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in which employees are serving definite probationary or trial periods under civil-service rules, or under regulations issued by the Commission, shall not, for that reason alone, be regarded as being other than permanent positions. Positions filled by temporary appointment under the Temporary Civil Service Regulations are temporary for the purpose of this subpart.

(c) "Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended," mean positions in the departmental and field services, in the executive, legislative, and judicial branches, in Government-owned or Government-controlled corporations, and in the municipal government of the District of Columbia, the compensation of which has been fixed on a per annum basis, pursuant to the allocation of such positions to the appropriate grade either by the Civil Service Commission or by administrative action of the department, establishment, agency, or corporation concerned, in accordance with the compensation schedules of the Classification Act of 1923, as amended.

(d) "Superior accomplishment" means sustained work performance of a high degree of efficiency, or the initiation and development of a suggestion, over and above normal requirements of the position, which increases efficiency or brings about substantial economies in the public service, or a special service of an outstanding nature, which meets the standards of the Commission for recognition as the basis for a reward in the form of an additional salary advancement.

(e) "Additional advancement" means within-grade salary advancement as a reward for superior accomplishment as distinguished from a periodic within-grade salary advancement under section 402 of the Federal Employees Pay Act of 1945.

§ 25.503 *Conditions of eligibility for additional advancements.* The granting of each additional advancement shall be subject to the following conditions:

(a) It must be made within the limit of available appropriations;

(b) It must be based on superior accomplishment which conforms with standards promulgated by the Commission;

(c) It cannot also be the basis for a cash award under the authority of Executive Order No. 9817 or any similar plan; and

(d) No more than one additional advancement may be made to any officer or employee within each of the time periods prescribed in section 492 of the Federal Employees Pay Act of 1945.

(Sec. 605, 59 Stat. 304; 5 U. S. C. Sup. 945)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5788; Filed, June 18, 1947; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 226, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.333 *Lemon Regulation 226, as amended—(a) Findings.* (1) Pursuant to the marketing-agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order, as amended.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 15, 1947, and ending at 12:01 a. m., P. s. t., June 22, 1947, is hereby fixed at 750 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 225 (12 F. R. 3731) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (43 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 17th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5846; Filed, June 18, 1947; 9:37 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 361-C]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 60—AIR TRAFFIC RULES

PART 61—SCHEDULED AIR CARRIER RULES

LONG DISTANCE SCHEDULED AIR CARRIER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of June 1947.

The purpose of this special regulation is to extend for an additional 6-month period Special Civil Air Regulation Serial Number 361-A (11 F. R. 7033, 14569) which terminates June 15, 1947.

This regulation provides special operating rules for flights of scheduled air carriers at altitudes in excess of 12,500 feet, east of longitude 100° W. and at altitudes in excess of 14,500 feet west of longitude 100° W. in long distance operations.

Parts 40, 60, and 61 impose undue operating restrictions on long-range domestic scheduled air carrier operations under the above conditions. Revisions to these parts which will provide for such operations are now being prepared. Since the termination date of the present regulation is June 15, 1947, and since the public interest requires the continuation of these long distance operations, without undue restrictions, the notice and procedures required by the Administrative Procedure Act are impracticable, and good cause exists to amend this Special Civil Air Regulation, effective immediately.

Effective June 15, 1947, Special Civil Air Regulation 361-A, as amended, is amended by striking the words "June 15,

1947" and inserting in lieu thereof the words "December 15, 1947."

(52 Stat. 984, 1007 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-5789; Filed, June 18, 1947;
8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

EXEMPTION OF CERTAIN SECURITIES UNDER REGULATION A

Acting pursuant to the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof, and after consideration of all relevant matter presented, the Securities and Exchange Commission hereby amends Regulation A to delete therefrom subparagraph (h) of § 230.221 (Rule 221) which excludes from the exemption provided by Regulation A "Securities sold or delivered after sale in, or orders for which are accepted from, a State while the right to offer or sell such securities in that State is prohibited, denied, or suspended by any regulatory body of the State for any reason other than the misconduct of a dealer in the securities."

The Commission finds that continuation of the above restriction is no longer necessary in the public interest, for the protection of investors, or to carry out the provisions of the Securities Act of 1933. It further finds that this amendment removes restriction and may be declared effective immediately pursuant to section 4 (c) of the Administrative Procedure Act.

The basis and purpose of this amendment are to remove a restriction no longer necessary in the public interest or for the protection of investors.

(Secs. 3 (b) 19 (a) 48 Stat. 76, 85; 15 U. S. C. 77c, 77s)

Effective June 13, 1947.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

JUNE 12, 1947.

[F. R. Doc. 47-5762; Filed, June 18, 1947;
8:46 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter E—Credit to Indians

PART 23—REVOLVING CATTLE POOL

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23.19	Transfer of Cattle.
23.20	Relending by Corporations and Tribes.

AUTHORITY: §§ 23.1 to 23.20, inclusive, issued under authority contained in R. S. 161; 5 U. S. C. 22.

§ 23.1 *Definitions.* Wherever used in the regulations in this part, the terms defined in this section shall have the meaning herein stated.

(a) "Secretary" means Secretary of the Interior.

(b) "Commissioner" means Commissioner of Indian Affairs.

(c) "Corporation" means an Indian corporation chartered under section 17 of the act of June 18, 1934 (48 Stat. 988, 25 U. S. C. sec. 477)

(d) "Tribe" means an unincorporated Indian tribe or band. A tribe shall be deemed to include any band, pueblo, or group of Indians residing on one reservation having a form of organization recognized by the Commissioner.

(e) "Loans" mean both loans of cattle repayable in kind and assignments of cattle under agreements requiring maintenance of the number and other operating conditions.

(f) "Corporate enterprise" means a business operated by a corporation.

(g) "Tribal enterprise" means a business operated by a tribe.

§ 23.2 *Purpose of regulations.* The purpose of these regulations is to prescribe the terms and conditions of loans of cattle owned by the United States, in order to promote the economic development of the borrower. §§ 23.2 to 23.19 of this part shall govern loans by the United States. Relending by corporations and tribes shall be governed by the provisions of § 23.20.

§ 23.3 *Eligible borrowers.* Loans of cattle may be made to:

(a) Corporations and tribes;

(b) Cooperative associations whose members are not members of a corporation or tribe making loans of cattle, and whose articles of association and bylaws have been approved by the Commissioner;

(c) Members of Indian tribes or their descendants of at least one-fourth degree of Indian blood, who are not members of a corporation or tribe making loans of cattle.

§ 23.4 *Application.* The application shall be submitted on a form approved by the Secretary and shall indicate the period of the loan, the interest, if any, to be paid, the security offered, and the procedures to be followed in handling and repaying the loan.

§ 23.5 *Purpose of loans.* Cattle loaned to corporations and tribes may be used in the operation of corporate or tribal enterprises, and to make loans to individual members, cooperative asso-

ciations, and subordinate bands, in order to promote the economic development of groups or individuals.

§ 23.6 *Type of credit system.* Before any loans are approved, the Commissioner shall determine whether a corporate, tribal, cooperative, or individual system for making loans of cattle is to be established at a particular jurisdiction.

§ 23.7 *Approval of loans.* Loans of cattle to corporations and tribes shall require the approval of the Commissioner. Loans to cooperative associations and individuals shall require the approval of the Commissioner or his authorized representative. Loan agreements must be executed on forms approved by the Secretary. Applications shall be approved either as submitted, or by issuance of commitment orders covering the terms and conditions of making loans. Commitment orders shall be unconditionally accepted by borrowers.

§ 23.8 *Modifications.* Modifications of loan agreements shall be handled through the same channels as the original agreement, except that an authorized representative of the Commissioner may approve modifications of loan agreements approved by the Commissioner in cases in which the number of cattle covered by the original agreement is not increased.

§ 23.9 *Interest.* Interest may be charged on loans of cattle by the United States at rates as nearly equivalent as possible to those set forth in this section. Payments may be made either in cattle or in cash. Cash payments shall be based on market prices of cattle as approved by the Commissioner or his authorized representative. Cattle received in payment may be reloaned under the provisions of the regulations in this part. Cash received in payment shall be deposited in the Treasury to the credit of the United States.

(a) Corporations and tribes may be charged one head for each ten head loaned for a period not exceeding twenty-five years.

(b) Cooperatives and individuals may be charged one head for each ten head loaned for a period not exceeding eight years.

§ 23.10 *Records and reports.* Borrowers, other than individuals, shall keep separate records and accounts of their cattle loans and make signed reports as directed by the Commissioner. The Commissioner shall make an annual report to the Secretary on loans of cattle.

§ 23.11 *Maturity.* The period of maturity of loans of cattle shall be determined according to the circumstances, except that thirty years shall be the maximum on loans to corporations and tribes, and ten years shall be the maximum on loans to cooperative associations and individuals.

§ 23.12 *Security.* Borrowers shall furnish security, if available, up to an amount adequate to protect the loan. Trust or restricted land may not be taken as security for loans of cattle by the United States. Assignments of in-

come from trust or restricted land may be required as security. Loans of cattle to corporations and tribes may be secured through the assignment of notes, chattel mortgages, income, liens (except on trust or restricted land), and such other securities as the Commissioner may require, provided, that where the constitution, bylaws or charter require approval of security by the Secretary, the approval of the Secretary or his authorized representative must be obtained before the loan is approved.

§ 23.13 *Title.* Unless otherwise provided in the loan agreement, title to all cattle loaned, the increase therefrom, and any "lieu" cattle to replace animals loaned, shall remain in the United States in trust for the borrower until the loan is repaid.

§ 23.14 *Branding.* Unless otherwise provided in the loan agreement, all cattle loaned by the United States, the increase therefrom, and any "lieu" cattle replacing animals loaned, shall be branded ID, and in the case of loans to corporate and tribal enterprises, individuals and cooperatives, all cattle shall also be branded with the brand or mark of the borrower.

§ 23.15 *Penalties on default.* Unless otherwise provided in the loan agreement, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds for any one or all of the following steps to be taken by the Commissioner or, in the case of cooperative associations and individual borrowers, by an authorized representative of the Commissioner:

(a) Take possession of any or all collateral given as security, and in the case of individuals and cooperative associations, the cattle loaned.

(b) Prosecute legal action against the borrower, or against officers of corporations, tribes, and cooperative associations.

(c) Declare the loan immediately due and payable.

(d) In the case of corporations and tribes, prevent further loans of cattle under the control of the borrower, and repossess any cattle which have not been reloaned, and require that all repayments on loans made by the corporation or tribe be applied to liquidate its indebtedness to the United States.

(e) In the case of cooperative associations, take possession of the assets of the borrower, and exercise or arrange for the exercise of its powers until the indebtedness to the United States is liquidated, or until the Commissioner or his authorized representative has received acceptable assurance of its repayment and of compliance with the loan agreement.

(f) In the case of corporate and tribal enterprises, liquidate or operate, or arrange for the operation of the enterprise until its indebtedness is paid, or until the Commissioner has received acceptable assurance of its repayment and of compliance with the loan agreement.

§ 23.16 *Assignment.* A corporation or tribe may not assign its loan agreement or any interest therein to a third party without the written consent of the

Commissioner. A cooperative or individual may not make such assignment without the written consent of the Commissioner or his authorized representative.

§ 23.17 *Sales and exchanges.* The Commissioner or his authorized representative may grant borrowers permission to sell or exchange cattle for which repayment has not been made, provided the interests of the United States in the loan will not be jeopardized. Such sales shall be for the account of the borrower. The proceeds of any sales of cattle not for the account of a borrower must be deposited in the Treasury to the credit of the United States.

§ 23.18 *Repayments.* Repayments shall be made to a bonded Government disbursing agent or his authorized representative, who shall issue receipts for all such payments. When it is impracticable for borrowers to repay their loans in cattle because of the death of the cattle or for other cause, the Commissioner or his authorized representative may accept from borrowers, their heirs, successors, or assigns, cash in lieu thereof for deposit as individual Indian moneys to be expended in the purchase of cattle to be credited on such loans. Such transactions shall be for the account of the borrower and credit for repayments shall be given only after the cattle have been purchased.

§ 23.19 *Transfer of cattle.* Cattle repaid or repossessed from borrowers or assignees may be transferred to such reservations as the Commissioner may determine for the purpose of making loans.

§ 23.20 *Relending by corporations and tribes.* Corporations and tribes receiving loans of cattle from the United States may relend the cattle as follows:

(a) *Purpose.* All loans shall be to promote the economic development of the borrower.

(b) *Eligibility.* Loans may be made to individual members of the corporation or tribe, subordinate bands, and to cooperative associations whose articles of association and bylaws have been approved by the Commissioner or his authorized representative.

(c) *Application.* The application shall be on a form approved by the Commissioner indicating the period of the loan, the interest to be paid, the security offered, and the procedures to be followed in handling and repaying the loan.

(d) *Approval.* All loans shall require approval of the Commissioner or his authorized representative, unless the Commissioner authorizes the corporation or tribe to approve loans up to a specified number of cattle. Loan agreements must be executed on a form approved by the Commissioner. Applications shall be approved either as submitted, or by issuance of a commitment order covering the terms and conditions of making the loan. Commitment orders shall be unconditionally accepted by borrowers.

(e) *Modifications.* Unless otherwise authorized by the Commissioner, modifications of loan agreements shall be handled through the same channels as the original loan agreement.

(f) *Interest.* Interest may be charged at a rate as nearly equivalent as possible to one head for each ten head loaned for a period not exceeding eight years. Payments may be made either in cattle or in cash. Cash payments shall be based on market prices of cattle as approved by the Commissioner or his authorized representative.

(g) *Maturity.* Ten years shall be the maximum on loans.

(h) *Security.* Borrowers shall furnish security, if available, up to an amount adequate to protect the loan. Liens on trust or restricted land may be taken as security by corporations and tribes.

(i) *Title.* Unless otherwise provided in the loan agreement, title to all cattle loaned, the increase therefrom, and any "lieu" cattle replacing animals loaned, shall remain in the United States in trust for the lender until the loan is repaid.

(j) *Branding.* Unless otherwise provided in the loan agreement, all cattle loaned, the increase therefrom, and any "lieu" cattle replacing animals loaned, shall be branded ID, and also with the brand or mark of the borrower.

(k) *Penalties on default.* Unless the loan agreement otherwise provides, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds for any one or all of the following steps to be taken at the option of the lender:

(1) Take possession of any or all collateral given as security, and the cattle loaned.

(2) Prosecute legal action against the borrower.

(3) Declare the loan immediately due and payable.

(4) In the case of cooperative associations, take possession of the assets of the borrower, and exercise or arrange for the exercise of its powers until the indebtedness to the corporation or tribe is liquidated, or until the lender has received acceptable assurance of its repayment and of compliance with the loan agreement.

(l) *Assignment.* A borrower may not assign a loan agreement or any interest therein to a third party without the consent of the lender.

(m) *Sales and exchanges.* The lender, with the approval of the Commissioner or his authorized representative, may grant borrowers permission to sell or exchange cattle for which repayment has not been made, provided the interests of the lender in the loan will not be jeopardized. Such sales shall be for the account of the borrower.

(n) *Repayments.* Repayments shall be made to an authorized representative of the lender, who shall issue receipts for all repayments. When it is impracticable for borrowers to repay their loans in cattle because of the death of the cattle or for some other cause, the lender may accept from borrowers, their heirs, successors, or assigns, cash in lieu thereof for the purchase of suitable replacements.

(o) *Number loaned.* Not less than ten head of beef cattle of breeding quality, nor more than fifty head, may be loaned to any one individual borrower or family group.

(p) *Preference.* Preference shall be given to applicants in the following order:

(1) Applicants who have herds of less than fifty head of beef breeding cattle who are equipped to handle up to fifty head. Loans to this group in sufficient numbers to bring their herds up to fifty head of breeding cattle shall receive priority.

(2) Applicants who have not previously participated in the program, but who are equipped to handle a beef cattle enterprise.

(3) Applicants who have fifty head or more but less than 100 head of beef breeding cattle. This group of applicants shall not receive loans until all applicants having less than fifty head of breeding cattle who are equipped to handle a fifty head breeding unit, have received loans.

(q) *Restrictions.* Loans to applicants owning 100 head or more shall not be approved without the consent of the Commissioner. Applicants who do not maintain or increase their herds after having participated in the program shall not receive loans of additional cattle until such time as all other applications have been considered, and then only upon a showing that they will improve their management practices, which showing shall be satisfactory to the Commissioner or his authorized representative.

(r) *Dairy cattle.* Applicants for dairy cattle to supply milk for home consumption shall receive preference over applications for dairy cattle to undertake commercial dairy operations. Dairy cattle may be loaned in units of less than ten head. Not more than fifteen head of dairy cattle may be loaned to any one individual or family group without the consent of the Commissioner.

WARNER W GARDNER,
Assistant Secretary of the Interior

[F. R. Doc. 47-5761; Filed, June 18, 1947;
9:33 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

SOUTHERN PACIFIC COMPANY RAILROAD
BRIDGE ACROSS WILLAMETTE RIVER AT
SALEM, OREG.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.755 (a) (2) prescribing regulations governing the operation of the Southern Pacific Company railroad bridge across Willamette River at Salem, Oregon, is hereby amended by providing for 24 hours' advance notice of the time openings are required:

§ 203.755 *Willamette River Oreg., bridges above Oregon City, Oreg.—(a) Southern Pacific Company railroad bridge at Salem.* * * *

(2) When river stages are below 20 feet, Corps of Engineers gauge, and a vessel unable to pass under the bridge desires to pass through the draw, at

least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge. Such advance notice may be given to the dispatchers of the Southern Pacific Company at Portland or to the Southern Pacific Company Agent at Salem.

[Regs. June 2, 1947, Willamette River, Salem, Oreg.—Mi. 84.8—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F WITSELL,
*Major General,
The Adjutant General.*

[F. R. Doc. 47-5759; Filed, June 18, 1947;
8:46 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments to Chapter I, Title 34, are adopted:

PART 1—GENERAL REGULATIONS AFFECTING THE PUBLIC

Amend § 1.128 (e) page 1617, line 6, 1943 Supplement, Code of Federal Regulations, by deleting the words "Naval Inspection Service" and substituting therefor "Material Inspection Service."

PART 7—UNITED STATES MARINE CORPS

Part 7 is cancelled and superseded by § 26.12 (11 F. R. 177A-172)

PART 18—REGULATIONS GOVERNING THE USE, CONTROL, SUPERVISION, INSPECTION, OR CLOSURE OF COASTAL AND MARINE RELAY RADIO STATIONS UNDER THE JURISDICTION OF THE UNITED STATES

The regulations contained in Part 18 have been cancelled, effective March 1, 1946.

PART 19—ROYALTIES FOR USE OF PATENTS AND INVENTIONS

Part 19 is cancelled and superseded by § 26.4 (b) (9) (11 F. R. 177A-161) and § 27.7 (11 F. R. 177A-185)

PART 25—CONTRACT SETTLEMENT ACT

Part 25 is cancelled and superseded by § 27.3 (11 F. R. 177A-182)

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-5760; Filed, June 18, 1947;
8:46 a. m.]

TITLE 37—PATENTS, TRADE-MARKS AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

NOTE: Title 37 has been changed to read as set forth above. Chapter I has been reorganized into Subchapter A—Patents (Parts 1-99) and Subchapter B—Trade-marks (Parts 100-199).

Subchapter A—Patents

PART 1—PATENTS

MISCELLANEOUS AMENDMENTS

JUNE 10, 1947.

The following amendments are made to take effect on July 5, 1947.

1. The first paragraph of § 1.156 is amended to read as follows:

§ 1.156 *Testimony transcribed.* The testimony shall be taken in answer to interrogatories, with the questions and answers recorded in their regular order by the officer, or by some person not interested in the case either as a party thereto or as attorney or agent in the presence of the officer except when his presence is waived on the record by agreement of the parties. The testimony shall be taken stenographically and transcribed, unless the parties agree otherwise.

(R. S. 483, 4905; 35 U. S. C. 6, 53)

2. The item in § 1.191 *Schedule of fees*, reading:

For each brief from the digest of assignments, of 200 words or less..... .50

is amended to read:

For each brief from the digest of assignments, of 200 words or less..... 1.00

(R. S. 483, 56 Stat. 1067; 35 U. S. C. 6, 5 U. S. C. Sup. 606)

[SEAL] CASPER W DAVIS,
Commissioner of Patents.

Approved:

WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-5782; Filed, June 18, 1947;
8:53 a. m.]

PART 5—TRADE-MARKS SUPERSEDURE OF PART

CROSS REFERENCE: For supersedure of Part 5 by Part 100 of this chapter, see F. R. Doc. 47-5783 under Subchapter B of this chapter, *infra*.

Subchapter B—Trade-Marks

PART 100—RULES OF PRACTICE IN TRADE-MARK CASES

PART 110—FORMS FOR TRADE-MARK CASES

The following amendments, revising the procedure and practice in the United States Patent Office relating to trade-marks and conforming the rules to the new trade-mark law, are made after publication of proposed rules and a hearing, and consideration of all material and arguments submitted:

Part 5, Trade-Marks, is deleted.

New Part 100, Rules of Practice in Trade-Mark Cases, is hereby established to supersede Part 5.

New Part 110, Forms for Trade-Mark Cases, is hereby established.

These amendments are to take effect on July 5, 1947, in order to be effective on the same day the new trade-mark law comes into effect, except the deletion of § 5.11 of Part 5 and the establishment of § 100.44 of new Part 100 which are to take effect on January 1, 1948.

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AUTHORITY: §§ 100.11 to 100.413, inclusive, issued under sec. 1, 41, Pub. Law 489, 79th Cong., 60 Stat. 427, 440; 15 U. S. C. 1051, 1123. Statutes giving additional and special authority are cited in parentheses at the end of particular sections.

GENERAL INFORMATION

§ 100.11 *All communications to be addressed to Commissioner of Patents.* All letters should be addressed to "The Commissioner of Patents, Washington 25, D. C."

§ 100.12 *Business to be transacted in writing.* All business with the Patent Office should be transacted in writing. Personal appearance is unnecessary. The action of the Office will be based exclusively on the written record. No recognition will be given to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

§ 100.13 *Business to be conducted with decorum and courtesy.* Applicants and their representatives will be required to conduct their business with the Patent Office with decorum and courtesy. Papers presented in violation of this requirement will be submitted to the Commissioner and will be returned by his direct order. Complaints against Examiners and other employees must be made in communications separate from other papers.

