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Subject: Official Insignia of Native American Tribes & Public Law 105-330

1) The definition of "Official Insignia"

We, the Seaconke Wampanoag Indian Tribe, believe that it is our sole right to be able to determine what is part of our official insignia as new evidence presents itself because of the archeological nature of our struggle to preserve our identity. It is also because we do not share your definition of "Official Insignia." For us there are many "signs" that we revere and hold meaning to. However, we will try to be cooperative in this area because we realize we live in two worlds.

The historical record is still incomplete in our case, and we need to do more research. This is problematic due to a lack of funding. Therefore we request funding to perform a proper search for all of our official insignia.

2) Establishing and Maintaining a List of Official Insignia

We applaud your proposal to create and maintain a list of Official Insignia for American Indian Tribes.

We suggest that the list be created by the PTO and Official State and Federally recognized Indian Tribes in a cooperative manner. Funding should be provided by congress since they have involved us in this trade agreement in the first place. We also suggest that the registered list be

submitted by the PTO (after approval by the tribes), to all state trademark/servicemark registries , the WTO registries, and the Library of Congress on an electronic database. We also anticipate that some Insignia will be three dimensional objects of Native American Craftwork, and in such cases, because of the museum requirements for those objects, we believe a photographic record should be used in the registry while keeping the artifact in the possession of it's rightful cultural owners.

### 3) Impact of Changes In Current law or policy

We oppose the change in the Law that limits our new uses for our Official Insignia / Trademarks, and wish for it to be amended. To limit the use of our Official Insignia would cause undue hardship on our rights to fair-use of our identity and identifiers in commerce.

We have very little resources except for our culture. Protection and recognition of our Cultural heritage is of paramount importance to the Seaconke Wampanoag Indian Tribe. We are aware of some entities who are trying to subvert our cultural ownership and wish for these types of activities be prohibited by law. The advent of the Internet points to the need of quick decisive action on this point.

### 4) Impact of Prohibition on Federal Registration and New Uses of Official Insignia

We oppose any arbitrary suspension of our right to register any, yet to be discovered, Official Insignia of our tribe because of the incompleteness of our records and the probability that more archeological evidence will be uncovered in the years to come.

We believe that the law needs to be addressed at the tribal level first, then at the national and international levels.

### 5) Administrative Feasibility

Since most tribes don't have the resources to enforce their trademark rights, we believe further Federal efforts will be needed such as Increasing the Penalty for Infringement in the case of Indian Insignia to further discourage

use by other entities. A special Federal Indian Trademark Ombudsman could be established to try to keep the cost of litigation down. Procedures would need to be established.

#### 6) Timing of Changes in Protection

We believe that if a well done widely accessible database of Indian Insignia is created and rules are set up as to future entries, (ie.) limited to genuine historical and archeological submissions through an agreed to process, then the cost to business will have a limited impact if applied retroactively.

#### 7) Statutory Changes

First, we oppose the change in the Law that limits our new uses for our Official Insignia / Trademarks, and wish for it to be amended to allow us to determine our own uses. To limit the use of our Official Insignia would cause undue hardship on our rights to fair-use of our identity and identifiers in commerce.

Secondly, because of the incomplete record of our tribe we want the right to be able to add to the list new Insignia as genuine evidence presents itself in future archeological and historical discoveries.

One without the other will not provide the level of protection that is critical to our culture's survival.

Sincerely yours,  
Wilfred W. Greene  
Chief  
Seaconke Wampanaog Indian Tribe