

amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226). The take of right whales and sea turtles, and collection of stomach contents/baleen was not authorized.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: March 10, 2000.

**Ann D. Terbush,**

*Chief, Permits and Documentation Division,  
Office of Protected Resources, National  
Marine Fisheries Service.*

[FR Doc. 00–6838 Filed 3–17–00; 8:45 am]

**BILLING CODE 3510–22–F**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Electronic Filing System (EFS) Pilot

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The Department of Commerce (DoC), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the continuing and proposed information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before May 19, 2000.

**ADDRESSES:** Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5027, 14th and Constitution Avenue, NW, Washington, DC 20230 or via the Internet (LEngelme@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to the attention of Diane Lewis, EFS Project Staff, Search Information Resources Administration, Arlington, VA 22202, by telephone at (703) 305–9892, or by e-mail at EFS@uspto.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Patent and Trademark Office (PTO) has started a pilot program that enables applicants to expand upon the

use of the Electronic Filing System (EFS) to file new utility patent applications electronically via the Internet. The EFS pilot program is currently limited to nine participants, however, the PTO expects to increase participation in August 2000. Electronic filing under this pilot is currently limited to new utility patent applications. Once the PTO moves into production, the electronic filing capability will be expanded to include filings of additional information after the initial filing of the new utility patent application. The PTO plans to put EFS into full production no later than February 2001.

In order to file a new utility patent application through the EFS, the applicant uses two different components—the EFS Specification Authoring Template and the electronic Packaging and Validation Engine (ePAVE). The authoring template enables the applicant to create an electronically tagged patent application specification document that is one part of a new utility patent application. The ePAVE desktop software enables applicants to author information related to the submission of a new utility patent application, as well as securely bundle and transmit all new patent application parts and information to the PTO via the Internet. The EFS Specification Authoring Template facilitates the authoring of the narrative that discloses the technical description of the invention. The template does not produce a form document, but rather a multi-line electronic document with tagged elements that may or may not have drawings. The template creates the XML tags that are necessary for the electronic document to be filed using the Internet and ensures that all of the information needed to process the application is provided by the applicant.

The EFS Specification Authoring Template allows the applicant to create a structured, extensible Mark-up Language (XML) tagged specification document using a commercially available word processing package. This document may also contain one or more TIFF (tagged image file format) files containing the scanned image of the drawing figure(s), oaths or declarations, and small entity statements.

The ePAVE software transmits the documents created by the EFS Specification Authoring Template to the PTO via the Internet. The ePAVE software enables the applicant to create the rest of the information required for a new utility patent application submission. The applicant attaches the XML-tagged specification document file

and TIFF images (*e.g.* declaration, drawings) and creates an XML fee transmittal document that calculates the filing fees. The ePAVE software captures the applicant's signature, validates the submission, confirms with the applicant that the submission is correct, uploads it to the PTO, and sends an Acknowledgment Screen. The ePAVE software saves a copy of all of the electronic files associated with the electronic filing of a new utility patent application. The ePAVE software compresses the electronic files prior to transmission to the PTO, so filers do not need to compress their files when submitting applications via the Internet using EFS.

The PTO will not accept executable files (.exe) as part of an application filed electronically through the Internet. In order to use EFS to file the utility patent applications, applicants must have a digital certificate. Applicants can obtain an application for a digital certificate through the PTO Electronic Business Center website, <http://pto-ebc.uspto.gov>. Currently, applications in the biotechnology arts, design patent applications, provisional applications, and those involving color are not suitable for filing. Applicants do not have to use the EFS Specification Authoring Template to create specification documents, but if they plan on using EFS to file a new utility patent application, they must use the authoring template.

##### II. Method of Collection

Electronically through the ePAVE software via the Internet.

##### III. Data

*OMB Number:* None.

*Form Number:* None.

*Type of Review:* New collection.

*Affected Public:* Individuals or households; businesses or other for-profit organizations; not-for-profit institutions; farms; state, local or tribal governments; and the Federal Government.

