Changes in Requirements for Affidavits or Declarations of Use, Continued Use, or Excusable Nonuse in Trademark Cases


ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review,” this action delays for 60 days the effective date of the final rule entitled “Changes in Requirements for Affidavits or Declarations of Use, Continued Use, or Excusable Nonuse in Trademark Cases,” published in the Federal Register on January 19, 2017. The 60-day delay in effective date is necessary to give agency officials the opportunity for further review of the issues of law and policy raised by this rule.


FOR FURTHER INFORMATION CONTACT: Catherine Cain, Office of the Deputy Commissioner for Trademark Examination Policy, by email at TMFPRNotices@uspto.gov, or by telephone at (571) 272–8946.

SUPPLEMENTARY INFORMATION:

In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review,” this action delays for 60 days the effective date of final rule entitled “Changes in Requirements for Affidavits or Declarations of Use, Continued Use, or Excusable Nonuse in Trademark Cases.” In that action, the USPTO amended its rules concerning the examination of affidavits or declarations of continued use or excusable nonuse filed pursuant to section 8 of the Trademark Act, or affidavits or declarations of use in commerce or excusable nonuse filed pursuant to section 71 of the Act, to allow the USPTO to require additional proof of use to verify the accuracy of claims that a trademark is in use in commerce in connection with particular goods/services identified in the registration.

In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review,” this action delays the effective date of that final rule 60 days from the date of the January 20, 2017 memo. The effective date of the January 19, 2017 final rule, which would have been February 17, 2017, is now March 21, 2017. The 60-day delay in the effective date is necessary to give agency officials the opportunity for further review of the issues of law and policy raised by the rule.

Rulemaking Requirements

Administrative Procedure Act: The Director of the USPTO finds good cause under 5 U.S.C. 553(b)(B) and (d)(3) to waive the notice and comment procedure and the 30-day delay in the effective date because it is impracticable and contrary to the public interest. A delay in effective date is necessary to give agency officials the opportunity for further review of the issues of law and policies raised by the rule before the final rule becomes effective on February 17, 2017. If this rule was delayed to provide for the procedural requirements under 5 U.S.C. 553, the final rule published on January 19, 2017 would be allowed to go into effect, thus negating the objectives of the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff. Therefore, we find there is good cause to waive notice and comment procedures and the 30-day delay in effective date for this rule.


Michelle K. Lee,  

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

[FR Doc. 2017–02796 Filed 2–9–17; 8:45 am]

BILLING CODE 3510–16–P

LEGAL SERVICES CORPORATION

45 CFR Parts 1610, 1627, and 1630

Use of Non-LSC Funds, Transfers of LSC Funds, Program Integrity; Subgrants and Membership Fees or Dues; Cost Standards and Procedures

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This final rule revises the Legal Services Corporation’s (LSC or Corporation) regulations governing subgrants. LSC published a Notice of Proposed Rulemaking (NPRM) on April 20, 2015, and a Further Notice of Proposed Rulemaking (FNPRM) on April 26, 2016. This final rule identifies the factors to consider in determining whether an award from an LSC recipient to another organization is a subgrant, establishes a dollar threshold at which recipients must seek LSC’s approval to award a subgrant, authorizes recipients to use property or services funded in whole or in part with LSC funds to support a subgrant, and establishes new processes for seeking prior approval of subgrants.

DATES: This final rule will be effective on April 1, 2017.

FOR FURTHER INFORMATION CONTACT: Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007. (202) 295–1563 (phone), (202) 337–6519 (fax). sdavis@lsc.gov

SUPPLEMENTARY INFORMATION:

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 2 and 7

[Docket No. PTO–T–2016–0002]

RIN 0651–AD07

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