

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[RTID 0648–XD050]

**Fishing Capacity Reduction Program for the Southeast Alaska Purse Seine Salmon Fishery**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice of fee rate adjustment change.

**SUMMARY:** NMFS issues this notice to inform the public that there will be a decrease of the fee rate required to repay the reduction loan financing the Southeast Alaska Purse Seine Salmon Fishing Capacity reduction program. Effective June 1, 2023, NMFS is decreasing the Loan B fee rate to one percent of landed value to ensure timely repayment of the loan. The fee rate for Loan A will remain unchanged at one percent of landed value.

**DATES:** The Southeast Alaska Purse Seine Salmon Fishing Capacity loan program fee rate increase will begin with landings on June 1, 2023. The first due date for fee payments with the increased rate will be July 15, 2023.

**ADDRESSES:** Send questions about this notice to Michael A. Sturtevant, Program Manager, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3282.

**FOR FURTHER INFORMATION CONTACT:** Michael A. Sturtevant, (301) 427–8782.

**SUPPLEMENTARY INFORMATION:****Background**

The Southeast Alaska Purse Seine Salmon Fishery is a commercial fishery in Alaska State waters and adjacent Federal waters. It encompasses the commercial taking of salmon with purse seine gear and participation is limited to fishermen designated by the Alaska Commercial Fisheries Entry Commission (CFEC).

The Fishing Capacity Reduction Program was established under the Consolidations Act of 2005 (Section 209 of Title II of Division B of Public Law 108–447). This Federal law was subsequently amended by Section 121 of Public Law 109–479 (the Magnuson-Stevens Reauthorization Act of 2006) codified at 16 U.S.C. 1801 *et seq.* The authority for the Southeast Revitalization Association (SRA) to conduct this program under Alaska law is AS 16.40.250.

Based on these Federal and state measures, the NMFS established regulations in the **Federal Register**, 76 FR 61986 (October 6, 2011), to administer and implement the program.

The purpose of the program and this plan is to permanently reduce the number of limited entry fishing permits issued by the CFEC for the Fishery thereby promoting economic efficiency and improving the conservation and management of the Fishery.

Congress authorized a \$23.5 million dollar loan to finance a fishing capacity reduction program in the Southeast Alaska Purse Seine Salmon Fishery. NMFS published proposed program regulations on (76 FR 29707, May 23, 2011) and final program regulations on (76 FR 61986, October 6, 2011) to implement the reduction program.

In 2012, NMFS conducted a referendum to determine the remaining fishermen's willingness to repay a \$13.1 million fishing capacity reduction loan to remove 64 permits. After a majority of permit holders approved the loan, NMFS disbursed payments to the successful bidders and began collecting fees to repay the loan. Since only \$13.1 million was expended from the total loan amount, \$10.4 million in funds remained available.

In 2018, the SRA informed NMFS that they wished to access the remaining loan amounts to undertake a second buyback. To implement this next buyback, the SRA, on behalf of the reduction fishery, was required to draft and submit a reduction plan to NMFS. On June 21, 2018, the SRA submitted a reduction plan to access \$10.1 million of the remaining \$10.4 million in funds to remove 36 permits. NMFS approved the proposed second fishing capacity reduction plan in November 2018.

NMFS published a notice of eligible voters on (83 FR 62302, December 3, 2018) informing the public of the permanent permit holders eligible to vote in the referendum and informing the eligible voters of the referendum voting period.

**Purpose**

The purpose of this notice is to announce the current fee rates for the reduction fishery in accordance with the framework rule at 50 CFR 600.1013(b). Section 600.1013(b) directs NMFS to recalculate the fee to a rate that will be reasonably necessary to ensure reduction loan repayment within the specified 40-year term.

For the 2022 fishing season, the fee rate for Loan A was one percent and Loan B was 2.5 percent of the landed value and any subsequent bonus payment. Loan A is currently well

ahead of the scheduled amortization and will remain so keeping the rate at one percent of gross value of salmon sold. Loan B is also ahead of the scheduled amortization. Beginning June 1, 2023, the Loan B fee rate will be decreased from 2.5 percent to one percent of gross value of salmon sold and is projected to be remain ahead at the end of the 2023 season.

Fish buyers may continue to use *Pay.gov* to disburse collected fee deposits at: <http://www.pay.gov/paygov/>. Please visit the NOAA Fisheries website for additional information at: <https://www.fisheries.noaa.gov/alaska/funding-and-financial-services/southeast-alaska-purse-seine-salmon-fishery-buyback-program>.

**Notice**

The new fee rate for the Southeast Alaska Purse Seine Salmon Fishery will begin on June 1, 2023.

From and after this date, all subsector members paying fees on the Southeast Alaska Purse Seine Salmon Fishery shall begin paying program fees at the revised rate.

Fee collection and submission shall follow previously established methods in § 600.1013 of the framework rule and in the final fee rule published in the **Federal Register** on (76 FR 61985, October 6, 2011).

*Authority:* 16 U.S.C. 1861 *et seq.*; Pub. L. 108–447.

Dated: May 24, 2023.

