

and may be extended for an additional 12 months thereafter, if certain conditions are met.

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**OFFICE OF THE UNITED STATES  
TRADE REPRESENTATIVE**

[Docket No. 301-117]

**Section 304 Determination: Intellectual Property Laws and Practices of the Government of Paraguay; Termination of Intellectual Property Review of Paraguay Under the Generalized System of Preferences (GSP)**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of determination, termination and monitoring.

**SUMMARY:** Having concluded the investigation undertaken pursuant to section 302 of the Trade Act of 1974, as amended ("Trade Act"), the United States Trade Representative (USTR) has determined pursuant to section 304(a)(1)(A)(ii) that certain acts, policies and practices of the Government of Paraguay concerning the protection and enforcement of intellectual property rights are unreasonable and discriminatory and constitute a burden or restriction on United States commerce. On November 17, 1998, the United States and Paraguay signed a Memorandum of Understanding (MOU) in which the Government of Paraguay committed to take a number of near-term and longer-term actions to address the practices that were the subject of this investigation. In light of the foregoing, the USTR has determined: not to take further action at this time; to terminate the investigation; and to monitor Paraguay's implementation of the MOU. The GSP review of Paraguay's intellectual property practices has also been terminated.

**EFFECTIVE DATE:** November 17, 1998.

**FOR FURTHER INFORMATION CONTACT:** Claude Burcky, Director for Intellectual Property, (202) 395-6864; Kellie Meiman, Director for Mercosur and the Southern Cone, (202) 395-5190; or GERALYN S. RITTER, Assistant General Counsel, (202) 395-6800.

**SUPPLEMENTARY INFORMATION:** On January 16, 1998, the USTR identified Paraguay as a "priority foreign country" under the "Special 301" provisions of the Trade Act (19 U.S.C. 2242). In identifying Paraguay as a "priority foreign country," the USTR noted deficiencies in Paraguay's acts, policies, and practices regarding intellectual

property, including a lack of effective action to enforce intellectual property rights. The USTR also observed that the Government of Paraguay had failed to enact adequate and effective intellectual property legislation covering patents, copyrights and trademarks. As required under Section 302(b)(2)(A) of the Trade Act, (19 U.S.C. 2412(b)(2)(A)), the USTR initiated an investigation of these acts, policies and practices on February 17, 1998. On August 4, 1998, the USTR extended the investigation until November 17, 1998, in light of the complex and complicated issues involved, pursuant to section 304(a)(3)(B) of the Trade Act. On October 16, 1998, the USTR proposed to determine under section 304(a)(1)(A)(ii) that the Government of Paraguay's acts, policies and practices regarding intellectual property are unreasonable, discriminatory and burden or restrict U.S. commerce, and requested public comment on what action, if any, to take in response.

During bilateral negotiations held to resolve these issues, the Government of Paraguay indicated that it has undertaken and will undertake a number of actions to improve the protection of intellectual property rights in Paraguay. For example, since this investigation was initiated, Paraguay has passed new copyright and trademark laws, and has undertaken efforts to legalize government use of software. The Government of Paraguay also has made efforts to improve enforcement of intellectual property rights, including conducting a number of notable recent seizures of counterfeit and pirated products. Despite these efforts, however, piracy and counterfeiting of U.S. products continue to be serious problems in Paraguay.

On November 17, 1998, the United States and Paraguay signed an MOU that includes an Enforcement Action Plan to address the issues that were the subject of this investigation. The MOU contains specific near-term and longer-term obligations that, when fully implemented, will greatly strengthen Paraguayan intellectual property law and enforcement procedures. For example, Paraguay has committed to implement institutional reforms to strengthen enforcement at its borders and to pursue amendments that will facilitate effective prosecution of copyright piracy. Paraguay also has committed to take immediate action against known centers of piracy and counterfeiting, and to coordinate the anti-piracy efforts of its customs, police, prosecutorial and tax authorities. In addition, Paraguay has agreed to pursue reform of its patent law, and to ensure

that its government ministries use only authorized software.

**Section 304 Determination**

The USTR determines pursuant to section 304(a)(1)(A)(ii) of the Trade Act that acts, policies, and practices of the Government of Paraguay with respect to the protection and enforcement of intellectual property rights are unreasonable and discriminatory and constitute a burden or restriction on U.S. commerce. In light of the MOU signed by the Government of Paraguay on November 17, 1998, the USTR has determined not to take further action at this time under section 301(b)(2) of the Trade Act and has terminated this investigation. Pursuant to section 306 of the Trade Act, the USTR will monitor Paraguay's implementation of the MOU and will determine what further action to take under section 301(a) of the Trade Act if Paraguay does not satisfactorily implement the MOU.

**Termination of GSP Review**

In 1996, a review of Paraguay's protection of intellectual property rights was initiated in response to a petition filed by Nintendo. In light of the above-referenced MOU and Paraguay's recent steps to improve intellectual property protection, the GSP review is terminated.

**Joanna K. McIntosh,**

*Chairman, Section 301 Committee.*

[FR Doc. 98-31313 Filed 11-23-98; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**Aviation Proceedings, Agreements  
Filed During the Week Ending  
November 13, 1998**

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-98-4726

*Date Filed:* November 9, 1998

*Parties:* Members of the International Air Transport Association

*Subject:*

COMP Telex Passenger/Cargo Mail

Vote 972

Zimbabwe Currency Conversion

r1-010x r2-010mm

Intended effective date: January 1, 1999.

