

## RULES AND REGULATIONS

Director of the Customs Information Exchange, New York, N. Y., and in any other official designated by the Commissioner of Customs, the authority to certify copies of official documents for use as evidence in reappraisal proceedings, § 17.7, Customs Regulations of 1943 (19 CFR 17.7), as amended by T. D. 52393, is further amended as follows:

1. The headnote of this section is amended to read:

§ 17.7 *Appeal for reappraisal; form; samples; certification of documents.* \* \* \*

2. The parenthetical matter at the end of paragraph (d) is deleted and the following new paragraph (e) is added:

(e) The director of the Customs Information Exchange, New York, N. Y., the person authorized to act in that capacity during the absence or disability of the director, and any other official designated by the Commissioner of Customs, shall certify copies of official documents for the purpose set forth in section 2633, 28 U. S. Code.<sup>5a</sup>

In view of the foregoing, the specific authorizations granted to Samuel S. Traiger and Peter J. Schug under dates of October 11, 1946, and May 26, 1948, and published in Treasury Decisions 51556 and 51935, respectively, are hereby revoked.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies 62 Stat. 980; 28 U. S. C. 2633)

[SEAL] D. B. STRUBINGER,  
Acting Commissioner of Customs.

Approved: August 22, 1951.

JOHN S. GRAHAM,  
Acting Secretary of the Treasury.

[F. R. Doc. 51-10404; Filed, Aug. 28, 1951;  
8:51 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter VIII—Office of Rent Stabilization, Economic Stabilization Agency

[Controlled Housing Rent Reg. Amtd. 396]

[Controlled Rooms in Rooming Houses and Other Establishments, Rent Reg. Amtd. 390].

#### PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

##### PENNSYLVANIA

#### Amendment 396 to the Controlled Housing Rent Regulation (§§ 825.1 to

<sup>5a</sup> In finding the value of merchandise, in reappraisal proceedings before a single judge of the Customs Court, affidavits and depositions of persons whose attendance cannot reasonably be had, price lists and catalogues, reports or depositions of consuls, customs agents, collectors, appraisers, assistant appraisers, examiners, and other officers of the Government may be admitted in evidence. Copies of official documents, when certified by an official duly authorized by the Secretary of the Treasury, may be admitted in evidence with the same force and effect as original documents. \* \* \* 28 U. S. C. 2633.

825.12) and Amendment 390 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 272, is amended to describe the counties in the Defense-Rental Area as follows:

In Lycoming County, the City of Williamsport, the Boroughs of South Williamsport, Dubolstown, Montgomery and Montoursville, and the Townships of Armstrong, Clinton, Loyalsock and Old Lycoming.

In Northumberland County, the Cities of Shamokin and Sunbury, the Borough of Northumberland, and the Townships of Coal, Upper, Augusta, Point and Rockefeller; in Snyder County, the Borough of Selingsgrove, and the Townships of Monroe and Penn including Shamokin Dam; and in Union County, the Borough of Lewisburg and the Townships of Buffalo and East Buffalo.

In Clinton County, the City of Lock Haven, the Boroughs of Flemington, Mill Hall and Renovo, and the Townships of Bald Eagle, Castanea, Dunstable, Allison, Pine Creek, Wayne and Woodward.

This recontrols the Borough of Montgomery and the Township of Clinton in Lycoming County, Pennsylvania, portions of the Williamsport, Pennsylvania, Defense-Rental Area, which localities were heretofore decontrolled as of December 21, 1949.

