

Council Communications Plan; discuss Fish Science Pages and State Data Collection Infographics; receive a presentation on the Next O&E Projects; Update on Fish Rules Commercial; and receive a meeting summary report from Outreach and Education Technical Committee.

Mackerel Committee will receive an update on Coastal Migratory Pelagics Landings; review Draft Document: Coastal Migratory Pelagics Amendment 32; discuss Gulf of Mexico King Mackerel.

*Tuesday, January 26, 2021; 9 a.m.–5 p.m.*

Reef Fish Committee will review Reef Fish and Individual Fishing Quota (IFQ) Program Landings, Implementation of National Environment Protection Act (NEPA Modernization, review Final Action items Framework Action: Modification of Gray Triggerfish Catch Limits, Framework Action: Modification of the Gulf of Mexico Lane Snapper Catch Limits and Accountability Measures, and Framework Action: Adjust State Recreational Red Snapper Catch Limits.

The Reef Fish Committee will review SEDAR 70—Gulf of Mexico Greater Amberjack Stock Assessment and a White Paper on Sector Separation for Four Reef Fish Species.

*The Gulf of Mexico Fishery Management Council and National Oceanic and Atmospheric Administration/National Marine Fisheries Service (NOAA/NMFS) will hold an informal Question and Answer session immediately following the Reef Fish Committee.*

*Wednesday, January 27, 2021; 9 a.m.–5 p.m.*

Reef Fish Committee will reconvene to review SEDAR 64—Stock Assessment Report and SSC Recommendations on Southeastern U.S. Yellowtail Snapper, Public Hearing Draft Amendment 53: Red Grouper Allocations and Annual Catch Level and Catch Targets, and discuss any remaining items from SSC Summary Report.

After lunch, Full Council Session will convene with a Call to Order, Announcements, Introductions and a Presentation of the 2019 Law Enforcement Officer of the Year Award. The Council will continue with Adoption of Agenda, Approval of Minutes; and receive a presentation on Deepwater Horizon Open Ocean Fish Restoration and an update on Southeast For-hire Electronic Reporting (SEFHIER) Program.

The Council will hold public testimony beginning at approximately

2:30 p.m.–5:00 p.m., **EST** for comments on Final Action Amendment Reef Fish 48/Red Drum 5: Status Determination Criteria and Optimum Yield for Reef Fish and Red Drum; Final Action: Framework Action: Adjust State Recreational Red Snapper Catch Limits; Final Action: Framework Action: Modification of Gray Triggerfish Catch Limits; and, Final Action: Framework Action: Modification of the Gulf of Mexico Lane Snapper Catch Limits and Accountability Measures; and, and open testimony on other fishery issues or concerns. Public comment may begin earlier than 2:30 p.m. EST but will not conclude before that time. Persons wishing to give public testimony must follow the instructions on the Council website before the start of the public comment period at 2:30 p.m. EST.

*Thursday, January 28, 2021; 9 a.m.–4 p.m.*

The Council will receive committee reports from Administrative/Budget, Outreach and Education, Mackerel, Sustainable Fisheries, and Reef Fish Committees.

The Council will receive updates from the following supporting agencies: South Atlantic Fishery Management Council; NOAA Office of Law Enforcement (OLE); Louisiana Law Enforcement Efforts; Gulf States Marine Fisheries Commission; U.S. Coast Guard; U.S. Fish and Wildlife Service; and Department of State.

The Council will receive then discuss any Other Business items.

— Meeting Adjourns

The meeting will be broadcast via webinar. You may register for the webinar by visiting [www.gulfcouncil.org](http://www.gulfcouncil.org) and clicking on the Council meeting on the calendar.

The timing and order in which agenda items are addressed may change as required to effectively address the issue, and the latest version along with other meeting materials will be posted on the website as they become available.

Although other non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meeting. Actions will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent

to take final action to address the emergency.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: January 5, 2021.

