

## Federal Register – November 2018

[USPTO Interim Procedure for Requesting Recalculation of the Patent Term Adjustment With Respect to Information Disclosure Statements Accompanied by a Safe Harbor Statement, 83 Federal Register 55102, November 2, 2018](#)

**NOTIFICATION OF INTERIM PROCEDURE:** The patent laws provide for patent term adjustment in the event that the issuance of the patent is delayed due to certain enumerated administrative delays. The USPTO will be modifying its computer program that calculates patent term adjustment to recognize when an applicant files an information disclosure statement concurrently with a safe harbor statement. In order to assist both applicants and the USPTO, the USPTO is providing a new form for applicants to use when making a safe harbor statement. The USPTO is also establishing an interim procedure and providing a form for patentees to request a recalculation of their patent term adjustment determination for alleged errors due to the USPTO's failure to recognize that an information disclosure statement was accompanied by a safe harbor statement.

**EFFECTIVE DATE:** November 2, 2018

[Modification and Amendment of Regulations To Conform to the MMA, 83 Federal Register 55334, November 5, 2018](#)

**PROPOSED RULE:** The Copyright Royalty Judges (Judges) publish a notice of inquiry regarding necessary and appropriate modifications and amendments to agency regulations following enactment of a new law regarding the music industry.

**COMMENTS DUE:** November 26, 2018

[Data Collection Form for Reporting on Audits of States, Local Governments, Indian Tribes, Institutions of Higher Education, and Non-Profit Organizations for OMB Review; Comment Request, 83 Federal Register 55516, November 6, 2018](#)

**REINSTATEMENT WITH CHANGES:** Proposed changes to this mandatory annual collection include the following required elements: The text of the federal award audit findings, the text of the corrective action plan, and the notes to the schedule of expenditures of federal awards (SEFA). There will be a checkbox for each finding text and corrective action plan (CAP) text entered asking the user if there are any charts or tables that could not be copied or pasted to analyze how often this occurs. Additionally, a new yes/no question has been added regarding whether the auditors communicated to the auditee, in a written document, any issues that were not audit findings. Two additional items not mentioned in the pre-submission notice will be collected in the Web-based collection instrument, the Internet Data Entry System (IDES). These items will collect the date the auditor's report(s) were received by the auditee and what items were modified when a revision has been conducted. The proposed revisions to the Form SF-SAC can be obtained by download from the FAC homepage at <https://harvester.census.gov/facweb> or by contacting the Federal Audit Clearinghouse at [erd.fac@census.gov](mailto:erd.fac@census.gov) or 800-253-0696.

**COMMENTS DUE:** Within 30 days

[Regulations To Prescribe Return and Time for Filing for Payment of Section 4960, 4966, 4967, and 4968 Taxes and To Update the Abatement Rules for Section 4966 and 4967 Taxes, 83 Federal Register 55653, November 6, 2018](#)

**NOTICE OF PROPOSED RULEMAKING:** This document contains proposed regulations specifying which return to use to pay certain excise taxes and the time for filing the return. The regulations also implement the statutory addition of two excise taxes to the first-tier taxes subject to abatement. These

