

of the digital audio recording technology royalty fees in the 2005, 2006, 2007 and 2008 Musical Works Funds. The Judges are also announcing the date by which a party who wishes to participate in this proceeding must file its Petition to Participate and the accompanying \$150 filing fee, if applicable.

DATES: Petitions to Participate and the filing fee, if applicable, are due no later than August 20, 2012.

ADDRESSES: An original, five copies, and an electronic copy in Portable Document Format (PDF) on a CD of the Petition to Participate, along with the \$150 filing fee, may be delivered to the Copyright Royalty Board by either mail or hand delivery. Petitions to Participate and the \$150 filing fee, if applicable, may not be delivered by an overnight delivery service other than the U.S. Postal Service Express Mail. If by mail (including overnight delivery), Petitions to Participate, along with the \$150 filing fee, if applicable, must be addressed to: Copyright Royalty Board, P.O. 70977, Washington, DC 20024-0977. If hand delivered by a private party, Petitions to Participate, along with the \$150 filing fee, if applicable, must be brought to the Library of Congress, James Madison Memorial Building, LM-401, 101 Independence Avenue SE., Washington, DC 20559-6000. If delivered by a commercial courier, Petitions to Participate, along with the \$150 filing fee, if applicable, must be delivered to the Congressional Courier Acceptance Site, located at 2nd and D Street NE., Washington, DC. The envelope must be addressed to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM-403, 101 Independence Avenue SE., Washington, DC 20559-6000.

FOR FURTHER INFORMATION CONTACT: LaKeshia Keys, CRB Program Specialist. Telephone: (202) 707-7658. Telefax: (202) 252-3423 or email at crb@loc.gov.

SUPPLEMENTARY INFORMATION:

Background

The Audio Home Recording Act of 1992 ("AHRA"), Public Law 102-563, requires manufacturers and importers to pay royalties on digital audio recording devices and media that are distributed in the United States. 17 U.S.C. 1003. These royalties are deposited with the Copyright Office for further distribution to eligible claimants. 17 U.S.C. 1005, 1007. Royalties are divided into two funds: The Sound Recordings Fund (66 2/3%) and the Musical Works Fund (33 1/3%). These fees in turn are allocated to specific subfunds. 17 U.S.C. 1006(b). The Musical Works Fund, which is the

subject of this notice, is divided equally between the Publishers Subfund and the Writers Subfund. 17 U.S.C. 1006(b)(2).

Distribution of these fees may occur in one of two ways. The interested copyright parties within each subfund may negotiate the terms of a settlement as to the division of royalty funds. If, after any such agreements, funds remain in dispute, the Copyright Royalty Judges may conduct a proceeding to determine the distribution of the royalties that remain in controversy in each subfund. 17 U.S.C. 1006(c) & 1007(c).

On April 14, 2011, the Judges issued an order granting certain claimants' (i.e., Broadcast Music, Inc., the American Society of Composers, Authors and Publishers, SESAC, Inc., and the Harry Fox Agency, Inc.) request for 95% of Digital Audio Recording Technology ("DART") musical works royalty funds for 2005 through 2008. *Order Granting Claimants' Request for Partial Distribution of 2005 through 2008 DART Musical Works Funds Royalties, Docket No. 2010-8 CRB DD 2005-2008 (MW)*. In that order the Judges stated that the claimants did not represent that the requested fees were not subject to controversy. Moreover, the Judges have not received any motions for final distribution with respect to the remaining royalties. Therefore, the Judges determine that a controversy exists with respect to some or all of the remaining DART Musical Works Funds Royalties for 2005 through 2008. Today's notice commences a proceeding to determine the proper distribution of those remaining funds.

Commencement of Proceeding

Consistent with 17 U.S.C. 804(b)(8), the Judges determine that, for the reasons stated above, a controversy exists with respect to the distribution of the remaining 2005, 2006, 2007 and 2008 DART Musical Works Funds Royalties. The Judges are consolidating the consideration of the distribution of the 2005, 2006, 2007 and 2004 DART Musical Works Funds into a single proceeding because they anticipate that the parties involved and the issues regarding the distribution of the royalty fees will be similar, if not the same, for each year. Moreover, due to the relatively small amount of funds for each year, consolidation provides a cost savings to the parties and promotes administrative efficiencies.