**Key Israel Marquez,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2021-00211 Filed 1-8-21; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

[Docket No. 210105-0001]

**RFN 0660-XC049**

#### 5G Challenge Notice of Inquiry

**AGENCY:** National Telecommunications and Information Administration, U.S. Department of Commerce.

**ACTION:** Notice of Inquiry.

**SUMMARY:** Through this Notice of Inquiry, the National Telecommunications and Information Administration, under sponsorship of and in collaboration with the Department of Defense 5G Initiative, is seeking comments and recommendations from all interested stakeholders to explore the creation of a 5G Challenge that would accelerate the development of the open 5G stack ecosystem in support of Department of Defense missions.

**DATES:** Comments are due on or before 5 p.m. Eastern Time on February 10, 2021.

**ADDRESSES:** Written comments may be submitted by email to [5GChallengeNOI@ntia.gov](mailto:5GChallengeNOI@ntia.gov). Comments submitted by email should be machine-readable and should not be copy-protected. Written comments also may be submitted by mail to the National Telecommunications and Information Administration, U.S. Department of Commerce, 325 Broadway, Attn: Rebecca Dorch, Boulder, CO 80305. For more detailed instructions about submitting comments, see the “Instructions for Commenters” section in the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Dorch, National Telecommunications and Information Administration, U.S. Department of Commerce, 325 Broadway, Boulder, CO 80305; telephone (720) 215-6145; email [rdorch@ntia.gov](mailto:rdorch@ntia.gov). Please direct media inquiries to NTIA's Office of Public Affairs: (202) 482-7002, or at [press@ntia.gov](mailto:press@ntia.gov).

**SUPPLEMENTARY INFORMATION:**

Recognizing the vital importance of fifth-generation (5G) wireless communications to U.S. economic and security interests, the National Telecommunications and Information Administration (NTIA) of the U.S. Department of Commerce has made it a top priority to engage in 5G across a broad spectrum of topics. Commensurably, the Department of Defense (DoD) in 2019 established its 5G Initiative as a key modernization priority with the goal to advance U.S. and partner capabilities to fully leverage 5G technologies for military networking needs. A key innovation in 5G that is becoming more pervasive in the larger 5G ecosystem is the trend toward “open 5G” architectures that emphasize open interfaces in the network stack. NTIA, under sponsorship of and in collaboration with the DoD 5G Initiative, is seeking comments and recommendations from all interested stakeholders to explore the creation of a 5G Challenge that would accelerate the development of the open 5G stack ecosystem in support of DoD missions.

*Background:* NTIA is the Executive Branch agency responsible for advising the President on telecommunications and information policy.<sup>1</sup> NTIA was established in 1978 in response to the growing national consensus that “telecommunications and information are vital to the public welfare, national security, and competitiveness of the United States,” and that, “rapid technological advances being made in the telecommunications and information fields make it imperative that the United States maintain effective national and international policies and programs capable of taking advantage of continued advancements.”<sup>2</sup> In the more than 40 years since its inception, NTIA has made growth and innovation in communications technologies—most recently 5G and beyond wireless communications—a cornerstone of its mission. The Administration’s 2020 5G Strategy reaffirmed that “the United States Government will work with the private sector, academia, and international government partners to adopt policies, standards, guidelines, and procurement strategies that reinforce 5G vendor diversity to foster market competition.”<sup>3</sup>

*NTIA’s Institute for Telecommunication Sciences:* The

Institute for Telecommunication Sciences (ITS) is NTIA’s spectrum and communications laboratory. It plays a central role in informing the formulation of the U.S. Government’s information and communications technology policies and additionally works on behalf of other U.S. Government departments and agencies in need of telecommunications engineering expertise. ITS works across a diverse telecommunications ecosystem with a primary focus on 5G communications.

*Technical Motivation for Challenge:* Many innovations are being explored in the greater 5G economy. One movement that appears to be gaining traction across the ecosystem is the use of open-source implementations for various components of a 5G system. Among those components is the 5G protocol stack. The open 5G stack community is diverse, with a wide variety of organizations in academia, government, and private industry. Additionally, different open 5G stack organizations are focused on different portions of the stack, with no clear division among the multiple implementations currently available. And the various implementations are often created with the intention to be used with code sourced from a single organization, where interoperability among the community’s implementations is not guaranteed.