2. A new item is hereby incorporated in Schedule B to read as follows:

90. *Provisions relating to the recontrol of the Borough of Montgomery and the Township of Clinton in Lycoming County, Pennsylvania, portions of the Williamsport, Pennsylvania, Defense-Rental Area.* Effective September 1, 1951, the provisions of §§ 825.1-825.12 and 825.81-825.92 shall apply to housing accommodations in the Borough of Montgomery and the Township of Clinton in Lycoming County, Pennsylvania, portions of the Williamsport, Pennsylvania, Defense-Rental Area, except as modified by the following provisions:

a. All orders in effect on December 20, 1949, in accordance with §§ 825.1 to 825.12 or 825.81 to 825.92, shall be in full force and effect.

b. If, on September 1, 1951, there was a ground for adjustment under § 825.5 (a) or § 825.85 (a) for which no order had previously been issued, and a petition for adjustment is filed on or before October 1, 1951, the adjustment shall be effective as of September 1, 1951.

c. In §§ 825.5 (a) (20) and 825.85 (a) (14), wherever the date July 31, 1951 appears the date September 1, 1951 shall be substituted.

d. If, on September 1, 1951, the services provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall either restore and maintain such minimum services or file a petition on or before October 1, 1951 requesting approval of the decreased services. If, on September 1, 1951, the furniture, furnishings, or equipment provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall file, on or before October 1, 1951, a written report showing the decrease in furniture, furnishings, or equipment. Except as modified by this paragraph "d", the provisions of §§ 825.5 (b) and 825.85 (b) shall be applicable to all such cases.

<sup>1</sup> In the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81-825.92), the new Item is 89.

e. In the case of any action which on September 1, 1951, was required or authorized by §§ 825.1-825.12 or §§ 825.81-825.92 to be taken within a specified period of time, the same time period shall be applicable but such time period shall be counted from September 1, 1951.

f. The provisions of §§ 825.6 and 825.86 shall not apply to any case in which judgment was entered prior to September 1, 1951 by a court of competent jurisdiction for the eviction or removal of a tenant from housing accommodations.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective September 1, 1951.

Issued this 24th day of August 1951.

TIGHE E. WOODS,  
Director of Rent Stabilization.

[F. R. Doc. 51-10403; Filed, Aug. 28, 1951;  
8:51 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VI—Department of the Navy

#### Subchapter D—Procurement, Property, Patents, and Contracts

#### PART 739—ADMINISTRATION OF A UNIFORM PATENT POLICY WITH RESPECT TO INVENTIONS MADE BY NAVY PERSONNEL

JULY 20, 1951.

1. By Executive Order 10096 dated January 23, 1950 (15 F. R. 389), the President established a basic Government patent policy with respect to inventions made by Government employees under which the Government may, under certain conditions, acquire title to inventions made by its employees while providing for partial or complete retention of rights by employees under other conditions. Determination by a Government agency that the Government has or is to take less than full title to an invention is subject to approval by the Chairman of the Government Patents Board established under the above-named Executive Order and sometimes referred to as the "Chairman" herein-after.

2. With a view to obtaining uniform application of the policy set out in this order and uniform operations thereunder, the Chairman of the Government Patents Board is authorized and directed, after consultation with the Board, to formulate and submit to the President for approval such proposed rules and regulations as may be necessary or desirable to implement and effectuate the policy established. Each Government agency is also required to take all steps appropriate to effectuate the order, including the promulgation of necessary regulations which shall not be inconsistent with those approved by the President.

3. On April 26, 1951 the President approved certain rules and regulations under Executive Order 10096 which have been issued as Administrative Order No. 5 of the Chairman of the Government Patents Board (37 CFR Part 300, 16 F. R. 3927). These rules and regulations in § 300.6 thereof restate the basic Government patent policy established by the President; and in this section and cer-

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tain others set forth the responsibilities of Government agencies. The agency responsibilities, among others, include the determination of invention, the determination of rights in inventions, the determination of whether patent protection will be sought in the United States and the furnishing of certain reports.

Sec.

739.1 Department responsibilities.

## DETERMINATION AND ASSERTION OF RIGHTS

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739.17 Inventions covered.

