agreement on Tariffs and Trade (GATT).

This document corrects an error contained in T.D. 95-29. The error concerns the amendment to § 141.4. Because of a recent revision to § 141.4, the references in T.D. 95-29 to paragraph (a) and General Note 4 in § 141.4 did not accurately reflect the recently revised structure and text of § 141.4.

T.D. 94-51, published in the **Federal Register** (59 FR 30289) on June 13, 1994, regarding express consignments; formal and informal entries of merchandise and administrative exemptions revised § 141.4 on an interim basis. The revision renumbered the paragraphs and updated the authority citation to the Harmonized Tariff Schedule of the United States (HTSUS) from General Note 4 to General Note 13, which was the correct citation

at that time. This interim revision was finalized in T.D. 95-31, which was published in the **Federal Register** (60 FR 18983) on April 14, 1995. The technical correction amendment to § 141.4 in T.D. 95-29, inadvertently, did not take into account the revision to § 141.4 in T.D. 94-51. Accordingly, this document corrects that error.

**Correction of Publication**

Accordingly, the publication on April 11, 1995 of the final rule (T.D. 95-29) (60 FR 18347) is corrected as follows:

1. On page 18347, in the third column under the heading Part 141, the references to "Section 141.4(a)" and "General Note 4" are corrected to read "Section 141.4(b)(1)" and "General Note 13", respectively.

2. On page 18348, in the third column under Part 141, the second instruction is corrected to read "In § 141.4, the reference in paragraph (b)(1) to "General Note 13" is revised to read "General Note 16".

Dated: April 24, 1995.

**Harold M. Singer,**

*Chief, Regulations Branch.*

[FR Doc. 95-10558 Filed 4-28-95; 8:45 am]

BILLING CODE 4820-02-P

**DEPARTMENT OF COMMERCE****Patent and Trademark Office****37 CFR Part 1**

[Docket No. 950328079-5079-01]

RIN 0651-AA67

**Revision of Affidavits Under 37 CFR 1.131**

**AGENCY:** Patent and Trademark Office, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Patent and Trademark Office (Office) is amending the rules of practice relating to submission of affidavits or declaration under 37 CFR 1.131(a) to implement the relevant provisions of the North American Free Trade Agreement Act and the Uruguay Round Agreements Act, respectively. The change will allow an inventor to show a completion of the invention in this country or a NAFTA or WTO member country before the filing of the application on which the U.S. patent issued or before the date of the foreign patent, or before the date of the printed publication.

**EFFECTIVE DATE:** This final rule is effective May 31, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Hiram Bernstein by telephone at (703) 305-9285 or by mail addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231 marked to the attention of Mr. Bernstein, Office of the Deputy Assistant Commissioner for Patent Policy and Programs, or by FAX to (703) 308-6916.

**SUPPLEMENTARY INFORMATION:** Section 331 of Public Law 103-182, 107 Stat. 2057 (1993), the North American Free Trade Agreement Act, implementing the North American Free Trade Agreement (NAFTA), amended 35 U.S.C. 104 to provide that for the purpose of obtaining a patent, an applicant may establish a date of invention in the United States, or in a NAFTA member country (Canada and Mexico), which occurred after the date of implementation (i.e., December 8, 1993). Section 531 of Public Law No. 103-465, 108 Stat. 4809 (1994), the Uruguay Round Agreements Act, implementing the General Agreement on Tariffs and Trade (GATT), further amended 35 U.S.C. 104 to provide that for purposes of obtaining a patent, an applicant may establish a date of invention in the United States, or in a World Trade Organization (WTO) member country other than a NAFTA member country, that is no earlier than 12 months after the date of entry into force of the WTO agreement (i.e., January 1, 1996).

A notice of proposed rulemaking relating to Revision of Affidavits Under 37 CFR 1.131 was published in the **Federal Register**, 59 FR 49876 (September 30, 1994), and in the Official Gazette, 1167 Off. Gaz. Pat. Office 96 (October 25, 1994). No written comments were received in response to this notice.

The Office is amending 37 CFR 1.131(a), which is currently limited to facts showing a completion of the invention in the United States, to allow for a submission of facts in an affidavit or in a declaration that shows a completion of the invention in a NAFTA or in a WTO member country. The WTO is established under the GATT agreement to resolve disputes between signatories to the agreement. The facts presented must demonstrate a completion of the invention prior to the effective date of a reference thought to prevent the grant of a patent or overturn the patentability of a claim in a patent under reexamination.

No substantive change has been made in 37 CFR 1.131(a)(1) relating to a NAFTA or a WTO member country.

After further review and consideration of the proposed rule, the following modifications are made.