

TABLE 1.—LIST OF FISHERIES AND STOCKS FOR WHICH CRITERIA UNDER SECTION 101(A)(5)(E) HAVE BEEN MET—  
Continued

[Issuance of permits is proposed for incidental takes from these stocks for the Category I and II fisheries indicated. Category III fisheries included in this list would not be subject to penalties for the incidental taking of marine mammals listed under the ESA, provided that such takes are reported in accordance with section 118 of the MMPA]

Fishery	Stocks for which takes are allowed
Northeast sink gillnet .....	Humpback whale, Western North Atlantic stock. Fin whale, Western North Atlantic stock.
Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline Gulf of Maine, U.S. Mid-Atlantic lobster trap/pot .....	Humpback whale, Western North Atlantic stock. Humpback whale, Western North Atlantic stock. Fin whale, Western North Atlantic stock.
Category II Fisheries:	
Prince William Sound salmon drift gillnet .....	Steller sea lion, Western U.S. stock.
Alaska Peninsula/Aleutian Islands salmon set gillnet .....	Steller sea lion, Western U.S. stock.
Southeast Alaska salmon drift gillnet .....	Steller sea lion, Eastern U.S. stock.
Cook Inlet salmon drift gillnet .....	Humpback whale, Central North Pacific stock.
Cook Inlet salmon set gillnet .....	Steller sea lion, Western U.S. stock.
Bristol Bay salmon drift gillnet .....	Steller sea lion, Western U.S. stock.
Southeast Alaska salmon purse seine .....	Humpback whale, Central North Pacific stock.
U.S. Mid-Atlantic coastal gillnet .....	Humpback whale, Western North Atlantic stock.
Gulf of Maine small pelagics surface gillnet .....	Humpback whale, Western North Atlantic stock.
Category III Fisheries:	
Prince William Sound salmon set gillnet .....	Steller sea lion, Western U.S. stock.
Alaska miscellaneous finfish set gillnet .....	Steller sea lion, Western U.S. stock.
Alaska salmon troll .....	Steller sea lion, Eastern U.S. stock.
Alaska miscellaneous finfish/groundfish longline/set line .....	Steller sea lion, Western U.S. stock.
Hawaii swordfish, tuna, billfish, mahi mahi, oceanic sharks longline/set line.	Humpback whale, Central North Pacific stock.
Southern Bering Sea, Aleutian Islands, and western Gulf of Alaska sablefish longline/set line (federally regulated waters).	Steller sea lion, Western U.S. stock.
Alaska halibut longline/set line .....	Steller sea lion, Western U.S. stock.
Gulf of Alaska groundfish trawl .....	Steller sea lion, Western U.S. stock.
Bering Sea and Aleutian Islands groundfish trawl .....	Steller sea lion, Western U.S. stock.
WA/OR/CA groundfish trawl .....	Steller sea lion, Eastern U.S. stock.
RI, southern MA, and New York Bight inshore gillnet .....	Humpback whale, Western North Atlantic stock.
Long Island Sound inshore gillnet .....	Humpback whale, Western North Atlantic stock.
Delaware Bay inshore gillnet .....	Humpback whale, Western North Atlantic stock.
Gulf of Maine, U.S. Mid-Atlantic mixed species trap/pot .....	Humpback whale, Western North Atlantic stock.
Gulf of Maine herring and Atlantic mackerel/stop seine/weir .....	Humpback whale, Western North Atlantic stock.

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**DEPARTMENT OF COMMERCE**

**National Telecommunications and Information Administration**

**LIBRARY OF CONGRESS**

**Copy Right Office**

[Docket No. 990428110-9110-01]

RIN 0660-ZA09

**Request for Comments on Section 1201(g) of the Digital Millennium Copyright Act**

**AGENCIES:** The National Telecommunications and Information Administration, United States Department of Commerce; and the United States Copyright Office, Library of Congress.

**ACTION:** Request for public comment.

**SUMMARY:** The National Telecommunications and Information Administration of the United States Department of Commerce and the United States Copyright Office invite interested parties to submit comments on the effects of Section 1201(g) of Title 17, United States Code, as adopted in the Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860 (Oct. 28, 1998) ("DMCA") on encryption research and the development of encryption technology; the adequacy and effectiveness of technological measures designed to protect copyrighted works; and the protection of copyright owners against unauthorized access to their encrypted copyrighted works.

The DMCA, enacted on October 28, 1998, directs the Register of Copyrights and the Assistant Secretary for Communications and Information of the Department of Commerce to prepare a report for the Congress examining the impact of Section 1201(g) on encryption research and including legislative

recommendations—if any—no later than one year after enactment of the DMCA. This **Federal Register** Notice is intended to solicit comments from interested parties on the effects of section 1201(g) of the DMCA. More specifically, how will the provisions of section 1201(g) of the DMCA affect encryption research?

The DMCA defines "encryption research" as identification and analysis of flaws and vulnerabilities of encryption technologies applied to copyrighted works. This activity must promote understanding of encryption technology or advance the development of encryption products.