**AUTHORITY:** §§ 739.1 to 739.17 issued under E. O. 10096, Jan. 23, 1950, 15 F. R. 389; 3 CFR, 1950 Supp.

§ 739.1 *Department responsibilities.* In carrying out these agency responsibilities for the Department of the Navy, the Chief of Naval Research will be responsible for and, through his authorized representatives, will discharge the following functions:

(a) Determine whether the results of research, development or other activity within the Department of the Navy constitute invention within the purview of Executive Order 10096;

(b) Determine, subject to review by the Chairman of the Government Patents Board, the respective rights of the Government and of the inventor in and to any invention made by an employee of the Department of the Navy;

(c) Determine, subject to certain exceptions noted hereinafter, whether patent protection will be sought in the United States by the Department of the Navy for such inventions; and

(d) Furnish reports as required to the Chairman of the Government Patents Board relating to the determination of rights, the taking of appeals, the filing of applications and the issuance of patents.

## DETERMINATION AND ASSERTION OF RIGHTS

§ 739.2 *Conditions for assignment.* The Department of the Navy may require assignment of title to inventions made by employees of the Naval Establishment and to any patents that may be issued on such inventions if any of the following conditions are present:

(a) If the invention was made during working hours; or

(b) If the invention was made with a contribution by the Government of fa-

ilities, equipment, materials, funds or information, or of time or services of other Government employees on official duty; or

(c) If the invention bears a direct relation to or was made in consequence of the official duties of the inventor.

§ 739.3 *Definitions of conditions.* In determining whether a condition set forth in § 739.2 was present in the making of the invention the following definitions shall apply:

(a) Working hours for civilian employees shall mean time spent during either the usual working hours, or overtime, or both, and for military personnel time spent during the hours actually engaged in officially assigned duties;

(b) A contribution of facilities shall mean that the facilities were used in the making of the invention and while so used were made unavailable for other purposes;

(c) A contribution of equipment shall mean that the equipment was used in the making of the invention and was thus made unavailable for other purposes;

(d) A contribution of materials shall mean that the materials were specifically obtained and used for the purpose of making the invention and were thus rendered unavailable for other use;

(e) A contribution of funds shall mean that Government funds were actually expended for the purpose of making the invention;

(f) A contribution of information shall mean that the information used in the making of the invention was available only by reason of the inventor's official duties and was obtained from sources not otherwise available;

(g) A contribution of time or services of other Government employees on official duty shall mean that their time or services was utilized during working hours as defined in paragraph (a) of this section;

(h) Bearing a direct relation to or made in consequence of the official duties of the inventor means that the duties to which the inventor had been assigned were such that the invention could reasonably be expected to arise therefrom.

§ 739.4 *When assignment is required.* (a) When any of the conditions set forth in § 739.2, as defined in § 739.3, are present, the domestic rights and, in the discretion of the Chief of Naval Research, foreign rights in and to the invention shall belong to the Government if:

(1) The conditions are equitably sufficient to justify assignment thereof by the employee to the Government; and

(2) The Government has sufficient interest in the invention to require assignment thereof by the employee.

(b) If it should be found that assignment is not required under subparagraphs (1) and (2) of paragraph (a) of this section, the employee nevertheless shall be required to grant to the Government a non-exclusive irrevocable, royalty-free license in the invention and under any patents which may issue thereon, with power to grant licenses for all governmental purposes. When none of the conditions set forth in § 739.2, as

defined in § 739.3, are present, the entire right, title and interest in and to the invention shall be left in the employee, subject to law.

§ 739.5 *When conditions are presumed.* It is presumed that the conditions of § 739.2, as defined in § 739.3, are present, when the employee is employed or assigned:

(a) To invent or improve or perfect any art, machine, manufacture, design, or composition of matter;

(b) To conduct or perform research or development work, or both;

(c) To supervise, direct, coordinate or review Government financed or conducted research or development work, or both; or

(d) To act in a liaison capacity among governmental or non-governmental agencies or individuals engaged in such research or development work, or both.

