

This notice involves a foreign affairs function of the United States encompassed within the meaning of the military and foreign affairs exclusion of the Administrative Procedure Act. Because the exercise of this foreign affairs function is discretionary, it is excluded from review under the Administrative Procedure Act.

Dated: June 9, 1997.

William J. Lowell,

*Director, Office of Defense Trade Controls,
Bureau of Political-Military Affairs, U.S.
Department of State.*

[FR Doc. 97-16139 Filed 6-19-97; 8:45 am]

BILLING CODE 4710-25-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Pakistan: Conclusion of WTO Dispute Settlement Proceeding Regarding Patent Protection for Pharmaceuticals and Agricultural Chemicals

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of termination and monitoring.

SUMMARY: On April 30, 1996, the United States Trade Representative initiated an investigation under section 302(b)(1) of the Trade Act of 1974 regarding the inadequate patent protection provided by the Government of Pakistan to United States individuals and firms involved in the development of innovative pharmaceutical and agricultural chemical products, in light of Pakistan's obligations under the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Following consultations between the United States and Pakistan, Pakistan issued Ordinance No. XXVI of 1997, establishing the framework for a filing system for patent applications drawn to such products and for the grant of exclusive marketing rights under certain circumstances. On February 28, 1997, the United States and Pakistan jointly notified the WTO Dispute Settlement Body (DSB) of the settlement of this matter in light of Pakistan's planned implementation of Ordinance No. XXVI. Having reached a satisfactory resolution of the issues under investigation, the USTR has terminated this section 302 investigation and will monitor implementation of the agreement under section 306 of the Trade Act.

EFFECTIVE DATES: This investigation was terminated on June 9, 1997.

ADDRESSES: Office of the U.S. Trade Representative, 600 17th Street NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Thomas Robertson, Associate General Counsel, Office of the United States Trade Representative (202) 395-6800.

SUPPLEMENTARY INFORMATION: On April 30, 1996, the United States Trade Representative (USTR) initiated an investigation under section 302(b)(1) of the Trade Act of 1974 (Trade Act) regarding the inadequate patent protection provided by the Government of Pakistan to United States individuals and firms involved in the development of innovative pharmaceutical and agricultural chemical products. 61 FR 19971 (May 3, 1996). The investigation specifically considered whether Pakistan failed to meet its TRIPS Agreement obligations by failing either to provide patent protection for pharmaceutical and agricultural chemical inventions as specified in Article 27, or to establish systems for the acceptance of applications for patents on such inventions and the grant of exclusive marketing rights in accordance with Article 70.8 and 70.9. See 61 FR 19771 for further details. Pursuant to section 303(a) of the Trade Act, the USTR requested consultations with the Government of Pakistan under the procedures of the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) and Article 64 of the TRIPS Agreement.

Resolution of Dispute

After consultation between the Governments of the United States of America and Pakistan in accordance with DSU procedures, Pakistan formally agreed to the United States' interpretation that Pakistan is required to establish mailbox and exclusive marketing rights systems under the TRIPS Agreement. On February 4, 1997, Pakistan President Farooq Ahmad Khan Leghari issued Ordinance No. XXVI of 1997, to establish these systems. In a February 28, 1997, notification to the WTO DSB, the United States and Pakistan notified the WTO that Pakistan would implement the ordinance in accordance with the TRIPS Agreement.

Under the Ordinance, Pakistan will implement regulations which establish a system by which WTO Members' nationals can file with Pakistan's patent authorities a product patent application for a pharmaceutical or agricultural chemical product invention until January 1, 2000, preserving as the filing date the date the application was received by the authorities. After

January 1, 2000, Pakistan will implement the priority filing benefits provisions in Article 4 of the Paris Convention on the Protection of Industrial Property, thus allowing Members nationals who file patent applications with Pakistan's patent authorities to claim up to one year priority. Those Members' nationals who would have submitted applications between January 1, 1995, and the date the Ordinance issued, but were unable to do so because Pakistan had no "mailbox" filing system in place, will be able to file such applications for one year after the date the ordinance was issued, and will receive the filing date of the original application filed in another WTO Member.

