

Dated: November 23, 1999.

Margaret M. Dotzel, Acting Associate Commissioner for Policy. [FR Doc. 99-31228 Filed 12-1-99; 8:45 am] BILLING CODE 4160-01-F

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 2

[Docket No. 99-1020282-9282-01]

RIN 0651-AB08

Clarification of Patent and Trademark Copy Fees

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office (PTO) is amending the rules of practice regarding fees for black and white patent and trademark copies by clarifying the meaning of the term "regular service." For black and white patent copies, the term "regular service" includes preparation of copies by the PTO normally within 2-3 business days of receipt and delivery by United States Postal Service (USPS), or delivery to a PTO Box. "Regular service" also includes preparation of copies within one business day of receipt and delivery to customers by electronic means (e.g., fax, electronic mail). Expedited service for receipt of black and white patent copies by fax is eliminated since this is now done routinely as "regular service." For patent copies, "expedited service" is clarified to read preparation of copies by the PTO within one business day and delivery by commercial delivery service within the next business day. For trademark copies, "regular service" includes preparation of copies by the PTO within 2-3 business days of receipt and delivery by USPS, fax, or to a PTO Box. The term "overnight delivery" is being changed to "delivery on the next business day" for clarity.

EFFECTIVE DATE: The effective date for the rules is December 2, 1999.

FOR FURTHER INFORMATION CONTACT: Wesley H. Gewehr by mail addressed to him at Administrator for Information Dissemination, U.S. Patent and Trademark Office, PK3-451, Washington, DC 20231, by telephone at (703) 305-9110, by facsimile at (703) 305-3878, or by e-mail at "wesley.gewehr@uspto.gov."

SUPPLEMENTARY INFORMATION: This final rule clarifies PTO fees for providing black and white copies of patents and trademarks.

Background

Patent fees are authorized by 35 U.S.C. 41. Trademark fees are authorized by 15 U.S.C. 1113. Both statutes provide that the Commissioner shall establish fees for processing, services, or materials relating to patents or trademarks to recover the estimated average cost to the Office of such processing, services, or materials. Automated image stores of patent copies and automated system capabilities for electronic delivery are now available for delivery of black and white patent copies under regular service. Full-page images of trademark registrations are not yet available via automated image stores. Therefore, trademark copies cannot yet be delivered electronically, other than by fax.

This final rule clarifies what services are encompassed by the term "regular service" for patent copies set forth in 37 CFR 1.19(a)(1), and for trademark copies set forth in 37 CFR 2.6(b)(1).

Other Considerations

This final rule contains no information collection within the meaning of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq. This final rule has been determined to be not significant for purposes of Executive Order 12866.

The PTO for good cause finds that the notice and comment provisions of the Administrative Procedure Act are not required. The notice and public procedure thereon are unnecessary since the PTO is only clarifying the term "regular service," and eliminating as a separate category the delivery of patent copies by fax. 5 U.S.C. 553(b)(B). These are minor technical changes with no substantive effect on the public. 5 U.S.C. 553(b)(B). Prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 (or any other law); therefore, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., are inapplicable.

List of Subjects

37 CFR Part 1

Administrative practice and procedures, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

37 CFR Part 2

Administrative practice and procedures, Trademarks.

Accordingly, for the reasons set forth in the preamble, 37 CFR parts 1 and 2 are amended as follows:

PART 1—[AMENDED]

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

Authority: 35 U.S.C. 6, unless otherwise noted.

2. Section 1.19 is amended by revising paragraphs (a)(1)(i) through (iii) to read as follows:

§ 1.19 Document supply fees.

\* \* \* \* \*

(a) \* \* \*

(1) \* \* \*

(i) Regular service, which includes preparation of copies by the PTO within 2-3 business days and delivery by United States Postal Service or to a PTO Box; and preparation of copies by the PTO within one business day of receipt and delivery by electronic means (e.g., fax, electronic mail)—\$3.00.

(ii) Next business day delivery to PTO Box—\$6.00.

(iii) Expedited delivery by commercial delivery service—\$25.00.

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PART 2—[AMENDED]

3. The authority citation for part 2 continues to read as follows:

Authority: 15 U.S.C. 1123; 35 U.S.C. 6, unless otherwise noted.

4. Section 2.6 is amended by revising paragraphs (b)(1)(i) through (iii) to read as follows:

§ 2.6 Trademark fees.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(i) Regular service, which includes preparation of copies by the PTO within 2-3 business days of receipt and delivery by United States Postal Service, fax, or to a PTO Box—\$3.00.

(ii) Delivery on next business day to PTO Box or fax delivery within one business day to U.S./Canada/Mexico—\$6.00.

(iii) Expedited delivery by commercial delivery service—\$25.00.

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Dated: November 22, 1999.

Q. Todd Dickinson,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks. [FR Doc. 99-30880 Filed 12-1-99; 8:45 am]

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