**DATES:** Comments must be received by July 26, 1999.

**ADDRESSES:** The Department of Commerce and the Copyright Office invite the public to submit written comments in paper or electronic form. Comments may be mailed to Paula J. Bruening, Office of Chief Counsel, National Telecommunications and Information Administration (NTIA), Room 4713, U.S. Department of

Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; and Jesse M. Feder, Office of Policy and International Affairs, U.S. Copyright Office, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Paper submissions should include a version on diskette in PDF, ASCII, Word Perfect (please specify version), or Microsoft Word (please specify version) format. Comments should be sent to both the Department of Commerce and Copyright Office addresses.

Comments submitted in electronic form should be sent to [dmca@ntia.doc.gov](mailto:dmca@ntia.doc.gov) and [crypto@loc.gov](mailto:crypto@loc.gov). Electronic comments should be submitted in the formats specified above and should be sent to both the Department of Commerce and Copyright Office addresses.

**FOR FURTHER INFORMATION CONTACT:** Paula J. Bruening, National Telecommunications and Information Administration (202) 482-1816; and Jesse M. Feder, Office of Policy and International Affairs, US Copyright Office, Library of Congress (202) 707-8350.

**SUPPLEMENTARY INFORMATION:** The National Telecommunications and Information Administration, United States Department of Commerce and the United States Copyright Office, Library of Congress invite interested parties to submit comments on the effects of the Digital Millennium Copyright Act (DMCA) on encryption research and development of encryption technology; the adequacy and effectiveness of technological measures designed to protect copyrighted works; and, protection of copyright owners against unauthorized access to their encrypted copyrighted works.

The objective of Title I of the Digital Millennium Copyright Act was to revise U.S. copyright law to comply with two recent World Intellectual Property Organization (WIPO) Treaties and to strengthen copyright protection for motion pictures, sound recordings, computer software and other copyrighted works in electronic formats. The DMCA establishes a prohibition on the act of circumventing technological measures that effectively control access to a copyrighted work protected under the U.S. Copyright Act. The prohibition, found in Section 1201 of Title 17, U.S. Code, takes effect October 28, 2000, two years from the date of enactment of the DMCA.

The DMCA also makes it illegal for a person to manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service,

device, component or part thereof which is primarily designed or produced to circumvent a technological measure that effectively controls access to or unauthorized copying of a work protected by copyright, has only a limited commercially significant purpose or use other than circumvention of such measures, or marketed for use in circumventing such measures.

Despite the general prohibitions of Section 1201, the DMCA permits certain specified activities that include the circumvention of access control technologies in limited circumstances. One such specified activity is good faith encryption research. The DMCA defines "encryption research" as identification and analysis of flaws and vulnerabilities of encryption technologies applied to copyrighted works. This activity must promote understanding of encryption technology or advance the development of encryption products.

The DMCA exempts from the general prohibition certain good faith activities of circumvention when: (a) The person circumventing the protection system lawfully obtained the encrypted copy of the work; (b) circumvention is necessary to conduct the encryption research; (c) the person circumventing the protection system made a good faith effort to obtain authorization prior to the circumvention; and, (d) such circumvention does not constitute copyright infringement or a violation of any otherwise applicable law. The DMCA also lists additional factors to be considered when determining whether a person qualifies for the exemption.

The DMCA also includes several additional exemptions from the general prohibition or circumvention. One such exemption is for security testing. Section 1201(j) of Title 17, U.S. Code permits circumvention of access control technologies in order to test the effectiveness of a security measure. Comments on Subsection 1201(j), the exemption for "security testing," and comments on exemptions other than the exemption for encryption research, are not being solicited by this Notice and will not be considered.

Information collected from responses to this **Federal Register** Notice will be

considered when preparing the required report for Congress.

**Kathy D. Smith,**  
*Acting Chief Counsel, National Telecommunications and Information Administration.*

**Marybeth Peters,**  
*Register of Copyrights, United States Copyright Office.*  
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## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

RIN 0651-ZA02

[Docket No. 99-0512128-9128-01]

### Notice of Public Hearing and Request for Comments on Issues Related to the Identification of Prior Art During the Examination of a Patent Application

**AGENCY:** Patent and Trademark Office, Commerce.

**ACTION:** Notice of Hearing and Request for Public Comments.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is seeking comments to obtain views of the public on issues associated with the identification of prior art during the examination of a patent application. Interested members of the public are invited to testify at the hearing and to present written comments on any of the topics outlined in the supplementary information section of this notice.

**DATES:** Public hearings will be held on Monday, June 28, 1999, and Wednesday, July 14, 1999, starting each day at 9:00 a.m. and ending no later than 5:00 p.m. Those wishing to present oral testimony at any of the hearings must request an opportunity to do so no later than June 21, 1999 for the June 28, 1999 hearing, or July 7, 1999 for the July 14, 1999 hearing. Speakers may provide a written copy of their testimony for inclusion in the record of the proceedings no later than August 2, 1999.

To ensure consideration, written comments must be received at the USPTO no later than August 2, 1999. Written comments and transcripts of the hearing will be available for public inspection on or about August 9, 1999.

**ADDRESSES:** The June 28, 1999 hearing will be held in the Nob Hill Room of the San Francisco Marriott Hotel located at 55 Fourth Street, San Francisco, California. The July 14, 1999 hearing will be held in the Patent Theater located on the Second Floor of Crystal Park 2, 2121 Crystal Drive, Arlington,