*Request for Comments:*

Through this Notice, NTIA is soliciting comments and recommendations from stakeholders on how a Challenge to accelerate the development of the open 5G stack ecosystem in order to support DoD missions could be constructed. These comments will help NTIA and the U.S. Government identify and mitigate the challenges in creating and executing a competition. They will also help NTIA leverage its engineering expertise to construct a Challenge that maximizes the benefit to both the open 5G stack market and the DoD on an accelerated schedule.

For the purposes of this Notice, NTIA has organized these questions into three broad categories: (1) Challenge structure and goals; (2) incentives and scope; and (3) timeframe and infrastructure support. NTIA seeks public input on any and/or all of these three categories.

*Instructions for Commenters:* NTIA invites comments on the full range of questions presented by this Notice, including issues that are not specifically raised. Commenters are encouraged to address any or all of the following questions. Comments that contain references to specific studies and/or

research should include copies of the referenced materials with the submitted comments. Comments submitted by email should be machine-readable and should not be copy-protected. Commenters should include the name of the person or organization filing the comment, which will facilitate agency follow up for clarifications as necessary, as well as a page number on each page of their submissions. All comments received are a part of the public record and will generally be posted on the NTIA website, <http://www.ntia.gov>, without change. All personal identifying information (for example, name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

**I. Challenge Structure & Goals**

*A. How could a Challenge be structured such that it would take advantage of DOD’s role as an early U.S. Government adopter of 5G technology to mature the open 5G stack ecosystem faster, encourage more participation in open 5G stack development including encouraging new participants, and identify any roadblocks to broader participation?*

*B. How could a Challenge be structured to focus on the greatest impediments to the maturation of end-to-end open 5G stack development?*

*C. What should be the goals of a Challenge focusing on maturation of the open 5G stack ecosystem? How could such a Challenge be structured to allow for the greatest levels of innovation? What metrics should be used in the assessment of proposals to ensure the best proposals are selected?*

*D. How will the open 5G stack market benefit from such a Challenge? How could a Challenge be structured to provide dual benefit to both the Government and the open 5G stack market?*

**II. Incentives and Scope**

*A. What are the incentives in open 5G stack ecosystem development that would maximize cooperation and collaboration, promote interoperability amongst varied open 5G stack components developed by different participants, and mature desired featured sets faster with greater stability?*

*B. Could a Challenge be designed that addresses the issues raised in previous questions and also includes test and evaluation of the security of the components?*

<sup>1</sup> 47 U.S.C. 902(b)(2)(D).

<sup>2</sup> 47 U.S.C. 901(b)(1)–(6).

<sup>3</sup> Executive Office of the President, National Strategy to Secure 5G of the United States of America (Mar. 2020), <https://www.whitehouse.gov/wp-content/uploads/2020/03/National-Strategy-5G-Final.pdf>.

*C. Could a Challenge be designed that would require participants to leverage software bill of materials design principles in the development of components for an open 5G stack?*

*D. Many open 5G stack organizations have developed partial implementations for different aspects of an open 5G stack. What portions of the open 5G stack has your organization successfully developed with working code? What portions of the open 5G stack does your organization believe can be developed quickly (6 months or less)? What development support would best enable test and evaluation of the different elements of an open 5G stack?*

*E. What 5G enabling features should be highlighted in the Challenge, such as software defined networking, network slicing, network function virtualization, radio access network intelligent controller, radio access network virtualization?*

### III. Timeframe & Infrastructure

*A. What software and hardware infrastructure will be needed to successfully execute this Challenge?*

*B. What is a reasonable timeframe to structure such a Challenge? Should there be different phases for such a Challenge? If so, what are appropriate timelines for each suggested phase?*

Dated: January 5, 2021.

**Kathy D. Smith,**

*Chief Counsel, National Telecommunications and Information Administration.*

[FR Doc. 2021-00202 Filed 1-8-21; 8:45 am]

**BILLING CODE 3510-60-P**

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## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO-T-2020-0035]

#### Secondary Trademark Infringement Liability in the E-Commerce Setting

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Request for comments; reopening of comment period.