§ 739.6 *Burden of proof.* Employees within the classes defined in § 739.5 may submit evidence that will enable the Chief of Naval Research to establish the absence of any one or more of the conditions of § 739.2, as defined in § 739.3, or that the conditions which are present are insufficient equitably to justify a requirement that assignment be made to the Government of the invention and any patent which may issue thereon. For employees not within the classes defined in § 739.5, the Government must establish that the conditions of § 739.2, as defined in § 739.3, if present, are sufficient equitably to require an assignment to the Government of the invention and to any patent which may issue thereon.

§ 739.7 *Foreign rights.* An assignment of the foreign rights in and to the invention shall be made by the employee, upon request, whenever an assignment of the domestic rights is required. Where, however, an assignment of the domestic rights is not required, an assignment of the foreign rights in and to the invention may be made by the employee, upon request.

## APPEALS AND PETITIONS

§ 739.8 *Appeals.* (a) Any employee of the Department of the Navy who is aggrieved by a determination of the Chief of Naval Research pursuant to § 739.4 may obtain a review of the determination by filing, within 30 days (or such longer period as the Chairman may, for good cause, fix in any case), after receiving notice of such determination, a written appeal with the Chairman of the Government Patents Board and a copy of the appeal with the Chief of Naval Research.

(b) In the event of the filing of an appeal, the Chief of Naval Research, subject to considerations of national security, shall furnish the Chairman in writing, promptly upon the filing of the appeal, the information required by 37 CFR 300.7 (b) (16 F. R. 3927). The decision of the Chairman upon any appeal taken pursuant to paragraph (a) of this section shall be final.

§ 739.9 *Petitions.* (a) In the event that the Chief of Naval Research determines pursuant to § 739.4 that the do-

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domestic rights in and to an invention will be left with an employee with or without a license in favor of the Government, a report of this determination is required to be submitted to the Chairman for review, subject to the right of the employee, if he acquiesces in the determination, to file a petition in the event of a decision less favorable to him.

(b) The Chairman will review such a determination of the Chief of Naval Research, and his decision respecting the matter shall be final, subject to the right of the employee to submit to the Chairman within 30 days, (or such longer period as the Chairman may, for good cause, fix in any case) after receiving notice of such decision, a petition for the reconsideration of the decision if it gives to the Government greater rights than the determination made by the Chief of Naval Research. A copy of any such petition must also be filed by the employee with the Chief of Naval Research within the prescribed period.

## PATENT PROTECTION

§ 739.10 *General.* The Chief of Naval Research, upon determining that an invention was made under the conditions specified in § 739.2, as defined in § 739.3, shall thereupon determine whether patent protection will be sought in the United States by the Department of the Navy for such invention. A controversy over the respective rights of the Government and of the inventor in any case shall not delay the taking of any action seeking such patent protection. In cases pursuant to § 739.4 where it is determined that the domestic rights in and to the invention are to be left with the employee, action by the Department of the Navy looking toward such patent protection shall be contingent upon the consent of the inventor.

§ 739.11 *Dispute as to rights.* Where there is a dispute as to whether the Government is to obtain an assignment of the domestic rights in and to the invention or only a license thereunder, the Chief of Naval Research will determine whether patent protection will be sought in the United States pending the Chairman's decision on the dispute, and, if the Chief of Naval Research decides that an application for patent should be filed, will take such license rights as are specified in 37 CFR 300.6 (b) (2) (16 F. R. 3927), but this shall be without prejudice to acquiring an assignment of the domestic rights in and to the invention as specified in 37 CFR 300.6 (b) (1) (16 F. R. 3927) should the Chairman so decide.

§ 739.12 *Rights in the employee.* Where, however, the Chief of Naval Research has determined to leave the domestic rights in and to an invention with an employee subject to a license in favor of the Government and the employee acquiesces in this determination, the Chief of Naval Research will, upon the filing of an application for patent and pending review of the determination by the Chairman, take such license rights as are specified in 37 CFR 300.6 (b) (2) (16 F. R. 3927) without prejudice to the

subsequent acquisition by the Government of the domestic rights in and to the invention as specified in 37 CFR 300.6 (b) (1) (16 F. R. 3927) should the Chairman so decide.

