

ACTION: Notice of termination and monitoring.

SUMMARY: On April 30, 1996, the United States Trade Representative (USTR) initiated an investigation under section 302(b)(1) of the Trade Act of 1974, as amended (the Trade Act) (19 U.S.C. 2412(b)(1)), with respect to certain acts, policies and practices of the Government of Portugal relating to the term of existing patents. Following consultations with the United States under the auspices of the World Trade Organization (WTO), Portugal issued a decree-law to implement properly its patent term-related obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). Having reached a satisfactory resolution of the issues under investigation, the USTR has determined this section 302 investigation and monitor implementation of the agreement under section 306 of the Trade Act.

EFFECTIVE DATE: The effective date of the termination of the investigation is October 21, 1996.

ADDRESSES: Section 301 Committee, Office of the United States Trade Representative, Room 223, 600 17th Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Joseph Papovich, Deputy Assistant USTR for Intellectual Property (202) 395-6864, or Thomas Robertson, Associate General Counsel (202) 395-6800.

SUPPLEMENTARY INFORMATION: On April 30, 1996, the USTR initiated an investigation under section 302(b)(1) of the Trade Act with respect to certain acts, policies and practices of the Government of Portugal relating to the term of existing patents. The United States alleged that these acts, policies and practices result in patents owned by U.S. individuals and firms receiving shorter terms than those required by the TRIPS Agreement. The United States also requested consultations with Portugal under the procedures of the WTO Dispute Settlement Understanding (DSU). 61 FR 19970 (May 3, 1996).

At issue in this investigation was whether developed-country Members of the WTO are obligated under Article 70(2) of the TRIPS Agreement to apply the provisions of Article 33 of the TRIPS Agreement to all patents that were in force on January 1, 1996, and to all patents that are granted based on applications that were pending on January 1, 1996. Article 33 of the TRIPS Agreement requires Members to grant a patent term that lasts not less than 20 years from earliest effective filing date

claimed. Portugal had declined to apply the Article 33-mandated term to pending patents, and claimed that the TRIPS Agreement did not require it to do so.

On May 30, 1996, the United States and Portugal (with representatives of the European Commission present at Portugal's request) held formal consultations on this matter under the WTO DSU procedures. In those consultations, Portugal formally agreed to the United States' interpretation of the obligations in the TRIPS Agreement and announced that it would make a series of changes to its system to implement these obligations. On August 23, 1996, Portugal issued Decree-Law 141/96 confirming that all patents that were in force on January 1, 1996, and all patents granted after this date based on applications that were pending on January 1, 1996, will receive a term of protection that lasts either 15 years from the date of grant of the patent or 20 years from the effective filing date of the patent, whichever term is longer.

Based on these consultations and the measures that Portugal has undertaken to implement its obligations under the TRIPS Agreement, Portugal and the United States notified the WTO Dispute Settlement Body on October 3, 1996, that they have agreed to terminate consultations on this matter and that the United States has formally withdrawn this matter from further attention under the provisions of the DSU. On the basis of the measures Portugal has undertaken to provide a satisfactory resolution to the matter under investigation, the USTR has decided to terminate this section 302 investigation. Pursuant to section 306 of the Trade Act, the USTR will monitor Portugal's implementation of its TRIPS Agreement obligations with respect to the term of protection granted to patents in force on or after January 1, 1996.

Irving A. Williamson,

Chairman, Section 301 Committee.

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DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ending 10/18/96

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST-96-1870.

Date Filed: October 15, 1996.

Parties: Members of the International Air Transport Association.

Subject: TC1 Telex Mail Vote 830, US-Venezuela Apex Fares—Reso 075ff, Intended effective date: December 1, 1996.

Docket Number: OST-96-1871.

Date Filed: October 15, 1996.

Parties: Members of the International Air Transport Association.

Subject: PTC2 EUR 0012 dated September 6, 1996 r1-2, PTC2 EUR 0013 dated September 6, 1996 r3-4, PTC2 EUR 0014 dated September 6, 1996 r5-6. Within Europe Resolutions. Intended effective date: March 1, 1997.

Docket Number: OST-96-1876.

Date Filed: October 17, 1996.

Parties: Members of the International Air Transport Association.

Subject: TC1 Telex Mail Vote 831, Brazil-Argentina/Paraguay/Uruguay Resos r-1-070j, r-2-072vv, r-3-078m. Intended effective date: November 1, 1996.

Docket Number: OST-96-1877.

Date Filed: October 17, 1996.

Parties: Members of the International Air Transport Association.

Subject: PTC COMP 0028 dated October 15, 1996, PTC COMP Fares 0028 dated October 15, 1996, U.S.-North Atlantic Add-ons (Reso 015n). Intended effective date: January 1, 1997.

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 96-27499 Filed 10-24-96; 8:45 am]

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Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending October 18, 1996

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST-96-1868.

Date filed: October 15, 1996.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 12, 1996.

Description: Application of U.S. CalJet Airlines, Inc. d/b/a CalJet Airlines,