

Parker turtle excluder device. A draft of a scoping document for Amendment 10 to the Shrimp FMP will also be reviewed.

11:30 a.m. - 12:00 noon—Convene the Personnel Committee to review staff health benefits.

1:00 p.m. - 2:30 p.m.—Convene the Migratory Species Committee to review a newly completed draft of the Highly Migratory Species FMP that addresses the current commercial and recreational fisheries for tuna, swordfish, and sharks. The Committee will also discuss an amendment to the Billfish FMP which includes Atlantic blue and white marlin, Western Atlantic sailfish, and longbill spearfish.

2:30 p.m. - 5:30 p.m.—Convene the Sustainable Fisheries Committee to review the Generic Sustainable Fisheries Act (SFA) Amendment that contains, among other provisions, alternatives for specifying maximum sustainable yield, optimum yield, overfishing and overfished definitions, and rebuilding periods for overfished stocks. The Generic SFA Amendment includes all stocks currently under management by the Council, including jointly managed species and, as such, the Committee will also consider approval of the SFA amendment of the SAFMC.

Although other issues not contained in this agenda may come before the Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in the agenda listed in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see ADDRESSES) by November 2, 1998.

Dated: October 20, 1998.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-28598 Filed 10-23-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102098D]

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of committee meeting.

SUMMARY: The Pacific Northwest Crab Industry Advisory Committee has scheduled a meeting.

DATES: The meeting will be held on Friday, November 20, 1998.

ADDRESSES: The meeting will be held at the Leif Erickson Lodge, 2245 NW 57th Street, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: Arni Thomson, Alaska Crab Coalition, 206-547-7560.

SUPPLEMENTARY INFORMATION: The Committee will convene at 9:00 a.m. and continue until the following subjects have been addressed:

1. Reports on the 1999 budget for the Alaska Department of Fish and Game (ADF&G); the ADF&G proposed observer program, Crab Plan Team activities.
2. Status of crab stocks.
3. Proposed delay in season openings.
4. Tanner crab harvest and rebuilding strategy.
5. Review of American Fisheries Act, SB 1221.
6. Review proposals submitted to the Alaska Board of Fisheries for their March 1999 meeting.

Although other issues not contained in this agenda may come before the Committee for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907-271-2809, at least 5 working days prior to the meeting date.

Dated: October 20, 1998.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98-28599 Filed 10-23-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. 980326078-8078-01]

Request for Comments on Proposed Internet Usage Policy

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice and request for public comments.

SUMMARY: The Patent and Trademark Office (PTO) requests comments on a proposed Internet usage policy. The policy is intended to provide guidance to PTO employees regarding the use of the Internet for official PTO business. The policy is to cover (1) communications with applicants via Internet electronic mail (e-mail) and (2) using the Internet to search for information concerning patent applications and elements appearing in trademark applications.

DATES: Written comments on the proposed Internet usage policy will be accepted by the PTO until December 28, 1998.

ADDRESSES: Written comments should be addressed to the attention of Magdalen Greenlief, Office of the Deputy Assistant Commissioner for Patent Policy and Projects. Comments submitted by mail should be sent to: Box Comments—Patents, Assistant Commissioner for Patents, Washington, D.C. 20231. Comments may also be submitted by facsimile transmission to (703) 305-8825 or by electronic mail through the Internet to "magdalen.greenlief@uspto.gov".

Written comments will be available for public inspection in Suite 910 of Crystal Park 2, 2121 Crystal Drive, Arlington, Virginia. In addition, comments provided in machine-readable format will be available through the PTO's Website at <http://www.uspto.gov>.

FOR FURTHER INFORMATION CONTACT: Magdalen Greenlief, by mail to her attention addressed to Box Comments—Patents, Assistant Commissioner for Patents, Washington, D.C. 20231; by telephone at (703) 305-8813; by facsimile transmission to (703) 305-8825; or by electronic mail through the Internet to "magdalen.greenlief@uspto.gov".

