APD is a violation which is subject to sanction. We are issuing and publishing the results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: September 26, 2013.

Paul Piquado, Assistant Secretary for Import Administration.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

1. Likelihood of continuation or recurrence of dumping; and
2. Magnitude of the dumping margin likely to prevail.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Borzino, (703) 605–6405, bborzino@ntis.gov.

DEPARTMENT OF COMMERCE National Technical Information Service

National Technical Information Service Advisory Board

AGENCY: National Technical Information Service, Commerce.

ACTION: Notice of open meeting.

SUMMARY: This notice announces the next meeting of the National Technical Information Service Advisory Board (the Advisory Board), which advises the Secretary of Commerce and the Director of the National Technical Information Service (NTIS) on policies and operations of the Service.

DATES: The Advisory Board will meet on Friday, November 1, 2013, from 9:00 a.m. to approximately 4:00 p.m.

ADDRESSES: The Advisory Board will be held in Room 116 of the NTIS Facility at 5301 Shawnee Road, Alexandria, Virginia 22312. Please note admittance instructions under the SUPPLEMENTARY INFORMATION section of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Borzino, (703) 605–6405, bborzino@ntis.gov.

DEPARTMENT OF COMMERCE United States Patent and Trademark Office

National Telecommunications and Information Administration

[Docket No. 130927852–3852–01]

Request for Comments on Department of Commerce Green Paper, Copyright Policy, Creativity, and Innovation in the Digital Economy


ACTION: Request for public comments and notice of public meeting.

SUMMARY: Consistent with the Department of Commerce’s Internet Policy Task Force (Task Force) Green Paper on Copyright Policy, Creativity, and Innovation in the Digital Economy (Green Paper) released on July 31, 2013, the Task Force seeks public comment from all interested stakeholders on the following copyright policy issues critical to economic growth, job creation, and cultural development: The legal framework for the creation of remixes; the relevance and scope of the first sale doctrine in the digital environment; the appropriate calibration of statutory damages in the contexts of individual file sharers and of secondary liability for large-scale infringement; whether and how the government can facilitate the further development of a robust online licensing environment; and establishing a multistakeholder dialogue on improving the operation of the notice and takedown system for removing infringing content from the Internet under the Digital Millennium Copyright Act (DMCA). The Task Force will also hold an initial public meeting on October 30, 2013, to discuss these topics.

DATES: Comments are due on or before November 13, 2013. Any comments received before October 15, 2013 will be considered in the discussions in the public meeting.

ADDRESSES: The Task Force intends to hold the public meeting in the Amphitheatre of the Ronald Reagan Building and International Trade Center, 1300 Pennsylvania Avenue NW., Washington, DC 20004. All major entrances to the building are accessible to people with disabilities. Confirmation of the venue for the public meeting will be available at least seven (7) days prior to the meeting on the Internet Policy Task Force Web site, http://www.ntia.doc.gov/internetpolicytaskforce and the USPTO’s Web site, http://www.uspto.gov.

Interested parties are encouraged to file comments electronically by email to: CopyrightComments2013@uspto.gov. Comments submitted by email should be machine-searchable and should not be copy-protected. Written comments also may be submitted by mail to Office of Policy and External Affairs, United States Patent and Trademark Office, Mail Stop External Affairs, P.O. Box 1450, Alexandria, VA 22313–1450. Responders should include the name of the person or organization filing the comment, as well as a page number, on each page of their submissions. Paper submissions should also include a CD or DVD containing the submission in Word, WordPerfect, or pdf format. CDs or DVDs should be labeled with the name and organizational affiliation of the filer, and the name of the word processing program used to create the document. All comments received are a part of the public record and will be made available to the public at http://www.ntia.doc.gov/category/internet-policy-task-force without change. All personally identifiable information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential
business information or otherwise sensitive or protected information. The Task Force will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** For further information regarding the meeting, contact Hollis Robinson or Ben Golant, Office of Policy and External Affairs, United States Patent and Trademark Office, Madison Building, 600 Dulany Street, Alexandria, VA 22314; telephone (571) 272–9300; email hollis.robinson@uspto.gov or benjamin.golant@uspto.gov.