Petitions to Participate

Petitions to Participate must provide all of the information required by 37 CFR 351.1(b)(2), which is available at <http://www.loc.gov/cgi-bin/formprocessor/crb/cfr->

[crb.pl?&urlmiddle=1.0.3.9.4.0.177.1&part=351§ion=1&prev=&next=2](http://www.loc.gov/cgi-bin/formprocessor/crb/cfr-).

Participants also must identify by year each subfund in the Musical Works Fund to which they are asserting a claim to royalties (i.e., Music Publishers or Writers, or both). Petitions to Participate submitted by interested parties whose claims do not exceed \$1,000¹ must contain a statement that the party will not seek a distribution of more than \$1,000. No filing fee is required for these parties. Interested parties with claims exceeding \$1,000, however, must submit a filing fee of \$150 with their Petition to Participate or it will be rejected. Cash will not be accepted; therefore, parties must pay the filing fee with a check or money order made payable to the "Copyright Royalty Board." If a check is returned for lack of sufficient funds, the corresponding Petition to Participate will be dismissed. In accordance with 37 CFR 350.2 (Representation), only attorneys who are members of the bar in one or more states or the District of Columbia and in good standing will be allowed to represent parties before the Copyright Royalty Judges. Any party that is an individual may represent herself or himself. Further procedural matters, including scheduling, will be addressed after Petitions to Participate have been filed.

Dated: July 16, 2012.

William J. Roberts, Jr.,

Copyright Royalty Judge.

[FR Doc. 2012-17680 Filed 7-19-12; 8:45 am]

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OFFICE OF MANAGEMENT AND BUDGET

Request of the U.S. Intellectual Property Enforcement Coordinator for Public Comments: Development of the Joint Strategic Plan on Intellectual Property Enforcement

AGENCY: Office of the U.S. Intellectual Property Enforcement Coordinator, Executive Office of the President.

ACTION: Request for written submissions from the public; Extension of comment period.

SUMMARY: The Federal Government is starting the process of developing a new Joint Strategic Plan on Intellectual Property Enforcement. By committing to common goals, the U.S. Government will more effectively and efficiently combat intellectual property

¹ The Copyright Royalty Judge Program Technical Corrections Act, Public Law 109-303, changed the amount from \$10,000 to \$1,000.

infringement. In this request for comments, the U.S. Government, through the Office of the U.S. Intellectual Property Enforcement Coordinator ("IPEC"), invites public input and participation in shaping the Administration's intellectual property enforcement strategy.

The Office of the U.S. Intellectual Property Enforcement Coordinator was established within the Executive Office of the President pursuant to the Prioritizing Resources and Organization for Intellectual Property Act of 2008, Public Law 110-403 (Oct. 13, 2008) (the "PRO IP Act"). Pursuant to the PRO IP Act, IPEC is charged with developing the Administration's Joint Strategic Plan on Intellectual Property Enforcement for submission to Congress every three years. In carrying out this mandate, IPEC chairs an interagency intellectual property enforcement advisory committee comprised of Federal departmental and agency heads whose respective departments and agencies are involved in intellectual property enforcement.

This request for comments and recommendations as IPEC develops a new enforcement strategy is divided into three parts. In the first section titled "Strategy Recommendations," IPEC requests detailed recommendations from the public regarding specific recommendations for improving the U.S. Government's intellectual property enforcement efforts. In the second section titled "Threat Assessment," IPEC seeks written submissions from the public regarding existing and emerging threats to the protection of intellectual property rights and the identification of threats to public health and safety and the U.S. economy resulting from intellectual property infringement. In the third section titled "Optional Questions," IPEC seeks written submissions from the public to assist IPEC and agencies in the development of specific action items. Responses to this request for comments may be directed to either, or both, of the two sections described above.

This request for comments was previously published in the **Federal Register** on June 26, 2012 (77 FR 38088). This notice extends the period for public comments to August 10, 2012.

DATES: Submissions must be received on or before August 10, 2012, at 11:59 p.m.