SUPPLEMENTARY INFORMATION: The Commissioner of Patents and Trademarks issued a Notice entitled "Interim Internet Usage Policy" in the Official Gazette of the United States Patent and Trademark Office (O.G.) on February 25, 1997 at 1195 O.G. 89. The Notice set forth interim guidelines for PTO employees regarding the use of the Internet to conduct official PTO business. The Notice also stated that the guidelines are interim since the public has not had an opportunity to comment on them and that the PTO will publish a Notice in the **Federal Register** and the Official Gazette requesting comments from the public on the use of the Internet in the PTO's patent and trademark examination process. Pursuant to the February 25, 1997 O.G. Notice, the following proposed Internet Usage Policy is being published for public comment.

The Internet offers a highly effective means of identifying, locating, and retrieving scientific and technical information and also provides a means for the applicant to communicate with PTO employees via advanced electronic mail. Communications via Internet e-mail are at the discretion of the applicant. In view of the fact that all communications and data transmitted from or to applicant by the Internet may be neither encrypted nor secure, applicants who wish to communicate with the PTO on an unsecure medium such as Internet e-mail do so at their own risk. If an applicant wishes the PTO to communicate with the applicant on the unsecure medium, the applicant may authorize the PTO to do so by submitting a written authorization. Where the Internet is used to search patent applications, PTO employees must restrict their search operations to determining the general state of the art. The purpose of the Internet usage policy is to provide guidelines for PTO employees for using the Internet to conduct official PTO business.

(A) Regarding communications between PTO employees and applicant by electronic mail, the PTO is particularly interested in comments relating to the following:

(1) Regarding communication with the Patent Organization, where a written authorization by the applicant has been given, Patent Article 5 of the proposed Internet usage policy limits the use of the Internet e-mail for communications other than those under 35 U.S.C. 132 or which otherwise require a signature. Should such limitations be imposed? If so, what other types of correspondence should not be communicated via Internet e-mail?

(2) What type of confirmation, if any, from the PTO would you like to see regarding whether the e-mail with attachments has been received and is readable?

(3) Regarding communication with the Patent Organization, the "Interim Internet Usage Policy" published on February 25, 1997 at 1195 O.G. 89 indicated that an express waiver under 35 U.S.C. 122 by the applicant is required before Internet e-mail may be used by PTO employees to conduct official PTO business where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified. The reference to a waiver of 35 U.S.C. 122 has been deleted from the proposed Internet usage policy because it appears to be unnecessary. Are there any problems with the elimination of the waiver?

(4) Patent Article 7 and Trademark Article 8 of the proposed Internet usage policy permits PTO employees to respond to applicant's e-mail correspondence by other appropriate means such as telephone or by facsimile transmission. Would you prefer to have PTO employees respond via Internet e-mail or is the other appropriate means noted above acceptable?

(5) How likely would you utilize the Internet e-mail to conduct interviews under the conditions set forth in Patent Article 8 and Trademark Article 9 of the proposed Internet usage policy?

(6) In view of the fact that all communications and data transmitted from or to the applicant by the Internet may be neither encrypted nor secure, how likely and how often and for what purpose would you utilize the Internet e-mail to communicate with PTO employees regarding a particular application?

(7) Should digital signatures, digital certificates, public key/private key encryption and key recovery be used for Internet e-mail? If so, what software(s) should PTO use?

(B) The PTO is also interested in comments regarding searching and retrieving scientific and technical information in patent applications via the Internet, particularly comments relating to searching and retrieving scientific and technical information in patent applications which the PTO must maintain in confidence pursuant to 35 U.S.C. 122.

Please submit separate comments concerning patent provisions and trademark provisions. Although comments may be submitted by mail or facsimile transmission, the Office prefers to receive comments via the Internet. Where comments are submitted by mail, the Office would

prefer that the comments be submitted on a DOS formatted 3.5" disk accompanied by a paper copy of the comments.

Written comments should include the following information:

- Name and affiliation of the individual responding;
- An indication of whether the comments offered represent views of the respondent's organization or are the respondent's personal views; and
- If applicable, information on the respondent's organization, including the type of organization (e.g., business, trade group, university, nonprofit organization).

