RULING AND REGULATIONS

285.12) and Amendment 390 to the Rent Regulation for Controlled Rooms in Renting Houses and Other Establishments, Pennsylvania, Defense-Rental Area, as follows:

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

In Montgomery County, the City of Williamsport, the Boroughs of South Williamsport, West Branch and Sunbury, and the Townships of Franklin, Forestville, and the Boroughs of Lock Haven, the Borough of Selinsgrove, and the Townships of Monroe and Penn in the Borough of Selinsgrove, and the Boroughs 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, Fairview, Starkey, Allison, Pine Creek, Wayne and Woodward.

This recontrols the Borough of Montgomery and the Township of Clinton in Montgomery County, Pennsylvania, peroroments of the Williamsport, Pennsylvania, Defense-Rental Area, which were herefore 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 Montgomery County, Pennsylvania, Defense-Rental Area, as of September 1, 1951, the provisions of §825.1-825.12, 825.81-825.92 shall apply to housing accommodations in the Borough of Montgomery and the Township of Clinton in Montgomery County, Pennsylvania, in the Borough of Lewisburg and the Townships of Buffalo and East Buffalo.

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 the time period shall be applicable but the same time period shall be counted from September 1, 1951.

This amendment shall become effective on September 1, 1951.

Issued this 24th day of August 1951.

TOD R. WOODS,
Director of Rent Stabilization.

[F. R. Doc. 51-10962; 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-mentioned Executive Order 10096, and referred to as the "Chairman" hereinafter.

2. With a view to obtaining uniform application of this policy as it applies to all Federal agencies, and in order to avoid repetitious and sometimes contradictory rules and 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 (27 F. R. 9397). These rules and regulations in §300.900 thereof restate the basic Government patent policy established by the President, and in this section and cer-
Excerpts (pp. 8738-8740) from the Federal Register, Vol. 16, Number 168, August 29, 1951
tains others set forth the responsibilities of Government agencies. The agency responsibilities, among others, include the determination of invention, the determination of inventions, the determination of whether patent protection will be sought in the United States and the furnishing of certain reports.

See 739.1 Department responsibilities.

739.1 Department responsibilities.

DETERMINATION AND ASSERTION OF RIGHTS

739.2 Conditions for assignment.

739.3 Definitions of conditions.

739.4 Invention defined.

739.15 Invention defined.

739.16 When determined.

SCOPE OF DIRECTIVE

739.17 Inventions covered.

DEFINITIONS OF CONDITIONS

Authority: §§ 739.1 to 739.17 Issued under 5 U.S.C. 301, 302; 7 U.S.C. 2113, 2115; 15 U.S.C. 3710(a), 3710(c); 3710(f); 42 U.S.C. 1725; 10 CFR 100-300.7; 15 CFR 38.12; 31 CFR 10.3; 40 CFR 2.6; 41 CFR 52.223-1 through 52.223-5; 45 CFR 1601.1 through 1601.17; 46 CFR 61.370 through 61.385; 49 CFR 1.62; 51 CFR 216.3 through 216.19; 54 CFR 271.1; and 55 CFR 21.201.7

§ 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 certain exceptions noted hereinafter, whether patent protection will be sought in the United States by the Department of the Navy for such inventions; and

(c) Furnish reports as required to the Chairman of the Government Patents Board relating to the determination of rights in filing 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 Navy 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;

(b) If the invention was made with a contribution by the Government of facilities, 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 is present, the following definitions shall apply:

(a) Working hours for civilian employees shall mean any time spent during either the usual working hours, or over-time, 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 while so used was 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 were utilized during working hours as defined in paragraph (a) of this section.

(h) A contribution of time spent during the making of the invention and while so spent during the assigned time as defined 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.

§ 739.8 When conditions are present.

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;

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

§ 739.9 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 shall 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 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-
mestic 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 the determination is adverse, 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 em- ployee 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 is to 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) (1) (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) (2) (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 acquires 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 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 and 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 National Naval 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 Orders (Pub. Law 93-300, 16 F. R. 3927), all employees are required to report to the Office of Naval Research, through official channels, all inventions made by them and, after January 1, 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 of inventions 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 new and useful device, part or tool, or any new and useful process, or any new and useful improvement thereof, or any new and useful useful improvement thereof, or any new and useful form or ornamental design of any article of manufacture, or any new and useful improvement thereof, or any new and useful useful improvement thereof, or any new and useful useful improvement thereof. For the purpose of this regulation, the term "invention" as used in this regulation, the Chief of Naval Research will have discretion to determine 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. WHITEHALL, Acting Secretary of the Navy.
[For. R. Doc. 51-10378; Filed, Aug. 29, 1951; 8:47 a.m.]

TITLE 32A—NATIONAL DEFENSE,
APPENDIX

Chapter V—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 77-74, 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 Administration (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. No increases whatsoever 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, 1956. The revised provisions are to be 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 26, 1951.
5. Exceptional cases.


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 any other index as the Board has determined or may determine to be acceptable for the purpose of this regulation.¹

¹The Board published a list of approved Indices on July 17. This list can be obtained at the Wage and Hour or Regional Board office.