In addition, the Ordinance provides that exclusive marketing rights will be granted if the applicant has been granted a patent and marketing approval on the product that is subject of the application in another WTO Member and the applicant is granted marketing approval in Pakistan. The period of marketing approval shall be for a period of five years after these conditions are met or until a product patent is granted or rejected in Pakistan, whichever term is shorter. In accordance with the Article 70.9 requirement that such marketing right be "exclusive," the Government of Pakistan will implement the Ordinance so that under no circumstances will exclusive marketing rights be subject to any limitation or exception, including the imposition of a compulsory license. No party may be granted marketing approval for a product that is the subject of exclusive marketing rights without the express consent of the holder for such exclusive marketing rights.

Based on the developments of the formal consultations and the measures Pakistan has undertaken to implement its obligations under the TRIPS Agreement, the United States and Pakistan jointly notified the WTO DSB that they have reached a mutually satisfactory solution to the matter, and that the United States has formerly withdrawn this matter from further consideration by the DSB. On the basis of the measures Pakistan 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 Pakistan's implementation of its TRIPS Agreement obligations in accordance with the Ordinance and the

terms of the U.S.-Pakistan joint notifications to the DSB.

Irving Williamson,

Chairman, Section 301 Committee.

[FR Doc. 97-16129 Filed 6-19-97; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings, Agreements Filed During the Week Ending June 13, 1997

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-97-2607.

Date Filed: June 10, 1997.

Parties: Members of the International Air Transport Association.

Subject: PAC/Reso/393 dated June 2, 1997, Expedited Resolutions, r-1-808 r-2-808e r-3-898a, Intended effective date: August 1, 1997.

Paulette V. Twine,

Chief, Documentary Services.

[FR Doc. 97-16223 Filed 6-19-97; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Notice of Application for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits filed under Subpart Q during the Week Ending June 13, 1997

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-97-2615.

Date Filed: June 13, 1997.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 11, 1997.

Description

Application of Aerochago, S.A., pursuant to 49 U.S.C. Section 41301 and Subpart Q of the Regulations, requests a foreign air carrier permit authorizing it

to engage in scheduled foreign air transportation of property and mail, as follows:

- A. Between a point or points in the Dominican Republic, and Miami, Florida.
- B. Between a point or points in the Dominican Republic, and New York, New York.
- C. Between a point or points in the Dominican Republic, and Puerto Rico.

The holder also seeks Department authority to engage in charter trips of property only in foreign air transportation, subject to the terms, conditions and limitations prescribed by the Department's regulations.

Docket Number: OST-97-2608.

Date Filed: June 10, 1997.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 8, 1997.

Description

Application of Austrian Airlines, Österreichische Luftverkehrs AG, pursuant to 49 U.S.C. Section 41302 and Subpart Q of the Regulations, applies for an amended foreign air carrier permit authorizing it to engage in (a) scheduled foreign air transportation of persons, property and mail "from points behind Austria via Austria and intermediate points to a point or points in the United States and beyond," as provided in Annex 1 of the Open Skies Agreement, together with all of the operational rights provided for in that Annex; and (b) charter service in foreign air transportation for (1) passengers (and their accompanying baggage), and/or (ii) cargo, to the full extent permitted by Annex II of the Open Skies Agreement.

Paulette V. Twine,

Chief, Documentary Services.

[FR Doc. 97-16224 Filed 6-19-97; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-97-33]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions

for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before July 11, 1997.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. 28792, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may also be sent electronically to the following internet address: 9-NPRM-CMNTS@faa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Heather Thorson (202) 267-7470 or Angela Anderson (202) 267-9681 Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC on June 16, 1997.

Michael E. Chase,

Acting Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28792.

Petitioner: H+S Aviation Limited.

Sections of the FAR Affected: 14 CFR 145.51(d).

Description of Relief Sought: To permit the petitioner to continue to operate its three permanent repair station sites under one foreign repair station certificate.

[FR Doc. 97-16220 Filed 6-19-97; 8:45 am]

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