For further information regarding the public comments, contact Garrett Levin or Ben Golant, Office of Policy and External Affairs, United States Patent and Trademark Office, Madison Building, 600 Dulany Street, Alexandria, VA 22314; telephone (571) 272–9300; email garrett.levin@uspto.gov or benjamin.golant@uspto.gov.

Please direct all media inquiries to the Office of the Chief Communications Officer, USPTO, at (571) 272–8400.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department of Commerce’s Internet Policy Task Force (Task Force) released Copyright Policy, Creativity, and Innovation in the Digital Economy on July 31, 2013 (Green Paper). The Green Paper is the product of extensive public consultation led by the United States Patent and Trademark Office (USPTO) and the National Telecommunications and Information Administration (NTIA). It provides a comprehensive review of the current policy landscape related to copyright and the Internet, and identifies important issues that call for attention and possible solutions. The paper focuses on three goals: maintaining an appropriate balance between rights and exceptions as the law continues to be updated; ensuring that copyright can be meaningfully enforced on the Internet; and furthering the development of an efficient online marketplace. It emphasizes the need to maintain a balanced and effective copyright system that continues to drive the production of creative works, while at the same time preserving the innovative power of the Internet and the free flow of information.

The Green Paper does not set out substantive policy recommendations, except where the Administration is already on record with a stated position. Rather, it describes changes that have already occurred in adapting copyright law to the digital environment, identifies issues on which more work should be done, and sets out paths to move that work forward. As to some of these issues, the paper expresses support for efforts already under way to address them in other forums—notably Congressional attention to music licensing, the Copyright Office’s work on orphan works and mass digitization, and the Intellectual Property Enforcement Coordinator’s facilitation of cooperative efforts by stakeholders to curb online infringement.

On five other topics, the Green Paper proposes to undertake further work to develop policy recommendations by soliciting public comment and convening roundtables or forums: (1) the legal framework for the creation of remixes; (2) the relevance and scope of the first sale doctrine in the digital environment; (3) the appropriate calibration of statutory damages in the contexts of individual file sharers and of secondary liability for large-scale infringement; (4) whether and how the government can facilitate the further development of a robust online licensing environment; and (5) establishing a multistakeholder dialogue on improving the operation of the notice and takedown system for removing infringing content from the Internet under the DMCA. For each topic, the Task Force anticipates further public discussion following the submission of comments. The contours of those public discussions will be determined after reviewing the comments. Ultimately, the information obtained through this public process will be used to formulate the Administration’s views and recommendations regarding copyright policy.

**Request for Comment**

Commenters are free to address any or all of the issues identified below, as well as to provide information on other aspects of these issues that are relevant to developing copyright policy for the Internet economy. When responding, commenters should provide evidence to support their positions and assist in developing evidence-based policy recommendations. Please note that the government will not pay for response preparation or for the use of any information contained in the response.

**Legal Framework for Remixes**

Advances in digital technology have made the creation of “remixes” or “mashups”—creative new works produced through changing and combining portions of existing works—easier and cheaper than ever before, providing greater opportunities for enhanced creativity. These types of “user-generated content” are a hallmark of today’s Internet, in particular on video-sharing sites. But because remixes typically rely on copyrighted works as source material—often using portions of multiple works—they can raise daunting legal and licensing issues.

As explained in the Green Paper, there are two general methods for permitting legal remakes in today’s marketplace—fair use and licensing mechanisms. Many remixes may qualify as fair uses of the copyrighted material they draw on. Remakers may also rely in some contexts on licensing mechanisms such as YouTube’s Content ID system, Creative Commons licenses, and other online licensing tools. There have been additional efforts to provide guidance through the creation of best practices and industry-specific guidelines to help those looking to use existing works make informed choices. Despite these alternatives, a considerable area of legal uncertainty remains, given the fact-specific balancing required by fair use and the fact that licenses may not always be easily available.

1. Is the creation of remixes being unacceptably impeded by this uncertainty? If not, why not? If so, how? In what way would clearer legal options result in even more valuable creativity?
2. In what ways, if any, can right holders be efficiently compensated for this form of value in cases where fair use does not apply?
3. What licensing mechanisms currently exist, or are currently under development, for remixes and for which categories of works?
4. Can more widespread implementation of intermediary licensing, such as YouTube’s Content ID system, play a constructive role? If so, how? If not, why not?
5. Should alternatives such as microlicensing to individual consumers, a compulsory license, or a specific exception be considered? Why or why not?
6. What specific changes to the law, if any, should be considered? To what extent are these approaches that do not require legislation that could constructively address these issues?