§ 100.14 *Separate letters.* A separate letter should, in every instance, be written in relation to each distinct subject of inquiry.

§ 100.15 *Identification of pending application or registered mark.* A letter relating to a pending application should identify it by the name of the applicant and the serial number and filing date of the application. A letter relating to a registered mark should identify it by the name of the registrant and by the number and date of the certificate.

§ 100.16 *Times for taking action expiring on Sunday or holiday.* Where the last day for taking any action falls on Sunday or on a holiday within the District of Columbia, the action may be taken on the next succeeding secular or business day.

§ 100.17 *Inquiries.* The Patent Office cannot undertake to respond to inquiries whether certain trade-marks have been registered, or, if so, to whom, or for

what goods; nor can it give legal advice or advice as to the registrability of a specified mark or the nature and extent of the protection afforded by the law, except as questions may arise in connection with pending applications. Information of a general nature may be furnished either by answering the inquiry or by providing or calling attention to an appropriate publication.

FEES AND PAYMENT OF MONEY

§ 100.21 *Fees and charges.* The following is the schedule of fees and charges to be paid to the Patent Office:

(a) On filing each original application for registration of a mark in each class on either the principal or the supplemental register.....	\$25.00
(b) On filing each application for renewal in each class.....	25.00
(c) On filing each application for renewal in each class after expiration of the registration, additional.....	5.00
(d) On filing notice of claim of benefits of the act of 1946 for a mark to be published under section 12 (c) thereof.....	10.00
(e) On filing notice of opposition or petition for cancellation.....	25.00
(f) On appeal from the Examiner of Trade-Marks to the Commissioner.....	25.00
(g) On appeal from the Examiner of Interferences to the Commissioner.....	25.00
(h) For issuance of a new certificate of registration following change of ownership of a mark or correction of a registrant's mistake.....	10.00
(i) For certificate of correction of registration of registrant's mistake.....	10.00
(j) For filing disclaimer, amendment, surrender, or cancellation after registration.....	10.00
(k) For manuscript copies, for every one hundred words or fraction thereof.....	.10
(l) For comparing other copies, for every one hundred words or fraction thereof.....	.05
(m) For certification of copies in any case, additional.....	1.00
(n) For each additional registration or application which may be included under a single certification, additional.....	.50
(o) For recording every assignment or other paper not exceeding six pages.....	3.00
For each additional two pages or less.....	1.00
For each additional registration or application included, or involved in one writing, where more than one is so included or involved, additional.....	.50
(p) For abstracts of title: For the search, one hour or less, and certificate.....	3.00
Each additional hour or fraction thereof.....	1.50
For each brief from the digest of assignments of two hundred words or less.....	1.00
(q) For title reports required for Office use.....	1.00
(r) For a single printed copy of statement and drawing.....	.10
(s) For certificate that trade-mark has not been registered, search and certificate (for deposit in foreign countries only).....	3.00
(t) For certified copies of certificates of registration: For each copy of printed statement and drawing.....	.10
For each grant (certificate of registration).....	1.00
For the certification.....	1.00
(u) For photostat copies of records and papers, per sheet.....	.20
(v) For photoprints of drawing.....	.20
(w) For making drawings, when they can be made by the Patent Office, the cost of making the same, minimum charge.....	5.00
(x) For correcting drawings, 20 cents for photoprint of uncorrected drawing, and the cost of making correction, minimum charge for making the correction.....	1.00

(t) For certified copies of certificates of registration—Continued For each additional registration which may be included under a single certification, additional... If renewed, for copy of each certificate of renewal.....	\$0.50 1.00
(u) For photostat copies of records and papers, per sheet.....	.20
(v) For photoprints of drawing.....	.20
(w) For making drawings, when they can be made by the Patent Office, the cost of making the same, minimum charge.....	5.00
(x) For correcting drawings, 20 cents for photoprint of uncorrected drawing, and the cost of making correction, minimum charge for making the correction.....	1.00

§ 100.22 *Method of payment.* All payments of money required for Patent Office fees must be made in United States specie, Treasury notes, national bank notes, post office money orders or postal notes payable in Washington, D. C., or certified checks. Money orders and certified checks must be made payable to the Commissioner of Patents. If sent in any other form the Office may delay the credit until collection is made. Remittances from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required. Money sent by mail to the Patent Office will be at the risk of the sender; letters containing money should be registered.

§ 100.23 *Refunds.* Money paid by actual mistake or in excess, such as a payment not required by law, will be refunded, but a mere change of purpose after the payment of money, as when a party desires to withdraw his application for the registration of a mark or to withdraw an appeal, will not entitle a party to demand such a return. Amounts of ten cents or less will not be returned unless specifically demanded, nor will the payer be notified of such amount; amounts over ten cents but less than one dollar may be returned in postage stamps, and other amounts by check.

RECORDS AND PUBLICATIONS OF THE PATENT OFFICE

§ 100.31 *Printed copies of registered marks available.* After a mark has been registered, printed copies of the statement, with a copy of the drawing, will be furnished by the Patent Office upon the payment of the fee therefor.

§ 100.32 *Registration files open to public inspection.* After a mark has been registered, or published for opposition, the file of the application and all proceedings relating thereto are available for public inspection and copies of the papers may be furnished upon paying the fee therefor.

§ 100.33 *Assignment records open to public inspection.* The assignment records are open to public inspection, and copies of any assignment recorded may be obtained upon payment of the fee therefor. An order for a copy of an assignment should give the liber and page of the record. If identified only by the name of the applicant and serial number, or by the name of the registrant and registration number, an extra charge

will be made for the time consumed in making a search for such assignment.

§ 100.34 *Certified copies.* Copies of records, books, papers, or drawings belonging to the Patent Office relating to marks and copies of certificates of registration, authenticated by the seal of the Patent Office and certified by the Commissioner, or in his name by a chief of division duly designated by the Commissioner, will be furnished by the Patent Office to any person entitled thereto upon payment of the fee for the copies and for the authentication certificate.

§ 100.35 *Official Gazette.* The Official Gazette of the United States Patent Office is published weekly and contains, in addition to the material relating to patents, information relating to trade-marks, including the text or digest of opinions in trade-mark cases. It includes:

(a) A list of marks published for opposition, with a reproduction of and information concerning each mark.

(b) A list of marks registered on the Principal Register and under the act of 1905, 33 Stat. 724-731, 15 U. S. C. 81-109 (references to this law are subsequently made by "act of 1905")

(c) A list of registrations cancelled.

(d) A list of marks registered on the Supplemental Register and under the act of 1920, 41 Stat. 533-5; 15 U. S. C. 121-128 (references to this law are subsequently made by "act of 1920") with a reproduction of and information concerning each mark.

(e) A list of registrations renewed.

(f) A list of marks republished under section 12 (c) of the Trade-Mark Act of 1946, 60 Stat. 427; 15 U. S. C. 1051-1127; Pub. Law 489, 79th Cong., 2d Sess., July 5, 1946 (references to this law are subsequently made by the "act" or the "act of 1946") with a reproduction of each mark.

(g) A list of registrations amended, surrendered, disclaimed, or corrected in accordance with section 7 (d) (f) and (g) of the act with a statement of any change in the registration.

Single copies and subscriptions are sold by the Superintendent of Documents, Government Printing Office, Washington, D. C. Part of the trade-mark material is reprinted separately in a trade-mark leaflet which may be purchased or subscribed to separately.

§ 100.36 *Annual trade-mark index.* An annual index of trade-marks registered is published, and sold by the Superintendent of Documents.

§ 100.37 *Pamphlet of trade-mark laws and rules.* Pamphlet copies of trade-mark laws and rules, and of general information concerning trade-marks, are furnished without charge by the Patent Office.

ATTORNEYS AND REPRESENTATION BY ATTORNEYS

§ 100.41 *Applicants may be represented by an attorney.* The owner of a trade-mark may file and prosecute his own application for registration of such trade-mark, or he may be represented by an attorney or other person authorized to practice in trade-mark cases. The Patent Office cannot aid in the selection

of an attorney or agent. (R. S. 487; 35 U. S. C. 11)

§ 100.42 *Persons who may practice before the Patent Office in trade-mark cases.* Attorneys at law in good standing admitted to practice before the Supreme Court of the United States, the United States Court of Customs and Patent Appeals, or the highest court of any State or Territory of the United States or of the District of Columbia, and persons registered to practice in the United States Patent Office in patent cases (§ 1.17 of this chapter) may practice before the Patent Office in trade-mark cases.

(a) *Attorneys at law.* No register of attorneys who may practice before the Patent Office in trade-mark cases is maintained, and no application by an attorney at law for admission to practice is required. A statement in the power of attorney, or in an accompanying paper, of the bar to which the attorney at law is admitted is required, and recognition is limited to each case.

(b) *Attorneys and agents registered at the Patent Office.* Persons or firms, including attorneys at law, who are registered to practice before the Patent Office need only specify the registration number in the power of attorney.

(c) *Special recognition.* No persons other than those hereinabove mentioned will be permitted to practice before the Patent Office in trade-mark cases unless specially and formally recognized by the Commissioner of Patents, but any person may appear for himself in a proceeding to which he is a party, or for a firm of which he is a member, or for a corporation or association of which he is an officer and which he is authorized to represent, if such firm, corporation, or association is a party to the proceeding.

(d) *Refusal of recognition for cause.* Persons entitled to be recognized under this section may, nevertheless, be refused recognition for cause. (R. S. 487; 35 U. S. C. 11)

§ 100.43 *Professional conduct.* Attorneys at law and other persons appearing before the Patent Office in trade-mark cases must conform to the standards of ethical and professional conduct generally applicable to attorneys before the courts. (R. S. 487; 35 U. S. C. 11)

§ 100.44 *Advertising.* The use of display advertising, circulars, letters, cards, and similar material to solicit trade-mark business, directly or indirectly, is forbidden as unprofessional conduct, and any person engaging in such solicitation, or associated with or employed by others who so solicit, shall be refused recognition to practice before the Patent Office or suspended or excluded from further practice.

The use of simple professional letter-heads, calling cards, or office signs; simple announcements necessitated by opening an office, change of association, or change of address, distributed to clients and friends, and insertion of professional cards, listings in common form (not display) in a classified telephone or city directory, and listings and professional cards with biographical data in standard professional directories are not prohibited. (R. S. 487; 35 U. S. C. 11)

§ 100.45 *Signature and certificate of attorney.* Every paper filed by an attorney at law or other recognized person representing an applicant or party to a trade-mark proceeding in the Patent Office must be signed by such attorney or person, except papers which are required to be signed by the applicant or party (such as the application itself and affidavits required of applicants or registrants). When an applicant or party is represented by a firm such papers must carry the signature of an individual member of the firm in addition to the firm name. The signature of an attorney at law or other person to a paper filed by him, or the filing of any paper by him, constitutes a certificate by him that he has read the paper; that he is authorized to file it; that to the best of his knowledge, information, and belief it is well founded in law and fact; and that it is not interposed for delay. (R. S. 487; 35 U. S. C. 11)

§ 100.46 *Suspension or exclusion from practice.* The Commissioner of Patents may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from further practice before the Patent Office any person, attorney, or agent shown to be incompetent or disreputable, or guilty of unethical or unprofessional conduct or gross misconduct, or who refuses to comply with the rules and regulations, or who shall, with intent to defraud in any manner, deceive, mislead, or threaten any applicant or prospective applicant or other person having immediate or prospective business before the Patent Office, by word, circular, letter, or in any other manner. The reasons for any such suspension or exclusion shall be duly recorded. (See R. S. 487; 35 U. S. C. 11 for review of the Commissioner's action by the District Court of the United States for the District of Columbia.) (R. S. 487; 35 U. S. C. 11)

§ 100.47 *Power of attorney or authorization.* Before any attorney at law or other recognized person will be allowed to take action in any case or proceeding, a written power of attorney or authorization must be filed in that particular case or proceeding.

A substitute or associate attorney may be appointed by an attorney only upon the written authorization of his principal; but a third attorney appointed by the second will not be recognized. (R. S. 487; 35 U. S. C. 11)

§ 100.48 *Correspondence held with attorney.* When an attorney or other recognized person shall have filed his power of attorney or authorization, duly executed, the correspondence will be held with him. Double correspondence with an applicant and his attorney, or with two attorneys, will not be undertaken. If more than one attorney be appointed, correspondence will be held with the one last appointed unless otherwise requested. (R. S. 487; 35 U. S. C. 11)

§ 100.49 *Revocation of power of attorney.* A power of attorney or authorization may be revoked at any stage in the proceedings of a case upon notification to the Commissioner; and, when it is

so revoked, the Office will communicate directly with the applicant or with such other attorney as he may appoint. An attorney or agent will be notified of the revocation of his power of attorney or authorization. (R. S. 487; 35 U. S. C. 11)

APPLICATION FOR REGISTRATION

§ 100.61 *Parts of application.* A complete application for registration comprises:

- (a) A written application (see §§ 100.71 to 100.88);
- (b) A drawing of the mark (see §§ 100.91 to 100.95);
- (c) Five specimens or facsimiles (see §§ 100.101 to 100.103)
- (d) The required filing fee (see § 100.21 (a))
- (e) A certified copy of the registration in the country of origin if the application is based on such foreign registration pursuant to section 44 (e) of the act (see § 100.79)

§ 100.62 *Application must be complete to receive filing date.* An application will not be accepted and filed for examination unless all the required parts specified in § 100.61, complying with the rules and regulations relating thereto, are received, but minor informalities may be waived subject to subsequent correction. If the papers and parts are incomplete or so defective that they cannot be accepted as a complete application, the applicant will be notified and the papers and fee held six months for completion if possible, return to the applicant, or other disposition. If not completed in six months, a new application must thereafter be filed: The drawing, specimens, or fee of an unaccepted application may be applied to a later application.

§ 100.63 *Serial number and filing date.* Complete applications will be numbered as received, and the applicant will be informed of the serial number and filing date of the application. The filing date of the application is the date on which the complete application is received in the Patent Office in acceptable form.

§ 100.64 *Designation of representative by foreign applicant.* If the applicant is not domiciled in the United States, he must designate by a written document filed in the Patent Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark and to whom all official communications will be addressed unless the applicant is represented by an attorney or other recognized person. If this document does not accompany or form part of the application, it will be required and registration refused unless it is supplied.

§ 100.65 *Papers not returnable.* After acceptance of the application the papers will not be returned for any purpose whatever. If the applicant has not preserved copies of the papers the Office will furnish them on the usual terms.

§ 100.66 *Use of old drawing in new application.* In an application filed in place of an abandoned or rejected appli-

cation, or in an application for reregistration (§ 100.311), a new complete application is required, but the old drawing, if suitable, may be used. The application must be accompanied by a request for the transfer of the drawing, and by a permanent photographic copy, or an order for such copy, of the drawing to be placed in the original file. A drawing so transferred, or to be transferred, cannot be amended.

§ 100.67 *Application confidential prior to publication.* No information respecting the filing of an application for the registration of a trademark, or the subject matter thereof will be given, prior to publication under § 100.151, without authority of the applicant, unless it shall, in the opinion of the Commissioner, be necessary to the proper conduct of business before the Patent Office. Decisions of the Commissioner in applications and proceedings relating thereto are published or available for inspection or publication.

THE WRITTEN APPLICATION

§ 100.71 *Application must be in English.* The written application must be in the English language and plainly written on but one side of the paper. Legal size paper, typewritten double spaced, with at least a one and one-half inch margin on the left-hand side and top of the page, is deemed preferable.

§ 100.72 *Application to be signed and sworn to by applicant.* The written application must be made to the Commissioner of Patents and must be signed and verified (sworn to) by the applicant or by a member of the firm or an officer of the corporation or association applying.

Re-executed papers may be required when the application has not been filed in the Patent Office within a reasonable time after the date of execution.

§ 100.73 *Requirements for application; statement.* The written application shall include a request for registration and shall specify

- (a) The name of the applicant;
- (b) The citizenship of the applicant; if the applicant be a partnership, the names and citizenship of the general partners or, if the applicant be a corporation or association, the state or nation under the laws of which organized;
- (c) The domicile and post office address of the applicant;
- (d) That the applicant has adopted and is using the mark shown in the accompanying drawing;
- (e) The particular description of goods on or in connection with which the mark is used;
- (f) The class of merchandise according to the official classification (if the number and title of the class are not known to the applicant, they may be left blank, in which case they will be filled in by the Patent Office and applicant informed thereof),
- (g) The date of applicant's first use of the mark as a trade-mark on or in connection with goods specified in the application;
- (h) The date of applicant's first use of the mark as a trade-mark on or in

connection with goods specified in the application in commerce which may lawfully be regulated by Congress, specifying the nature of such commerce.

(i) The mode or manner in which the mark is used on or in connection with the particular goods specified.

This part of the written application is called the statement.

§ 100.74 *Requirements for application; declaration.* The written application must also include averments to the effect that the applicant or other person making the verification believes himself or the firm, corporation, or association in whose behalf he makes the verification to be the owner of the mark sought to be registered; that the mark is in use in commerce which may lawfully be regulated by Congress, specifying the nature of such commerce; that no other person, firm, corporation, or association, to the best of his knowledge and belief, has the right to use such mark in commerce, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the mark sought to be registered; that the specimens or facsimiles show the mark as actually used in connection with the goods; and that the facts set forth in the statement are true.

This part of the written application is called the declaration.

§ 100.75 *Description of mark.* A description of the mark, which must be acceptable to the Examiner of Trade-Marks, may be included in the statement, and must be included if required by the Examiner.

§ 100.76 *Identification of prior registrations.* Prior registrations of the same or similar marks owned by the applicant should be identified in the written application.

§ 100.77 *Power of attorney, domestic representative.* The power of attorney or authorization of agent (§ 100.47) and the appointment of a domestic representative (§ 100.64) may be included as a paragraph or paragraphs in the written application.

§ 100.78 *Use by predecessor or by related companies.* If the first use, the date of which is required by paragraph (g) or (h) of § 100.73, was by a predecessor in title, or by a related company (sections 5 and 45 of the act) and such use inures to the benefit of the applicant, the date of such first use may be asserted with a statement that such first use was by the predecessor in title or by the related company as the case may be. The Office may require further details and additional proof showing that such use inures to the benefit of the applicant.

Where the mark sought to be registered is legitimately used by one or more related companies at the time of the filing of the application, the declaration (§ 100.74) must recite exceptions to the averment of the exclusive right to use the mark, stating the nature of such related companies and, if practicable, the names and addresses.

§ 100.79 *Omission of allegation of use by foreign applicants.* The allegation

that the mark is in use in commerce which may lawfully be regulated by Congress, required by § 100.74, and the statements of the dates of the applicant's first use, required by § 100.73 (g) and (h), may be omitted in the case of an application, filed pursuant to section 44 (e) of the act, for registration of a mark duly registered in the country of origin of a foreign applicant, provided the application when filed is accompanied by a certified copy of the registration in the country of origin and said registration is then in full force and effect. A sworn translation of the registration, if not in the English language, may be required after the application is filed.

Such allegation and statement may also be omitted in the case of an application claiming the benefit of a prior foreign application in accordance with section 44 (d) of the act: *Provided*, That the application states the date and country of the first foreign application and a certified copy of the foreign application and a sworn translation of the same, if not in the English language, are filed before the registration is granted, but the registration will not be granted until the mark has been registered in the country of origin of the applicant.

In such cases the description of goods or services shall not exceed the scope of that covered by the foreign registration or application.

§ 100.81 *Proof of distinctiveness under section 2 (f)* When registration is sought under section 2 (f) of the act and the claim of distinctiveness is based on substantially exclusive and continuous use of the mark by the applicant for a period of five years preceding the filing of the application in commerce which may lawfully be regulated by Congress, the written application shall include in the declaration a statement to that effect; but proof of such exclusive and continuous use and further evidence showing that the mark has become distinctive may be required.

If the allegation of distinctiveness is not based on substantially exclusive use over a five-year period, as specified in the preceding paragraph, but is based on other facts and circumstances, proof of distinctiveness must be submitted separately and should accompany the application.

§ 100.82 *Concurrent use*. In the case of an application claiming concurrent use, the applicant shall also specify in the statement any concurrent use by others, designating their names, addresses, and registrations or applications, if any, the goods in connection with which and the areas in which such concurrent use exists, the mode of such use, the periods of such use, and the goods, area, or mode of use for which the applicant desires registration; and the claim of exclusive use made in the declaration shall be made with the stated exceptions.

§ 100.83 *Service mark*. In the case of an application for the registration of a service mark, the written application shall specify and contain all the elements required by the preceding sections for trade-marks, but shall be modified to

relate to services instead of to goods wherever necessary.

§ 100.84 *Collective mark*. In the case of an application for registration of a collective mark, the written application shall specify and contain all applicable elements required by the preceding sections for trade-marks, but shall, in addition, specify the class of persons entitled to use the mark, indicating their relationship to the owner of the mark, and the nature of the owner's control over the use of the mark.

§ 100.85 *Certification mark*. In the case of an application for registration of a certification mark, the written application shall specify and contain all applicable elements required by the preceding sections for trade-marks. It shall, in addition, specify the manner in which and the conditions under which the certification mark is used; it shall allege that the applicant exercises legitimate control over the use of the mark and that he is not himself engaged in the production or marketing of the goods or services to which the mark is applied.

§ 100.86 *Principal Register*. All applications will be treated as seeking registration on the Principal Register unless otherwise stated in the application. Service marks, collective marks, and certification marks, registrable in accordance with the applicable provisions of section 2 of the act, are registered on the Principal Register.

§ 100.87 *Supplemental Register*. In the case of an application for registration on the Supplemental Register, the written application shall so indicate and shall specify that the mark has been in continuous use in commerce which may lawfully be regulated by Congress, specifying the nature of such commerce, by the applicant for the preceding year, if the application is based on such use. The showing required for waiver of the requirement for a full year's use must be separate from the written application.

§ 100.88 *Applicant's name*. The signature to the application must be the correct name of the applicant, since the name will appear in the certificate of registration precisely as it is signed to the application. The name of the applicant, wherever it appears in the papers of the application, will be made to agree with the name as signed.