*Docket Number:* OST-98-4727

*Date Filed:* November 9, 1998

*Parties:* Members of the International Air Transport Association

**Subject:**

PTC23 EUR-JK 0033 dated October 16, 1998  
 Europe-Japan/Korea Resolutions r1-46  
 PTC23 EUR-JK 0034 dated November 6, 1998—Minutes  
 PTC23 EUR-JK Fares 0013 dated October 20, 1998—Tables  
 Intended effective date: April 1, 1999.

**Docket Number:** OST-98-4728**Date Filed:** November 9, 1998**Parties:** Members of the International Air Transport Association**Subject:**

PTC123/PTC31 Mail Vote 971—Reso 010w  
 Withdraw Proposed Increase in Fares from Pakistan  
 Pending in Dockets OST-98-4649, 98-4638, 98-4712 & 98-4713  
 (ATA Memoranda PTC123 0049-0051 & PTC31 N/C 0072 0074)  
 Intended effective date: November 15, 1998.

**Docket Number:** OST-98-4729**Date Filed:** November 9, 1998**Parties:** Members of the International Air Transport Association**Subject:**

PTC23 AFR-TC3 0055 dated October 15, 1998  
 Mail Vote 967 (Africa-South Asian Subc.) r1-9  
 PTC 23 AFR-TC3 0056 dated October 15, 1998  
 Mail Vote 968 (Africa-Southeast Asia) r10-22  
 Intended effective date: April 1, 1999.

**Docket Number:** OST-98-4744**Date Filed:** November 12, 1998**Parties:** Members of the International Air Transport Association**Subject:**

PSC/Reso/095 dated October 30, 1998 r1-9  
 Expedited Resos/RPs from the 20th PSC/19th Joint PSC  
 (Summary attached to cover pleading.)  
 Intended effective date: as early as January 1, 1999.

**Docket Number:** OST-98-4746**Date Filed:** November 12, 1998**Parties:** Members of the International Air Transport Association**Subject:**

PTC1 Telex Mail Vote 974  
 Brazil-Caribbean/Central America Excursion Fares  
 (Reso 072qq—involves San Juan)  
 Intended effective date: December 1, 1998.

**Docket Number:** OST-98-4747**Date Filed:** November 12, 1998**Parties:** Members of the International Air Transport Association**Subject:**

CAC/Reso/191 dated October 30, 1998  
 Finally Adopted Cargo Agency Resolutions r1-6  
 CAC/Meet/130 dated October 30, 1998—Minutes  
 Intended effective date: as early as January 1, 1999.

**Docket Number:** OST-98-4754**Date Filed:** November 13, 1998**Parties:** Members of the International Air Transport Association**Subject:**

PTC2 EUR 0222 dated November 10, 1998  
 Expedited Within Europe Reso 002m  
 Intended effective date: December 1, 1998.

**Dorothy W. Walker,***Federal Register Liaison.*

[FR Doc. 98-31345 Filed 11-23-98; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending November 13, 1998**

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-98-4757.**Date Filed:** November 13, 1998.**Due Date for Answers, Conforming Applications, or Motions to Modify Scope:** December 11, 1998.

**Description:** Application of Delta Air Lines, Inc. pursuant to 49 U.S.C. Sections 41102, 41108 and subpart Q, applies for a Certificate of Public Convenience and Necessity and allocation of seven (7) frequencies to engage in scheduled foreign air transportation of persons, property and mail between Atlanta, Georgia and Rome, Italy beginning April 1, 1999. Delta requests that this authority be granted for a term of at least five years. Delta further request route integration authority to permit Delta to combine

services that will be operated pursuant to the grant of this application with all other Delta services authorized by existing certificates and exemptions granted by the Department, to the extent permitted by applicable international agreements.

**Dorothy W. Walker,***Federal Register Liaison.*

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**DEPARTMENT OF TRANSPORTATION****Office of the Secretary**

[OST-1997-3286]

**Notice of the Secretary of Transportation's Determination and the Department's Next Steps on Marine Transportation Safety in Puget Sound-Area Waters****AGENCY:** Office of the Secretary, DOT.**ACTION:** Notice.

**SUMMARY:** On April 28, 1996, the White House issued the Department of Transportation (DOT) Action Plan to Address Vessel and Environmental Safety on Puget Sound-Area Waters. One element of this Action Plan committed DOT to assess the marine safety system in Puget Sound-area waters to determine whether any hazard scenarios warrant consideration of additional casualty prevention or response measures. Secretary Rodney E. Slater signed this determination on November 17, 1998. The determination and DOT's related announcement of next steps regarding additional measures are printed in an appendix to this notice. Several of the measures discussed in the announcement on additional measures will be pursued in partnership with the State of Washington. A Memorandum of Understanding formalizing this partnership is under development. Pursuant to the announcement on additional measures, an Advance Notice of Proposed Rulemaking on "Improvements to Marine Safety in Puget Sound-Area Waters" appears in the "Proposed Rules" section of this issue of the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Stephen M. Shaprio, Office of the Assistant Secretary for Transportation Policy, U.S. Department of Transportation (P-130), 400 7th Street S.W., Room 10309, Washington, DC 20590, telephone (202) 366-4866.