*Estimated Number of Respondents:* The PTO estimates that 30,000 new utility patent applications will be filed electronically via the Internet per year once EFS moves into full production. At this time, participation in the pilot is limited to nine participants. In August, the PTO plans to steadily increase the participation in the pilot to a wider audience.

*Estimated Time Per Response:* It is estimated to take approximately 13.25 hours to read the instructions and the user guide, gather the necessary data, complete, and submit a new utility patent application using the EFS

Specification Authoring Template and ePAVE. This includes 10.75 hours to gather the information, read the instructions and user guides, and prepare the specification document using the EFS Specification Authoring Template, and 2.5 hours for tagging the elements and submitting the application electronically.

*Estimated Total Annual Burden Hours:* 397,500 hours per year.

*Estimated Total Annual Cost Burden:* The PTO provides the EFS specification authoring template and ePAVE software to the customer. However, some participants have voluntarily purchased a word processing license or upgrade to their word processing package to take full advantage of the authoring template. In light of this, the PTO estimates a possible capital start-up cost ranging from \$100 to \$200. The PTO has

determined from the pilot that a mix of attorneys and paraprofessional clerical personnel have been creating and submitting the new utility patent applications using EFS. Using the average of the professional hourly rate for associate attorneys in private firms (\$175) and paraprofessional/clerical (\$30), the PTO estimates \$40,942,500 for salary costs associated with respondents.

Format/data entry screens	PTO form number	Estimated time for response	Estimated annual burden hours	Estimated annual responses
EFS Pilot Specification Authoring Template .....	No Forms Associated .....	10.75	397,500	30,000
ePAVE .....	.....	2.5		
Totals .....	.....	.....	397,500	30,000

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: March 14, 2000.

**Madeleine Clayton,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 00-6764 Filed 3&-17&-00; 8:45 am]

**BILLING CODE 3510-16-P**

#### DEPARTMENT OF COMMERCE

##### Patent and Trademark Office

##### Patent Cooperation Treaty

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The Department of Commerce (DOC), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the continuing and proposed information collection, as required by

the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before May 19, 2000.

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#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to the attention of Rafael Bacares by telephone at (703) 308-6312, by facsimile transmission at (703) 308-6459, or by e-mail at [rbacares@uspto.gov](mailto:rbacares@uspto.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This collection of information is required by the provisions of the Patent Cooperation Treaty (PCT), a United Nations Treaty that was signed on June 19, 1970 by the 20 member states of the Paris Union for the Protection of Industrial Property (of which the United States is a member). The general purpose of the PCT is to simplify the filing of patent applications for the same invention in different countries. This treaty standardizes the filing procedures and the format of the application, and enables an applicant to file one international application in one location, in one language and pay one initial set of fees. The international application receives an international filing date (priority date) that is considered to be the actual filing date in the various designated countries. The PCT has streamlined the filing process and made it more efficient. The PCT became operational in June of 1978, and

is administered by the World Intellectual Property Organization (WIPO) in Geneva, Switzerland.

The United States Patent and Trademark Office (PTO) acts in the capacity of the United States Receiving Office (RO/US) for international applications filed by residents and nationals of the United States. While applicants send most of their correspondence directly to the PTO, they also can file certain documents directly with the International Bureau (IB). The PTO also serves in the capacity of an International Searching Authority (ISA) and an International Preliminary Examining Authority (IPEA).

The PCT allows for the introduction of electronic filing of the international application, as long as the confidentiality requirements are met. The PTO currently has various electronic filing efforts underway. One of these, the Patent Cooperation Treaty (PCT) Operations Workflow and Electronic Review (POWER), will allow for the electronic filing of international applications. POWER is being implemented in two phases. Phase I, which the PTO released in October 1999, allows the PTO to electronically process international applications. The second phase of POWER, currently in development, will allow applicants to file their international applications electronically. The PTO estimates that Phase II will be released in late FY 2000.

##### II. Method of Collection

The current method of collection of the PCT application by the PTO is either by mail or hand delivery. Follow-up communications (e.g. amendments, petitions, etc.), except for drawings, may, in addition to the above methods, be transmitted to the PTO by facsimile.