

Mammal Division within NMFS' Office of Protected Resources (see **ADDRESSES**).

Dated: December 3, 2002.

Laurie K. Allen,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No. 2003-C-006]

Request for Written Comments and Notice of Hearings on Technological Protection Systems for Digitized Copyrighted Works

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Request for written comments and notice of hearings.

SUMMARY: The United States Patent and Trademark Office (USPTO) requests written comments that will assist the agency in preparing a report to Congress required by the "Technology, Education and Copyright Harmonization Act of 2002." The report will provide information to Congress on technological protection systems for digitized copyrighted works and to prevent infringement. The USPTO also may conduct a hearing to obtain information for the report and requests a response from persons interested in providing testimony.

DATES: Written comments are due at the offices of the USPTO on January 14, 2003. A hearing is tentatively scheduled for the Washington, DC area, on February 4, 2003. Based on expressions of public interest, additional hearings may be scheduled. Requests to testify must be received by January 14, 2003.

ADDRESSES: Written comments and requests to testify should be addressed to the United States Patent and Trademark Office, Office of Legislative and International Affairs, Room 902, 2121 Crystal Drive, Arlington, VA 22202, or faxed to (703) 305-8885, marked to the attention of Velica Steadman. Written comments also may be sent via electronic mail to teach.act@uspto.gov. A specific time and location for the proposed hearing will be determined based on responses received from persons who express an interest in testifying and will be posted on the USPTO's Web site at <http://www.uspto.gov>.

FOR FURTHER INFORMATION CONTACT: Michael S. Shapiro by telephone at

(703) 305-9300 or by electronic mail at teach.act@uspto.gov.

SUPPLEMENTARY INFORMATION:

1. Background

On November 2, 2002, the President signed into law the "Technology, Education and Copyright Harmonization Act of 2002" (the TEACH Act), Pub. L. 107-273, which updates certain provisions of the Copyright Act to facilitate the growth and development of distance education, while introducing new safeguards to limit the additional risks to copyright owners that are inherent in exploiting works in a digital format. As discussed more fully below, the TEACH Act requires the USPTO to submit a report to Congress on technological protection systems for digitized copyrighted works and to prevent infringement. The brief discussion of the TEACH Act that follows is intended only to provide some context for that report.

Over the last several years, the educational opportunities and risks associated with distance education have been the subject of extensive public debate and attention in the United States. In November 1998, the Conference on Fair Use (CONFU), convened by the Administration's Information Infrastructure Task Force, issued its final report, which included a proposal for educational fair use guidelines for distance learning.¹ In May 1999, the U.S. Copyright Office issued an extensive report on copyright and digital distance education.² The Senate Committee on the Judiciary and the House Judiciary Subcommittee on Courts, the Internet, and Intellectual Property held hearings on the TEACH Act.³ For more detailed information on the background and legislative history of the TEACH Act, interested persons may wish to visit the USPTO Web site at <http://www.uspto.gov> and the U.S. Copyright Office Web site at <http://www.loc.gov>.

Subsection (b) of the TEACH Act amends section 110(2) of the Copyright Act to encompass performances and

displays of copyrighted works in digital distance education under appropriate circumstances and subject to certain limitations. The Act expands the categories of works exempt from the performance right, from nondramatic literary works and musical works to "reasonable and limited portions" of any work and permits the display of any work in "an amount comparable to that typically displayed in the course of a live classroom setting." The Act removes the concept of the physical classroom, while maintaining the requirement of "mediated instructional activity," which generally requires the involvement of an instructor. The exemption is limited to mediated instructional activities that are conducted by governmental bodies and "accredited" non-profit educational institutions. Subsection (c) of the TEACH Act amends section 112 of the Copyright Act to permit transmitting organizations to store copyrighted material on their servers in order to allow the performances and displays of works authorized under amended section 110(2).

The TEACH Act contains a number of new safeguards to limit the additional risks to copyright owners that are inherent in using works in the digital format. Section 110(2)(C) limits the receipt of authorized transmissions, "to the extent technologically feasible," to students officially enrolled in the course or to Government employees as part of their official duties. Section 110(2)(D)(ii) requires transmitting institutions to apply technological measures that "reasonably prevent retention of the work in accessible form by recipients of the transmission * * * for longer than the class session" and the "unauthorized further dissemination" of the work. Section 110(2)(D)(ii) also prohibits transmitting institutions from engaging in "conduct that could reasonably be expected to interfere" with such technological measures.

2. Mandate for the Report

Subsection (d) of the TEACH Act requires the Under Secretary of Commerce for Intellectual Property, after consultation with the Register of Copyrights and after a period of public comment, to submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on technological protection systems for digitized copyrighted works. The report, which is intended solely to provide information to Congress, is due not later than 180 days after the date of enactment of the Act.