DRAWING

§ 100.91 *Drawing required*. The drawing of the trade-mark shall be a substantially exact representation thereof as actually used on or in connection with the goods.

The drawing of a service mark shall be a substantially exact representation of the mark as used in the sale or advertising of the services. The drawing of a service mark may be dispensed with in the case of a mark not capable of representation by a drawing, but in any such case the written application must contain an adequate description.

In the case of an application for registration on the Supplemental Register, the drawing, when appropriate and nec-

essary (section 23, third paragraph, of the act) may be the drawing of a package or configuration of goods.

§ 100.92 *Requirements for drawings—*
(a) *Paper and ink*. The drawing must be made upon pure white paper of a thickness corresponding to two- or three-ply Bristol board. The surface of the paper must be calendered and smooth. India ink alone must be used for pen drawings to secure perfectly black solid lines. The use of white pigment to cover lines is not acceptable.

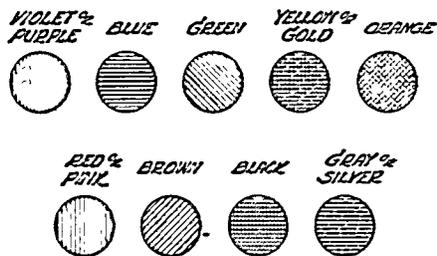
(b) *Size of sheets and margins*. The size of a sheet on which a drawing is made must be exactly 8 by 13 inches. Three-fourths of an inch from its edges, a single marginal line should be drawn, leaving the "sight" precisely 6½ by 11½ inches. All work must be included within this margin. One of the shorter sides of the sheet should be regarded as its top. When the view is longer than the width of the sheet, the sheet should be turned on its side with the top at the right.

(c) *Character of lines*. All drawings must be made with the pen or by a process which will give them satisfactory reproduction characteristics. Every line and letter, names included, must be black. This direction applies to all lines, however fine, and to shading. All lines must be clean, sharp, and solid, and they must not be too fine or crowded. Surface shading, when used, should be open.

(d) *Applicant's name*. The name of the applicant for registration must be written or printed within the marginal lines in the lower right-hand corner of the sheet, but in no instance should it encroach upon the drawing.

(e) *Extraneous matter*. An agent's or attorney's name, stamp, or address or other extraneous matter should not appear upon the face of a drawing, within or without the marginal line.

(f) *Linings for color*. Where color is a material feature of a mark as used, the color or colors employed should, if feasible, be illustrated in the drawing by means of the conventional linings as shown in the following color chart for draftsmen:



§ 100.93 *Transmission of drawings*. Drawings transmitted to the Patent Office should be sent flat, protected by a sheet of heavy binder's board, or should be rolled for transmission in a suitable mailing tube to prevent mutilation. They should never be folded.

§ 100.94 *Informal drawings*. A drawing not executed in conformity with the foregoing sections may be accepted for purpose of examination, but the drawing must be corrected or a new one fur-

nished, as required, before the mark can be published or the application allowed. The necessary corrections will be made by the Patent Office upon applicant's request and at his expense. Substitute drawings will not be accepted unless they have been required by the Examiner or correction of the original drawing would require that the mark be substantially entirely redrawn.

§ 100.95 *Patent Office may make drawings.* The Patent Office, at the request of applicants and at their expense, will make drawings if facilities permit.

SPECIMENS

§ 100.101 *Specimens.* The five specimens of a trade-mark shall be specimens of the trade-mark as actually used on or in connection with the goods in commerce, and shall be duplicates of the actually used labels, tags, or containers, or the displays associated therewith or portions thereof, when made of suitable material and capable of being arranged flat and of a size not larger than the size of the drawing.

§ 100.102 *Facsimiles.* When, from the mode of applying or affixing the trade-mark to the goods, or from the manner of using the mark on the goods, or from the nature of the mark, specimens as above stated cannot be furnished, five copies of a suitable photograph or other acceptable reproduction, not larger than the size specified for the drawing and clearly and legibly showing the mark and all matter used in connection therewith, shall be furnished.

§ 100.103 *Specimens or facsimiles in the case of a service mark.* In the case of a service mark a specimen or facsimile as specified in §§ 100.101 and 100.102, of the mark as used in the sale or advertising of the services shall be furnished unless impossible from the nature of the mark or the manner in which it is used, in which event, some other representation acceptable to the Commissioner must be submitted.

EXAMINATION OF APPLICATION AND ACTION BY APPLICANTS

§ 100.121 *Action by Examiner.* Applications for registration will be examined or caused to be examined by the Examiner of Trade-Marks, and, if the applicant is found not entitled to registration for any reason, he will be so notified and advised of the reasons therefor and of any formal requirements or objections and will be given such information and references as may be helpful in the further prosecution of the application.

§ 100.122 *Period for response.* The applicant has six months from the date of mailing of any action by the Patent Office to respond thereto. Such response may be made with or without amendment and must include such proper action by the applicant as the nature of the action and the condition of the case may require.

§ 100.123 *Re-examinations.* After response by the applicant, the application will be re-examined or reconsidered, and if the registration is again refused or for-

mal requirements insisted upon, but not stated to be final, the applicant may respond again.

§ 100.124 *Final action.* On the first or any subsequent re-examination or reconsideration, the refusal of the registration or the insistence upon a requirement may be stated to be final, whereupon applicant's response is limited to an appeal or to a compliance with any requirement made.

§ 100.125 *Abandonment.* If an applicant fails to respond, or to respond completely, within six months after the date an action is mailed, the application shall be deemed to have been abandoned.

§ 100.126 *Revival of abandoned applications.* An application abandoned for failure to respond may be revived as a pending application if it is shown to the satisfaction of the Commissioner that the delay was unavoidable. A petition to revive an abandoned application must be accompanied by a verified showing of the causes of the delay, and by the proposed response, unless the same has been previously filed.

§ 100.127 *Suspension of action by Patent Office.* Action by the Patent Office may be suspended upon request of the applicant for good and sufficient cause and for a reasonable time specified. Only one suspension will be granted by the Examiner, and any further suspension must be approved by the Commissioner.

§ 100.128 *Express abandonment.* An application may be expressly abandoned by filing in the Patent Office a written declaration of abandonment signed by the applicant himself or, if assigned, by the assignee.

AMENDMENT OF APPLICATION

§ 100.131 *Amendments to statement.* The statement may be amended to correct informalities, or to avoid objections made by the Patent Office, or for other reasons arising in the course of examination. No amendments to the dates of use will be permitted unless such changes are supported by affidavit by the applicant and by such showing as may be required by the Examiner.

Additions to the description of goods or services will not be permitted unless the mark was in actual use on all of the goods or services proposed to be added by the amendment at the time the application was filed and unless the amendment is accompanied by additional specimens (or facsimiles) and by a supplemental affidavit by the applicant in support thereof, alleging said facts.

Amendment of the declaration will not be permitted. If that filed with the application be faulty or defective, a substitute declaration must be filed.

§ 100.132 *Amendments to description or drawing.* Amendments to the description or drawing of the mark may be permitted only if warranted by the specimens (or facsimiles) as originally filed, but may not be made if the nature of the mark is changed thereby.

§ 100.133 *Amendment to recite concurrent use.* An application may be

amended in the Examiner's discretion so as to be treated as an application for a concurrent registration, provided the application as amended satisfies the requirements of § 100.82.

§ 100.134 *Form of amendment.* In every amendment the exact word or words to be stricken out or inserted in the statement must be specified and the precise point indicated where the deletion or insertion is to be made. Erasures, additions, insertions, or mutilations of the papers and records must not be made by the applicant or attorney.

When an amendatory clause is amended, it must be wholly rewritten so that no interlineation or erasure will appear in the clause, as finally amended, when the application is passed to registration. If the number or nature of the amendments shall render it otherwise difficult to consider the case or to arrange the papers for printing or copying, or when otherwise desired to clarify the record, the Examiner may require the entire statement to be rewritten.

§ 100.135 *Amendment to change application to different register.* An application for registration on the Principal Register may be changed to an application for registration on the Supplemental Register and vice versa by amending the application to comply with the rules relating to the requirements for registration on the appropriate register, as the case may be. Unless the written application as originally filed was sufficient for registration on the register to which converted, the date of filing such amendment will be considered the filing date of the application so converted. Only one such conversion will be permitted after an action by the Examiner.

FEDERAL LABEL APPROVAL

§ 100.141 *Federal label approval required in certain cases.* Whenever an application is filed for the registration of a trade-mark which is either a part of or associated with a label for a product which, under the provisions of an act of Congress, cannot be lawfully sold in the commerce specified in the written application without prior approval of the label by a designated Government agency, a copy of such label and its certification must be made of record in the application before allowance in cases specified by this section.

Types of labels for which prior approval must be secured and copies of which must be filed as indicated above are set forth in the following schedule:

Labels for meat products (Class 46) which are subject to Federal inspection, must be approved by the Meat Inspection Division, Bureau of Animal Industry, Department of Agriculture.

Labels for wines (Class 47) and for distilled alcoholic liquors (Class 49) must be approved by the Federal Alcohol Administration.

PUBLICATION AND ALLOWANCE

§ 100.151 *Publication in Official Gazette.* If, on examination or reexamination of an application for registration

on the Principal Register, it appears that the applicant is entitled to have his mark registered, the mark will be published in the Official Gazette for opposition.

§ 100.152 *Allowance of application.* If no notice of opposition is filed within the time permitted, §§ 100.201 and 100.202, and no interference is declared, the applicant will be duly notified of the allowance of his application, and a certificate of registration may be issued as provided in § 100.291.

Certificates are normally issued on the fourth Tuesday after the Thursday following the date of the notice of allowance.

§ 100.153 *Marks on Supplemental Register published only upon registration.* In the case of an application for registration on the Supplemental Register the mark will not be published for opposition but the applicant will be notified of the allowance of his application if it appears, after examination or reexamination, that he is entitled to have the mark registered, and a certificate of registration may be issued as provided in § 100.291. The mark will be published in the Official Gazette when registered.

§ 100.154 *Jurisdiction over published or allowed applications.* After publication or allowance the Examiner may exercise jurisdiction over an application by special authority from the Commissioner.

Amendments may be made after the allowance of an application if the certificate has not been printed, on the recommendation of the Examiner approved by the Commissioner, without withdrawing the allowance.

CLASSIFICATION

§ 100.161 *Classification of goods and services.* There is established, for convenience of administration, the following classification of goods and services. Such classification shall not limit or extend the applicant's rights.

Class and Title

- 1 Raw or partly prepared materials.
- 2 Receptacles.
- 3 Baggage, animal equipments, portfolios, and pocketbooks.
- 4 Abrasive, detergent, and polishing materials.
- 5 Adhesives.
- 6 Chemicals, medicines, and pharmaceutical preparations.
- 7 Cordage.
- 8 Smokers' articles, not including tobacco products.
- 9 Explosives, firearms, equipments, and projectiles.
- 10 Fertilizers.
- 11 Inks and inking materials.
- 12 Construction materials.
- 13 Hardware and plumbing and steam-fitting supplies.
- 14 Metals and metal castings and forgings.
- 15 Oils and greases.
- 16 Paints and painters' materials.
- 17 Tobacco products.
- 18 Vehicles.
- 19 Linoleum and oiled cloth.
- 20 Electrical apparatus, machines, and supplies.
- 21 Games, toys, and sporting goods.
- 22 Cutlery machinery, and tools, and parts thereof.
- 23 Laundry appliances and machines.
- 24 Locks and safes.

- 25 Measuring and scientific appliances.
- 26 Horological instruments.
- 27 Jewelry and precious-metal ware.
- 28 Brooms, brushes, and dusters.
- 29 Crockery, earthenware, and porcelain.
- 30 Filters and refrigerators.
- 31 Furniture and upholstery.
- 32 Glassware.
- 33 Heating, lighting, and ventilating apparatus.
- 34 Belting, hose, machinery packing, and non-metallic tires.
- 35 Musical instruments and supplies.
- 36 Paper and stationery.
- 37 Prints and publications.
- 38 Clothing.
- 39 Fancy goods, furnishings, and notions.
- 40 Canes, parasols, and umbrellas.
- 41 Knitted, netted and textile fabrics and substitutes therefor.
- 42 Thread and yarn.
- 43 Dental, medical, and surgical appliances.
- 44 Soft drinks and carbonated waters.
- 45 Foods and ingredients of foods.
- 46 Wines.
- 47 Malt beverages and liquors.
- 48 Distilled alcoholic liquors.
- 49 Goods not otherwise classified.
- 50 Services (temporary).

(60 Stat. 427; 15 U. S. C. 1112)

§ 100.162 *Plurality of goods or services comprised in single class may be covered by single application.* A mark may be registered on a single application for a plurality of goods, or for a plurality of services, comprised in a single class, provided the particular description of each of the goods or services be stated and the mark has actually been used on or in connection with all of the goods, or in connection with all of the services specified.

§ 100.163 *Original application must be limited to goods or services comprised in a single class.* When a single application is filed to register a mark for both goods and services or for goods or services in a plurality of different classes, registration will be refused, and the applicant will be required to restrict the application to goods or services comprised in a single class.

§ 100.164 *Applications may be combined.* When several applications have been filed by the same applicant for registration on the same register of the identical mark on goods in different classes, or services in different classes, and each of the applications has been allowed, a single certificate based on such several applications may be issued. For the purpose of issuing such single certificate, a copy of the written applications, combined as a single application eliminating unnecessary repetition, must be filed in one of such applications.

The issuance of any original certificate may be suspended upon request of the applicant, for a period not exceeding six months to permit such consolidation.

CONTESTED OR INTER PARTES PROCEEDINGS

§ 100.181 *Contested or inter partes proceedings.* Contested or inter partes cases or proceedings comprise (a) interferences between pending applications or between registrations and pending applications, which are instituted by the Examiner of Trade-Marks, (b) opposition proceedings, which are instituted on the filing of a notice of opposition against

a mark published for opposition, (c) cancellation proceedings, which are instituted on the filing of a petition to cancel a registration, and (d) concurrent use proceedings, which are instituted upon giving notice to the users named in an application to register as concurrent user.

INTERFERENCE

§ 100.191 *Interferences.* Whenever application is made for registration on the Principal Register of a mark which so resembles a mark previously registered by another, or for the registration of which another has previously made application, as to be likely, when applied to the goods or when used in connection with the services of the applicant, to cause confusion or mistake or to deceive purchasers, an interference may be declared to exist. An interference will not be declared between two applications or an application and a registration unless the junior party alleges in his application a date of use prior to the filing date of the senior party. No interference shall be declared between an application and the registration of a mark the right to the use of which has become incontestable, nor with respect to registrations or applications to register on the Supplemental Register.

§ 100.192 *Preliminary to interference.* Before the declaration of interference, all preliminary questions must have been settled by the Examiner of Trade-Marks and the interfering marks which are to form the subject matter of the controversy must have been decided to be registrable, and at least one of them must have been published in the Official Gazette.

The Examiner of Trade-Marks may require an applicant to put his application in condition for publication or allowance; within a time specified, not less than thirty days, in order that an interference may be declared. If any such applicant fails to put his application in condition for publication or allowance within the time specified, the declaration of interference will not necessarily be delayed, but after final judgment the application of such applicant will be held for revision or restriction, subject to interference with other applications or registrations.

Whenever it shall be found that two or more parties whose interests are in conflict are represented by the same attorney, the Examiner of Trade-Marks shall notify each of said parties and also the attorney of this fact.

§ 100.193 *Declaration of interference.* An interference is declared and instituted by the mailing of notices of interference to each of the parties by the Examiner of Interferences, which notices shall have been prepared by the Examiner of Trade-Marks. The notices shall be sent to all the parties, in care of their attorneys, if they have an attorney of record, and if one of the parties is a registrant, a notice shall also be sent to him or his assignee of record. The notice to each party shall give the name and address of the adverse party and of his attorney, if any, together with the serial number and date of filing and

publication, if published, of each of the applications or registration involved.

§ 100.194 *Motions to dissolve interference.* Motions to dissolve an interference upon the ground that no interference in fact exists, or that there has been such irregularity in declaring the same as will preclude a proper determination of the right of registration, or that an applicant's mark is not registrable, and all other motions of a similar character, shall contain a full statement of the grounds relied upon and shall be made not later than forty days after the notices of interference have been mailed. Such motions, if in proper form, will be transmitted to the Examiner of Trade-Marks for determination, and the parties will be so notified. If the motion is not in proper form or if it is not brought within the time specified and no satisfactory reason is given for the delay, it will not be considered, and the parties will be so notified. Transmitting such a motion for determination will act as a stay of proceedings pending the determination of the motion.

§ 100.195 *Decision on motion to dissolve.* The decision of the Examiner of Trade-Marks upon a motion for dissolution will be binding upon the Examiner of Interferences unless reversed or modified on appeal. Appeal may be taken to the Commissioner from a decision granting a motion to dissolve. No appeal may be had from a decision denying a motion to dissolve, but the question may be reviewed by the Commissioner on appeal from the final decision of the Examiner of Interferences.

§ 100.196 *Burden of proof.* The party whose application or registration involved in the interference has the latest filing date is the junior party and will be regarded as having the burden of proof.

Motions to shift the burden of proof shall be made within forty days from the mailing of the notices of interference and will be determined by the Examiner of Interferences. No appeal from the decision on such motion will be entertained, but the matter may be reviewed by the Commissioner on appeal from the final decision of the Examiner of Interferences.

§ 100.197 *Motion to add.* An applicant or registrant involved in an interference may, not more than forty days after the notices of interference have been mailed, bring a motion to add to the interference any other application or registration which he may own. The procedure affecting such motion will be the same as that hereinabove set forth on motions to dissolve.

§ 100.198 *Adding party to interference.* If, during the pendency of an interference, another case appears involving substantially the same registrable subject matter, the Examiner of Trade-Marks may request the suspension of the interference for the purpose of adding said case. Such suspension will be granted as a matter of course by the Examiner of Interferences if no testimony has been taken. If, however, any testimony has been taken, a notice for the,

proposed new party disclosing the issue in interference and the names and addresses of the interferants and of their attorneys, and notices for the interferants disclosing the name and address of the said party and his attorney, shall be prepared by the Examiner of Trade-Marks and forwarded to the Examiner of Interferences, who shall make such inquiries as are deemed necessary to determine the question of admissibility of the new party. If the Examiner of Interferences be of the opinion that the interference should be suspended and a new party added, he shall prescribe the terms for such suspension.

OPPOSITION

§ 100.201 *Time for filing notice of opposition.* Any person who believes that he would be damaged by the registration of a mark upon the Principal Register may, upon payment of the required fee, oppose the same by filing a verified notice of opposition in the Patent Office within thirty days after the publication (§ 100.151) of the mark sought to be registered.

§ 100.202 *Extension of time.* A request to extend the time for filing a notice of opposition must be received before the expiration of forty days from the date of publication. Any such request must show good cause for the extension and specify the period of extension desired.

§ 100.203 *Notice filed by attorney.* An unverified notice of opposition may be filed by a duly authorized attorney, but such opposition will be null and void unless verified by the opposer within thirty days after such filing, or within such further time after such filing as may be fixed by the Commissioner upon request made before the expiration of said thirty days.

§ 100.204 *Contents of notice of opposition.* The notice of opposition must allege facts tending to show why the opposer would be damaged by the registration of the opposed mark and state the specific grounds for opposition. A duplicate copy of the notice of opposition and two specimens (or facsimiles) of the mark as actually used by the opposer, if there be such, shall be filed.

§ 100.205 *Institution of opposition.* When a notice of opposition is filed, the Examiner of Trade-Marks shall inform the party filing the same of the receipt thereof and, if regularly filed, shall transmit it to the Examiner of Interferences.

The Examiner of Interferences shall prepare a notice disclosing the name and address of the opposer, and of his attorney, if he has such, and designate a time, not less than thirty days from the date of such notice, within which answer must be filed. Copies of this notice shall be forwarded to the parties in care of their attorneys, if they have attorneys of record. The duplicate copy of the notice of opposition and one of the specimens (or facsimiles), if there be such, shall be forwarded with the notice to the party against whom the opposition is filed.

CANCELLATION

§ 100.211 *Time for filing petition for cancellation.* Any person who believes that he is or will be damaged by a registration may, upon payment of the required fee, apply to the Commissioner to cancel said registration. Such petition may be made at any time in the case of registrations on the Supplemental Register or under the act of 1920, or registrations under the act of 1881, 21 Stat. 502-504 (references to this law are subsequently made by "act of 1881") or the act of 1905 which have not been republished under section 12 (c) of the act (§ 100.301) and in cases involving the grounds specified in section 14 (c) and (d) of the act. In all other cases such petition must be made within five years from the date of registration of the mark under the act of 1946 or from the date of republication under section 12 (c) of the act.

§ 100.212 *Petition for cancellation.* The petition to cancel must allege facts tending to show why the petitioner believes he is or will be damaged by the registration, state the specific grounds for cancellation, and indicate the respondent party to whom notice shall be sent. The petition must be verified by the petitioner. A duplicate copy of the petition, an abstract of title of the mark sought to be cancelled or an order for a title report for Office use, and two specimens (or facsimiles) of the mark actually used by the petitioner, if there be such, shall be filed with the petition.

A petition to cancel filed by the Federal Trade Commission under section 14 (c) or section 14 (d) of the act need not show or allege that the petitioner is or will be damaged, and a fee is not required for filing such petition.

§ 100.213 *Notice of filing of petition.* When a petition for cancellation is filed, it shall be transmitted to the Examiner of Interferences, who shall make examination thereof to determine if it is formally correct. If he be of the opinion that the petition is defective as to form, he shall so advise the party filing the same and set a time for correcting the informality.

When the petition is correct as to form, the Examiner of Interferences shall prepare a notice disclosing the name and address of the petitioner and of his attorney, if he has such, and designate a time, not less than thirty days from the date of the notice, within which an answer must be filed. Copies of this notice shall be forwarded to the registrant as well as to his attorney if there be such, and to the petitioner. The duplicate copy of the petition for cancellation and one of the specimens (or facsimiles), if there be such, shall be forwarded with the notice to the registrant whose registration is sought to be cancelled.