I. Proposed Patent Internet Usage Policy

Introduction

The Internet and its offspring, the World Wide Web (WWW), offer the PTO opportunities to (1) enhance operations by enabling Patent Examiners to locate and retrieve new sources of scientific and technical information, (2) communicate more effectively with our customers via advanced electronic mail (e-mail) and file transfer functions, and (3) more easily publish information of interest to the intellectual property community and the general public. This new technology offers low-cost, high speed, and direct communications capabilities upon which the PTO wishes to capitalize.

The organizations reporting to the Assistant Commissioner for Patents have special legal requirements that must be satisfied as part of the PTO's goal to make effective use of the Internet. Because security issues concerning transmission and capture of search requests by unauthorized individuals have not yet been resolved, Patent Examiners are to exercise good judgment and restrict their searches to nonspecific patent application uses.

Purpose

To establish a policy for use of the Internet by the Patent Examining Corps and other organizations within the PTO;

To address use of the Internet to conduct interview-like communications and other forms of formal and informal communications;

To publish guidelines for locating, retrieving, citing, and properly documenting scientific and technical information sources on the Internet;

To inform the public how the PTO intends to use the Internet; and

To establish a flexible Internet policy framework which can be modified, enhanced, and corrected as the PTO, the public, and customers learn to use, and

subsequently integrate, new and emerging Internet technology into existing business infrastructures and everyday activities to improve the patent application, the examining, and granting functions.

Article 1. Applicability

This policy applies to members of the Patent Organization within the PTO, including contractors and consultants working with, or conducting activities in support of, the Patent Organization.

Article 2. Scope

This policy applies to activities associated with, or directly related to, use of the Internet via PTO-provided network connections, facilities, and services. This includes, but is not limited to, PTO connections, Office of Chief Information Officer (OCIO)-provided PCs and workstations, and Internet provider services. This policy also applies to use of other non-PTO Internet access facilities and equipment that are used to conduct non-patent application specific work.

Article 3. Conformance With Existing, PTO-wide, Internet Use Policy

This Internet Usage Policy supersedes the Interim Internet Usage Policy published in the Official Gazette on February 1997. The policy outlined in this document augments the existing PTO Internet Acceptable Use Policy as set forth in the Office Automation Services Guide. As such, this policy is an extension of current PTO office-wide Internet policy.

Article 4. Confidentiality of Proprietary Information

If security and confidentiality cannot be attained for a specific use, transaction, or activity, then that specific use, transaction, or activity shall NOT be undertaken/conducted.

All use of the Internet by Patent Organization employees, contractors, and consultants shall be conducted in a manner that ensures compliance with confidentiality requirements in statutes, including 35 U.S.C. 122, and regulations. Where a written authorization is given by the applicant for the PTO to communicate with the applicant via Internet e-mail, communications via Internet e-mail may be used.

Backup, archiving, and recovery of information sent or received via the Internet is the responsibility of individual users. The OCIO does not, and will not, as a normal practice, provide backup and recovery services for information produced, retrieved,

stored, or transmitted to/from the Internet.

Article 5. Communications Via the Internet and Authorization

Communications via Internet e-mail are at the discretion of the applicant.

Without a written authorization by applicant in place, the PTO will not respond via Internet e-mail to any Internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122. A paper copy of such correspondence will be placed in the appropriate patent application.

The following is a sample authorization form which may be used by applicant:

"Recognizing that Internet communications are not secure, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

A written authorization may be withdrawn by filing a signed paper clearly identifying the original authorization. The following is a sample form which may be used by applicant to withdraw the authorization:

"The authorization given on _____, to the PTO to communicate with me via the Internet is hereby withdrawn. I understand that the withdrawal is effective when approved rather than when received."

Where a written authorization is given by the applicant, communications via Internet e-mail, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used. In such case, a printed copy of the Internet e-mail communications *MUST* be given a paper number, entered into the Patent Application Location and Monitoring System (PALM) and entered in the patent application file. A reply to an Office action may NOT be communicated by applicant to the PTO via Internet e-mail. If such a reply is submitted by applicant via Internet e-mail, a paper copy will be placed in the appropriate patent application file with an indication that the reply is NOT ENTERED.

PTO employees are NOT permitted to initiate communications with applicant via Internet e-mail unless there is a written authorization of record in the patent application by the applicant.