**SUMMARY:** The United States Patent and Trademark Office (USPTO or Office) published a request for comments in the **Federal Register** on November 13, 2020, seeking information from intellectual property rights holders, online third-party marketplaces and other third-party online intermediaries, and other private sector stakeholders on the application of the traditional doctrines of trademark infringement to the e-commerce setting.

Through this notice, the USPTO is reopening the period for public comment until January 25, 2021.

**DATES:** *Comment date:* Written comments must be received on or before January 25, 2021.

**ADDRESSES:** You may submit comments by one of the following methods:

(a) **Electronic Submissions:** Submit all electronic comments via the Federal e-Rulemaking Portal at [www.regulations.gov](http://www.regulations.gov) (at the homepage, enter PTO-T-2020-0035 in the "Search" box, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments). The materials in the docket will not be edited to remove identifying or contact information, and the USPTO cautions against including any information in an electronic submission that the submitter does not want publicly disclosed. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF formats only. Comments containing references to studies, research, and other empirical data that are not widely published should include copies of the referenced materials. Please do not submit additional materials. If you want to submit a comment with confidential business information that you do not wish to be made public, submit the comment as a written/paper submission in the manner detailed below.

(b) **Written/Paper Submissions:** Send all written/paper submissions to: United States Patent and Trademark Office, Mail Stop OPIA, P.O. Box 1450, Alexandria, VA 22314. Submission packaging should clearly indicate that materials are responsive to Docket No. PTO-T-2020-0035, Office of Policy and International Affairs, Comment Request; Secondary Trademark Infringement Liability in the E-Commerce Setting.

**Submissions of Confidential Business Information:** Any submissions containing confidential business information must be delivered in a sealed envelope marked "confidential treatment requested" to the address listed above. Submitters should provide an index listing the document(s) or information they would like the USPTO to withhold. The index should include information such as numbers used to identify the relevant document(s) or information, document title and description, and relevant page numbers and/or section numbers within a document. Submitters should provide a statement explaining their grounds for objecting to the disclosure of the information to the public as well. The USPTO also requests that submitters of confidential business information

include a non-confidential version (either redacted or summarized) of those confidential submissions that will be available for public viewing and posted on [www.regulations.gov](http://www.regulations.gov). In the event that the submitter cannot provide a non-confidential version of its submission, the USPTO requests that the submitter post a notice in the docket stating that it has provided the USPTO with confidential business information. Should a submitter fail to either docket a non-confidential version of its submission or post a notice that confidential business information has been provided, the USPTO will note the receipt of the submission on the docket with the submitter's organization or name (to the degree permitted by law) and the date of submission.

**FOR FURTHER INFORMATION CONTACT:** Holly Lance, USPTO, Office of Policy and International Affairs, at [Holly.Lance@uspto.gov](mailto:Holly.Lance@uspto.gov) or 571-272-9300. Please direct media inquiries to the USPTO's Office of the Chief Communications Officer at 571-272-8400.

**SUPPLEMENTARY INFORMATION:** On November 13, 2020, the USPTO published a notice in the **Federal Register** requesting public input on the application of contributory and/or vicarious trademark infringement liability (secondary infringement liability) to e-commerce. *See* Request for Comments on Secondary Trademark Infringement Liability in the E-Commerce Setting, 85 FR 72635 (Nov. 13, 2020). In that notice, the USPTO indicated that it is seeking input from the private sector and other stakeholders as to the application of the traditional doctrines of trademark infringement to the e-commerce setting, including whether to pursue changes in the application of the secondary infringement standards to e-commerce platforms, in accordance with the call to action in the Department of Homeland Security's January 24, 2020, Report to the President of the United States titled "Combating Trafficking in Counterfeit and Pirated Goods." To assist in gathering public input, the USPTO published questions, and sought focused public comments, on the effectiveness of the traditional doctrines of secondary trademark infringement in the e-commerce setting, and also invited recommendations for resolving any shortcomings in the application of these doctrines. The notice requested public comments on or before December 28, 2020.

Through this notice, the USPTO is reopening the period for public comment until January 25, 2021, to give