Congress specifically directed the USPTO to include information "on

¹ See The Conference on Fair Use: Final Report to the Commissioner on the Conclusion of the Conference on Fair Use (U.S. Patent and Trademark Office, November 1998). The report is available online at <http://www.uspto.gov/web/offices/dcom/olia/confu/confurep.htm>

² See Report on Copyright and Digital Distance Education: A Report to the Register of Copyrights (U.S. Copyright Office, May 1999). The report is available at <http://www.copyright.gov/disted/>.

³ See the Report of the Senate Committee on the Judiciary on the Technology, Education and Copyright Act of 2001, S.R. Rep. No. 107-31, 107th Congress, 1st Session and the Report of the House Committee on the Judiciary on the Technology, Education and Copyright Act of 2001, H.R. Rep. No. 107-687, 107th Congress, 2d Session.

technological protection systems that have been implemented, are available for implementation, or are proposed to be developed to protect digitized copyrighted works and prevent infringement, including upgradeable and self-repairing systems, and systems that have been developed, are being developed, or are proposed to be developed in private voluntary industry-led entities through an open broad based consensus process.” Congress also directed the USPTO to exclude “any recommendations, comparisons, or comparative assessments of any commercially available products that may be mentioned in the report.”

Subsection (d) of the Act further states that the report “shall not be construed to affect in any way, either directly or by implication, any provision” of the Copyright Act in general or the TEACH Act in particular, including the requirements of section 110(2)(D)(ii) of the TEACH Act (discussed above), or “the interpretation or application of such provisions, including evaluation of the compliance with that clause by any governmental body or nonprofit educational institution.”

Request for Written Comments

The USPTO requests that persons interested in submitting written comments organize their comments as follows:

(1) What technological protection systems have been implemented, are available for implementation, or are proposed to be developed to protect digitized copyrighted works and prevent infringement, including any upgradeable and self-repairing systems?

(2) What systems have been developed, are being developed, or are proposed to be developed in private voluntary industry-led entities through an open broad-based consensus process?

(3) Consistent with the types of information requested by Congress, please provide any additional comments on technological protection systems to protect digitized copyrighted works and prevent infringement.

Written comments must be received by January 14, 2003, and should be addressed to the United States Patent and Trademark Office, Office of Legislative and International Affairs, Room 902, 2121 Crystal Drive, Arlington, VA 22202, ATTN: Velica Steadman, Office of Legislative and International Affairs; faxed to Velica Steadman’s attention at (703) 305-8885; or sent via electronic mail to teach.act@uspto.gov.

In addition, as noted above, the USPTO will schedule a hearing to

obtain information for the report on the basis of expressions of public interest. The hearing is tentatively scheduled for the Washington, DC area on February 4, 2003. Based on expressions of public interest, additional hearings may be scheduled. Requests to testify must be received by January 14, 2003. A specific time and location for the proposed hearing will be determined based on responses received from persons who express an interest in testifying and will be posted on USPTO’s Web site at <http://www.uspto.gov>.

Dated: December 3, 2002.

James E. Rogan,
Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 02-31017 Filed 12-6-02; 8:45 am]

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Cambodia

December 4, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the U.S. Customs website at <http://www.customs.gov>. For information on embargoes and quota reopenings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The Memorandum of Understanding of December 29, 2001, between the Governments of the United States and Cambodia amends and extends the bilateral textile agreement of January 20, 1999 to cover the period January 1, 2003 through December 31, 2003.

The limits under this agreement may be revised if Cambodia becomes a member of the World Trade Organization (WTO) and the United States applies the WTO agreement to Cambodia.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2003 limits, which include a twelve percent (12%) increase to all of Cambodia’s quotas under the Labor Standards provision described in **Federal Register** notice 64 FR 60428, published on November 5, 1999.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 66 FR 65178, published on December 18, 2001). Information regarding the availability of the 2003 CORRELATION will be published in the **Federal Register** at a later date.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 4, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Memorandum of Understanding, dated December 29, 2001, between the Governments of the United States and Cambodia, you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Cambodia and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
331/631	2,191,661 dozen pairs.
334/634	240,376 dozen.
335/635	91,908 dozen.
338/339	3,782,381 dozen.
340/640	1,060,481 dozen.
345	132,913 dozen.
347/348/647/648	4,241,923 dozen.
352/652	848,385 dozen.
435	21,832 dozen.
438	104,892 dozen.
445/446	128,202 dozen.
638/639	1,272,576 dozen.
645/646	353,493 dozen.