All reissue applications are open to public inspection under 37 CFR 1.11(a) and all papers relating to a reexamination proceeding which have been entered of record in the patent or reexamination file are open to public

inspection under 37 CFR 1.11(d). PTO employees are NOT permitted to initiate communications with applicant in a reissue application or a patentee of a reexamination proceeding via Internet e-mail unless written authorization is given by the applicant or patentee.

Article 6. Authentication of Sender by a Patent Organization Recipient

The misrepresentation of a sender's identity (i.e., spoofing) is a known risk when using electronic communications. Therefore, Patent Organization users have an obligation to be aware of this risk and conduct their Internet activities in compliance with established procedures.

Internet e-mail must be initiated by a registered practitioner, or an applicant in a *pro se* application, and sufficient information must be provided to show representative capacity in compliance with 37 CFR 1.34. Examples of such information include the attorney registration number, attorney docket number, and patent application number.

Article 7. Use of Electronic Mail Services

Once e-mail correspondence has been received from the applicant, as set forth in Patent Article 4, such correspondence must be responded to appropriately. The Patent Examiner may respond to an applicant's e-mail correspondence by telephone, fax, or other appropriate means.

Article 8. Interviews

Internet e-mail shall NOT be used to conduct an exchange or communications similar to those exchanged during telephone or personal interviews unless a written authorization has been given under Patent Article 5 to use Internet e-mail. In such cases, a paper copy of the Internet e-mail contents *MUST* be made and placed in the patent application file as required by the Federal Records Act in the same manner as an Examiner Interview Summary Form is entered.

Article 9. Internet Searching

The ultimate responsibility for formulating individual search strategies lies with individual Patent Examiners, Scientific and Technical Information Center (STIC) staff, and anyone charged with protecting proprietary application data. When the Internet is used to search, browse, or retrieve information relating to a patent application, other than a reissue application or reexamination proceeding, Patent Organization users *MUST* restrict search queries to the general state of the art. Internet search, browse, or retrieval

activities that could disclose proprietary information directed to a specific application, other than a reissue application or reexamination proceeding, are NOT permitted.

This policy also applies to use of the Internet as a communications medium for connecting to commercial database providers.

Article 10. Documenting Search Strategies

All Patent Organization users of the Internet for patent application searches shall document their search strategies in accordance with established practices and procedures as set forth in MPEP 719.05 subsection (B)(6).

Article 11. Citations

All Patent Organization users of the Internet for patent application searches shall record their fields of search and search results in accordance with established practices and procedures as set forth in MPEP 719.05 subsection (B)(6).

Subparagraph A. Internet document citations should include information which is normally included for reference documents (i.e., Form PTO-892). In addition, any information which would aid a future searcher in locating the document should be included in the citation. Guidelines for citing electronic information can be found as an attachment to this policy.

Subparagraph B. When a document found on the Internet is not the original publication, then the Patent Examiner or STIC staff shall pursue the acquisition of a copy of the originally published document or an original of the document or Web object in question for all references cited. Note: scanned images are considered to be a copy of the original publication. Electronic-only documents are original publications.

Article 12. Professional Development

The Internet is recognized as a tool for professional development. It may be useful for keeping informed of technological and legal developments in all art areas. For example, use of the Internet for keeping abreast of conferences, seminars, and for receiving mail from appropriate list servers is acceptable.

Article 13. Policy Guidance and Clarifications

Within the Patent Organization, any questions regarding Internet usage policy should be directed to the user's immediate supervisor. Non-PTO personnel should direct their questions to the Office of the Deputy Assistant

Commissioner for Patent Policy and Projects.

II. Proposed Trademark Internet Usage Policy

Introduction

The Internet and its offspring, the World Wide Web (WWW), offer the PTO opportunities to (1) enhance customer services by enabling attorney advisors (Trademarks) and other Trademark employees to locate and retrieve new sources of legal, scientific, commercial and technical information, (2) communicate more effectively with customers via electronic mail (e-mail) and file transfer functions, and (3) more easily publish information of interest to the intellectual property community and the general public.

This new technology offers low-cost, high speed, direct communication capabilities that the PTO wishes to leverage to the advantage of its customers.

The organizations reporting to the Assistant Commissioner for Trademarks have special legal requirements that must be satisfied as part of the PTO's goal to make effective use of the Internet and electronic commerce.