ADDRESSES: All submissions should be electronically submitted to <http://www.regulations.gov>. If you are unable to provide submissions to www.regulations.gov, you may contact the Office of the U.S. Intellectual Property Enforcement Coordinator at

intellectualproperty@omb.eop.gov using the subject line "Development of the Joint Strategic Plan on Intellectual Property Enforcement" or (202) 395-1808 to arrange for an alternate method of transmission. The [regulations.gov](http://www.regulations.gov) Web site is a Federal E-Government Web site that allows the public to find, review and submit comments on documents that have published in the **Federal Register** and that are open for comment. Submissions filed via the [regulations.gov](http://www.regulations.gov) Web site will be available to the public for review and inspection. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary business information.

FOR FURTHER INFORMATION CONTACT: Office of the U.S. Intellectual Property Enforcement Coordinator, at intellectualproperty@omb.eop.gov or (202) 395-1808.

SUPPLEMENTARY INFORMATION: Through the PRO IP Act, Congress established the IPEC, to serve as the lead office within the Executive Office of the President responsible for formulating and implementing a Joint Strategic Plan to improve the effectiveness of the U.S. Government's efforts to protect the rights of intellectual property owners and to reduce the costs of and threats posed by intellectual property infringement, in the U.S. and in other countries. IPEC seeks public input, in the form of written comments, on the formulation of a Joint Strategic Plan and on the U.S. Government's intellectual property enforcement efforts.

I. Strategy Recommendations

IPEC requests written submissions from the public that provide specific recommendations for significantly improving the U.S. Government's intellectual property enforcement efforts. Important to the development of an effective enforcement strategy, is ensuring that any approaches that are considered to be particularly effective as well as any concerns with the present approach to intellectual property enforcement are understood by policymakers. Recommendations may include, but need not be limited to: Legislation, regulation, guidance, executive order, Presidential memoranda, or other executive action, including, but not limited to, changes to agency policies, practices or methods. Recommendations should include a detailed description that addresses the following points: Issue, agencies necessary to address the issue, and recommendation for addressing the issue identified. If a submission

includes multiple recommendations, IPEC requests that the submission rank the recommendations in order of priority.

In addition to the foregoing general request, IPEC is seeking information and/or recommendations in response to the questions set out in section III below to assist IPEC in developing new enforcement strategy action items that further the priorities identified in the Joint Strategic Plan. The submission of responses to one or more of the questions in section III is entirely optional.

II. Threat Assessment

Emerging and Future Threats

The issues, threats and challenges that pertain to ensuring adequate and appropriate enforcement of intellectual property are changing rapidly. Since the inaugural Joint Strategic Plan was released in June 2010, new threats have emerged that warrant inclusion among the priorities identified in the forthcoming Joint Strategic Plan. Therefore, IPEC welcomes information pertaining to and, to the extent practicable, recommendations for combating emerging or future threats to American innovation and economic competitiveness posed by violations of intellectual property rights over the next five to ten years.

Threats to Health and Safety and the U.S. Economy

IPEC seeks written submissions from the public identifying the costs to the U.S. economy resulting from infringement of intellectual property rights, both direct and indirect, including any impact on the creation or maintenance of jobs. In addition, IPEC seeks written submissions identifying threats to public health and safety posed by intellectual property infringement, in the U.S. and internationally. IPEC also welcomes submissions on the economic costs of enforcing intellectual property rights.

Submissions directed at the economic costs resulting from violations of intellectual property rights must clearly identify: (1) The type of intellectual property protection at issue, e.g., trademark, copyright, patent, trade secret or other (2) the methodology used in calculating the estimated costs and any critical assumptions relied upon, (3) identify the source of the data on which the cost estimates are based, and (4) provide a copy of, or a citation to, each such source of information.

Submissions directed at the economic costs resulting from enforcement of intellectual property rights must clearly

identify: (1) The type of intellectual property protection at issue, e.g., trademark, copyright, patent, trade secret or other (2) the methodology used in calculating the estimated costs and any critical assumptions relied upon, (3) identify the source of the data on which the cost estimates are based, and (4) provide a copy of, or a citation to, each such source of information.

Submissions directed at threats to public health or safety must: (1) Include a detailed description of the threat, (2) identify the source of the information demonstrating the existence of the threat, and (3) provide a copy of, or a citation to, each such source of information.

III. Optional Questions

1. How can international regulatory and law enforcement collaboration and information sharing be enhanced to address cross-border intellectual property infringement?