APPLICATION FOR REGISTRATION AS CONCURRENT USER

§ 100.221 *Application to register as concurrent user.* An application for registration as a lawful concurrent user will be examined in the same manner as other applications for registration. When it is determined that the mark is ready for publication or allowance,

except for questions relating to concurrent registration, the applicant may be required to furnish as many copies of his written application, specimens and drawing, as may be necessary. The Examiner of Trade-Marks shall prepare notices for the applicant and for each applicant, registrant, or user specified in the application for registration as a concurrent user. Such notices for the specified parties shall give the name and address of the applicant and of his attorney, if any, together with the serial number and filing date of the application.

The notices shall be sent by the Examiner of Interferences to each of the parties, in care of their attorneys, if they have attorneys of record, and if one of the parties is a registrant, a notice shall also be sent to him or his assignee of record. A copy of the application shall be forwarded with the notices to the parties specified in the application. An answer to the notice is not required in the case of an applicant or registrant whose application or registration is specified in the application to register as concurrent user but a statement may be filed if desired; an answer is required in the case of other parties specified in the application to register as concurrent user and a time, not less than thirty days from the date of the notice, within which such answer must be filed will be designated in the notice.

Subsequent proceedings shall follow the practice in interferences, the applicant for concurrent registration, or the one having the latest filing date if there be more than one such applicant, having the burden of proof in the first instance.

PROCEDURE IN CONTESTED OR INTER PARTES PROCEEDINGS

§ 100.231 *Federal rules of civil procedure.* Except as otherwise provided, procedure and practice in contested or inter partes proceedings shall be governed by the rules of civil procedure for the District Courts of the United States wherever considered applicable and appropriate.

Any junior party in an interference, the opposer in an opposition proceeding, the petitioner in a cancellation proceeding, and the applicant to register as a concurrent user, shall be deemed to be in the position of plaintiff, and the other parties to such proceedings in the position of defendants with respect thereto. The notice of opposition and the petition to cancel, and the answers thereto, correspond to complaint and answer; there are no equivalent pleadings in interferences and in concurrent use proceedings when no answer is required, the issues in such cases being determined by the respective applications or registrations involved. The taking of testimony and the final hearing correspond to trial, and the assignment of times for taking testimony and for final hearing to setting a case for trial.

§ 100.232 *Undelivered Office notices.* When the notices sent by the Patent Office to any registrant are returned to the Office undelivered, or when one of the parties resides abroad and his representative in the United States is un-

known, additional notice may be given by publication in the Official Gazette for such period of time as the Commissioner may direct.

§ 100.233 *Service of papers.* Every paper filed in the Patent Office in contested cases, including appeals, must be served upon the other parties as provided by § 1.154 (b) of this chapter except the notices of interference (§ 100.193), the notice of opposition (§ 100.205), the petition for cancellation (§ 100.213) the notices of a concurrent use proceeding (§ 100.221), and the copies of the testimony (§ 100.236), which are mailed by the Patent Office. Proof of such service must be made before the paper will be considered by the Office. A statement signed by the attorney, attached to or appearing on the original paper, when filed clearly stating the time and manner in which service was made will be accepted as prima facie proof of service.

§ 100.234 *Assignment of times for taking testimony and of date of final hearing.* Times will be assigned for the taking of testimony in behalf of each of the parties, and no testimony shall be taken except during the times assigned. If there be more than two parties to an interference, the times for taking testimony will be so arranged that each shall have an opportunity to prove his case against prior parties, to rebut their evidence, and to meet the evidence of junior parties.

The times will ordinarily be assigned in the notices sent by the Patent Office in interferences and in concurrent use proceedings, and in a notice sent after the answers have been filed in cases of opposition and cancellation. The time for final hearing will be set in the same notices. If either party desires an extension of the time assigned to him for taking testimony he may apply therefor as provided in § 1.154 (d) of this chapter.

§ 100.235 *Testimony in contested or inter partes cases.* Testimony in contested or inter partes proceedings shall be taken and filed in accordance with the provisions of §§ 1.154 to 1.161, inclusive, of this chapter, and these sections shall apply to trade-mark cases. (R. S. 4905; 35 U. S. C. 53)

§ 100.236 *Copies of testimony.* In addition to the original transcripts of the testimony, three or more copies of the record of each party must be filed, two for the use of the Patent Office and one for each of the opposing parties. These records may be submitted either in printed or typewritten form. They must include the testimony presented by the party filing the same, and shall be certified to as being true copies. Each record must contain an index of the names of the witnesses, giving the pages where their examination and cross-examination begin, and an index of the pages where exhibits are offered in evidence and of the pages where copies of papers and documents introduced as exhibits are shown when such exhibits are copied in the record; the names of the witnesses must appear at the top of the pages over their testimony, and the pages must be consecutively numbered.

The copies of the record for the party in the position of plaintiff must be filed not less than seventy days before the day for final hearing and in the case of parties in the position of defendants not less than fifty days.

When the copies of the record are submitted in printed form, they shall be printed in 11-point type and adequately leaded; the paper must be opaque and unglazed; the size of the page shall be 7 $\frac{3}{4}$ by 10 $\frac{1}{4}$ inches; and the size of the printed matter shall be 4 $\frac{1}{8}$ by 7 $\frac{1}{8}$ inches. Twenty-five additional copies for the United States Court of Customs and Patent Appeals, should appeal be taken, may also be filed; if no such appeal be taken, the twenty-five copies will be returned to the party filing them.

When the copies of the record are submitted in typewritten form, they must be clearly legible copies on opaque, unglazed, durable paper 8 $\frac{1}{2}$ by 11 inches in size. The typing shall be on one side of the paper, in not smaller than pica type, and double-spaced with a margin of 1 $\frac{1}{2}$ inches on the left hand side of the page. The sheets shall be bound at their left edges in a volume or volumes of convenient size provided with covers. Multigraphed or otherwise reproduced copies conforming to the same standards specified for typewritten copies will be accepted as typewritten.

The testimony of any party failing to supply copies of his record as specified may be refused consideration.

§ 100.237 *Allegations in application not evidence on behalf of applicant.* The allegation of dates of use in the application for registration of the applicant or registrant cannot be used as evidence in behalf of the party making the same.

§ 100.238 *Motions.* Motions shall be made in writing and shall contain a full statement of the grounds therefor. Oral hearings will not be held on motions except on order of the Examiner having jurisdiction. Briefs in support of or in opposition to motions shall be filed on dates set by the Examiner of Interferences and, if not so filed, consideration thereof may be refused.

Petitions for reconsideration or modification of the decision must be filed within twenty days after the decision or before the time for appeal expires.

Appeal must be taken, in the case of such decisions as are appealable, within the time limit set in the decision, or within twenty days if no time limit is set.

§ 100.241 *Briefs at final hearings.* Briefs at final hearings shall be submitted in printed form, except that where not in excess of thirty typewritten pages and in any other case where satisfactory reason therefor is shown, they may be submitted in typewritten form. If submitted in printed form, they shall be the same in size and the same as to page and print as is specified for printed copies of testimony. Typewritten briefs shall conform to the requirements for typewritten copies of testimony, except that legal size paper may be used and the binding and covers specified are not required. The brief of a party in the position of plaintiff shall be filed not less than forty days, and that of a party

in the position of a defendant not less than twenty days, prior to the hearing. Reply briefs, if filed, shall be due not less than ten days before the hearing.

§ 100.242 *Final hearing.* Final hearings will be had by the Examiner of Interferences at the time stated in the notice. If either party in a contested case appear at the proper time, he will be heard. If the Examiner of Interferences is prevented from hearing the case at the time specified for the hearing, a new assignment will be made, or the case will be continued from day to day until heard. Unless otherwise permitted, oral arguments will be limited to one-half hour for each party. Petitions for re-hearings or modifications of the decision must be filed before the time for appeal expires.

Hearings may be advanced or adjourned, as far as is convenient and proper, to meet the wishes of the parties and their attorneys.

§ 100.243 *New matter suggested by Examiner of Trade-Marks.* If, during the pendency of a contested or inter partes case, facts appear which in the opinion of the Examiner of Trade-Marks render the mark of any applicant involved unregistrable, the attention of the Examiner of Interferences shall be called thereto. The Examiner of Interferences may suspend the proceeding and refer the case to the Examiner of Trade-Marks for his determination of the question of registrability, and the proceeding shall be dissolved or continued in accordance with such determination. The consideration of such facts by the Examiner of Trade-Marks shall be inter partes.

§ 100.244 *Failure to take testimony.* Upon the filing of an affidavit by any party in the position of a defendant, that the time for taking testimony on behalf of any party in the position of plaintiff has expired and that no testimony has been taken by him and no other evidence offered, an order may be entered that such party show cause within a time set therein, not less than ten days, why judgment should not be rendered against him, and in the absence of a showing of good and sufficient cause judgment may be rendered as by default.

§ 100.245 *Amendment of application or registration during proceedings.* An application involved in a contested proceeding may not be amended, nor may a registration be amended or disclaimed in part, except upon the written consent of the other party or parties and the approval of the Examiner of Interferences, or except upon motion duly brought and considered.

§ 100.246 *Surrender or cancellation of registration.* If a registrant involved in a contested proceeding applies to surrender or cancel his registration, under section 7 (d) of the act, and such action is permitted, the proceeding may be terminated or continued on such terms as may be appropriate.

§ 100.247 *Abandonment of application, abandonment or disclaimer in whole of mark, concession of priority.*

If an applicant involved in a contested proceeding files a written abandonment of the application, or abandonment of the mark, or if a registrant applies to disclaim the mark in whole under section 7 (d) of the act and such disclaimer is permitted, or if a party to an interference files a written concession of priority, judgment may be entered against said party the proceeding will not be dismissed or dissolved at the request of said party unless with the consent of the other parties.

APPEALS

§ 100.261 *Ex parte appeals to the Commissioner from the Examiner of Trade-Marks.* Every applicant for the registration of a mark may, upon final refusal by the Examiner of Trade-Marks, appeal to the Commissioner in person upon payment of the prescribed fee. A second refusal on the same grounds may be considered as final by the applicant for purpose of appeal. Appeal may also be taken to the Commissioner from the refusal by the Examiner of Trade-Marks to accept an affidavit filed under section 8 of the act or to renew a registration.

§ 100.262 *Time and manner of ex parte appeals.* Such appeal must be taken within six months from the date of the action appealed from and must be accompanied by a statement of the reasons therefor. The Examiner shall, within thirty days therefrom, furnish the Commissioner with a written statement of the grounds of his decision, supplying a copy to the applicant. The date for hearing will be fixed by the Commissioner in each case and the brief of the appellant shall be due on or before the day of the hearing. Cases which have been heard and decided by the Commissioner will not be reopened except by his order.

§ 100.263 *Appeal to the Commissioner from decision of Examiner of Interferences.* Any party to an interference, opposition, cancellation, or a concurrent use proceeding may appeal, stating the reasons therefor, from the final decision of the Examiner of Interferences to the Commissioner in person within the time limit, not less than thirty days, prescribed in the decision, or, if no time limit is prescribed, within thirty days, upon payment of the prescribed fee. The date for hearing will be fixed by the Commissioner in each case. Appellants shall file briefs not less than forty days before the hearing, and appellees shall file briefs not less than twenty days before the hearing; reply briefs, if filed, shall be due not less than ten days before the hearing. Briefs and hearings on appeal shall be subject to §§ 100.241 and 100.242 insofar as applicable.

§ 100.264 *Appeal to court.* Any applicant for registration, any registrant who has filed an affidavit under section 8 of the act, or any party to an inter partes proceeding, who is dissatisfied with the decision of the Commissioner, may appeal to the United States Court of Customs and Patent Appeals or may proceed under section 4915, Revised Statutes (U. S. Code, Title 35, sec. 63), as in the case of applicants for patents, under the same conditions, rules and procedure as are ap-

plicable in the case of patent appeals or proceedings. (See §§ 1.148 to 1.150 of this chapter and the rules of the United States Court of Customs and Patent Appeals.)

PETITION TO THE COMMISSIONER

§ 100.271 *Petition to the Commissioner.* Petition may be filed with the Commissioner from any repeated action or requirement of the Examiner of Trade-Marks which is not subject to appeal and in other appropriate circumstances. Such petition, and any other petition which may be filed, must contain a statement of the facts involved and the point or points to be reviewed. Briefs or memoranda, if any, in support thereof should accompany or be embodied in the petition. The Examiner may be directed by the Commissioner to furnish a written statement setting forth the reasons for his decision upon the matters averred in the petition, supplying a copy thereof to the petitioner. Oral hearing will be granted only in the discretion of the Commissioner. No fee is required for such a petition. The mere filing of a petition will not stay the period of six months for replying to an Examiner's action as provided in § 100.122 nor act as a stay of other proceedings.

CERTIFICATE

§ 100.291 *Certificate.* When the requirements of the law and of the rules have been complied with, and the Patent Office has adjudged a mark registrable, a certificate will be issued to the effect that the applicant has complied with the law and that he is entitled to registration of his mark on the Principal Register or on the Supplemental Register as the case may be. The certificate will state the date on which the application for registration was filed in the Patent Office, the act under which the mark is registered, the date of issue and the number of the certificate. Attached to the certificate and forming a part thereof will be a copy of the drawing of the mark and a printed copy of the written statement and declaration. A notice of the affidavit requirement of section 8 (a) of the act (§ 100.321) will be attached to the certificate.

Certificates are numbered in consecutive order, those issued under the acts of 1905 and 1920 continuing the series of numbering heretofore employed; those issued under the act of 1946 begin with number 500,001.

REPUBLICATION OF MARKS REGISTERED UNDER 1905 ACT

§ 100.301 *Republication requirements.* A registrant of a mark registered under the provisions of the acts of 1881 or 1905 may at any time prior to the expiration of the period for which the registration was issued or renewed, upon the payment of the prescribed fee, file an affidavit setting forth those goods stated in the registration on which said mark is in use in commerce which may lawfully be regulated by Congress, specifying the nature of such commerce, and stating that the registrant claims the benefits of the Trade-Mark Act of 1946. An abstract of title or an order for a

title report for Patent Office use shall accompany the affidavit.

Such marks may, in lieu of republication under this rule, be reregistered in accordance with § 100.311 at the option of the registrant.

§ 100.302 *Republication in Official Gazette.* A notice of the claim of benefits under the act of 1946 and a reproduction of the mark will then be published in the Official Gazette as soon as practicable. The republished mark will retain its original registration number.

§ 100.303 *Notice of republication.* A notice of such republication of the mark and of the requirement for the affidavit specified in section 8 (b) of the act (§ 100.321) will be sent to the registrant.

§ 100.304 *Not subject to opposition; subject to cancellation.* The republished mark is not subject to opposition on such publication in the Official Gazette but is subject to petitions to cancel as specified in § 100.211 and to cancellation for failure to file the affidavit specified in § 100.321.

REREGISTRATION OF MARKS REGISTERED UNDER PRIOR ACTS

§ 100.311 *Reregistration of marks registered under acts of 1881, 1905 and 1920.* Trade-marks registered under the act of 1881, the act of 1905 or the act of 1920 may be reregistered under the act of 1946, either on the Principal Register, if eligible, or on the Supplemental Register, but a new complete application for registration must be filed complying with the rules relating thereto, and such application will be subject to examination and other proceedings in the same manner as other applications filed under the act of 1946. See § 100.66 for use of old drawing.

CANCELLATION FOR FAILURE TO FILE AFFIDAVIT DURING SIXTH YEAR

§ 100.321 *Cancellation for failure to file affidavit during sixth year.* Any registration under the provisions of the act of 1946 and any registration republished under the provisions of section 12 (c) of the act (§ 100.301) shall be cancelled at the end of six years following the date of registration or the date of such republication, unless within one year next preceding the expiration of such six years the registrant shall file in the Patent Office an affidavit showing that said mark is still in use or showing that its nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark.

§ 100.322 *Requirements for affidavit.* The affidavit required by § 100.321 must:

(a) Be executed by the registrant after expiration of the five-year period;

(b) Identify the certificate of registration by the certificate number and date of registration;

(c) Recite sufficient facts to show that the mark described in the registration is still in use, specifying the nature of such use, or recite sufficient facts to show that its nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark; and

(d) Be accompanied by an abstract of title or an order for a title report for Office use.

§ 100.323 *Acknowledgment of receipt of affidavit.* The registrant will be notified by the Examiner of Trade-Marks of the receipt of the affidavit and, if satisfactory, of its acceptance.

§ 100.324 *Reconsideration of affidavit.* If the affidavit is insufficient, the registrant will be notified of the reasons by the Examiner. Reconsideration of such refusal may be requested within six months from the date of the mailing of the notice. The request for reconsideration must state the reasons therefor; a supplemental or substitute affidavit required by section 12 (c) of the act cannot be considered unless it is received before the expiration of six years from the date of the registration, or from the date of republication.

See §§ 100.261, 100.262 and 100.264 for appeal.

§ 100.325 *Time of cancellation.* If no affidavit is filed, the registration will be cancelled forthwith by the Commissioner after the end of the sixth year, and a notice of the cancellation will be sent to the registrant. If the affidavit is filed but is refused, cancellation of the registration will be withheld pending further proceedings.

AFFIDAVIT FOR INCONTESTABILITY

§ 100.331 *Affidavit for incontestability.* The affidavit required by section 15 of the act for acquiring incontestability for a mark registered on the Principal Register or a mark registered under the act of 1881 or 1905 and republished under section 12 (c) of the act (§ 100.301) must:

(a) Be signed by the registrant;

(b) Identify the certificate of registration by the certificate number and date of registration;

(c) Recite the goods or services stated in the registration on or in connection with which the mark has been in continuous use for a period of five years subsequent to the date of registration or date of republication under section 12 (c) of the act, in commerce which may lawfully be regulated by Congress and is still in use in such commerce, specifying the nature of such commerce;

(d) Specify that there has been no final decision adverse to registrant's claim of ownership of such mark for such goods or services, or to registrant's right to register the same or to keep the same on the register;

(e) Specify that there is no proceeding involving said rights pending in the Patent Office or in a court and not finally disposed of;

(f) Be filed within one year after the expiration of any such five year period. The registrant will be notified of the receipt of the affidavit.

§ 100.332 *Combined with other affidavits.* The affidavit filed under section 15 of the act for the purpose of acquiring incontestability may also be used as the affidavit required by section 8, provided it also complies with the requirements and is filed within the time limit specified in §§ 100.321 and 100.322.

In appropriate circumstances the affidavit filed under section 15 of the act may be combined with the affidavit required for renewal of a registration (see § 100.353).

CORRECTION, DISCLAIMER, SURRENDER, ETC.

§ 100.341 *New certificate on change of ownership.* In case of change of ownership of a registered mark, a new certificate of registration may be issued in the name of the assignee for the unexpired part of the original period, at the request of the assignee. The assignment must be recorded in the Patent Office and the request must be accompanied by the required fee and by an abstract of title or an order for a title report for Office use.

§ 100.342 *Surrender, cancellation, disclaimer in whole.* The Commissioner may permit any registration to be surrendered or cancelled, or any registered mark to be disclaimed in whole, upon application by the registrant. Application for such action must be signed by the registrant and must be accompanied by the required fee, and by an abstract of title or an order for a title report for Office use.

§ 100.343 *Amendment and disclaimer in part.* The Commissioner may permit any registration to be amended or any registered mark to be disclaimed in part, upon application by the registrant. Application for such action must specify the amendment or disclaimer and be signed by the registrant, and must be accompanied by the required fee and by an abstract of title or an order for a title report for Office use. The certificate of registration or, if said certificate is lost or destroyed, a certified copy thereof, must also be submitted in order that the Commissioner may make appropriate entry thereon and in the records of the Office. The registration when so amended must still contain registrable matter and the mark as amended must be registrable as a whole, and such amendment or disclaimer must not involve such changes in the registration as to alter materially the character of the mark.

Changes in the description of goods other than in the nature of deletions will not be permitted except under the provisions of § 100.345. No amendment seeking the elimination of a disclaimer will be permitted.

A printed copy of the amendment or disclaimer shall be attached to each printed copy of the registration.

§ 100.344 *Correction of Office mistake.* Whenever a material mistake in a registration, incurred through the fault of the Patent Office, is clearly disclosed by the records of the Office, a certificate stating the fact and nature of such mistake, signed by the Commissioner and sealed with the seal of the Patent Office, shall be issued without charge and recorded and a printed copy thereof shall be attached to each printed copy of the registration certificate and such corrected certificate shall thereafter have the same effect as if the same had been originally issued in such corrected form, or in the discretion of the Commissioner

a new certificate of registration may be issued without charge.

§ 100.345 *Correction of mistake by registrant.* Whenever a mistake has been made in a registration and a showing has been made that such mistake occurred in good faith through the fault of the applicant, the Commissioner may issue a certificate of correction, or in his discretion, a new certificate upon the payment of the required fee, provided that the correction does not involve such changes in the registration as to require republication of the mark.

Application for such action must specify the mistake for which correction is sought and the manner in which it arose, show that it occurred in good faith, be signed by the applicant, and be accompanied by the required fee and by an abstract of title or an order for a title report for Office use.

A printed copy of the certificate of correction shall be attached to each printed copy of the registration.

TERM AND RENEWAL

§ 100.351 *Term of original registrations and renewals.* Registrations under the act of 1946, whether on the Principal Register or on the Supplemental Register, remain in force for twenty years, and may be renewed for periods of twenty years from the expiring period unless previously cancelled, disclaimed in whole, or surrendered.

Registrations under the acts of 1905 and 1881 remain in force for their unexpired terms and may only be renewed in the same manner as registrations under the act of 1946.

Registrations under the act of 1920 which were issued on or before January 5, 1928, expire on January 5, 1948, and such registrations issued after January 5, 1928, expire twenty years from their date of issue. Such registrations cannot be renewed unless renewal is required to support foreign registrations and in such case may be renewed on the Supplemental Register in the same manner as registrations under the act of 1946.

§ 100.352 *Period within which application for renewal must be filed.* An application for renewal may be made by the registrant at any time within six months before the expiration of the period for which the certificate of registration was issued or renewed, or it may be made within three months after such expiration on payment of the additional fee required.