Purpose

To establish a policy for use of the Internet by organizations reporting to the Assistant Commissioner for Trademarks, including: the Office of the Assistant Commissioner for Trademarks, the Trademark Examining Operation, Trademark Services, Trademark Program Control and the Trademark Assistance Center;

To address use of the Internet to conduct interview-like communications, and other forms of formal and informal communications;

To publish guidelines for locating, retrieving, citing, and properly documenting scientific, commercial and technical information sources on the Internet;

To inform the public how the PTO intends to use the Internet; and

To establish a flexible Internet policy framework which can be modified, enhanced, and corrected as the PTO, the public, and customers learn to use, and subsequently integrate, new and emerging Internet technology into existing business infrastructures and everyday activities to improve the trademark application, examination, and registration business processes.

Article 1. Applicability

This policy applies to members of the Trademark Organization reporting to the Assistant Commissioner for Trademarks

within the PTO, including contractors and consultants working with, or conducting activities in support of, the Trademark Organization. It does not apply to members of the Trademark Trial and Appeal Board or contractors and consultants working with, or conducting activities in support of, the Trademark Trial and Appeal Board.

Article 2. Scope

This policy applies to activities associated with, or directly related to, use of the Internet via PTO-provided network connections, facilities, and services. This includes, but is not limited to, PTO connections, Office of Chief Information Officer (OCIO)-provided PCs and workstations, and Internet provider services. This policy also applies to use of other non-PTO Internet access facilities and equipment that are used to conduct non-trademark application specific work.

Article 3. Conformance With Existing, PTO-wide, Internet Use Policy

This Internet Usage Policy supersedes the Interim Internet Usage Policy published in the Official Gazette in February 1997. The policy outlined in this document augments the existing PTO Internet Acceptable Use Policy as set forth in the Office Automation Services Guide. As such, this policy is an extension of current PTO office-wide Internet policy.

Article 4. Correspondence Acceptable Via the Internet

Internet e-mail may be used to reply or respond to an examining attorney's Office Action, to reply or respond to a petitions attorney's 30-day letter, to reply or respond to a Post Registration Office Action, as well as to conduct informal communications regarding a particular application or registration with the appropriate Trademark Organization employee. If e-mail communication is initiated by the applicant or applicant's attorney, Office Actions, Priority Actions, Examiner's Amendments, petitions attorney's 30-day letters, and Post Registration Office Actions may be sent to the applicant via Internet e-mail or by telephone, fax, or other appropriate means. Readable attachments to Internet e-mail for such purposes as the submission of evidence, specimens, affidavits and declarations will be accepted.

Article 5. Communications Not Acceptable Via the Internet

Internet e-mail or other Internet communications may NOT be used to file Trademark Applications, Amendments to Allege Use, Statements

of Use, Requests for Extension of Time to File a Statement of Use, Section 8 affidavits, Section 9 affidavits, or Section 15 affidavits until such time as the PTO publishes electronic forms for these filings and they are made available on the Internet by the PTO. Internet e-mail may be used to submit specimens of use, but the Office will determine acceptability of the specimen(s) and if the specimens are found not to meet the standards for specimens of use, additional specimens will be required. Certified copies of foreign certificates will NOT be accepted via Internet e-mail. Internet e-mail may NOT be used for any correspondence with the Trademark Trial and Appeal Board.

Article 6. Initiating Internet Communications

Internet communications will NOT be initiated by the Trademark Organization unless it is authorized to do so by the applicant or by the applicant's attorney. Authorization for members of the Trademark Organization to communicate with applicant or applicant's attorney via Internet e-mail may be given by so indicating in the application submitted to the PTO or in any official written communication with the Trademark Organization. The authorization must include the Internet e-mail address to which all Internet e-mail is to be sent. Internet communications may also be initiated and authorized by applicant or applicant's attorney by telephone or by responding to an Office Action or other official communication via an Internet e-mail address indicated on the official correspondence.

Article 7. Waivers and Authentication

Applicants and their attorneys understand that the misrepresentation of a sender's identity is a known risk when using electronic communications. Therefore, Trademark Organization users have an obligation to be aware of this risk and conduct their Internet activities in compliance with established procedures.