## REPORTING OF INVENTIONS

§ 739.13 *Employee defined.* The term "employee" as used in this part means any officer or employee, civilian or military, of the Navy Establishment, including any part-time consultant or part-time employee except when special circumstances in a specific case require a departure from the provisions of this part to meet the needs of the Department of the Navy. Such circumstances shall be reported to the Chairman of the Government Patents Board and separately promulgated if approved by him.

§ 739.14 *Reporting and forms.* In order that the Department of the Navy may comply with the rules and regulations of the Chairman of the Government Patents Board issued as Administrative Order No. 5 (37 CFR Part 300, 16 F. R. 3927), all employees are required to report to the Office of Naval Research, through official channels, all inventions made by them on and after 23 January 1950 under the conditions set forth in § 739.2. The reporting of inventions not made under these conditions, while not required, is nevertheless urged. For reporting inventions use will be made of Forms NAVEXOS 2374 and 2375 or such revisions thereof or other forms as the Chief of Naval Research may prescribe.

## DETERMINATION OF INVENTION

§ 739.15 *Invention defined.* The term "invention" as used in this part means any art, machine, manufacture, design or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States.

§ 739.16 *When determined.* The Chief of Naval Research will be responsible for determining whether the results of research, development or other activity within the Department of the Navy constitute invention and, where practicable, will make this determination before determining the respective rights of the Government and the inventor on the basis of information furnished by the employee and such other information as he may require.

## SCOPE OF DIRECTIVE

§ 739.17 *Inventions covered.* The foregoing provisions of this part apply to any invention made by an employee on or after January 23, 1950 and to any action taken with respect thereto. As to inventions made before January 23, 1950, the respective rights of the Government and the employee will be determined under the provisions of General Order No. 2 of the Navy Department dated May 13, 1935.

FRANCIS P. WHITEHAIR,  
Acting Secretary of the Navy.

[F. R. Doc. 51-10378; Filed, Aug. 28, 1951;  
8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE,  
APPENDIXChapter IV—Wage Stabilization  
Board, Economic Stabilization  
Agency

[General Wage Regulation No. 8, Revised]  
GWR 8, REV.—COST-OF-LIVING INCREASES

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.); Executive Order 10161 (15 F. R. 6105); Executive Order 10233 (16 F. R. 3503); and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), General Wage Regulation No. 8 is hereby revised.

## STATEMENT OF CONSIDERATIONS

This revised General Wage Regulation No. 8 permits certain cost-of-living increases in wages and salaries to be made without prior Board approval. Other cost-of-living increases under this regulation are permitted after approval by the Board. The increases permitted by this revised regulation must be based upon a Consumers Price Index published by the Bureau of Labor Statistics, or an index otherwise acceptable to the Board. The policies contained in this revised regulation will be subject to a later review by the Board.

The Economic Stabilization Administrator has been consulted in the formulation of this regulation. The Economic Stabilization Administrator has approved the resolution upon which this regulation is based through March 1, 1952. Due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act of 1950, as amended.

## REGULATORY PROVISIONS

- Sec.
1. Definitions.
  2. Cost-of-living provisions in effect on or before January 25, 1951.
  3. Cost-of-living provisions put into effect after January 25, 1951.
  4. Permissible increases in absence of cost-of-living provisions.
  5. Exceptional cases.

AUTHORITY: Sections 1 through 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Definitions.* As used in this regulation, the term—

(a) "Wages and salaries" means the straight-time rate of pay, including shift differentials but excluding compensation such as other fringe benefits and health, welfare and pension plans.

(b) "Acceptable index" means any Consumers Price Index (frequently referred to as the cost-of-living index) published by the Bureau of Labor Statistics or such other index as the Board has determined or many determine to be acceptable for the purpose of this regulation.<sup>1</sup>

<sup>1</sup> The Board published a list of approved indices on July 17. This list can be obtained at any Wage and Hour or Regional Board office.