§ 100.353 *Requirements of application for renewal.* The application for renewal must be accompanied by

(a) An affidavit by the registrant stating that the mark is still in use in commerce which may lawfully be regulated by Congress, specifying the nature of such commerce. This affidavit must be executed not more than six months before the expiration of the registration.

(b) The required fee, including the additional fee required in the case of a delayed application for renewal.

The affidavit and the fee must accompany the application for renewal and therefore must be filed within the period provided for applying for renewal. If

defective or insufficient, they cannot be completed after the period for applying for renewal has passed; if completed after the initial six-month period has expired but before the expiration of the three-month delay period, the application can be considered only as a delayed application for renewal.

The application for renewal must also include:

(c) An abstract of title or an order for a title report for Office use.

(d) If the applicant is not domiciled in the United States, the designation of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark.

(e) If the mark is registered under the act of 1920, a verified showing that renewal is required to support foreign registrations.

§ 100.354 *Refusal of renewal.* If the application for renewal is incomplete or defective, the renewal will be refused by the Examiner of Trade-Marks. The application may be completed or amended in response to a refusal, subject to the provisions of §§ 100.122 and 100.353.

See §§ 100.261 and 100.262 for appeal.

ASSIGNMENT OF MARKS

§ 100.361 *Requirements for assignments.* A mark which has been registered or a mark for which an application for registration has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark.

Such assignments shall be by instruments in writing duly executed. Acknowledgment as provided by section 11 of the act shall be prima facie evidence of the execution of an assignment and when recorded in the Patent Office the record shall be prima facie evidence of execution. No assignment will be recorded unless it has been executed and unless:

(a) The certificate of registration is identified in the assignment by the certificate number (the date of registration should also be given) or, the application for registration shall have been first filed in the Patent Office and the application is identified in the assignment by serial number (the date of filing should also be given)

(b) It is in the English language or, if not in the English language, accompanied by a sworn translation;

(c) The fee for recording is received; and

(d) An appointment of a resident agent is made in case the assignee is not domiciled in the United States. The appointment must be separate from the assignment and there must be a separate appointment for each registration or application assigned in one instrument.

The date of record of the assignment is the date of the receipt of the assignment at the Patent Office in proper form and accompanied by the full fee for recording.

§ 100.362 *Action may be taken by assignee of record.* Any action which may or must be taken by a registrant or applicant may be taken by the assignee, provided the assignment has been recorded, and unless such assignment has been recorded no assignee will be recognized.

§ 100.363 *Certificate of registration may issue to assignee.* The certificate of registration may be issued to the assignee of the applicant, but the assignment must first be entered of record in the Patent Office as of a date not later than the fourth Thursday before the date the certificate of registration is to bear. See § 100.152.

UNPROVIDED FOR AND EXTRAORDINARY CASES

§ 100.381 *Cases not specifically defined.* All cases not specifically defined and provided for in this part will be decided in accordance with the merits of each case under the authority of the Commissioner, and such decision will be communicated to the interested parties in writing.

§ 100.382 *Commissioner may suspend certain rules.* In an extraordinary situation, when justice requires and no other party is injured thereby, any requirement of this part not being a requirement of statute may be suspended or waived by the Commissioner.

AMENDMENT OF RULES

§ 100.391 *Amendments to rules will be published.* All amendments to this part will be published in the Official Gazette and in the FEDERAL REGISTER.

§ 100.392 *Publication of notice of proposed amendments.* Whenever required by law, and in other cases whenever practicable, notice of proposed amendments to this part will be published in the FEDERAL REGISTER and in the Official Gazette. If not published with the notice, copies of the text will be furnished to any person requesting the same. All comments, suggestions, and briefs received within a time specified in the notice will be considered before adoption of the proposed amendments which may be modified in the light thereof.

Oral hearings may be held at the discretion of the Commissioner.

TIME OF TAKING EFFECT

§ 100.401 *Effective date of rules.* This part, except § 100.44, shall take effect on July 5, 1947, and shall apply to all applications for registration, registrations, and proceedings under and subject to the act of 1946. Applications filed prior to July 5, 1947, and still subject to the acts under which said applications were filed shall be prosecuted and certificates granted in accordance with the act under which filed and the rules thereunder in effect immediately prior to July 5, 1947 (37 CFR, Part 5)

This part shall apply to contested or inter partes proceedings instituted on or after July 5, 1947, and also to further inter partes action in such cases pending on July 5, 1947, except to the extent that in the opinion of the Commissioner their application to a particular case

pending when this part takes effect would not be feasible or would work injustice, in which event the rules in effect immediately prior to July 5, 1947, shall apply to such case.

Section 100.44 shall take effect on January 1, 1948.

APPLICATIONS PENDING ON JULY 5, 1947

§ 100.411 *Conversion of pending applications to act of 1946.* Applications for registration filed before July 5, 1947, and pending in the Patent Office on and after that date may be amended, if practicable, to bring them under the provisions of the act of 1946.

§ 100.412 *Requirements of amendment.* Such amendment must supply the facts required by this part to be included in the statement of an original application which are not contained in the statement on file, supported by a supplemental affidavit including any required averments which are not contained in the original declaration. The amendment is subject to all rules in this part relating to or affecting amendments and must not be inconsistent with the original statement and declaration. The amendment may take the form of a substitute written application and in any case the Examiner may require the amended application to be rewritten.

The entire filing fee required for an original application under the act of 1946 must be paid, but the filing fee previously paid will be considered as part payment of such filing fee.

For the purpose of proceedings in the Patent Office, the date of filing the amendment will be considered as the filing date of the application; for the purpose of contested proceedings, the applicant may be permitted to rely on the filing date of his original application, provided the mark was registrable under the act on which the original application was based.

§ 100.413 *Applications which cannot be amended.* An amendment to bring an application under the act of 1946 will not be considered:

- (a) If the application is abandoned at the time the amendment is filed;
- (b) If the application is under rejection or other action by the Examiner and the appropriate response thereto is not received within the time for response, in which case the mere filing of the proposed amendment will not avoid abandonment of the application;
- (c) If filed after the notice of allowance has been sent; and
- (d) In any other case if, from the nature of the particular amendment or the condition of the application, it is not practicable.

PART 110—FORMS FOR TRADE-MARK CASES

- Sec. 110.1 Application for trade-mark registration by an individual, Principal Register.
- 110.2 Application for trade-mark registration by a firm, Principal Register.
- 110.3 Application for trade-mark registration by a corporation, Principal Register.
- 110.6 Application for trade-mark registration claiming concurrent use, Principal Register.

- Sec. 110.9 Application for service mark registration, Principal Register.
- 110.12 Application for collective mark registration, Principal Register.
- 110.13 Application for certification mark registration, Principal Register.
- 110.16 Application for trade-mark registration, Supplemental Register.
- 110.19 Application for trade-mark registration based on foreign registration or application.
- 110.21 Application for renewal of registration by an individual.
- 110.25 Affidavit under section 8.
- 110.26 Affidavit under section 12 (c).
- 110.27 Affidavit under section 15.
- 110.28 Combined affidavits under sections 8 and 15.
- 110.31 Notice of opposition.
- 110.32 Petition for cancellation of trade-marks.
- 110.33 Appeal from the examiner of trade-marks to the Commissioner in ex parte cases.
- 110.34 Appeal from the examiner of interferences to the Commissioner in contested or inter partes proceedings.
- 110.35 Assignment of application for registration.
- 110.36 Assignment of registered mark.

AUTHORITY: §§ 110.1 to 110.36, inclusive, issued under acts: 1 and 41, Pub. Law 463, 73rd Cong., 60 Stat. 427, 449; 15 U. S. C. 1051, 1123.

NOTE: The following forms illustrate the manner of preparing applications for registration of marks and various papers in trade-mark cases, to be filed in the Patent Office. Applicants and other parties will find their business facilitated by following them. These forms should be used in cases to which they are applicable. A sufficient number of representative forms are given which, with the variations indicated by the notes, should take care of all the usual situations. In special situations such alterations as the circumstances may render necessary may be made provided they do not depart from the requirements of this part or the statute. Before using any forms the pertinent rules and sections of the statute should be studied carefully.

§ 110.1 *Application for trade-mark registration by an individual, Principal Register.*

To the COMMISSIONER OF PATENTS.

(Statement)

_____, a citizen of _____
 (Name) (Citizenship)
 residing at _____ and doing
 business at _____ has adopted
 and is using the trade-mark shown in the
 accompanying drawing for _____

 (Particular description of goods)
 _____ in Class _____

 (Number and title of Class)

_____ and presents herewith five
 specimens (or facsimiles) showing the trade-
 mark as actually used in connection with
 such goods, the trade-mark being applied to
 (1) _____ and requests that
 the same be registered in the United States
 Patent Office on the Principal Register in
 accordance with the act of July 5, 1946.

The trade-mark was first used on (2) _____
 (Date)
 and first used in commerce (3) _____ which
 may lawfully be regulated by Congress on

 (Date)

(Declaration)

Applicant, being duly sworn, deposes and
 says that he believes himself to be the owner
 of the trade-mark, which is in use in com-

merce (3) _____ and that no
 other person, firm, corporation, or associa-
 tion, to the best of his knowledge and belief,
 has the right to use such trade-mark in
 commerce which may lawfully be regulated
 by Congress, either in the identical form
 thereof or in such near resemblance thereof
 as might be calculated to deceive, that the
 drawing and description truly represent the
 trade-mark sought to be registered, that the
 specimens (or facsimiles) show the trade-
 mark as actually used in connection with
 the goods, and that the facts set forth in the
 statement are true.

(Power of Attorney)

The undersigned hereby appoints _____
 _____ of _____
 State of _____ Regis-
 tration No. _____ (4) _____
 his attorney (or agent) to prosecute this
 application for registration with full power
 of substitution and revocation, to transact
 all business in the Patent Office connected
 therewith, and to receive the certificate.

(Signature)

State of _____ }
 County of _____ } ss.

Before me personally appeared _____
 _____ to me known to be the per-
 son described in the above application for
 registration, who signed the foregoing in-
 strument in my presence, and made oath
 before me to the allegations set forth there-
 in, on the _____ day of _____
 19____.

(Notary Public)

NOTES: (1) Insert: "the goods" "the con-
 tainers for the goods" "displays associated
 with the goods" and/or, "tags or labels af-
 fixed to the goods" as the case may be.

(2) State the date on which the trade-
 mark was first used as a trade-mark whether
 or not in commerce which may lawfully be
 regulated by Congress.

(3) Specify kind of commerce, such as:
 "among the several states" "in commerce
 between foreign nations and the United
 States" or specify other commerce which
 may lawfully be regulated by Congress, as
 the case may be.

(4) If the attorney is not registered on
 the Patent Office Register the power of at-
 torney or separate paper must recite the bar
 to which he has been admitted to practice
 as required by § 109.42 of this chapter.

If the applicant is not domiciled in the
 United States a domestic representative must
 be appointed, see § 110.19 for appropriate
 paragraph.

§ 110.2 *Application for trade-mark registration by a firm, Principal Register.*

To the COMMISSIONER OF PATENTS.

(Statement)

_____ a firm domiciled in _____
 (Firm name) (Domicile)
 doing business at _____ and
 (Business address)
 composed of the following members _____

 (Names of firm members) }
 all citizens of _____
 (Citizenship of firm members)
 has adopted and used the trade-mark shown
 in the accompanying drawing for _____

 (Particular description of goods)
 in Class _____ (Number and Title of Class)
 and

presents herewith five specimens (or facsimi-
 les) showing the trade-mark as actually used
 in connection with such goods, the trade-
 mark being applied to _____ and re-
 quests that the same be registered in the
 United States Patent Office on the Principal

RULES AND REGULATIONS

Register in accordance with the act of July 5, 1946.

The trade-mark was first used on (Date) and first used in commerce (Date) which may lawfully be regulated by Congress on (Date) (Declaration)

being duly sworn, deposes and says that he is a member of the firm of (Firm name) the applicant named in the foregoing statement, that he believes that said firm is the owner of the trade-mark, which is in use in commerce and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens (or facsimiles) show the trade-mark as actually used in connection with the goods, and that the facts set forth in the statement are true.

(Power of Attorney)

The undersigned hereby appoints (Name) of (State) Registration No. (No.) its attorney (or agent) to prosecute this application for registration with full power of substitution and revocation, to transact all business in the Patent Office connected therewith, and to receive the certificate.

By (Firm name) (Full signature of member of firm)

State of (State) County of (County) ss.

Before me personally appeared (Name) to me known to be the person described in the above application for registration, who signed the foregoing instrument in my presence, and made oath before me to the allegations set forth therein, on the (Date) day of (Month), 19(Year) (Notary Public)

NOTE: See § 110.1 for appropriate notes.

§ 110.3 Application for trade-mark registration by a corporation, Principal Register

To the COMMISSIONER OF PATENTS: (Statement)

(Name) a corporation (1) duly organized under the laws of (State or country under which organized) located at (Location of corporation) and doing business at (Business address) has adopted and used the trade-mark shown in the accompanying drawing for (Particular description of goods) in Class (Number and title of class)

and presents herewith five specimens (or facsimiles) showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to (Particular description of goods) and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used on (Date)

and first used in commerce (Date) which may lawfully be regulated by Congress on (Date) (Declaration)

(Name of affiant) being duly sworn, deposes and says that he is the (Official title) of (Corporation (1) name)

named in the foregoing statement, that he believes that said corporation (1) is the owner of the trade-mark which is in use in commerce and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens (or facsimiles) show the trade-mark as actually used in connection with the goods, and that the facts set forth in the statement are true.

(Power of Attorney)

The undersigned hereby appoints (Name) of (State) Registration No. (No.) its attorney (or agent) to prosecute this application for registration with full power of substitution and revocation, to transact all business in the Patent Office connected therewith, and to receive the certificate.

By (Name of applicant) (Full signature of officer) (Official title)

State of (State) County of (County) ss.

Before me personally appeared (Name) to me known to be the person described in the above application for registration, who signed the foregoing instrument in my presence and made oath before me to the allegations set forth therein, on the (Date) day of (Month), 19(Year) (Notary Public)

NOTES: (1) If applicant is an association, the word "association" should be substituted for the word "corporation." See § 110.1 for other applicable notes.

§ 110.6 Application for trade-mark registration claiming concurrent use, Principal Register.

To the COMMISSIONER OF PATENTS: (Statement)

(Name) a citizen of (Citizenship) residing at (Address) and doing business at (Address) has adopted and is using the trade-mark shown in the accompanying drawing for (Particular description of goods) in Class (Number and title of class)

and presents herewith five specimens (or facsimiles) showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to (Particular description of goods) and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946, for the goods stated above for the area comprising (2) (Particular description of goods)

The trade-mark was first used by applicant on (Date) and first used (Date)

by applicant in commerce (Date) which may lawfully be regulated by Congress on (Date)

(Exceptions to claim of exclusive use)

The following exceptions to applicant's claim of exclusive use are specified:

By (Name) located and doing business at (Address) and using the mark (Description) of the mark and Registration No., or application, Serial (No. if any)

in connection with the following (Description) the mark being used as follows (Mode of application or use) embracing the states of (List of states) from (Date) to (Date) and, (Date) (Date) and,

By (Name) located and doing business, etc.

(Declaration)

Applicant being duly sworn, deposes and says that he believes himself to be the owner of the trade-mark which is in use in commerce (Date) and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, except for the specified exceptions, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens (or facsimiles) show the trade-mark as actually used in connection with the goods, and that the facts set forth in the statement are true.

(Power of Attorney)

(Use Power of Attorney and Verification of § 110.1.)

NOTES: (1) Insert "the goods" "the containers for the goods" "displays associated with the goods" and/or, "tags or labels affixed to the goods" as the case may be.

(2) Describe the area for which registration is desired.

(3) State the date on which the trade-mark was first used as a trade-mark whether or not in commerce which may lawfully be regulated by Congress.

(4) Specify the kind of commerce, such as: "among the several States" "in commerce between foreign nations and the United States" or specify other commerce which may lawfully be regulated by Congress, as the case may be.

See §§ 110.2 and 110.3 for style of application by a firm and by a corporation.

§ 110.9 Application for service mark registration, Principal Register.

To the COMMISSIONER OF PATENTS: (Statement)

(Name) a citizen of (Citizenship) residing at (Address)

and doing business at (Address) has adopted and is using the service mark shown in the accompanying drawing for (1) (Particular description of services) in Class (Number and title of Class)

and presents herewith (2) (Particular description of services) showing the service mark as actually used in connection with the sale or advertising of such

services; the service mark being used as follows: _____ and _____

(Mode of application or use) requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The service mark was first used on (3) _____ and first used in the sale or _____

(Date) advertising of services and the services rendered in commerce (4) _____ which may lawfully be regulated by Congress on _____

(Date) _____

(Declaration)

Applicant being duly sworn, deposes and says that he believes himself to be the owner of the service mark, which is in use in commerce (4) _____ and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such service mark in commerce which may lawfully be regulated by Congress either in the identical form thereof, or in such near resemblance thereto as might be calculated to deceive; that the drawing (if any) and description truly represent the service mark sought to be registered; that (5) _____ show the service mark as actually used in connection with the sale or advertising of services, and that the facts set forth in the Statement are true.

(Power of Attorney)

(Use Power of Attorney and Verification of § 110.1.)

Notes: (1) If drawing is not possible, see § 100.91 of this chapter, insert description of the mark instead of reference to the drawing.

(2) If specimens (or facsimiles) are not possible, see § 100.103 of this chapter, state the nature of other representation furnished.

(3) State the date on which the mark was first used as a service mark whether or not the services were rendered in commerce which may lawfully be regulated by Congress.

(4) Specify kind of commerce, such as: "among the several states" "in commerce between foreign nations and the United States" or specify other commerce which may lawfully be regulated by Congress, as the case may be.

(5) Insert: "the specimens (or facsimiles)" or, state nature of other representation furnished.

See §§ 110.2 and 110.3 for style of application by a firm and by a corporation.

§ 110.12 Application for collective mark registration, Principal Register.

To the COMMISSIONER OF PATENTS:

(Statement)

_____ an association (1) duly organized under the laws of _____

(Name of applicant) _____

(State or county under which organized) located at _____

(Location of association) (1) and doing business at _____

(Business address) _____

has adopted and is exercising legitimate control over the use of the collective mark shown in the accompanying drawing for _____ in _____

(Particular description of goods) Class _____ and pre-

(Number and title of Class) _____

sents herewith five specimens (or facsimiles) showing the collective work as actually used in connection with such goods by members of such organization, the collective mark being applied to (2) _____ and _____

requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946. The collective mark is used in connection with the goods to indicate (3) _____

The collective mark was first used on (4) _____ and first used in _____

(Date) _____

commerce (5) _____ which may lawfully be regulated by Congress on _____

(Date) _____

(Declaration)

_____ of _____ (Name of affiant) _____ (Official title) _____, the applicant named _____

(Association (1) name) _____

in the foregoing statement, being duly sworn, deposes and says that he believes said association (1) is the owner of the collective mark which is in use in commerce (5) _____ and that, to the best of his knowledge and belief, no other person, firm, corporation or association has the right to authorize the use of, and no person, firm, corporation or association other than members has the right to use, such collective mark in commerce which may lawfully be regulated by Congress either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the collective mark sought to be registered, that the specimens (or facsimiles) show the mark as actually used in connection with the goods, and that the facts set forth in the statement are true.

(Power of Attorney)

(Use Power of Attorney and Verification of § 110.3)

Note: (1) Or cooperative or other collective group or organization.

(2) Insert: "the goods" "the containers for the goods" "displays associated with the goods" and/or "tags or labels affixed to the goods" as the case may be.

(3) Membership in the organization or other appropriate statement.

(4) State the date on which the mark was first used as a collective mark whether or not in commerce which may lawfully be regulated by Congress.

(5) Specify the kind of commerce, such as: "among the several states" "in commerce between foreign nations and the United States" or specify other commerce which may lawfully be regulated by Congress, as the case may be.

See §§ 110.1 and 110.2 for style of application by an individual and by a firm, and § 110.9 for style of application for service mark.

§ 110.13 Application for certification mark registration, Principal Register.

To the COMMISSIONER OF PATENTS:

(Statement)

_____ a corporation (1) duly organized under the laws of _____

(Name of applicant) _____

(State or country under which organized) located at _____

(Location of corporation) _____

and doing business at _____

(Business address) _____

has adopted and is exercising legitimate control over the use of the certification mark shown in the accompanying drawing for _____ in Class _____

(Particular description of goods) _____ and presents herewith five specimens _____ showing _____

(Number and title of Class) _____ (Or facsimiles) _____ the certification mark as actually used in connection with such goods by persons duly

authorized by applicant, the certification mark being applied to (2) _____ and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946. The certification mark is used upon the goods to indicate (3) _____

The certification mark was first used on _____

(4) _____ and first used in commerce _____

(Date) _____

(5) _____ which may lawfully be regulated by Congress on _____

(Date) _____

(Declaration) _____

_____ being duly sworn, deposes and says that he is the _____ of _____

(Name of affiant) _____

(Official title) _____

(Corporation (1) name) _____

in the foregoing statement; that he believes that said corporation (1) is the owner of the certification mark which is in use in commerce (5) _____ and that to the best of his knowledge and belief, no other person, firm, corporation or association has the right to authorize the use of such mark and that no person, firm, corporation or association other than those duly authorized by applicant has the right to use the mark in commerce which may lawfully be regulated by Congress either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the certification mark sought to be registered, that the specimens (or facsimiles) show the certification mark as actually used in connection with the goods, that the applicant itself is not engaged in the production or marketing of goods with which the mark is used, and that the facts set forth in the statement are true.

(Power of Attorney)

(Use Power of Attorney and Verification of § 110.3.)

Note: (1) If applicant is an association, the word "association" should be substituted for the word "corporation."

(2) Insert: "the goods" "the containers for the goods" "displays associated with the goods" and/or "tags or labels affixed to the goods" as the case may be.

(3) Insert a statement that the mark certifies regional or other origin, material, mode of manufacture, quality, accuracy or other characteristic of such goods, or that the work or labor on the goods was performed by a member of a union or other organization, or other appropriate statement.

(4) State the date on which the mark was first used as a certification mark whether or not in commerce which may lawfully be regulated by Congress.

(5) Specify kind of commerce, such as: "among the several states" "in commerce between foreign nations and the United States" or specify other commerce which may lawfully be regulated by Congress, as the case may be.