Internet e-mail must be initiated and authorized by a practitioner, or the applicant in a *pro se* application. Sufficient information must be provided to show representative capacity in compliance with 37 CFR 2.17 and 10.14. In trademark cases, examples of such information would include signing a paper in practice before the PTO in a trademark case, attorney docket number, and trademark application serial number or registration number.

The Assistant Commissioner for Trademarks will waive 37 CFR 10.18 to the extent that it requires an original

signature personally signed by a trademark practitioner in permanent ink on any correspondence filed with the PTO. Receipt of an Internet e-mail communication by the Trademark Organization from the address of applicant or applicant's attorney containing the /s/ notation in lieu of signature and which references a Trademark application serial number will be understood to constitute a certificate that:

1. The correspondence has been read by the applicant or practitioner;

2. The filing of the correspondence is authorized;

3. To the best of the applicant's or practitioner's knowledge, information, and belief, there is good ground to support the correspondence, including any allegations of improper conduct contained or alleged therein; and

4. The correspondence is not interposed for delay.

Applicants requesting to correspond with the Trademark Organization via the Internet should recognize that Internet communications might not be secure, and should understand that a copy of any and all communications received via the Internet will be placed in the file wrapper and become a permanent part of the record.

Article 8. Office Procedures

When authorized to do so, the Trademark Organization will send Office Actions and other official correspondence to the Internet e-mail address indicated by the applicant or applicant's attorney. A signed, paper copy of the outgoing correspondence will be associated with the trademark application file wrapper.

When communications are received by an examining attorney, or other appropriate Trademark Organization employee, the attorney or employee will immediately reply to the communication acknowledging receipt of the communication. The date the communication was received by the Trademark Organization that appears in the heading of the communication will constitute the receipt date within the PTO for purposes of time-sensitive communications unless that date is a Saturday, Sunday, or Federal holiday within the District of Columbia, in which case the receipt date will be the next succeeding day which is not a Saturday, Sunday, or Federal holiday within the District of Columbia. A paper copy of all Internet e-mail communications, including a copy of any and all attachments, will be associated with the trademark application file wrapper. A paper copy of any informal communications

regarding a particular trademark application or registration will be associated with the file wrapper and become a part of the record.

Article 9. Remedies

When an application is held abandoned because a timely Internet e-mail communication was sent to and received by the Trademark Organization but was not timely associated with the application file wrapper, the abandoned application may be reinstated by the Trademark Organization. There is no fee for a request to reinstate such an application.

When an application is held abandoned because a timely Internet e-mail communication was sent to, but apparently not received by the Trademark Organization, applicant or applicant's attorney may petition the Commissioner to revive the abandoned application pursuant to 37 CFR 2.66 and TMEP §§ 1112.05(a), (b). In determining whether or not an Internet response was timely filed, the Commissioner may accept a copy of a signed certificate of transmission meeting the requirements of 37 CFR 1.8, a copy of the previously transmitted correspondence, and a statement attesting to the personal knowledge of timely transmission of the response. 37 CFR 1.8(b)(1), (2), and (3).

In all situations, the applicant or the applicant's attorney should promptly notify the Office after becoming aware that the application was abandoned because a communication was not timely associated with the file wrapper or was not received by the Office.

Article 10. Use of Electronic Mail Services

Once e-mail correspondence has been received from an applicant, as set forth in Trademark Article 6, such correspondence must be responded to appropriately. The Trademark Organization employee may respond to an applicant's Internet e-mail correspondence by telephone, fax, or other appropriate means.

Article 11. Interviews

Internet e-mail may be used to conduct an exchange of communications similar to those exchanged during telephone or personal interviews. In such cases, a paper copy of the Internet e-mail contents *MUST* be made and placed in the trademark application file wrapper.

Article 12. Documenting Search Strategies

All Trademark Organization users of the Internet for trademark application research shall document their search

strategies in accordance with established practices and procedures as set forth in TMEP § 1106.07(a).

Subparagraph A. Any information, which would aid a future searcher in locating the document retrieved through Internet research, should be included in the citation. Guidelines for citing electronic information can be found as an attachment to this policy.