**Brian T. Pawlak,**

*Chief Financial Officer/Chief Administrative Officer, Director Office of Management and Budget, National Marine Fisheries Service.*

[FR Doc. 2023–11638 Filed 5–26–23; 4:15 pm]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE****Patent and Trademark Office**

[Docket No.: PTO–P–2023–0023]

**Expansion and Extension of the Climate Change Mitigation Pilot Program**

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

**ACTION:** Notice.

**SUMMARY:** On June 3, 2022, the United States Patent and Trademark Office (USPTO) implemented the Climate Change Mitigation Pilot Program as a component of its ongoing efforts to encourage and incentivize innovation in the climate space and as an example of its commitment to policies tackling climate change. The initial phase of the

program—ending June 5, 2023—has sought to positively impact the climate by accelerating the examination of patent applications for products and processes designed to reduce greenhouse gas emissions. Through this notice, the USPTO is expanding the program to include innovations in any economic sector that are designed to make progress toward achieving net-zero greenhouse gas emissions. This includes innovations designed to remove greenhouse gases already present in the atmosphere; reduce and/or prevent additional greenhouse gas emissions; and/or monitor, track, and/or verify greenhouse gas emission reductions. The USPTO is also increasing the filing limitations for petitions under the program and extending the duration of the program. These changes will permit more applications to qualify for the program, thereby allowing more innovations that will aid in achieving national climate goals to be advanced out of turn for examination. As with the existing program, applications accepted into the expanded program will be advanced out of turn (accorded special status) for first action on the merits. The conditions, eligibility requirements, and guidelines of the expanded program will be the same as those established for the existing program, unless modified by this notice. By expanding and extending the program, the USPTO aims to emphasize the urgency of zero- and negative-emissions solutions, and further encourage investment in an equitable, clean energy future.

**DATES: Pilot Duration:** The Climate Change Mitigation Pilot Program, as expanded by this notice, will run from June 6, 2023, until either June 7, 2027, or the date the USPTO accepts a total of 4,000 grantable petitions (considering both the existing and expanded programs), whichever occurs first. The USPTO may, at its sole discretion, terminate the program depending on factors such as workload and resources needed to administer the program, feedback from the public, and the effectiveness of the program. If the program is terminated, the USPTO will notify the public. The USPTO will continue to indicate on its website the total number of petitions filed and the number of applications accepted into the program.

**FOR FURTHER INFORMATION CONTACT:** Kristie A. Mahone, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patents, at 571–272–9016 or [Kristie.Mahone@uspto.gov](mailto:Kristie.Mahone@uspto.gov); or Susy Tsang-Foster, Senior Legal

Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patents, at 571–272–7711 or [Susy.Tsang-Foster@uspto.gov](mailto:Susy.Tsang-Foster@uspto.gov). For questions on electronic filing, please contact the Patent Electronic Business Center at 866–217–9197 during its operating hours of 6 a.m. to midnight ET, Monday–Friday, or [ebc@uspto.gov](mailto:ebc@uspto.gov). For questions related to a particular petition, please contact the Office of Petitions at 571–272–3282 during its operating hours of 8:30 a.m. to 5 p.m. ET, Monday–Friday.

#### **SUPPLEMENTARY INFORMATION:**

##### **Part I. Background**

Executive Order 14008, dated January 27, 2021, calls for immediately reducing greenhouse gas emissions and achieving net-zero greenhouse gas emissions no later than 2050. See E.O. 14008 of January 27, 2021: Tackling the Climate Crisis at Home and Abroad, 86 FR 7619 (Feb. 1, 2021). Net-zero greenhouse gas emissions means that the measure of greenhouse gas emitted into the atmosphere is counterbalanced by the measure of greenhouse gas removed from the atmosphere. While accelerating innovations designed to reduce emissions is of foremost importance, solutions for removing greenhouse gases from the atmosphere are critical because of the unlikelihood of eliminating emissions in all sectors. See The Long-Term Strategy of the United States: Pathways to Net-Zero Greenhouse Gas Emissions by 2050 (Nov. 2021), available at [www.whitehouse.gov/wp-content/uploads/2021/10/US-Long-Term-Strategy.pdf](http://www.whitehouse.gov/wp-content/uploads/2021/10/US-Long-Term-Strategy.pdf) (2021 Long-Term Strategy).

In 2022, the USPTO published a notice implementing the Climate Change Mitigation Pilot Program, which aligns with and supports Executive Order 14008. See Climate Change Mitigation Pilot Program, 87 FR 33750 (June 3, 2022) (2022 Notice). The initial phase of the program has focused on innovations that reduce greenhouse gas emissions. Specifically, the existing program permits an application that claims certain products and/or processes designed to reduce greenhouse gas emissions to be advanced out of turn (accorded special status) for first action on the merits without meeting all of the requirements of the accelerated examination program, if the applicant files a petition to make special under 37 CFR 1.102(d) that meets all the requirements in the 2022 Notice. In the petition to make special, the applicant must certify that: (1) the claimed invention covers a product or process that mitigates climate change,

(2) the product or process is designed to reduce greenhouse gas emissions, (3) the applicant has a good faith belief that expediting patent examination of the application will likely have a positive impact on the climate, and (4) the inventor or any joint inventor has not been named as the inventor or a joint inventor on more than four other nonprovisional applications in which a petition to make special under this program has been filed. The USPTO, however, committed to periodically evaluating the program to determine whether and to what extent coverage should be expanded or limited.