See §§ 110.1 and 110.2 for style of application by an individual and by a firm and § 110.9 for style of application for service mark.

§ 110.16 Application for trade-mark registration, Supplemental Register.

To the COMMISSIONER OF PATENTS:

(Statement)

_____ a citizen of _____

(Name of applicant) _____

(Citizenship) _____ residing at _____ and doing business at _____

has adopted and is using the mark shown for _____
 (Particular description of goods)
 in Class _____
 (Number and title of Class)
 and presents herewith five specimens (or facsimiles) showing the mark as actually used in connection with such goods, the mark being applied to (1) _____ and requests that the same be registered in the United States Patent Office on the Supplemental Register in accordance with the act of July 5, 1946.

The mark was first used on (2) _____
 (Date)
 and first used in commerce (3) _____
 which may lawfully be regulated by Congress on _____, and has been in law-
 (Date)
 ful use in such commerce upon or in connection with the goods for the year preceding the filing of this application. (4)
 (Declaration)

Applicant being duly sworn, deposes and says that he believes himself to be the owner of the mark, which is in use in commerce (3) _____ and that no other person, firm, corporation or association to the best of his knowledge and belief, has the right to use such mark in commerce which may lawfully be regulated by Congress, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing (if any) and description truly represent the mark sought to be registered, that the specimens (or facsimiles) show the mark as actually used in connection with the goods, and, that the facts set forth in the statement are true.

(Power of Attorney)
 (Use Power of Attorney and Verification of § 110.1.)

NOTES: (1) Insert: "the goods" the "containers for the goods", "displays associated with the goods" and/or "tags or labels affixed to the goods" as the case may be.

(2) State the date on which the trade-mark was first used as a trade-mark whether or not in commerce which may lawfully be regulated by Congress.

(3) Specify kind of commerce, such as: "among the several states", "in commerce between foreign nations and the United States" or specify other commerce which may lawfully be regulated by Congress, as the case may be.

(4) If appropriate, substitute for last clause: "and applicant has begun the use of such mark in commerce between the United States and _____"

(Specify foreign country)

In the latter instance a separate showing should be submitted to the effect that domestic registration is required as a basis for foreign protection of said mark.

See §§ 110.2 and 110.3 for style of application by a firm and by a corporation.

See §§ 110.9, 110.12 and 110.13 for style of application for service, collective and certification marks.

§ 110.19 *Application for trade-mark registration based on foreign registration or application.*

To the COMMISSIONER OF PATENTS:
 (Statement)

_____, a citizen of _____
 (Name) (Citizenship)
 residing at _____ and doing
 business at _____ has
 adopted and is using the trade-mark shown in the accompanying drawing for _____
 (Particular description of goods)
 in Class _____
 (Number and title of Class)

_____ and presents herewith five specimens (or facsimiles) showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to (1) _____ and requests that the same be registered in the United States Patent Office on the Principal (2) Register in accordance with the act of July 5, 1946.

Such trade-mark has been registered in _____ Registration No. _____
 (Country)

dated _____, and said registration is now in force and effect. (3)

(Declaration)

Applicant being duly sworn, deposes and says that he believes himself to be the owner of the trade-mark, which is in use as a trade-mark and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens (or facsimiles) show the trade-mark as actually used in connection with the goods, and that the facts set forth in the statement are true.

(Domestic Representative)

_____ whose postal address is _____, is
 (Street) (City) (State)
 designated as applicant's representative on whom notices or process in proceedings affecting the mark may be served.

(Power of Attorney)

The undersigned hereby appoints _____ of _____ State of _____ Registration No. _____ (4) _____ his attorney (or agent) to prosecute this application for registration with full power of substitution and revocation, to transact all business in the Patent Office connected therewith, and to receive the certificate.

 (Signature)

_____ ss.

Before me personally appeared _____ to me known to be the person described in the above application for registration, who signed the foregoing instrument in my presence, and made oath before me to the allegations set forth therein on the _____ day of _____ 19____.

 (Notary Public) (5)

NOTES: (1) Insert "the goods" "the containers for the goods" "displays associated with the goods" and/or "tags or labels affixed to the goods" as the case may be.

(2) Or, "Supplemental," if appropriate.

(3) If the right of priority of an application filed in a foreign country is claimed, the following paragraph should be substituted:

"Application for registration of said trade-mark has been filed in _____
 (Country)

on _____, Registration No. _____
 (Date)

dated _____, and a right of priority based on this application is claimed." If the registration has not yet been granted, the registration number and date in this substitute paragraph may be left blank for subsequent insertion.

(4) If the attorney is not registered on the Patent Office Register the power of attorney or separate paper must recite the bar to which he has been admitted as required by § 100.42 of this chapter.

(5) If made in a foreign country the oath may be taken before any diplomatic or consular officer of the United States or before any official authorized to administer oaths in

the foreign country concerned whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States.

See §§ 110.2 and 110.3 for style of application by a firm and by a corporation.

See §§ 110.9, 110.12 and 110.13 for style of application for service, collective and certification marks.

§ 110.21 *Application for renewal of registration by an individual.*

To the COMMISSIONER OF PATENTS:
 (Application)

_____, a citizen of (1) _____ residing at _____
 (Citizenship)
 _____ and doing business
 (Address)

at _____ requests
 (Business address)
 that Certificate of Registration No. _____ granted to _____ on _____ which he now owns as evidenced by the accompanying (2) _____ be renewed (3) in accordance with the provisions of section 9 of the Trade-Mark Act of July 5, 1946.

The renewal fee of \$25.00 (4) is presented herewith.

(Affidavit)

Applicant, being duly sworn, deposes and says that he is the owner of the Registration No. _____ and that the mark described therein is still in use in commerce (5) _____ and that the facts recited in the application are true.

(Power of Attorney)

The undersigned hereby appoints _____ of _____ State of _____ Registration No. _____ (6) _____ his attorney (or agent) to prosecute this application for renewal with full power of substitution and revocation, to transact all business in the Patent Office connected therewith, and to receive the certificate.

 (Signature)

State of _____ } ss. (Date)
 County of _____ }

Before me personally appeared _____ to me known to be the person described in the above application for renewal, who signed the foregoing instrument in my presence, and made oath before me to the allegations set forth therein on the _____ day of _____ 19____.

 (Notary Public)

NOTES: (1) If applicant is not domiciled in the United States, a domestic representative must be designated. See § 110.19 for appropriate language for such designation.

(2) Abstract of title, or, title report, as the case may be.

(3) If the registration sought to be renewed is registered under the act of March 19, 1920, here insert "on the Supplemental Register" and add the following paragraph: "Renewal of Registration No. _____ is necessary to support Registration No. _____ registered in _____ on _____
 (Foreign country)

 (Date)

(4) If the application is a delayed application for renewal, the fee is \$30.00.

(5) Specify the kind of commerce, such as: "among the several states" "in commerce between foreign nations and the United States" or specify other commerce which may lawfully be regulated by Congress, as the case may be.

(6) If the attorney is not registered on the Patent Office Register, the power of attorney

or separate paper must recite the bar to which he has been admitted as required by § 100.42.

§ 110.25 Affidavit under section 8.

To the COMMISSIONER OF PATENTS:

..., being duly sworn, deposes and says that he is the owner of Registration No. ..., dated ... (1) as evidenced by the accompanying (2) ..., that the mark described therein is still in use (3) ...

(Power of Attorney)

The undersigned hereby appoint ... of ... State of ... Registration No. ... (4) ... his attorney (or agent) to file this affidavit, with full power of substitution and revocation, and to transact all business in the Patent Office in connection therewith,

(Signature)

State of ... } ss. (Date) County of ...

Before me personally appeared ... to me known to be the person described in the foregoing affidavit, who signed the said affidavit in my presence, and made oath before me to the allegations set forth therein on the ... day of ... 19...

(Notary Public)

NOTES: (1) If the mark has been republished under the provisions of subsection (c) of section 12 of the Trade-Mark Act of 1946, add the following: "and republished ..."

(Date of republication)

(2) Abstract of title, or, title report, as the case may be.

(3) Recite sufficient facts to show that the mark is still in use and indicate the nature of such use, or, if the mark is not being used, recite sufficient facts to show that non-use is due to special circumstances which excuse such non-use and is not due to any intention of the owner to abandon the mark.

(4) If the attorney is not registered on the Patent Office register, the power of attorney or a separate paper must recite the bar to which he has been admitted as required by § 100.42.

§ 110.26 Affidavit under section 12 (c).

To the COMMISSIONER OF PATENTS:

Registration No. ... Dated ... Act of ... To ... (Registrant)

..., being duly sworn, deposes and says that he is the owner of Registration No. ..., above identified, as evidenced by the accompanying (1) ..., that said registration is now in force; that the trade-mark described therein is in use in commerce (2) ... on each of the following goods named in said registration ... and claims the benefits of the Trade-Mark Act of 1946 for said trade-mark.

(Power of Attorney)

(Use Power of Attorney and Verification of § 110.25.)

NOTES: (1) Abstract of title, or, title report, as the case may be.

(2) Specify the kind of commerce, such as "among the several states" "in commerce between foreign nations and the United States" or specify other commerce which may lawfully be regulated by Congress, as the case may be.

§ 110.27 Affidavit under section 15.

To the COMMISSIONER OF PATENTS:

..., being duly sworn, deposes and says that he is the

owner of Registration No. ... dated ... (1), that the mark described in said registration has been in continuous use in commerce (2) ... for five consecutive years, from ... to ... subsequent to the date of registration (or republication), on or in connection with the following ... (Particular description of goods or services) ... stated in the registration and that said mark is still in use in commerce (2) ... that there has been no final decision adverse to affiant's claim of ownership of such mark (3) ... or his right to register the same, or keep the same on the register, and, that there is no proceeding involving said rights pending in the Patent Office or in a court and not finally disposed of.

(Power of Attorney)

(Use Power of Attorney and Verification of § 110.25.)

NOTES: (1) If the mark has been republished under the provisions of subsection (c) of section 12 of the Trade-Mark Act of 1946, add the following: "and republished ..."

(Date of republication)

(2) Specify the kind of commerce, such as: "among the several states" "in commerce between foreign nations and the United States" or specify other commerce which may lawfully be regulated by Congress, as the case may be.

(3) Insert: "for such goods" or "for such services" as the case may be.

§ 110.28 Combined affidavits under sections 8 and 15.

To the COMMISSIONER OF PATENTS:

..., being duly sworn, deposes and says that he is the owner of Registration No. ..., dated ... (1), as evidenced by the accompanying (2) ..., that the mark described therein has been in continuous use in commerce (3) ... for five consecutive years, from ... to ... subsequent to the date of registration, on or in connection with the following ... (Particular description of goods or services) ... stated in the registration; that the mark is still in use in commerce (4) ... that there has been no final decision adverse to affiant's claim of ownership of such mark (5) ... or his right to register the same, or keep the same on the register, and, that there is no proceeding involving said rights pending in the Patent Office or in a court and not finally disposed of.

(Power of Attorney)

(Use Power of Attorney and Verification of § 110.25.)

NOTES: (1) If the mark has been republished under the provisions of subsection (c) of section 12 of the Trade-Mark Act of 1946, add the following: "and republished ..."

(Date of republication)

(2) Abstract of title, or, title report, as the case may be.

(3) Specify the kind of commerce, such as: "among the several states" "in commerce between foreign nations and the United States" or specify other commerce which may lawfully be regulated by Congress, as the case may be.

(4) Recite sufficient facts to show that the mark is still in use and indicate the nature of such use, or, if the mark is not being used,

recite sufficient facts to show that non-use is due to special circumstances which excuse such non-use and is not due to any intention of the owner to abandon the mark.

(5) Insert: "for such goods" or, "for such services" as the case may be.

§ 110.31 Notice of opposition.

To the COMMISSIONER OF PATENTS:

In the matter of an application for the registration of a trade-mark for ... (Particular goods)

Serial No. ... (Number and date of application)

by ... (Name of applicant)

... (Location or residence of applicant) which was published on page ... (Volume, number)

of the Official Gazette of ... (Date of the Official Gazette)

I, ... (Name of opposer)

residing at ... (Residence or location of opposer)

believe I would be damaged by such registration, and I hereby oppose the registration of said trade-mark.

The grounds for opposition are as follows: (Here state the specific grounds of opposition and facts tending to show why the opposer believes he would be damaged by the proposed registration.)

Two specimens of the mark as used by me are attached hereto.

..., being duly sworn (or affirmed), deposes and says that he is the party of that name mentioned in the foregoing notice of opposition, that he has read and signed the same and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

(Name of opposer)

(or affirmed), deposes and says that he is the party of that name mentioned in the foregoing notice of opposition, that he has read and signed the same and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

(Signature of opposer)

State of ... } ss. County of ...

Subscribed and sworn to (or affirmed) before me this ... day of ... (Notary Public)

§ 110.32 Petition for cancellation of trade-marks.

To the COMMISSIONER OF PATENTS:

In the matter of Trade-Mark Registration No. ... registered (Number of registration)

by ... (Date of registration) (Name of registrant)

of ... (Residence or location of registrant)

I, ... (Name of petitioner)

residing at ... (Residence or location of petitioner)

deem myself damaged by said registration, and hereby petition for cancellation thereof.

The grounds for cancellation are as follows: (Here state the specific grounds for cancellation and facts tending to show why the petitioner believes he is or will be damaged by the registration.)

Two specimens of the mark as used by me are attached hereto.

..., being duly sworn (or affirmed), deposes and says that he is the party of that name mentioned in the foregoing petition for cancellation, that he has read and signed the same and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated to be alleged upon

information and belief, and as to those matters he believes it to be true.

(Signature)

State of _____ ss.
County of _____

Subscribed and sworn to (or affirmed) before me this _____ day of _____

(Notary Public)

§ 110.33 Appeal from the examiner of trade-marks to the Commissioner in ex parte cases.

(Heading, Application or Registration)

To the COMMISSIONER OF PATENTS:

I hereby appeal to the Commissioner from the decision rendered _____ 19____, by the Examiner of Trade-Marks in the matter of my (1) _____

The following are assigned as reasons of appeal: (Here should follow an explicit statement of the alleged errors in the decision of the Examiner of Trade-Marks.)

(Name of applicant)

(Signature)

NOTE: (1) Insert one of the following applicable clauses: "application for registration, Serial No. _____, filed _____ 19____," or "application for renewal of registration No. _____, dated _____," or "affidavit filed under section 8 of the Trade-Mark Act of July 5, 1946, in Registration No. _____, dated _____"

§ 110.34 Appeal from the examiner of interferences to the Commissioner in contested or inter partes proceedings.

(1) _____ (3) _____
v.

(2) _____ No. _____

To the COMMISSIONER OF PATENTS:

I hereby appeal to the Commissioner from the decision rendered _____, 19____, by the Examiner of Interferences in the above identified proceeding. The following are the points of the decision on which appeal is taken: (Here should follow an explicit statement of the alleged errors in the decision appealed from.)

(Name of appellant)

(Signature)

NOTES: (1) Name of party in position of plaintiff.

(2) Name of party in position of defendant.

(3) Type (Interference, Opposition, Cancellation or concurrent use) and identification number of proceeding.

§ 110.35 Assignment of application for registration.

Whereas _____ of the city of _____, county of _____ and State of _____, has adopted and used in his business a trade-mark for which he has filed application for registration, Serial No. _____ dated _____ 19____, in the United States Patent Office; and

Whereas _____ of the city of _____, county of _____ and State of _____, is desirous of acquiring said mark:

Now, Therefore, To all Whom It May Concern:

Be it known that for and in consideration of the sum of _____ dollars and other good and valuable consideration to him paid, the receipt of which is hereby acknowledged, said _____ by

these presents does sell, assign, and transfer, unto the said _____ the entire right, title, and interest in and to the said trade-mark and the good will of the business in connection with which the mark is used, (1), and the Commissioner of Patents is requested to issue the certificate of registration of said mark to said assignee.

State of _____ ss.
County of _____

Personally appeared before me the said _____ and acknowledged the above instrument as his free act and deed this _____ day of _____, 19____

(Notary Public)

NOTE: (1) Or this phrase may read in appropriate circumstances: "that part of the good will of the business connected with the use of and symbolized by the mark."

§ 110.36 Assignment of registered mark.

Whereas _____ of the City of _____, county of _____ and State of _____, has adopted and used in his business a trade-mark, which is registered under No. _____, dated _____, 19____, in the United States Patent Office; and

Whereas _____ of the City of _____, county of _____ and State of _____, is desirous of acquiring said mark:

Now, Therefore, To All Whom It May Concern:

Be it known that for and in consideration of the sum of _____ dollars and other good and valuable consideration to him in hand paid, the receipt of which is hereby acknowledged, said _____ by these presents does sell, assign, and transfer, unto the said _____ the entire right, title, and interest in and to the said trade-mark and the registration thereof, No. _____ together with the good will of the business in connection with which the said mark is used. (1)

(Signature)

State of _____ ss.
County of _____

Personally appeared before me the said _____ and acknowledged the above instrument as his free act and deed this _____ day of _____, 19____

(Notary Public)

NOTE: (1) Or the last phrase may read in appropriate circumstances: "that part of the good will of the business connected with the use of and symbolized by the mark."

[SEAL] CASPER W. OOMS,
Commissioner of Patents.

Approved:

WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-5783; Filed, June 18, 1947; 8:53 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post-Office Department

PART 21—INTERNATIONAL POSTAL SERVICE SERVICE TO FOREIGN COUNTRIES; AUSTRIA

The regulations under the country "Austria" (39 C. F. R., Part 21, Subpart B—Service to Foreign Countries), as

amended (12 F. R. 1604), are further amended as follows:

1. The table of rates under "Parcel post" is amended to read as follows:

Table with 4 columns: Pounds, Rate, Pounds, Rate. Rows 1-11 showing rates for parcel post.

Weight limit: 22 pounds. Group shipments: No.

Customs declarations: 1 Form 2966. Registration: No.

Dispatch note: 1 Form 2972. Insurance: No. Parcel-post sticker: 1 Form 2922. O. o. d. No.

Sealing: Optional. Exchange offices: New York, Chicago.

2. Under "Observations", delete the first paragraph reading: "Only one parcel per week may be sent by or on behalf of the same sender to or for the same addressee."

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

This amendment shall be effective at once.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-5767; Filed, June 18, 1947; 8:49 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE SERVICE TO FOREIGN COUNTRIES; INCREASED MAIL SERVICE TO GERMANY

The regulations under the country "Germany" (39 CFR, Part 21, Subpart B—Service to Foreign Countries), as amended (12 F. R. 706, 1604, 3305), are further amended as follows:

1. Change paragraph (a) (12 F. R. 1604, 3305) to read:

Restricted resumption of mail service to all of Germany. (a) Effective at once ordinary letters weighing not in excess of one pound and containing merchandise, restricted to gifts and samples, illustrated post cards not of a fascist or subversive character, and non-illustrated post cards, may be accepted for transmission either by surface means or air to all of Germany. Mail service to all zones of Germany also is extended to include printed matter for the blind, not in excess of the weight specified in paragraph (h). Letters written in Braille, and not exceeding the present weight limit of 1 pound may be accepted for mailing to all zones of Germany. Letters in Braille and printed matter for the blind will be subject to the regulations concerning the character of correspondence which may be sent to Germany. The regular rates for sealed letters, and printed matter for the blind, will apply to these articles when sent by surface means. If sent by air the postage rate and weight limit for air mail will apply. Envelopes must not have any inner-lining nor carry any indication other than the address of the sender and addressee and necessary postal directions.

2. Change paragraph (b) (12 F. R. 706) to read as follows:

(b) Communications are restricted for the present to the following: (1) to those of a personal or family character; (2) documents, such as birth, death, or marriage certificates, wills, and legal notices; (3) business communications of a non-transactional nature limited to the ascertainment of facts and exchange of information, except information regarding German external assets; and (4) commercial correspondence relating to and implementing such transactions as may be legal under laws and regulations of the Allied Control Authority, Military Government law, and German law, provided that all external values resulting from any transactions shall accrue to the accounts of the respective military governments concerned. Responsibility for compliance with these regulations and laws will rest with the mailer.

3. Change paragraph (c) (12 F. R. 706) to read as follows:

(c) Except as provided in paragraph (b) the closing of business deals and contracts by mail will not be permitted. Correspondence regarding German external assets, even if only of a simple informational character, is prohibited. The enclosure of checks, drafts, securities, or currency in letters to civilians and commercial firms is prohibited; remittances in connection with any transactions, together with correspondence respecting the final arrangements, must be handled in accordance with procedures prescribed by the headquarters of the respective military governments.

4. Amend paragraph (h) (3) (12 F. R. 706) to read as follows:

(3) Parcels must not exceed 22 pounds in weight, or measure more than 36 inches in length or 72 inches in length and girth combined.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

This amendment shall be effective June 15, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-5768; Filed, June 18, 1947;
8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[EX PARTE NOS. MC-3, MC-4]

PART 194—NECESSARY PARTS AND ACCESSORIES

SAFETY REGULATIONS GOVERNING TRANSPORTATION OF MOTOR VEHICLES BY DRIVEAWAY METHOD

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 12th day of June A. D. 1947.

In the matter of qualifications of employees and safety of operation and equipment of common carriers and contract carriers by motor vehicle.

In the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers.