Subparagraph B. When a document found on the Internet is not the original publication, then the Trademark Examining Attorney or Trademark Library staff shall pursue the acquisition of a copy of the originally published document or an original of the document or Web object in question for all references cited. Note: scanned images are considered to be a copy of the original publication. Electronic-only documents are original publications.

Article 13. Professional Development

The Internet is recognized as a tool for professional development. It may be useful for keeping informed of technological and legal developments. For example, use of the Internet for keeping abreast of conferences, seminars, and for receiving mail from appropriate list servers is acceptable.

Article 14. Policy Guidance and Clarifications

Within the Trademark Organization, any questions regarding the Internet usage policy should be directed to the user's immediate supervisor. Non-PTO personnel should direct their questions to the Office of the Assistant Commissioner for Trademarks.

Attachment—Guidelines for Citing Electronic Resources

The International Organization for Standardization (ISO) has created a standardized method for citing electronic resources. The formats are set forth in document ISO 690-2, which was published on November 15, 1997. The formats in ISO 690-2 are consistent with those proposed by the PTO in the fall of 1996.

ISO 690-2 references several ISO standards relating to documentation of publications. These are namely ISO 4:1984 Documentation—Rules for the abbreviation of title words and titles of publications; ISO 639:1988 Code for the representation of names of languages; ISO 690:1987 Documentation—Bibliographic references—content, form, and structure (the parent standard of 690-2); ISO 832:1994 Information and documentation—bibliographic description and references—Rules for the abbreviation of typical words; ISO 2108:1992 Information and documentation—International standard book numbering (ISBN); ISO 3297:1986 Documentation—International standard serial numbering (ISSN); ISO 5127-1:1983 Documentation and information—Vocabulary—Part 1: Basic

concepts; ISO 8601:1988 Date elements and interchange formats—Information interchange—Representation of dates and times; ISO/TR 9544:1988 Information processing—computer-assisted publishing—Vocabulary; and ISO/IEC DIS 11179-3 Information technology—Coordination of data element standardization.

Elements of a Bibliographic Citation

The typical elements of a bibliographic citation are:

- a. Author(s)—individual and corporate
- b. Title
 - Those that denote the source work (monograph, journal, conference, anthology/compilation, etc.)
 - Those that describe the paper, chapter, or portion of work
- c. Publication Date
- d. Publisher
- e. Report number/Series Number/Other identifying number
- f. Editor(s)
- g. Page numbers
- h. Volume number
- i. Issue number
- j. Edition

A single print resource may not have all of the elements listed above; however, they will possess those which are appropriate to the work. In the case of monographs the volume and/or issue number may not be essential; as with journals the element for edition will be nonexistent. Therefore, it can be noted that even in traditional print publications the format of citations will vary with the resource being cited.

The same can be said for the realm of electronic publications. Electronic documents with originally published print equivalents will have most traditional bibliographic elements. Those that have no print equivalents will most likely not have traditional elements, even though they may look like and seem to possess many qualities of print publications.

Elements of Electronic Resource Citations

What makes the electronic resource different from the print resource? Initially it is safe to state that basic elements of a print citation are also applicable to the electronic form. These basic elements will include a title (even in the case of electronic mail in which the subject line can become the title element), originator (author), publisher, and publication date (although with electronic publications this element often raises problems for those verifying the document). Characteristics which are inherent to print publications but may not be to the electronic form include volumes, issues, and page numbers. The electronic resource will have elements in addition to the print resource. These elements include:

- a. Type of Media
 - CD-ROM or other optical storage media
 - Diskette or other magnetic storage media
 - Online, including the Internet
- b. Availability
 - The information required to retrieve the resource. In the case of online Internet resources this would include address-

type information, along with directories, filenames, etc.

c. Date(s)

- Posted/Publication
 - The publication date is the date the author/originator affixes to the document. If that is not present, the date the system administrator or webmaster placed the document on the online system can be substituted.

- Accessed on

- The date the user found and read the document. They may also have downloaded the document for personal use. This date will provide future readers with documentation as to what version/edition the document was on when it was accessed. If a document was altered subsequently there will not be confusion as to which document the user is referring to.