	<p>regulations affect applicable tax-exempt organizations and their related organizations, applicable educational institutions, sponsoring organizations that maintain certain donor advised funds, fund managers of such sponsoring organizations, and certain donors, donor advisors and persons related to a donor or donor advisor of a donor advised fund.</p> <p><b>COMMENTS DUE:</b> December 7, 2018</p>
<p><a href="#">Draft-National Occupational Research Agenda for Immune, Infectious and Dermal Disease Prevention (IID), 83 Federal Register 55887, November 8, 2018</a></p>	<p>The National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention announces the availability of draft NORA Agenda entitled <i>National Occupational Research Agenda for Immune, Infectious and Dermal Disease Prevention (IID)</i> for public comment. To view the notice and related materials, visit <a href="https://www.regulations.gov">https://www.regulations.gov</a> and enter CDC-2018-0103 in the search field and click "Search."</p> <p><b>COMMENTS DUE:</b> January 7, 2019</p>
<p><a href="#">Next Generation First Responder (NGFR) Technology Evaluation Survey, 83 Federal Register 56364, November 13, 2018</a></p>	<p><b>NOTICE OF INFORMATION COLLECTION:</b> The Department of Homeland Security (DHS), Science and Technology Directorate (S&amp;T) Next Generation First Responder (NGFR) program seeks to develop and integrate next-generation technologies by testing and evaluating first responder technologies during integration demonstration events. During these events, first responder participants use prototype technologies in a fictional scenario—such as a missing person case, an active shooter event, or a chemical spill—and are asked to share their feedback on how the technology worked in the context of their emergency response to the scenario, including whether the technologies made them more effective, efficient or safe. The information collected during these events will help provide insight about how to improve technologies for first responders and will help DHS define whether or not the event was successful. Additionally, the feedback and evaluation DHS receives will be used in knowledge products that will then be distributed to other state and local first responder organizations.</p> <p><b>COMMENTS DUE:</b> January 14, 2019</p>
<p><a href="#">IRS, EMSA, HHS Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act, 83 Federal Register 57592, November 15, 2018</a></p>	<p><b>FINAL RULE:</b> These rules finalize, with changes based on public comments, the interim final rules issued in the Federal Register on October 13, 2017 concerning moral exemptions and accommodations regarding coverage of certain preventive services. These rules finalize expanded exemptions to protect moral beliefs for certain entities and individuals whose health plans are subject to a mandate of contraceptive coverage through guidance issued pursuant to the Patient Protection and Affordable Care Act. These rules do not alter the discretion of the Health Resources and Services Administration, a component of the U.S. Department of Health and Human Services, to maintain the guidelines requiring contraceptive coverage where no regulatorily recognized objection exists. These rules also leave in place an optional "accommodation" process for certain exempt entities that wish to use it voluntarily. These rules do not alter multiple other federal</p>

	<p>programs that provide free or subsidized contraceptives for women at risk of unintended pregnancy.  <b>EFFECTIVE DATE:</b> January 14, 2019</p>
<p><a href="#">Determination of Royalty Rates and Terms for Making Ephemeral Copies of Sound Recordings for Transmission to Business Establishments (Business Establishments III), 83 Federal Register 60362, November 26, 2018</a></p>	<p><b>RULE:</b> The Copyright Royalty Judges (Judges) publish final regulations setting rates and terms for the making of an ephemeral recording of a sound recording by a business establishment service for the period January 1, 2019, through December 31, 2023.  <b>EFFECTIVE DATE:</b> January 1, 2019</p>
<p><a href="#">Next Generation First Responder (NGFR) Technology Evaluation Survey, 83 Federal Register 56364, November 13, 2018</a></p>	<p><b>NOTICE OF INFORMATION COLLECTION:</b> The Department of Homeland Security (DHS), Science and Technology Directorate (S&amp;T) Next Generation First Responder (NGFR) program seeks to develop and integrate next-generation technologies by testing and evaluating first responder technologies during integration demonstration events. The information collected during these events will help provide insight about how to improve technologies for first responders and will help DHS define whether or not the event was successful. Additionally, the feedback and evaluation DHS receives will be used in knowledge products that will then be distributed to other state and local first responder organizations.  <b>COMMENTS DUE:</b> January 14, 2019</p>
<p><a href="#">Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act, 83 Federal Register 57592, November 15, 2018</a></p>	<p><b>FINAL RULE:</b> These rules finalize, with changes based on public comments, the interim final rules issued in the Federal Register on October 13, 2017 concerning moral exemptions and accommodations regarding coverage of certain preventive services. These rules finalize expanded exemptions to protect moral beliefs for certain entities and individuals whose health plans are subject to a mandate of contraceptive coverage through guidance issued pursuant to the Patient Protection and Affordable Care Act. These rules do not alter the discretion of the Health Resources and Services Administration, a component of the U.S. Department of Health and Human Services, to maintain the guidelines requiring contraceptive coverage where no regulatorily recognized objection exists. These rules also leave in place an optional “accommodation” process for certain exempt entities that wish to use it voluntarily. These rules do not alter multiple other federal programs that provide free or subsidized contraceptives for women at risk of unintended pregnancy.  <b>EFFECTIVE DATE:</b> January 14, 2019</p>
<p><a href="#">Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act, 83 Federal Register 57536, November 15, 2018</a></p>	<p><b>FINAL RULE:</b> These rules finalize, with changes based on public comments, interim final rules concerning religious exemptions and accommodations regarding coverage of certain preventive services issued in the Federal Register on October 13, 2017. These rules expand exemptions to protect religious beliefs for certain entities and individuals whose health plans are subject to a mandate of contraceptive coverage through guidance issued pursuant to the Patient Protection and Affordable Care Act. These rules do not alter the discretion of the Health Resources and Services Administration, a component of the U.S. Department of Health and Human Services, to maintain the guidelines requiring contraceptive coverage where no</p>