**First Sale in the Digital Environment**

The first sale doctrine, which limits the scope of the exclusive distribution right and allows the owner of a physical
copy of a work to resell or otherwise dispose of that copy without the
copyright owner’s consent,5 does not apply to digital transmissions where
copies are created implicating the reproduction right.6

In 2001, in a report requested by Congress, the Copyright Office
considered whether the first sale doctrine should be amended to extend
to digital transmissions.7 It recommended against doing so, noting the
fact that a digital transmission creates a perfect copy of the work,
which could both negatively affect the development of the digital marketplace
and fuel piracy.8 The Office also noted that the issue might be one that
Congress would want to revisit as the digital marketplace developed and
matured.

Proponents of a digital first sale doctrine argue that the extension of the
doctrine would have pro-competitive effects, and would preserve the
traditional benefits of users sharing works with friends or family, and
students being able to purchase less expensive copies of textbooks.
Proponents have also suggested that technological advances would lessen
the potential risk of piracy.9 But others assert that the risk of piracy remains too
great for adoption of the doctrine in the digital environment, and that the market
is evolving in ways that make its application unnecessary.10

7. What are the benefits of the first
sale doctrine? And to what extent are
those benefits currently being
experienced in the digital marketplace?
8. To what extent does the online
market provide opportunities to
engage in actions made possible by the
first sale doctrine in the analog world,
such as sharing favorite books with
friends, or enabling the availability of
less-than-full-price versions to students?
9. If the market does not currently
provide such opportunities, will it do so
in the near future? If not, are there
alternative means to incorporate the
benefits of the first sale doctrine in
the digital marketplace? How would
adoption of those alternatives impact
the markets for copyrighted works?

10. Are changes in technological capabilities since the
Copyright Office’s 2001 conclusions that
should be considered? If so, what are they? For example, could some
technologies ensure that the original copy of a work no longer exists after it
has been redistributed?

11. To what extent are there particular
market segments or categories of users
that may warrant particularized legal
treatment?

12. How will the Supreme Court’s
decision in Kirtsaeng v. John Wiley &
Sons, Inc., 133 S.Ct. 1351 (2013), impact
the ability of right holders to offer their
works at different prices and different
times in different online markets? How
will any such changes impact the
availability of and access to creative
content in the United States and
elsewhere?

Statutory Damages

Because actual damages for copyright infringements can be difficult to prove,
the Copyright Act permits a right holder to elect to seek damages within a
statutorily defined range instead.11 In the online environment, where the
scope of the infringing use will often not be ascertainable, making it hard to prove
actual damages, the availability of statutory damages is increasingly important.

In recent years, concerns have been raised about the level of statutory
damage awards in certain contexts; in particular: (1) The use of orphan works;
(2) secondary liability claims against online services; and (3) private
individuals making infringing content available online. The Copyright Office
has already recommended addressing the issue of statutory damages in the
context of orphan works by limiting their availability in certain circumstances.12
With respect to statutory damages for secondary liability, there are competing arguments
about the potential negative impact on investment and the need for a
proportionate level of deterrence.13

Finally, there have been calls for further calibration of the levels of statutory
damages for individual file sharers in the wake of large jury awards in the two
file-sharing cases that have gone to trial.14

13. To what extent is application of the
current range of statutory damages
necessary for effective deterrence with
respect to (a) direct infringement by
individual file sharers and (b) secondary
liability by online services?