Proposed Formats

When an examiner retrieves a document from an electronic source, he/she will determine if it is useful and will cite it if appropriate. Assuming the examiner has located all pertinent bibliographic elements for a citation, the next task will be to format the citation.

Punctuation is an interesting problem for electronic documents. Traditionally, academics and library scientists have used punctuation as a means for separating bibliographic elements in a citation. In the case of retrieving electronic documents, punctuation becomes part of the citation. When expressing URLs, directories, filenames, etc., punctuation marks are required to create an accurate citation. Therefore, limit the amount of punctuation in the citation in order to avoid confusion.

Due to the ease and potential frequency of updates of electronic documents, ISO 690-2 recommends the use of month, date, year, and time of day on all date citations. There is no stated preference for dates using standard abbreviated months (Jan., Feb., Mar.) or complete numeric transcription (using standard format of year-month-date).

Additionally, standard abbreviations for journal titles, countries, provinces, etc. should be applied to electronic citations.

The following formats are proposals for how an examiner might cite an electronic document. However, all possible citation iterations are not included; this is a sampling.

CD-ROM, Diskette, Commercial Database

Author. (publication date). Title. Source ("source" defined as the entire work, i.e. journal title). [Type of Medium], volume (issue), paging. Available:

Sample:

Smith, Joe. (January 1999). How to do an online search. Database. [CD-ROM], 17(2), 1-2. Available: UMI. File: General Periodicals Index.

FTP

Author. (publication date). Title. Source. [Type of Medium], volume (issue), paging. Available: Accessed on:

Sample:

Smith, Joe. (January 1999). How to do an online search. Database. [Online], 17(2), 1-2.

Available FTP: ftp.database.edu Directory: pubs/journals/database.online/vol17 File: 002dbs.txt Accessed on: February 1, 1999.

E-mail, Listservs, Usenet

Author. <author e-mail address> (publication/posted date). Title. Source (or Subject Line replaces title/source). [Type of Medium], volume (issue), paging. Available: (either list the listserv address or fill this position with "personal e-mail") Accessed on (or received on):

Sample:

Smith, Joe. <jsmith@database.org> (January 1999). How to do an online search. Database. [Online], 17(2), 1-2. Available: personal e-mail. Received on: February 1, 1999.

OR

Smith, Joe. <jsmith@database.org> Here's some search advice. [Online] Available: PACS-L@UHUPVM1.uh.edu Accessed on: February 1, 1999.

Gopher

Author. (publication date). Title. Source. [Type of Medium] volume (issue), paging. Available: Accessed on:

Sample:

Smith, Joe. (January 1999). How to do an online search. Database. [Online] 17(2), 1-2. Available Gopher: meckler.dbs.org /Database/ pubs/journals/vol17/Howsearch Accessed on: February 1, 1999.

Web Site

Author. (publication date). Title. Source. [Type of Medium] volume (issue), paging. Available: Last update: Accessed on:

Sample:

Smith, Joe. (January 1999). How to do an online search. Database [Online] 17(2), 1-2. Available Web Site: www/meckler.database.org/Database/pubs/journals/vol17/002dbs.txt Last update: January 1999 Accessed on: February 1, 1999.

Examiners are encouraged to speak to a PTO librarian or technical information specialist when they find that crucial elements to the citation are lacking in their records. The information specialist will work with the examiner to verify dates, authors, and other elements as needed.

Dated: October 20, 1998.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 98-28572 Filed 10-23-98; 8:45 am]

BILLING CODE 3510-16-U

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 2:00 p.m., Monday, November 2, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98-28760 Filed 10-22-98; 4:03 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Monday, November 6, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98-28761 Filed 10-22-98; 4:03 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 2:00 p.m., Monday, November 9, 1998.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98-28762 Filed 10-22-98; 4:03 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Monday, November 13, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98-28763 Filed 10-22-98; 4:03 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 2:00 p.m., Monday, November 16, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98-28764 Filed 10-22-98; 4:03 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Monday, November 20, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98-28765 Filed 10-22-98; 4:02 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 2:00 p.m., Monday, November 23, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98-28766 Filed 10-22-98; 4:02 pm]

BILLING CODE 6351-01-M