

species that are unlikely to be struck by USCG vessels (harassment takes).

(3) If NMFS is unable to make a negligible impact determination for one or more of the applicant's marine mammal species (see 50 CFR 216.103(c)), should NMFS consider an authorization for the harassment or non-serious injury of these species under section 101(a)(5)(D) of the MMPA by USCG activities.

#### Information Solicited

NMFS requests interested persons to submit comments, information, and suggestions concerning the request and the structure and content of the regulations (if appropriate) to allow the taking (see **ADDRESSES**). NMFS will consider this information in developing an environmental assessment under the National Environmental Policy Act, and, if appropriate, propose regulations to authorize the taking. If NMFS proposes regulations to allow this take, interested parties will be given time and opportunity to comment.

Dated: October 10, 1996.

Patricia Montanio,

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

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**BILLING CODE 3510-22-F**

#### National Telecommunications and Information Administration

##### Performance Review Board; Membership

Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the National Telecommunications and Information Administration Senior Executive Service (SES) Performance Appraisal System:

Kathryn C. Brown  
Dennis R. Connors  
William D. Gamble  
Bernadette McGuire-Rivera  
Richard D. Parlow  
Neal B. Seitz  
William F. Utlaut  
Barbara S. Wellbery  
Ronald P. Hack  
Anthony J. Calza,

*Acting Executive Secretary, National Telecommunications and Information Administration, Performance Review Board.*  
[FR Doc. 96-26565 Filed 10-16-96; 8:45 am]

**BILLING CODE 3510-BS-M**

#### Patent and Trademark Office

##### Request for Comments on the Chairman's Text of the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions, To Be Held in Geneva From December 2 to 20, 1996

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

**ACTION:** Notice and request for public comments.

**SUMMARY:** As the Administration prepares for the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions, to be held in Geneva from December 2 to 20, 1996, we invite interested parties to submit written comments on the Chairman's text and to attend a public briefing to discuss the Chairman's text of the Diplomatic Conference. During the briefing, Jukka Lieder, Chairman of the Committee of Experts, will discuss the text and will be available to answer questions.

**DATES:** The briefing will be held on November 12, 1996, from 1 p.m. to 5 p.m.

Written comments on the Chairman's text are due on or before November 22, 1996.

**ADDRESSES:** The briefing will be held in Marriott's Crystal Forum, a part of the Crystal City Marriott Hotel located in The Underground, 1999 Jefferson Davis Highway, Arlington, Virginia.

A transcript of the meeting will be made available for public inspection in room 902 of Crystal Park Two, 2121 Crystal Drive, Arlington, Virginia. The transcript will also be made available through the Patent and Trademark Office's home page, which is located at [www.uspto.gov](http://www.uspto.gov).

Written comments should be submitted to the Commissioner of Patents and Trademarks, Box 4, Patent and Trademark Office, Washington, D.C. 20231, marked to the attention of Ms. Carmen Guzman Lowrey, Associate Commissioner for Governmental and International Affairs. Written comments may also be submitted electronically by sending them to Mr. Keith Kupferschmid at [diploconf@uspto.gov](mailto:diploconf@uspto.gov).

All written comments received will be made available for public inspection in room 902 of Crystal Park Two, 2121 Crystal Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Mr. Keith M. Kupferschmid by telephone at (703) 305-9300, by facsimile at (703) 305-8885, by electronic mail at [diploconf@uspto.gov](mailto:diploconf@uspto.gov) or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Box 4, Patent and

Trademark Office, Washington, D.C. 20231. It is not necessary for interested parties to contact the PTO to request to attend the briefing.

**SUPPLEMENTARY INFORMATION:** The United States is committed to making progress in the World Intellectual Property Organization (WIPO) toward improving international protection for works protected by copyright and neighboring rights. We want to build upon the international intellectual property norms that were set in the Agreement on Trade-Related Aspects of Intellectual Property (TRIPs). This is essential, especially in view of the need to deal with the intellectual property issues associated with the Global Information Infrastructure (GII). To accomplish this goal, the members of WIPO, with the leadership of the United States, are working to establish three new international agreements, commonly referred to as—

- A Protocol to the Berne Convention for the Protection of Literary and Artistic Works, which would modernize the Berne Convention to take into account new forms of expression and new uses of copyrighted works that have evolved due to technological developments since the Berne Convention's most recent revision in 1971.

- A New Instrument for the Protection of Performers and Producers of Phonograms, which would improve international standards of protection for sound recordings, and protect the rights of certain performers in respect of their live performances.

- A Treaty for the Sui Generis Protection of Databases, which would ensure adequate incentives to invest in creating databases, through a new type of protection that would safeguard databases against destruction of their commercial value.

These agreements would provide the levels of protection for both copyright and neighboring rights that are critical to the development of the commercial potential of the GI.

Much progress has been made in the negotiations in WIPO through the submission of treaty proposals by the United States and other countries. Based on these submissions and the views expressed in meetings of the Committee of Experts, the Chairman of the Committee of Experts has prepared three draft treaties which address digital and conventional copyright issues. These proposed treaties will be taken up at a Diplomatic Conference on Certain Copyright and Neighboring Rights Issues to be convened December 2-20, in Geneva at WIPO headquarters.