	<p>regulatorily recognized objection exists. These rules also leave in place an “accommodation” process as an optional process for certain exempt entities that wish to use it voluntarily. These rules do not alter multiple other federal programs that provide free or subsidized contraceptives for women at risk of unintended pregnancy.</p> <p><b>EFFECTIVE DATE:</b> January 14, 2019</p>
<p><a href="#">First Responders Community of Practice (FRCoP), 83 Federal Register 57491, November 15, 2018</a></p>	<p><b>NOTICE OF INFORMATION COLLECTION:</b> The Department of Homeland Security (DHS), Science and Technology (S&amp;T) is proposing to reinstate OMB 1640-0016, an information collection, by inviting the public to comment on the collection: First Responders Community of Practice (FRCoP) User Registration Page (DHS Form 10059 (9/09)). The FRCoP web based tool collects profile information from first responders and select authorized non-first responder users to facilitate networking and formation of online communities. All users are required to authenticate prior to entering the site. In addition, the tool provides members the capability to create wikis, discussion threads, blogs, documents, etc., allowing them to enter and upload content in accordance with the site's Rules of Behavior. Members are able to participate in threaded discussions and comment on other members' content. The FRCoP program is responsible for providing a collaborative environment for the first responder community to share information, best practices, and lessons learned.</p> <p><b>COMMENTS DUE:</b> January 17, 2019</p>
<p><a href="#">Science and Technology Collection of Qualitative Feedback, 83 Federal Register 57492, November 15, 2018</a></p>	<p><b>NOTICE OF INFORMATION COLLECTION:</b> The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the S&amp;T's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services.</p> <p><b>COMMENTS DUE:</b> January 14, 2019</p>
<p><a href="#">Submission for OMB Review; Comment Request; “Matters Related to First Inventor to File”, 83 Federal Register 58761, November 21, 2018</a></p>	<p><b>NOTICE OF INFORMATION COLLECTION:</b> This information collection is necessary so that patent applicants and/or patentees may: (1) Provide a statement if a nonprovisional application filed on or after March 16, 2013 claims the benefit of the filing date of a foreign, provisional, or nonprovisional application filed prior to March 16, 2013, and also contains, or contained, a claim to a claimed invention that has an effective filing date on or after March 16, 2013; (2) identify the inventorship and ownership of each claimed invention on its effective filing date or on its date of invention in an application or patent naming one or more joint inventors; and (3) show that a disclosure was by the inventor or joint inventor, or was</p>

	by a party who obtained the subject matter from the inventor or a joint inventor.
<a href="#">Submission for OMB Review; Comment Request; “Patent Review and Derivation Proceedings”, 83 Federal Register 58761, November 21, 2018</a>	<b>NOTICE OF INFORMATION COLLECTION:</b> The public will use this information collection to petition the Board to seek the institution of—and to participate in—inter partes reviews, post-grant reviews, covered business method patent reviews, and derivation proceedings.
<a href="#">Truth in Lending (Regulation Z), 83 Federal Register 59276, November 23, 2018</a>	<b>FINAL RULES:</b> Based on the annual percentage increase in the CPI-W as of June 1, 2018, the exemption threshold will increase from \$55,800 to \$57,200 effective January 1, 2019. <b>EFFECTIVE DATE:</b> January 1, 2019
<a href="#">Determination of Royalty Rates and Terms for Making Ephemeral Copies of Sound Recordings for Transmission to Business Establishments (Business Establishments III), 83 Federal Register 60362, November 26, 2018</a> <sup>[EJB-e1]</sup> <sup>[EJB-e2]</sup>	<b>FINAL RULE:</b> The Copyright Royalty Judges (Judges) publish final regulations setting rates and terms for the making of an ephemeral recording of a sound recording by a business establishment service for the period January 1, 2019, through December 31, 2023. <b>EFFECTIVE DATE:</b> January 1, 2019
<a href="#">ED Waiver of Certain Consumer Information Requirements for Foreign Institutions of Higher Education, 83 Federal Register 61121, November 28, 2018</a>	<b>WAIVER:</b> The Secretary identifies specific provisions governing the student loan programs authorized by title IV of the Higher Education Act of 1965, as amended (HEA), that do not apply to foreign institutions. These include, among others: Transfer of credit policies and articulation agreements; Copyright Infringement Policies and Sanctions, Including Computer Use and File Sharing; School and Program Accreditation, Approval, or Licensure; Drug and Alcohol Abuse Prevention Program; Completion/Graduation and Transfer-Out Rates for Students Receiving Athletically Related Student Aid; Intercollegiate Athletic Program Participation Rates and Financial Support (Equity in Athletics Disclosure Act); Completion/Graduation and Transfer-Out Rates (Including Disaggregated Completion/Graduation Rates); Placement in Employment; Job Placement Rates; Types of Graduate and Professional Education in Which the Institution's Graduates Enroll; Accountability for Programs That Prepare Teachers; Student Body Diversity; and Fire Safety Report.
<a href="#">Cost of Living Adjustment to Public Broadcasters Compulsory License Royalty Rate, 83 Federal Register 61126, November 28, 2018</a>	<b>FINAL RULE</b> <sup>[EJB-e3]</sup> : The Copyright Royalty Judges announce a cost of living adjustment (COLA) to the royalty rate that noncommercial radio stations at certain colleges, universities, and other educational institutions that are not affiliated with National Public Radio must pay for the use in 2019 of published nondramatic musical compositions in the SESAC repertory pursuant to the statutory license under the Copyright Act for noncommercial broadcasting. <b>EFFECTIVE DATE:</b> December 28, 2018
<a href="#">Cost of Living Adjustment to Royalty Rates for Webcaster Statutory License, 83 Federal Register 61126, November 28, 2018</a>	<b>FINAL RULE</b> <sup>[EJB-e4]</sup> : The Copyright Royalty Judges announce a cost of living adjustment (COLA) in the royalty rates that commercial and noncommercial noninteractive webcasters pay for eligible transmissions pursuant to the statutory licenses for the public performance of and for the making of ephemeral reproductions of sound recordings. <b>EFFECTIVE DATE:</b> January 1, 2019