14. Is the potential availability of
statutory damages against online

7 Id. at 35–36 (citing U.S. Copyright Office, A
Report on the Register of Copyrights Pursuant to §
104 of the Digital Millennium Copyright Act, 78–
8 Id. at 35–36.
9 Id. at 36.
10 Id.
11 Id. at 51 (citing 17 U.S.C. 504(c)).
12 Green Paper at 51–52.
13 Id. at 52.
14 Id.
15 Id. at 77–80, 87–89.
16 Id. at 89–92.
17 See U.S. Copyright Office, Technological
Upgrades to Registration and Recordation
Functions, 78 FR 17722 (Mar. 22, 2013). This Notice
also discussed the Office’s recent exploration of
issues related to data standards and the need for
bulk data transfer. Id. at 17723.

services for large scale secondary
infringement hindering the
development of new, legitimate services
or platforms for delivering content? If
so, how? What is the evidence of any
such impact?

15. If statutory damages for individual
file sharers and/or services found
secondarily liable for infringement were
to be recalibrated, how should that be
accomplished? Would legislation be
required?

Government Role in Improving the
Online Licensing Environment

Great strides have been made toward
fulfilling the Internet’s promise as a
market for copyrighted works, with
legal services delivering a wide
variety of works in a wide variety of
formats, as well as the increasing
availability of online licensing.15

Building the online marketplace is
fundamentally a function of the private
sector, and that process is well under
way. In order to achieve its full promise,
however, there remains a need for more
comprehensive and reliable ownership
data, interoperable standards enabling
communication among databases, and
more streamlined licensing
mechanisms. In reaching these goals,
there may be an appropriate and useful
role for government in facilitating the
process, whether by removing obstacles
or taking steps to encourage faster and
more collaborative action.

One possible area for government
involvement is helping to provide better
access to standardized rights ownership
information. The Copyright Office is
working to improve the reliability of the
public registration and recordation
systems, and considering educational
efforts and stronger incentives that
could further increase the use of the
system and enhance its
comprehensiveness.16 The expertise and
resources of the private sector could
also be drawn on to create innovative
public/private partnerships improving
or linking rights databases. Such an
approach was highlighted in the
Copyright Office’s Notice of Inquiry in
March 2013, seeking public comment on
the integration of private databases with
the Office’s public database.17

With respect to creating new
platforms for online licensing, such
efforts should continue to be primarily
driven by the industries involved. But
there may be ways in which the U.S. government can play a helpful role on both the domestic and international fronts. This could include pursuing the concept of a digital copyright hub similar to that under discussion in the U.K., launching the kind of multistakeholder dialogue recently begun by the European Commission through the "Licences for Europe" initiative, participating in the development of international initiatives such as the World Intellectual Property Organization’s (WIPO) International Music Registry, and/or facilitating the involvement of U.S. stakeholders.

16. What are the biggest obstacles to improving access to and standardizing rights ownership information? How can the government best work with the private sector to overcome those obstacles?

17. To what extent is there a lack of access to standardized, comprehensive, and reliable rights information impeding the growth of the online marketplace? What approaches could be taken to improve the situation?

18. Are there other obstacles that exist to developing a more robust, effective, or comprehensive online licensing environment? If so, what are they?

19. In addition to those efforts to develop standardized, comprehensive, and reliable databases and online licensing platforms described in the Green Paper, are there other efforts under way by the private sector or public entities outside the United States? If so, what are they?

20. Would a central, online licensing platform for high-volume, low-value users (a "copyright hub") be a useful endeavor in the United States? If not, why not? If so, how can the government support such a project?

21. What role should the United States government play in international initiatives at WIPO or elsewhere?

**Operation of the DMCA Notice and Takedown System**

In 1998, the DMCA established safe harbors to shield online service providers that act responsibly from unreasonable monetary liability for copyright infringement. The DMCA also protects providers that comply with certain conditions when they are engaged in one of four covered activities: serving as a conduit for transmitting content ("mere conduit"); caching, hosting, or providing information location tools. One of the conditions on the availability of the safe harbors is that an Internet service provider (ISP), to the extent it is engaging in covered activities going beyond mere transmission, must block or remove infringing content for which it has received a valid notice. A "put-back" mechanism allows content to be restored that was removed through mistake or misidentification. This structure has essentially created a new, extrajudicial tool—notice and takedown—for curbing infringement.

After more than a decade of experience with the DMCA notice and takedown system, right holders, ISPs, and content creators, have all identified respects in which its operation can become unwieldy or burdensome. On one side, there are complaints that the system can be too resource-intensive and require constant re-notification as to the same content; on the other, that the volume has become too high, and notices may be inaccurate or otherwise misused.

