To receive a copy of any of the forms or clearance packages, call the SSA Reports Clearance Officer on (410) 965-4125 or write to him at the address listed above.


Nicholas E. Tagliareni,
Reports Clearance Officer, Social Security Administration.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–106]


AGENCY: Office of the United States Trade Representative.

ACTION: Notice of determination, termination and monitoring.

SUMMARY: The United States Trade Representative (USTR) has determined that certain acts, policies and practices of India violate, or otherwise deny benefits to which the United States is entitled under, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). This determination is based on the report of a dispute settlement panel convened under the auspices of the World Trade Organization (WTO) at the request of the United States, and the report of the WTO Appellate Body reviewing the panel report. The Appellate Body report and the panel report (as modified by the Appellate Body report). The WTO reports include findings that India has failed to comply with Article 70.8 of the TRIPS Agreement because it has failed to establish a legally secure mailbox system for filing patent applications for pharmaceutical and agricultural chemical products that preserves the novelty and priority of those applications. The WTO reports also include findings that India was obligated as of January 1, 1995, to have established a system for granting exclusive marketing rights for certain products that are the subject of mailbox application, and that India had failed to establish such a system in violation of Article 70.9 of the TRIPS Agreement.

Thus, based on the results of the WTO dispute settlement proceedings, the public comments received and appropriate consultations, the USTR has determined that certain acts, policies and practices of India violate, or otherwise deny benefits to which the United States is entitled under, the TRIPS Agreement.

(2) U.S. Action

At a meeting of the DSB on February 13, 1998, India stated its intention to “meet it obligations under the WTO with respect to this matter” and “to comply with the recommendations and rulings of the DSB.” At the DSB meeting on April 22, 1998, India committed to amend its law to meet its TRIPS obligations “as early as possible,” and no later than April 19, 1999. In light of India’s commitment to implement its WTO obligations, pursuant to section 301(a)(2)(B) of the Trade Act, the USTR will not take action at this time under section 301(a) of the Trade Act and has terminated this investigation. However, pursuant to section 301(a)(2)(B), the USTR is not required to take action under section 301 if the USTR finds, inter alia, that the foreign country is taking satisfactory measures to grant the rights of the United States under the trade agreement.

Reasons for Determinations

(1) India’s Acts, Policies and Practices

The WTO panel in this case released its report on September 5, 1997, and found that India had failed to comply with its obligations under Articles 70.8 and 70.9 of the TRIPS Agreement. India appealed all of the panel’s adverse findings. On December 19, 1997, the Appellate Body issued its report confirming all the major panel findings against India, and reversing the panel report on a procedural issue regarding the panel’s jurisdiction to consider claims outside its terms of reference. On January 16, 1998, the DSB adopted the Appellate Body and the panel report (as

modified by the Appellate Body report). The WTO reports include findings that India has failed to comply with Article 70.8 of the TRIPS Agreement because it has failed to establish a legally secure mailbox system for filing patent applications for pharmaceutical and agricultural chemical products that preserves the novelty and priority of those applications. The WTO reports also include findings that India was obligated as of January 1, 1995, to have established a system for granting exclusive marketing rights for certain products that are the subject of mailbox application, and that India had failed to establish such a system in violation of Article 70.9 of the TRIPS Agreement.

Thus, based on the results of the WTO dispute settlement proceedings, the public comments received and appropriate consultations, the USTR has determined that certain acts, policies and practices of India violate, or otherwise deny benefits to which the United States is entitled under, the TRIPS Agreement.

Irving A. Williamson,
Chairman, Section 301 Committee.

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DEPARTMENT OF TRANSPORTATION
Office of the Secretary

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.