Upon consideration of the records in the above-entitled proceedings, and of:

(1) Petition of Pilot Manufacturing Company, dated April 15, 1947, (a) for

stay of effective date of order of Division 5, (b) for reconsideration, and (c) for further hearing;

(2) Petition of DeTar and Hannum, dated March 27, 1947, (a) for stay of effective date of order of Division 5, (b) for reconsideration, and (c) for further hearing;

(3) Petition of Dallas & Mavis Forwarding Co., Inc., dated April 4, 1947, (a) for stay of effective date of order of Division 5, and (b) for reconsideration;

(4) Petition of Marion Manufacturing Corporation, dated April 8, 1947, for stay of effective date of order of Division 5;

(5) Petition of National Automobile Transporters Association, dated April 9, 1947, (a) for reconsideration, (b) for oral argument, and (c) for postponement of effective date of order of Division 5;

(6) Joint petition of Howard Sober, Inc., Kenosha Auto Transport Corporation, and Fugate and Girton Driveaway Company, Inc., dated April 18, 1947, (a) for reconsideration, and (b) for oral argument;

and good cause appearing therefor;

It is ordered, That the order entered herein on February 27, 1947 (12 F. R. 1730) as subsequently modified to become effective June 18, 1947, be, and it is hereby, further modified to become effective on August 18, 1947.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5775; Filed, June 18, 1947;
8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

17 CFR, Part 7281

WHEAT

NOTICE OF PROPOSED PROCLAMATION WITH RESPECT TO NATIONAL ACREAGE ALLOTMENT AND MARKETING QUOTA FOR 1948 CROP

Pursuant to Title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. and Sup., 1301-1393), the Secretary of Agriculture is required by section 332 thereof to proclaim not later than July 15, the national acreage allotment for the 1948 crop of wheat. In preparing to issue such proclamation the Secretary has under consideration sections 304 and 371 (b) of the act, which provide that the marketing quota provisions thereof shall not be invoked or continued in effect with respect to any one of the several commodities to which farm marketing quotas are applicable in case the Secretary finds a suspension or termination of the provisions necessary to protect consumers or to meet a national emergency.

No. 120—4

Any persons interested in the proclamation to be made by the Secretary may submit their views thereon in writing to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than June 30, 1947.

Issued at Washington, D. C., this 16th day of June 1947.

[SEAL] RALPH S. TRIGG,
Deputy Administrator.

[F. R. Doc. 47-5803; Filed June 18, 1947;
8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

129 CFR, Part 6811

HOME WORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN NEEDLEWORK INDUSTRIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that 30 days from publication hereof in the FEDERAL REGIS-

TER the Administrator of the Wage and Hour Division, United States Department of Labor, intends to adopt the regulations hereinafter set forth. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. Four copies of all written material should be submitted. The proposed regulations are to be issued under the authority contained in sections 6 (a) (5) and 11 (c) of the Fair Labor Standards Act of 1938 (sec. 3 (f), 54 Stat. 616, sec. 11 (c) 52 Stat. 1066; 29 U. S. C. 206 (a) (5) 211 (c)).

PART 681—REGULATIONS RELATING TO HOME WORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN NEEDLEWORK INDUSTRIES

- Sec. 681.1 Applicability.
- 681.2 Definitions.
- 681.3 Filing and notification requirements.
- 681.4 Ticket to be affixed to each lot of goods.
- 681.5 Delivery and collection of goods.
- 681.6 Payment for work.
- 681.7 Records to be kept.

Sec.	
681.8	Maintenance of records.
681.9	Minimum piece rates prescribed by the Administrator.
681.10	Piece rates adopted by employers.
681.11	Penalties.
681.12	Petition for amendment of regulations in this part.

§ 681.1 *Applicability.* The provisions of this part shall apply to persons engaged in activities relating to home workers in industries in Puerto Rico other than the needlework industries.¹

§ 681.2 *Definitions.* The following words, terms, and phrases as used in this part shall have the meaning ascribed to them in this section except when the context clearly indicates a different meaning; *Provided, however* That the following definitions shall not be construed in any way to restrict the meaning of such words, terms, or phrases as are defined in section 3 of the act.

(a) "Employer" includes any natural or artificial person who, for his own account or benefit, or on behalf of any person residing outside the Island of Puerto Rico, directly or indirectly, or through an employee, agent, subcontractor, or any other person:

(1) Delivers, or causes to be delivered, any goods to be processed or fabricated in a home and thereafter to be returned or thereafter to be disposed of or distributed in accordance with his directions; or

(2) Sells any goods for the purpose of having such goods processed or fabricated in a home and then rebuys such goods after such processing or fabricating either himself or through some other person.

(b) "Subcontractor" includes any person, who, for the account or benefit of an employer, delivers to a home worker goods to be processed or fabricated in a home and thereafter to be returned in accordance with the direction of such employer.

(c) "Employ" includes to suffer or permit to work.

(d) "Home" includes any room, house, apartment, or other premises used regularly in whole or in part as a dwelling place.

(e) "Home worker" includes any employee performing in a home any operation on goods produced for commerce, provided that such work is not performed under either actively or personally regulated or supervised conditions.

(f) "Operation" means any work or any process other than the distribution of goods to or collection of goods from home workers.

§ 681.3 *Filing and notification requirements.* Every employer prior to the distribution of work to any home worker shall file with the Wage and Hour Division in Puerto Rico:

(a) A design, pattern, diagram, photograph, or sample of the product, together with such other description or illustration of the product as he, upon inquiry

at the Wage and Hour Division in Puerto Rico, may be requested to submit; and

(b) A description in writing of each operation to be performed by any home worker, together with the full piece rate schedule designation, if any, prescribed in accordance with § 681.9, the corresponding piece rates to be paid for each such operation, and the style numbers, if any, of the goods upon which the operations are to be performed.

§ 681.4 *Tickets to be affixed to each lot of goods.* Every employer shall make up the goods to be delivered to a subcontractor into a bundle or lot, each lot to comprise goods on which the same operations are to be performed. Every employer shall affix to each such lot of goods a ticket which shall be numbered serially and contain the name of such employer. The serial numbers of such tickets shall run from the number one and be prefixed by the number of the permit issued to such employer by the Department of Labor of Puerto Rico.² The subcontractor shall return the ticket with the lot to the employer. All goods specified on the ticket shall be returned to the employer at one time except when special permission is obtained from the Wage and Hour Division for subcontractors to return part of the goods. In each such case, a partial delivery ticket shall be made out and later filed with the original lot ticket when the remaining goods specified thereon are returned.

§ 681.5 *Delivery and collection of goods.* All goods for production in a home shall be personally distributed to and collected from the home worker who is to work on the goods, either directly at the factory or by employees expressly employed by an employer or subcontractor to distribute and collect such goods outside the factory.

§ 681.6 *Payment for work.* When an employer receives goods on which work has been completed, he shall pay immediately the home worker or subcontractor, as the case may be, for such work provided that in cases where payment is made to a subcontractor, the home worker shall be paid within seven days after such subcontractor has collected the goods from such home worker. Payment shall be made to each home worker at rates not less than those required under §§ 681.9 and 681.10, and in accordance with the requirements of sections 6 and 7 of the act.

§ 681.7 *Records to be kept.* (a) Every employer shall make and have available at his principal Puerto Rican office, a record of the following information:³

(1) The name and address of each firm situated outside the Island of Puerto Rico, if any, from whom the goods in each lot for delivery to a home worker were received.

² Thus, if the permit is 56, the serial numbers on the ticket would run, 56-1, 56-2, etc.

³ Although responsibility for keeping the record is placed upon the employer, the actual work of making the record may, of course, be delegated to supervisory or clerical employees, agents, subcontractors, or other persons acting in behalf of the employer.

(2) The monthly total of goods received and shipped by him with a description thereof and the total cost, of labor performed thereon, by home workers with a description of the operations performed in connection therewith.

(3) The name and address of each subcontractor, if any, to whom each lot of goods was delivered for delivery to home workers, together with the number of the permit issued to such subcontractor by the Department of Labor of Puerto Rico.

(4) The dates upon which each lot of goods was delivered to and returned by a subcontractor, if any, together with a description of such goods, the net amount paid as commission and the rate of commission on such goods.

(5) The ticket number of the ticket affixed to each lot of goods.

(6) The dates upon which the goods in each lot were delivered to and collected from each home worker.

(7) The name and address of each home worker, and the date of birth of each home worker under 19, to whom the goods in each lot were delivered.

(8) The style number, if any, description of, and amount of goods in each lot, the operations to be performed thereon, together with the piece rate to be paid and the net amount actually paid each home worker for the operations performed upon such goods.

(9) The date or dates upon which each home worker was paid for operations performed on the goods in each lot.

(b) At the time work is given out to or received from a home worker, as the case may be, every employer shall enter the following information in the handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each homemaker) which shall be kept by the home worker:

(1) The dates upon which the goods in each lot were delivered to and collected from the home worker.

(2) The style number, if any, description of, and amount of goods in each lot, the operations to be performed thereon, together with the piece rate to be paid and the net amount actually paid the home worker for the operations performed upon such goods.

(3) The date or dates upon which the homemaker was paid for operations performed on the goods in each lot.

(4) The signature of the person acting in behalf of the employer.

(c) No employer shall employ any home worker for more than 40 hours in any workweek unless, in addition to the records which he is required to keep pursuant to paragraphs (a) and (b) of this section, such employer makes and keeps available at his principal Puerto Rican office and enters in the handbook of each such home worker a record of the following information:

(1) The hours worked by the home worker on the goods in each lot of work returned;

(2) The total hours worked each week;

(3) The wages paid the home worker each week at regular piece rates; and

¹ Persons engaged in activities relating to home workers in the needlework industries in Puerto Rico are subject to Part 545 of this chapter.

(4) The extra amount paid to the homemaker for hours worked in excess of 40 in each week.

§ 681.8 *Maintenance of records.* Every employer shall keep and preserve for a period of not less than two years at his place of business the records required above. All such records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

§ 681.9 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (5) of the act, in the event that a home worker is to perform an operation for which a minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid not less than such prescribed rate, in lieu of the applicable hourly rate established by any wage order.

§ 681.10 *Piece rates adopted by employers.* Pursuant to the provisions of section 6 (a) (5) of the act, in the event that a home worker is to perform an operation for which no minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid a piece rate adopted by the employer which shall yield to home workers of ordinary skill, under prevalent operating conditions and with equipment ordinarily found in homes, an amount not less than the applicable minimum hourly wage rate established by wage order. No employer shall adopt such a piece rate until he has first notified the Division of his intention to establish a rate for such operation, the rate fixed and the basis on which the piece rate has been computed. Such an employer piece rate shall be lawful only if it actually satisfies the requirements of this section, and such a rate shall remain in effect only until such time as the Administrator or his authorized representative, by regulation

or order, establishes a minimum piece rate for such operation.

§ 681.11 *Penalties.* Section 15 of the act makes it unlawful for any person to violate the provisions of this part and subjects any such person to the penalties provided by section 16 and section 17 of the act.

§ 681.12 *Petition for amendment of regulations in this part.* Any person wishing a revision of any of the terms of this part may submit in writing to the Administrator or his authorized representative a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator or his authorized representative believes that reasonable cause for amendment of the regulations in this part is set forth, the Administrator or his authorized representative will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.

Signed this 12th day of June 1947.

WILL R. McCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 47-5774; Filed, June 18, 1947;
8:50 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Part 98]

[File No. 21-335]

BABY CHICK INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO
PRESENT VIEWS, SUGGESTIONS, OR OBJEC-
TIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 16th day of June 1947.

In the matter of proposed revision of trade practice rules for the baby chick industry.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties, affected by or having an interest in the proposed revision of the trade practice rules for the baby chick industry, to present to the Commission their views concerning said revision of rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than August 7, 1947.

The opportunity to be heard orally will be afforded to any such persons, partnerships, corporations, organizations, or other parties, who desire to appear and be heard at the following times and places:

At hearing beginning 2:00 p. m., eastern standard time, July 24, 1947, in North Exhibit Hall, Cleveland Public Auditorium, Lakeside Avenue at East Sixth Street, Cleveland, Ohio; and

At hearing beginning 9:00 a. m., eastern standard time (10:00 a. m., daylight saving time), August 7, 1947, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C.

After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed revision of rules.

By the Commission.

[SEAL] WILL P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 47-5784; Filed, June 18, 1947;
8:54 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9768, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9015]

SATOKO AND YONOSUKE MAENAMI

In re: Bank account owned by Satoko Maenami and Yonosuke Maenami, also known as Y. Maenami, and cash and stock owned by Yonosuke Maenami, also known as Y. Maenami. D-39-23-E-1, D-39-23-E-2, D-39-23-D-1, D-39-23-D-2, D-39-23-D-3.

*Such piece rates are subject to Part 531 of this chapter.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation it is hereby found:

1. That Satoko Maenami and Yonosuke Maenami, also known as Y. Maenami, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation owing to Satoko Maenami and Yonosuke Maenami, also known as Y. Maenami, by Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a joint checking account, entitled Satoko Maenami and Y. Maenami, maintained at the branch office of the aforesaid bank located at 43-01 Bell Boulevard, Bayside, New York,

and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Satoko Maenami and Yonosuke Maenami, also known as Y. Maenami, the aforesaid nationals of a designated enemy country (Japan);

3. That the property described as follows:

a. Cash in the sum of \$2.10, presently in the possession of the Attorney General of the United States in account number 39-18593,

b. 50/100 of one (1) share of common capital stock of Remington Rand Inc., 465 Washington Street, Buffalo, New York, a corporation organized under the

laws of the State of Delaware, evidenced by scrip certificate number S. C. 10715, dated April 1, 1946, presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon, and

c. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Yonosuke Maenami, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Yonosuke Maenami, also known as Y. Maenami, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the

national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Par value	Type of stock	Number of shares	Certificate Nos.
Remington Rand Inc., 405 Washington St., Buffalo, N. Y.	Delaware	\$1.00	Common	10	CTF 145703.
Cities Service Co., 60 Wall St., New York 5, N. Y.	do	10.00	do	10	27592.
Radio Corp. of America, 30 Rockefeller Plaza, New York 20, N. Y.	do	No par	do	5	WO81242.

[F. R. Doc. 47-5790; Filed, June 18, 1947; 8:48 a. m.]

[Vesting Order 9101]

MARTHA BOEHM

In re: Estate of Martha Boehm, deceased. D-28-9059; E. T. sec. 11592.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Anna Hoffmann, Paul Hoffmann, Johann Boehm, also known as Johann Bohm, Cecille Meyer, Helen Boehm, also known as Helen Bohm and Otto Tharun, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the sum of \$5,198.09 was paid to the Alien Property Custodian by Hyman J. Brown, Attorney for Morton H. Meyer, Administrator With Will Annexed of the Estate of Martha Boehm, deceased;

3. That the said sum of \$5,198.09 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or delivered to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be

treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 27, 1945, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5791; Filed, June 18, 1947; 8:48 a. m.]

[Vesting Order 9140]

WILLIAM P. SCHMIDT

In re: Estate of William P. Schmidt, deceased. D-28-11494, E. T. sec. 15715.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Goldschmidt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of William P. Schmidt, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by Floyd A. Frye, as Administrator, acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5792; Filed, June 18, 1947; 8:48 a. m.]

[Vesting Order 9142]

MARY STOTZ

In re: Estate of Mary Stotz, a/k/a Mary A. Stotz and Mary N. Stotz, deceased. File D-28-11472; E. T. Sec. 15696.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolph Stotz and Irma Jlzhofer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the children of Adolph Stotz, names unknown, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever

ever of the persons named in subparagraph 1 and the children of Adolph Stotz, names unknown, and each of them, in and to the estate of Mary Stotz, a/k/a Mary A. Stotz and Mary N. Stotz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Stephan Voellinger and Anna Voellinger, as executors, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania, holding Probate Court;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the children of Adolph Stotz, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5793; Filed, June 18, 1947; 8:49 a. m.]

[Vesting Order 9184]

CHARLES CATTÀ

In re: Estate of Charles Catta, deceased. File D-28-11769; E. T. sec. 15978.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Catta, Rosa Lotz, Franz Catta, Anna Wissel, Paul Catta and Liselotte Lehming, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of Charles Catta, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Earl Marks, as Executor, acting under the judicial super-

vision of the Circuit Court of the State of Oregon in and for the County of Multnomah;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5794; Filed, June 18, 1947; 8:49 a. m.]

[Vesting Order 9150]

OTTO BOETTCHER ET AL.

In re: Stock owned by Otto Boettcher and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known

address is as set forth in the aforesaid Exhibit A, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: Three Hundred (300) shares of \$10.00 par value common capital stock of Ideal Cement Company, 500 Denver National Building, Denver 2, Colorado, a corporation organized under the laws of the State of Colorado, evidenced by the certificates listed in Exhibit A, registered in the names of the persons listed therein, in the amounts appearing opposite said names, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of registered owner	Certificate No.	Number of shares	O. A. P. file Nos.
Otto Boettcher, Westfalia, Germany.....	F11662	20	F-28-25264-A-1; C-1
Frieda Braun, Berlin, Germany.....	F13374	20	F-28-25266-A-1; C-1
Hugo and Minna Braun, O. Klein, Germany.....	F13375	20	F-28-25267-A-1; C-1
Minna Braun, O. Klein, Germany.....	F13376	20	F-28-25268-A-1; C-1
Martha Koch, Isny/Wuerttemberg, Germany.....	F13372	60	F-28-25269-A-1; C-1
Ida Opitz, Berlin, Germany.....	F13365	20	F-28-25270-A-1; C-1
Ilse Opitz, Berlin, Germany.....	F13365	20	F-28-25271-A-1; C-1
Gertrude Wagner Tersch, also known as Gertrude Wagner Tersch Sommerda, Thurengen, Germany.....	F13367	20	F-28-25272-A-1; C-1
Margarete Wagner, Berlin, Germany.....	F13369	20	F-28-25274-A-1; C-1

[F. R. Doc. 47-5795; Filed, June 18, 1947; 8:49 a. m.]

[Vesting Order 9156]

LUDWIG GROSS

In re: Debt owing to Ludwig Gross.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Gross, whose last known address is Regensburg, Irling, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ludwig Gross, by American Express Company, 65 Broadway, New

York 6, New York, in the amount of \$840.00, as of December 7, 1945, and any and all accruals thereto, evidenced by forty-four (44) travelers checks, numbered A26155100 to A26155103, both numbers inclusive, and B21111380 to B21111419, both numbers inclusive, issued by said American Express Company, 65 Broadway, New York 6, New York, and presently in the possession of the Attorney General of the United States, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation, together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid travelers checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5796; Filed, June 18, 1947;
8:49 a. m.]

[Vesting Order 9166]

SUSUMU MORITA

In re: Stock owned by Susumu Morita, F-39-4327-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Susumu Morita, whose last known address is c/o General Motors Japan, Ltd., P. O. Box 151, Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: Fifteen (15) shares of \$10 par value common capital stock of General Motors

Corporation, 1775 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered WC 39983 and WC 55065 for three (3) shares each, WC 138387 for four (4) shares and WC 183185 for five (5) shares, registered in the name of Susumu Morita, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

Claimant and claim No.	Notice of Intention to Return published	Property
Eastman Kodak Co., Rochester, N. Y., Claim No. 80.	12 F. R. 3006, May 8, 1947.	Property described in Vesting Order No. 63 (7 F. R. 6181, Aug. 11, 1942), relating to U. S. Patent Application Serial No. 328,456 (now U. S. Letters Patent No. 2,295,801), to the extent owned by claimant immediately prior to the vesting thereof.
Rolf Bie, New York, N. Y., Claim No. A-290.	12 F. R. 2812, Apr. 30, 1947.	Property described in Vesting Order No. 292 (7 F. R. 9336, Nov. 26, 1942), relating to U. S. Letters Patent No. 2,323,009, to the extent owned by claimant immediately prior to the vesting thereof.
Dr. August von Borosini, Los Angeles, Calif., Claim No. A-461.	12 F. R. 2812, Apr. 30, 1947.	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 1,953,100, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-5802; Filed, June 18, 1947;
8:50 a. m.]

[Vesting Order 9174]

MRS. HENRIETTE ULRICH

In re: Bonds, stock and bank account owned by personal representatives, heirs, next of kin, legatees and distributees of Mrs. Henriette Ulrich, deceased. D-28-631-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Henriette Ulrich, deceased, who there is reasonable cause to believe

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5798; Filed, June 18, 1947;
8:49 a. m.]

[Return Order 20]

EASTMAN KODAK CO. ET AL.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,¹

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

are residents of Germany, are nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, registered in the manner as set forth in Exhibit A, and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with any and all rights thereunder and thereto.

b. One (1) Chicago, Milwaukee, St. Paul & Pacific Railroad Company, general mortgage, Series A, gold bond, due 1975, of \$1000.00 face value, bearing the number 105302, in bearer form, presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with any and all rights thereunder and thereto, including particularly the rights under a Reorganization Plan declared effective December 1, 1945,

c. Four (4) shares of no par value common capital stock of The Western Pacific Railroad Company, 526 Mission

¹Filed as part of the original document.

Street, San Francisco 5, California, a corporation organized under the laws of the State of California, evidenced by certificate number TNC03084, registered in the name of Schmidt & Co., and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon,

d. Six (6) shares of \$100.00 par value cumulative preferred Series A capital stock of The Western Pacific Railroad Company, 526 Mission Street, San Francisco 5, California, a corporation organized under the laws of the State of California, evidenced by certificate number TNP03955, registered in the name of Schmidt & Co., and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon, and

e. That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Henriette Ulrich, deceased, by Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a Custody Cash Account, Account Number FC4648, entitled Mrs. Henriette Ulrich, deceased, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Henriette Ulrich, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D.-C., on May 29, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

EXHIBIT A

Description of issue	Face value	Certificate No.	Registered owner
The Western Pacific R. R. Co., general convertible income 4½s, series A, due 2014.	\$100	C1887	Schmidt & Co.
	100	C1888	
	100	C1889	
	100	C1890	
	1,000	MCS715	
Missouri Pacific R. R. Co., first and refunding gold 5s, series F, due 1977.	1,000	M21650	Bearer form.
New York Central R. R. Co.	1,000	M21651	Bearer form.
New York Central & Hudson River R. R. Co. Refunding and Improvement gold 5s, series C, due 2013.	1,000	M21652	
	1,000	M21653	
	1,000	2215A	
	1,000	3371	
Columbia Gas & Electric Corp., debenture gold 5s, due 1901.	1,000	16333	Bearer form.

[F. R. Doc. 47-5750; Filed, June 17, 1947; 8:51 a. m.]

[Vesting Order 8492, Amdt.]

FRANZ SPANNAGEL

In re: Bank account and stock owned by Franz Spannagel.

Vesting Order 8492, dated March 20, 1947, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the reference to ten (10) shares of \$13.50 par value (old) capital stock of The United Gas Improvement Company, 1401 Arch Street, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by Certificate Numbered C020689, and adding to paragraph 2 of said Vesting Order, subparagraph (d) as follows:

d. Ten (10) shares of no par value capital stock of The United Gas Improvement Company, 1401 Arch Street, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by Cer-

tificate Numbered C020689 and registered in the name of George Spannagel, and presently in the custody of Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon, and any and all rights to exchange the aforesaid 10 shares of stock for 1 share of new \$13.50 par value capital stock of the aforesaid Company.