<p><a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 83 Federal Register 61462, November 29, 2018</a></p>	<p><b>NOTICE OF PROPOSED RULEMAKING:</b> The Secretary of Education proposes to amend regulations implementing Title IX of the Education Amendments of 1972 (Title IX). The proposed regulations would clarify and modify Title IX regulatory requirements pertaining to the availability of remedies for violations, the effect of Constitutional protections, the designation of a coordinator to address sex discrimination issues, the dissemination of a nondiscrimination policy, the adoption of grievance procedures, and the process to claim a religious exemption. The proposed regulations would also specify how recipient schools and institutions covered by Title IX (hereinafter collectively referred to as recipients or schools) must respond to incidents of sexual harassment consistent with Title IX's prohibition against sex discrimination. The proposed regulations are intended to promote the purpose of Title IX by requiring recipients to address sexual harassment, assisting and protecting victims of sexual harassment and ensuring that due process protections are in place for individuals accused of sexual harassment.</p> <p><b>COMMENTS DUE:</b> January 28, 2019</p>
<p><a href="#">Group Registration of Newsletters and Serials, 83 Federal Register 61546, November 30, 2018</a></p>	<p><b>FINAL RULE:</b> The U.S. Copyright Office is amending its regulations governing the group registration options for newsletters and serials. Under the final rule, newsletter publishers now should register their issues with the online application and upload a digital copy of each issue through the electronic registration system instead of submitting them in a physical form. With respect to group serials, the final rule clarifies that serials governed by the rule generally must be published at intervals of a week or longer, and that the publication dates provided in the application need not match the dates appearing on the issues themselves. In addition, the rule phases out the paper application for group serials and the submission of physical copies. Beginning one year after the rule goes into effect, serial publishers will be required to use the online application for group serials and to upload a digital copy of each issue, rather than submitting them in a physical form.</p> <p><b>EFFECTIVE DATE:</b> December 28, 2018</p>
<p><b>Virginia Register – November 2018</b></p>	
<p><a href="#">1VAC42-30. Fraud and Abuse Whistle Blower Reward Fund (adding 1VAC42-30-10 through 1VAC42-30-100), Volume 35, Issue 7, November 26, 2018</a></p>	<p><b>PROPOSED REGULATION:</b> The proposed regulations (i) provide direction to state agency employees and citizens for reporting instances of fraud or abuse within executive branch agencies; (ii) encourage state agency employees and citizens of the Commonwealth to report instances of fraud, abuse, or other wrongdoing committed within executive branch agencies and nonstate agencies or by independent contractors of state agencies; (iii) provide resources to pay monetary rewards to state agency employees and citizens who provide relevant</p>

	information to the OSIG that results in recovery of funds on behalf of the Commonwealth; and (iv) provide statutory protection for state employees and citizens who report instances of abuse or wrongdoing from discrimination or retaliation by state agencies.
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**COMMENTS DUE:** January 28, 2019