



GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE
Washington, D.C. 20230

24 NOV 1986

Mr. Roger G. Ditzel
Director, Patent, Trademark
and Copyright Office, Suite 1000-A
2150 Shattuck Avenue
University of California
Berkeley, California 94720

98-620

Dear Mr. Ditzel:

This is in response to your October 8 letter to Norman Latker requesting an opinion on the effective date of applicability and status of the interim final rule published in the Federal Register on July 14, 1986 entitled: "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms".

The Office of the Federal Register, National Archives and Records Administration, on page 6 of its revised April 1986 edition of the Document Drafting Handbook states that an interim rule is effective immediately on its publication date (here July 14, 1986). Interim rules "have the same effect as a final rule in that they amend the Code of Federal Regulations...." Thus, the interim rule published on July 14, 1986 has the full force and effect as any other final rule published in the Federal Register and must be complied with as of its effective date, i.e., July 14, 1986.

The Office of the Federal Register goes on to state that in issuing an interim rule, an agency often asks for public comment (as we have done in this case). "After the comment period expires, [September 12, 1986] the agency may consider adjustments to the interim rule ..." (emphasis supplied). However, this process in no way impairs the immediate and full effectiveness of an interim final rule.

Sincerely,

A handwritten signature in cursive script that reads "Robert B. Ellert".

Robert B. Ellert
Chief Counsel for Economic Affairs