2. What legal or operational changes might be made, or collaborative steps undertaken between federal agencies and the private sector, to streamline or improve the efficacy of enforcement efforts directed at protecting intellectual property rights?

3. What measures can be taken by the private sector to share actionable information on entities engaging in or supporting infringement of intellectual property rights?

a. To the extent necessary, what government safeguards and conditions would be useful to facilitate sharing of such information?

4. What information developed from law enforcement and intelligence community threat assessments would be beneficial to the private sector in order to mitigate the risk of trade secret theft and economic espionage?

5. What additional measures by the U.S. Government would most significantly enhance efforts to combat trade secret theft and economic espionage?

6. When goods are imported into the United States, U.S. Customs and Border Protection ("CBP") and other federal agencies charged with enforcing intellectual property rights and ensuring the safety of products entering the stream commerce, e.g., U.S. Food and Drug Administration and the Consumer Product Safety Commission, engage in a risk-based assessment of the level of risk that a shipment contains violative goods, and decides whether to inspect the shipment based on this risk determination. What steps can federal agencies and the private sector take to improve the risk assessment process so that high risk shipments may be quickly

identified and segmented from lower risk shipments?

7. What authentication tools and track and trace technologies would significantly enhance federal efforts to identify suspect counterfeit or pirated goods?

8. In a global economy that increasingly utilizes Internet based e-commerce and mobile platforms for transactions, the number of shipments sent through international mail and express carrier services has dramatically grown in recent years. Accordingly, law enforcement efforts directed at interdicting infringing goods shipped in the express and international mail environments have resulted in significant increases to seizure levels of infringing goods shipped through these modes of transit. What steps could be undertaken by CBP, its partner U.S. Government agencies, and the private sector to further improve detection of express carrier and international mail shipments containing infringing goods?

9. Are there ways in which CBP could improve its intellectual property rights e-recording system to enhance ease of use and make it a more useful tool for intellectual property rights enforcement?

10. As laid out in IPEC's 2011 Annual Report on Intellectual Property Enforcement, using our resources as efficiently as possible is a priority. Are there additional ways in which the U.S. Government could make more efficient use of its resources in protecting intellectual property?

Background

The 2010 Joint Strategic Plan as well as information describing a number of intellectual property enforcement initiatives led by the Office of the U.S. Intellectual Property Enforcement Coordinator can be found at <http://www.whitehouse.gov/omb/intellectualproperty>. As set forth by the PRO IP Act, the objectives of the Joint Strategic Plan include:

- Reducing the supply of infringing goods, domestically and internationally;
- Identifying weaknesses, duplication of efforts, waste, and other unjustified impediments to effective enforcement actions;
- Promoting information sharing between participating agencies to the extent permissible by law;
- Disrupting and eliminating infringement networks in the U.S. and in other countries;
- Strengthening the capacity of other countries to protect and enforce intellectual property rights;

- Reducing the number of countries that fail to enforce intellectual property rights;

- Assisting other countries to more effectively enforce intellectual property rights;

- Protecting intellectual property rights in other countries by:

- Working with other countries to reduce intellectual property crimes in other countries;

- Improving information sharing between law enforcement agencies in the U.S. and in other countries; and

- Establishing procedures for consulting with interested groups within other countries;

- Establishing programs to enhance the enforcement efforts of foreign governments by providing training and technical assistance designed to:

- Enhance the efficiencies and minimize the duplication of U.S. Government training and assistance efforts;

- Prioritize deployment of U.S. Government resources to those countries in which programs can be carried out most effectively and will have the greatest impact on reducing the number of infringing products in the relevant U.S. market, protecting the intellectual property rights of U.S. rights holders, and protecting the interests of U.S. persons otherwise harmed by infringements in other countries.

Victoria A. Espinel,

United States Intellectual Property Enforcement Coordinator, Executive Office of the President.

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Advisory Committee on Presidential Library-Foundation Partnerships

AGENCY: National Archives and Records Administration.

ACTION: Renewal of Advisory Committee on Presidential Library-Foundation Partnerships

SUMMARY: This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App.) and advises of the renewal of the National Archives and Records Administration's (NARA) Advisory Committee on Presidential Library-Foundation Partnerships. In accordance with Office of Management and Budget (OMB) Circular A-135, OMB approved the inclusion of the Advisory Committee on Presidential Library-