All other provisions of said Vesting Order 8492 and all actions taken by the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-5800; Filed, June 18, 1947; 8:50 a. m.]

[Vesting Order 9195]

ELISA RAAB

In re: Estate of Elisa Raab, also called Elise Raab, deceased. File D-28-11573; E. T. sec. 15788.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That "John" Raab and "William" Raab, true first names unknown, whose last known address is Germany, are residents of Germany and nationals of designated enemy country (Germany)

2. That all right, title interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of Elisa Raab, also called Elise Raab, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany).

3. That such property is in the process of administration by Phil C. Katz, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-5756; Filed, June 17, 1947; 8:53 a. m.]

[Vesting Order 9193]

GEORGE WEBER

In re: Estate of George Weber, deceased. File D-28-11539; E. T. sec. 15755.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conrad Weber, whose last known address is Germany, is a resident

of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of George Weber, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by John F. Gloeckner of Pittsburgh, Pennsylvania, as Executor, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pennsylvania;

and it is hereby determined;

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5757; Filed, June 17, 1947;
8:53 a. m.]

[Return Order 21]

SHELL DEVELOPMENT CO. ET AL.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,¹

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Docket No. 3. Attaching domestic wrist bands to imported watch heads.

Docket No. 4. Combining imported sugar and shortening with domestic flour and salt.

Docket No. 5. Screwing imported flashlight bulbs into domestic flashlight cases.

Docket No. 6. Dyeing textiles imported in the gray.

Accordingly, after full consideration, it is hereby ordered as follows:

1. The action of the Commissioner of Customs in denying the applications for permission to conduct the operations set forth above as involved in Dockets Nos. 1 to 5, inclusive, is overruled and such operations are hereby approved.

2. Action on Docket No. 6 is deferred pending receipt of more specific information as to the nature of the operations involved.

3. The Executive Secretary is directed to notify the appellants, the Commissioner of Customs and other interested parties of the action above taken.

This order is effective June 12, 1947.

[SEAL] W. A. HARRIMAN,
Secretary of Commerce,
Chairman,
Foreign-Trade Zones Board.

[F. R. Doc. 47-5785; Filed, June 18, 1947;
8:54 a. m.]

FEDERAL COMMUNICATIONS
COMMISSION

KGRI, HENDERSON, TEX.

PUBLIC NOTICE CONCERNING PROPOSED
ASSIGNMENT OF PERMIT¹

The Commission hereby gives notice that on June 6, 1947 there was filed with it an application (BAPL-27) for its consent under section 310 (b) of the Communications Act to the proposed assignment of permit of KGRI, heretofore granted to Goggan Radio Sales, a partnership, consisting of Benjamin F Goggan, Jr. and Howard E. Dennis to Henderson Broadcasting Corporation, Henderson, Texas. The proposal to assign the permit arises out of a contract of April 22, 1947 pursuant to which the assignee would pay to the assignor partnership the \$1000 outlayed by it in connection with obtaining the construction permit and an additional \$3500 for properties paid for by assignor as well as any additional sums paid for by it in the construction of the station, said latter amount to be paid upon approval of the application. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on June 3, 1947 that starting on June 10, 1947 notice of the filing of the application would be inserted in the Henderson Daily News, a newspaper of general circulation at Henderson, Texas in conformity with the above section.

¹Section 1.321, Part 1, Rules of Practice and Procedure.

Claimant and claim No.	Notice of Intention to Return published	Property
Shell Development Co., San Francisco, Calif., Claim No. 804.	12 F. R. 1405, Feb. 27, 1947.	U. S. Letters Patent No. 2,348,832, vested as Patent Application Serial No. 265,863 by Vesting Order No. 68 (7 F. R. 6181, Aug. 11, 1942), to the extent owned by claimant immediately prior to the vesting thereof.
Ottmar Loew (formerly Ottmar Makoto Loew), Los Angeles, Calif., Claim No. 6224.	12 F. R. 2615, Apr. 23, 1947.	An undivided one-half interest in property described in Vesting Order No. 2430 (8 F. R. 16538, Dec. 8, 1943), relating to U. S. Letters Patent No. 1,881,227, to the extent owned by claimant immediately prior to the vesting thereof.
Ellis Miller, New York, N. Y., Claims Nos. 691-694, inclusive.	12 F. R. 2639, Apr. 24, 1947.	Property described in Vesting Order No. 675 (8 F. R. 5029, Apr. 17, 1943), relating to U. S. Letters Patent Nos. 2,258,331; 2,258,332; 2,258,333 and 2,269,595, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-5801; Filed, June 18, 1947;
8:50 a. m.]

DEPARTMENT OF COMMERCE
Foreign-Trade Zones Board

[Order No. 15]

NEW YORK FOREIGN-TRADE ZONE
OPERATORS, INC., ET AL.

APPROVAL OF CERTAIN OPERATIONS

In the matter of certain appeals taken by the New York Foreign Trade Zone Operators, Inc., et al., from rulings of the Commissioner of Customs with reference to operations permitted by section 3 of the Foreign-Trade Zones Act (Dockets Nos. 1 to 6, inclusive)

Pursuant to the authority contained in the act of June 18, 1934 (48 Stat. 998; 19 U. S. C. 81-a-81-u) the Foreign-Trade

Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

S. H. Pomerance & Co., Inc., duly filed with this board, its appeal, designated as Docket No. 1, and the New York Foreign Trade Zone Operators, Inc., on behalf of itself and certain zone users, duly filed with this Board, its appeals, designated as Dockets Nos. 2 to 6, inclusive, from rulings of the Commissioner of Customs denying applications for permission to conduct the following operations in the New York Foreign-Trade Zone under section 3 of the above-cited act:

Docket No. 1. Fitting imported watch movements into domestic cases.

(a) Where operation consists of drilling hole in case for winding stem, cutting stem to fit crown, affixing crown to stem, and fitting movement in case.

(b) Where operation consists of cutting stem to fit crown, affixing crown to stem, and fitting movement in case.

(c) Where operation consists of fitting movement into case without drilling or cutting described above.

Docket No. 2. Combining imported olive oil with domestic vegetable oils.

¹Filed as part of the original document.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from June 10, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5804; Filed, June 18, 1947; 8:50 a. m.]

KGGF, COFFEYVILLE, KANS.

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE

The Commission hereby gives notice that on June 2, 1947 there was filed with it an application (BAL-609) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of KGGF, Coffeyville, Kansas, from Hugh J. Powell to The Midwest Broadcasting Company, Inc. The proposal to assign the license arises out of a contract of May 9, 1947 pursuant to which Hugh J. Powell, seller, agrees to sell and The Midwest Broadcasting Company, buyer, agrees to buy the tangible physical assets both real and personal of station KGGF, Coffeyville, Kansas, for a total consideration of \$400,000 to be paid as follows: \$80,000 cash to be paid before the filing of the instant application and the balance to be paid at date of closing either in cash or by notes at seller's option with satisfactory security. From the application and the associated papers it would appear to be the intent of the parties that buyer will prosecute the application (BMP-2021) for changes in facilities including reimbursement to seller for amounts expended pursuant thereto between April 1, 1947, and the closing date. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by application on June 4, 1947 that starting on June 10, 1947 notice of the filing of the application would be inserted in The Coffeyville Daily Journal, a newspaper of general circulation at Coffeyville, Kansas, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from June 10, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5805; Filed, June 18, 1947; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-830]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER AMENDING PRIOR ORDER ISSUING TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 13, 1947.

Notice is hereby given that, on June 12, 1947, the Federal Power Commission issued its order entered June 11, 1947, amending prior order issuing temporary certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5769; Filed, June 18, 1947; 8:50 a. m.]

[Docket No. G-830]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER CHANGING PRESENT ALLOCATION OF EMERGENCY DELIVERIES OF GAS FROM THE BIG INCH LINES

JUNE 13, 1947.

Notice is hereby given that, on June 12, 1947, the Federal Power Commission issued its order entered June 12, 1947, changing present allocation of emergency deliveries of gas from the Big Inch lines in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5770; Filed, June 18, 1947; 8:50 a. m.]

[Docket No. DI-177]

NEW YORK POWER AND LIGHT CORP.

ORDER CHANGING PLACE OF HEARING

(1) By order adopted May 13, 1947, in the above-entitled matter, a hearing was fixed to begin at 10:00 a. m. (e. d. s. t.) on July 14, 1947, in Court Room No. 2, Post Office and Court House Building, Albany, New York. The Commission finds that:

(2) In order to accommodate those witnesses who reside in the watershed of the Sacandaga River and upper Hudson River, it would be in the public interest to convene the hearing at a place nearer the residences of such witnesses. *It is ordered, That:*

(3) The aforesaid May 13, 1947, order be and it is hereby modified to change the place of hearing therein designated from Court Room No. 2, Post Office and Court House Building, Albany, New York, to Supreme Court Chambers, Suite 37, Colvin Building, 206 Glen Street, Glens

Falls, New York, such hearing to begin at 10:00 a. m. (e. d. s. t.) on Monday, July 14, 1947.

Date of issuance: June 13, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5771; Filed, June 18, 1947; 8:50 a. m.]

[Docket No. G-803]

INTERSTATE GAS CO. AND CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JUNE 13, 1947.

Notice is hereby given that on June 9, 1947, Interstate Gas Company (Interstate) a Missouri corporation with its principal place of business at Lee's Summit, Missouri, and Cities Service Gas Company (Cities Service) a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, filed a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Cities Service to acquire and operate the following facilities of Interstate, to wit:

A transmission pipeline system generally described as follows: Commencing at a point at the town border of the town of Holden, Johnson County, Missouri and extending westerly in a northwesterly direction to the town of Kingsville, then in a westerly and northerly direction and extending to the town of Pleasant Hill, in Cass County, Missouri and Lone Jack in Jackson County, Missouri. Also four town border stations, one located at or near the town border of Holden, one at or near the town border of Kingsville, one at or near the town border of Pleasant Hill and one at or near the town border of Lone Jack, Missouri, together with meters and other facilities and equipment located therein and used in the measurement of gas for distribution in the distribution system of said four towns;

A transmission pipeline described generally as follows: Commencing at a point near the town border of Harrisonville, in Cass County, Missouri, extending in a westerly direction to a point approximately 8 miles west of Harrisonville and thence in a southerly direction to the town border of Freeman, Missouri; also two town border measuring stations, one at or near the town border of Harrisonville, Missouri and one at or near the town border of Freeman, Missouri, together with meters and other equipment therein and used in the measurement of gas for distribution in said towns of Harrisonville and Freeman, Missouri.

Cities Service further requests in the aforesaid application, a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following facilities:

Approximately one mile of 6-inch gas pipeline extending from a point on Applicant's transmission system near the northeast corner of section 32, Township 45 North, Range 32 West, Cass County, Missouri, thence south to approximately the southeast corner of said section.

The transmission pipelines which Interstate proposes to sell to Cities Service are being operated by Interstate under a

certificate of public convenience and necessity issued by the Commission on October 5, 1943, and as modified on January 9, 1945 (Docket Nos. G-243 and G-363) Interstate is desirous of confining its future operations to the distribution and sale of gas at retail by means of the operation of its distribution plants in the several cities, towns and communities served by it; of selling and transferring to Cities Service for a consideration of \$90,000 of all its gas transmission facilities and town border measuring stations as described above; and upon such sale and transfer to discontinue that part of its business consisting of the transportation of natural gas from the points of connection on its pipelines with the pipeline systems of Panhandle Eastern Pipe Line Company and Cities Service Gas Company to the town borders of the several towns and communities hereinbefore mentioned and thereafter purchase its gas requirements for sale in said communities at the town borders thereof.

It is further stated, that Cities Service is better equipped to maintain and operate the transmission lines and to coordinate pressures on lateral lines in the interest of efficiency and public safety than is Interstate; that Panhandle Eastern Pipe Line Company is willing to discontinue supplying gas to that part of the aforesaid transmission pipelines serving the communities of Harrisonville and Freeman, Missouri; that in order to connect the facilities now served by Panhandle Eastern Pipe Line Company with the system of Cities Service it will be necessary for Cities Service to construct approximately one mile of pipeline; that the latter construction will cost an estimated \$8,400 and will provide the most efficient and practical means of connecting the facilities serving Harrisonville and Freeman with Cities Service transmission system.

Any interested state commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board or a joint or concurrent hearing together with the reasons for such request.

The application of Interstate Gas Company and Cities Service Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to ad-

vise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 47-5781; Filed, June 18, 1947;
8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 209]

RECONSIGNMENT OF POTATOES AT ALTOONA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of paragraph (j) of Service Order No. 396 insofar as it applies to the reconsignment at Altoona, Pa., June 12, 1947, by Nelson & Co., of car WFE-60436, potatoes, now on the P. RR. to Houtzdale, Pa. (P. RR.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American

Car No.	Stop-off at—	Destination
SFRD 35339	Cresco, Ia.	Leroy, Minn. (Mllw).
GARX 9199	Sacred Heart, Minn.	Montevideo, Minn. (Mllw).
ART 22110		Elroy, Wis. (Wab-CNW).
SFRD 35948		Wheaton, Minn. (Mllw).
ART 14933	Bramerd, Minn.	Wadena, Minn. (Wab-MStL-NP).
SFRD 36271		Whitehall, Wis. (Q-GBW).
SFRD 34387	Marshall, Minn.	New Ulm, Minn. (Q-GN-Omaha).
NWX 8391		Fort Dodge, Iowa. (MP-GW).
URT 4920		Lincoln, Nebr. (Q).
SFRD 33527		Viroqua, Wis. (Mllw).
ART 23712	Rochester, Minn.	Fargo, N. Dak. (CGW-NP).
PFE 40293		St. Charles, Minn. (CGW).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of June 1947.

V. C. CLINGER,
Director
Bureau of Service.[F. R. Doc. 47-5777; Filed, June 18, 1947;
8:52 a. m.]

[S. O. 396, Special Permit 211]

RECONSIGNMENT OF POTATOES AT OMAHA, NEBR.

Pursuant to the authority vested in me by paragraph (f) of the first order-

ing paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

Issued at Washington, D. C., this 12th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.[F. R. Doc. 47-5776; Filed, June 18, 1947;
8:52 a. m.]

[S. O. 396, Special Permit 210]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., June 12, 1947, by Gamble Robinson Co., of the following cars, potatoes, now on the Santa Fe:

ing paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Omaha, Nebr., June 12, 1947, by Gamble Robinson Co., of the following cars, potatoes, now on the Union Pacific Ry.:

PFE 95024 to Fort Dodge, Iowa (CGW).
PFE 41503 to Bismarck, N. Dak., stop Man-
kato part unload (Omaha-N. P.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5778; Filed, June 18, 1947;
8:52 a. m.]

[S. O. 396, Special Permit 212]

RECONSIGNMENT OF ONIONS AT SPRINGFIELD, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Springfield, Mo., June 12, 1947, by F. H. Vahlsing, of car ART 15079, onions, now on the Frisco Railway to Buffalo, N. Y. (Frisco-NKP)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5779; Filed, June 18, 1947;
8:52 a. m.]

[S. O. 396, Special Permit 213]

RECONSIGNMENT OF ONIONS AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., June 12, 1947, by Ritter Price Co., of following cars, onions, now on the U. P..

PFE 91357 to Cleveland, Ohio. (MP-NKP).

PFE 62655 to Baltimore, Md. (MP-PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the

office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5780; Filed, June 18, 1947;
8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1527]

CONSOLIDATED NATURAL GAS CO. ET AL.

ORDER PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of June 1947.

In the matter of Consolidated Natural Gas Company, Hope Natural Gas Company, The East Ohio Gas Company, The Peoples Natural Gas Company and New York State Natural Gas Corporation, File No. 70-1527.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and certain of its subsidiaries, namely, Hope Natural Gas Company, The East Ohio Gas Company, The Peoples Natural Gas Company and New York State Natural Gas Corporation, having filed a joint application-declaration, with amendment thereto, regarding (a) the sale by Consolidated of 545,672 additional shares of its common stock at \$37.50 per share by means of transferable warrants issued to its stockholders, and (b) the issuance and sale by the above subsidiary corporations to Consolidated of additional shares of their common stocks, for an aggregate cash consideration of \$30,230,000 equal to the aggregate par value of such common stocks; and

The issuance and sale by Hope Natural Gas Company, The East Ohio Gas Company and The Peoples Natural Gas Company having been approved by the State Commissions of the respective states in which such companies were organized and are doing business; and

A public hearing having been held after appropriate public notice and the Commission having considered the record and filed its findings and opinion herein;

It is ordered, That, subject to the provisions of Rule U-24, said application-declaration be, and the same hereby is, granted and permitted to become effective, except, however, as to all amounts to be paid by Consolidated to the Guaranty Trust Company of New York for services in connection with the proposed transactions, as to which amounts jurisdiction be, and the same hereby is, reserved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-5763; Filed, June 18, 1947;
8:49 a. m.]

[File No. 70-1522]

UNITED GAS CORP. AND UNITED OIL PIPE LINE CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of June A. D. 1947.

United Gas Corporation ("United") a gas utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and United's wholly-owned non-utility subsidiary, United Oil Pipe Line Company ("Pipe Line"), having filed a joint declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") in which section 12 (c) of the act and Rule U-46 thereunder are designated as applicable to the following proposed transactions:

The outstanding securities of Pipe Line consist of 5,000 shares of no par value capital stock, all of which are pledged under the Mortgage and Deed of Trust, dated as of October 1, 1944, securing United's outstanding bonds. As of March 31, 1947, Pipe Line's assets consisted solely of cash in the amount of \$1,313,360. As of the same date, Pipe Line's liabilities amounted to \$112,579 of which \$112,079 represented accrued taxes.

Pipe Line will be merged into United pursuant to the provisions of section 58A of Chapter 65 of the Revised Code of Delaware, as amended, and under such merger United will acquire all of the property and assets of Pipe Line and will assume all of its obligations. It is stated in the declaration that, upon consummation of the merger, United will be required to deposit \$400,000 in cash with its Mortgage Trustee which amount represents the proceeds from the sale of physical assets by Pipe Line to non-affiliated interests.

The joint declaration having been filed on May 12, 1947 and notice of such filing having been duly given in the manner and form prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said joint declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding with respect to said joint declaration that the applicable requirements of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declaration be permitted to become effective, and deeming it appropriate to grant the request of declarants that the order herein become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said joint declaration be, and the same

hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-5764; Filed, June 18, 1947;
8:49 a. m.]

[File No. 812-495]

SAVINGS BANK INVESTMENT FUND

NOTICE OF APPLICATION, STATEMENT OF
ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of June A. D. 1947.

Notice is hereby given that Savings Bank Investment Fund has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission extending the time for applicant to file its registration statement under section 8 (b) of said act to a date no later than three months after the first sale by applicant of any shares of beneficial interest or in the event any general offering of shares is made to all savings banks in Massachusetts as provided for in section 3 of applicant's charter, prior to such general offering.

On April 14, 1947, Savings Bank Investment Fund, a corporation organized pursuant to a special act of the Massachusetts legislature, filed a notification of registration on Form N-8A under section 8 (a) of the Investment Company Act as an open-end diversified management company. Applicant is required to file its Registration Statement on Form N-8B-1 under section 8 (b) of said act within three months after filing of said notification of registration. Applicant requests an extension of time for filing its registration statement. For a more detailed statement of the requested extension all interested persons are referred to said application which is on file in the office of the Commission.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that, a public hearing on the aforesaid application be held on the 24th day of June 1947, at 10:00 a. m., eastern daylight saving time, in Room 318 of the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Robert P. Reeder, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the fol-

lowing issues to be raised without prejudice to the specification of additional issues upon further examination.

(1) Whether the requested extension is necessary or appropriate in the public interest and consistent with the protection of investors; and

(2) Whether the requested extension is consistent with the general purposes of the act.

Notice of such hearing is hereby given to the above-named Savings Bank Investment Fund, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise wishing to participate in said proceeding should file with the Secretary of the Commission, on or before June 20th, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-5765; Filed, June 18, 1947;
8:49 a. m.]

[File No. 812-397]

TRANSIT INVESTMENT CORP.

NOTICE OF APPLICATION, STATEMENT OF IS-
SUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of June A. D. 1947.

Notice is hereby given that Transit Investment Corporation ("TIC") has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("the act") for an order exempting it from the obligation of transmitting to its stockholders the reports required by the provisions of section 30 (d) of the act and Rule N-30D-1 promulgated thereunder.

Transit Investment Corporation, registered under the act as a non-diversified closed-end company, has outstanding 400,000 shares of common stock and 2,000,000 shares of preferred stock. Section 30 (d) of the act and Rule N-30D-1 require that every registered investment company shall transmit semi-annually certain reports to its stockholders. TIC states that (a) pursuant to an order of the Court of Common Pleas of Philadelphia County in Pennsylvania, it is in the process of dissolution pursuant to a plan approved by order of that court in which it was decreed that the assets of TIC are insufficient to pay in full the claims of the holders of the preferred stock and that the common stockholders are not entitled to share in any distribution of the assets; (b) since the date as of which the latest report was transmitted to security holders it has carried on no corporate operations or activities other than in connec-

tion with dissolution and the shareholders of TIC have been kept fully informed by the notices required in the dissolution proceedings, the latest of which was mailed on or about April 1, 1947; (c) the transmission of semi-annual reports to security holders, including common stockholders, will subject TIC to an expense of approximately \$2,500 upon each such transmission which, it is urged, will serve no useful purpose. For the foregoing reasons applicants believe that the requested exemption is appropriate.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application it deems the following issues to be raised thereby without prejudice to the specifications of additional issues upon further examination: (1) Whether the proposed exemption is necessary or appropriate in the public interest, and (2) Whether the proposed exemption is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on June 19, 1947, at 10:00 a. m., eastern daylight saving time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pa.

It is further ordered, That Robert P. Reeder, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned Transit Investment Corporation, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before June 16, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-5766; Filed, June 18, 1947;
8:49 a. m.]