Right holders have also found the cumbersome application of notice and takedown to services, such as cyberlockers, where stored content is not directly searchable; infringing URLs must be located through other sites that aggregate links and then right holders must send takedown notices directly to the cyberlockers, adding a step to the process. And consumer and free speech advocates have raised concerns about notices claiming that fair uses or other permissible activities are infringing.

These problems taken together may be undermining the benefits of the notice and takedown system for all parties. The Task Force believes that one potential solution is to ease burdens and improve results that would not require legislation is the creation of best practices. Such agreements would benefit right holders, ISPs and end users alike, by supporting a more efficient and reliable notice and takedown system.

22. The Task Force believes that at least the following issues could be

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19 Green Paper at 96.

18 See Licences for Europe, Structured stakeholder dialogue 2013 at http://ec.europa.eu/licences-for-europe-dialogue/focusing on four areas: “Cross-border access and portability of services; User-generated content and licensing; Audiovisual sector and cultural heritage; [and] Text and data mining.”

20 Green Paper at 96.

21 Id. at 53.

22 Id. at 56.

23 Id. at 57.

24 Id. at 57–58.


26 Potentially relevant examples include NTIA’s ongoing privacy multistakeholder process arising out of the Executive Office of the President’s Privacy and Innovation Blueprint, http://www.ntia.doc.gov/other-publication/2013/privacy-multistakeholder-process-mobile-application-transparency, the Internet Corporation for Assigned Names and Numbers (ICANN), the Internet Engineering Task Force (IETF), and the Internet Governance Forum (IGF). The Task Force welcomes discussion of these and any other potential multistakeholder policy development processes that commenters believe are relevant to developing consensus for improvements to the notice and takedown system.
Internet Policy Task Force Web site, information will be available on the webcast. The agenda and webcast to the meeting and the meeting will be open to members of the public to attend, space permitting, on a first-come, first-served basis. Pre-registration for the meeting is available at: http://events.SignUp4.com/Green Paper. The meeting will be physically accessible to people with disabilities. Individuals requiring accommodation, such as sign language interpretation, real-time captioning of the webcast or other ancillary aids, should communicate their needs to Hollis Robinson or Ben Golant, Office of Policy and External Affairs, United States Patent and Trademark Office, Madison Building, 600 Dulany Street, Alexandria, VA 22314; telephone (571) 272–9300; email hollis.robinson@uspto.gov or benjamin.golant@uspto.gov at least seven (7) business days prior to the meeting. Attendees should arrive at least one-half hour prior to the start of the meeting, and must present a valid government-issued photo identification upon arrival. Persons who have pre-registered (and received confirmation) will have seating held until 15 minutes before the program begins. Members of the public will have an opportunity to ask questions at the meeting.


Teresa Stanek Rea,
Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.

Lawrence E. Strickling,
Assistant Secretary of Commerce for Communications and Information.

[FR Doc. 2013–24309 Filed 10–2–13; 8:45 am]

BILLING CODE 3510–16–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed. Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 565–2799 between 8:30 a.m. and 5:00 p.m. eastern time, Monday through Friday. Currently, CNCS is soliciting comments concerning AmeriCorps Application Instructions related to the

Presidential Memorandum on Expanding National Service through Partnerships. Individuals will respond to the questions included in this information collection request in order to apply for funding through these grant competitions.

Copies of the information collection request can be obtained by contacting the office listed in the addresses section of this notice.

DATES: Written comments must be submitted to the individual and office listed in the ADDRESSES section by December 2, 2013.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service; Attention Jennifer Bastress Tahmasebi, Deputy Director, AmeriCorps State and National, Room 9501; 1201 New York Avenue NW, Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Monday through Friday, except Federal holidays.

(3) Electronically through the CNCS email address system: jbastreasthanmasebi@cnns.gov or www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Jennifer Bastress Tahmasebi, (202) 606–6667, or by email at jbastreasthanmasebi@cnns.gov.

SUPPLEMENTARY INFORMATION: CNCS is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

Background: These application instructions will be used by applicants for funding through AmeriCorps State and National grant competitions related to the President’s Memorandum on Expanding National Service. These competitions are designed and conducted in partnership with other