##### **Part II. Expansion of the Pilot Program**

###### *A. Subject Matter Coverage*

As stressed in the 2021 Long-Term Strategy, reaching net-zero greenhouse gas emissions by 2050 necessitates a robust pursuit of removal solutions, given the unlikelihood of completely eliminating greenhouse gas emissions from some activities. Further, technologies designed to monitor, track, and/or verify greenhouse gas emission reductions are anticipated as necessary expedients. See U.S. Innovation to Meet 2050 Climate Goals: Assessing Initial R&D Opportunities (Nov. 2022), available at [www.whitehouse.gov/wp-content/uploads/2022/11/U.S.-Innovation-to-Meet-2050-Climate-Goals.pdf](http://www.whitehouse.gov/wp-content/uploads/2022/11/U.S.-Innovation-to-Meet-2050-Climate-Goals.pdf). Considering the criticality of tackling climate change and the experiential knowledge of the USPTO resources needed to deliver accelerated review in the climate space, the USPTO is expanding the program to include a broader range of technologies designed to make progress toward achieving the goal of net-zero emissions. Specifically, the USPTO is replacing the second certification set forth in the 2022 Notice with a certification “that the product or process is designed to: (a) remove greenhouse gases already present in the atmosphere; (b) reduce and/or prevent additional greenhouse gas emissions; and/or (c) monitor, track, and/or verify greenhouse gas emission reductions.” Applicants must continue to certify that the claimed invention covers a product or process that mitigates climate change, and that they have a good faith belief that expediting patent examination of the application will likely have a positive impact on the climate, as set forth in the 2022 Notice.

###### *B. Filing Limitations*

The USPTO is also increasing the filing limitations to afford more opportunities to participate. In particular, an applicant may file a petition to participate in the program if

the inventor or any joint inventor has not been named as the inventor or a joint inventor on more than 12—up from 4—other nonprovisional patent applications in which a petition to make special under this program has been filed. Specifically, the USPTO is replacing the fourth certification set forth in the 2022 Notice with a certification “that the inventor or any joint inventor has not been named as the inventor or a joint inventor on more than 12 other nonprovisional applications in which a petition to make special under this program has been filed.” If the inventor or any one of the joint inventors of the current application has been named as the inventor or a joint inventor on more than 12 other nonprovisional patent applications in which petitions under this program have been filed, then the petition for the current application may not be appropriately filed. Any petitions filed during the existing program count toward the filing limitations in the expanded program.

### C. Office Form Required for Filing a Petition

Petition form PTO/SB/457, titled “CERTIFICATION AND PETITION TO MAKE SPECIAL UNDER THE CLIMATE CHANGE MITIGATION PILOT PROGRAM,” is still required to make the petition under the program. Other than the changes to the subject matter coverage and the filing limitations described above, the conditions, eligibility requirements, and guidelines of the program will be the same as those provided in the 2022 Notice. The USPTO will modify the certifications contained in petition form PTO/SB/457—at numbered items 2 and 11—to correspond with the changes described above. The modified petition form will be available for use on June 6, 2023, at [www.uspto.gov/patents/apply/forms](https://www.uspto.gov/patents/apply/forms).

The USPTO reminds applicants that under the 2022 Notice, the petition to make special (form PTO/SB/457) must be electronically filed using Patent Center, with the application or entry into the national stage under 35 U.S.C. 371, or within 30 days of the filing date or entry date of the application. The USPTO encourages applicants interested in participating in the program to review the 2022 Notice, along with the information provided on the program’s web page, at [www.uspto.gov/patents/laws/patent-related-notices/climate-change-mitigation-pilot-program](https://www.uspto.gov/patents/laws/patent-related-notices/climate-change-mitigation-pilot-program).

### Part III. Extension of the Pilot Program

The program, as expanded by this notice, will run from June 6, 2023, until

either June 7, 2027, or until the date that the USPTO accepts a total of 4,000 grantable petitions, whichever occurs first. The total of 4,000 grantable petitions includes petitions granted under the existing and expanded programs combined. Information concerning the number of petitions that have been filed and granted under the program will continue to be available on the program’s web page. The USPTO may further extend the program (with or without modifications) depending on feedback from the participants and the effectiveness of the program.

**Katherine K. Vidal,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2023–11660 Filed 5–31–23; 8:45 am]

**BILLING CODE 3510–16–P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### **Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Native American Tribal Insignia Database**

The United States Patent and Trademark Office (USPTO) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comment on this information collection renewal, which helps the USPTO assess the impact of its information collection requirements and minimize the public’s reporting burden. Public comments were previously requested via the **Federal Register** on March 8, 2023 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

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

*Title:* Native American Tribal Insignia Database.

*OMB Control Number:* 0651–0048.

*Needs and Uses:* The Trademark Law Treaty Implementation Act of 1998<sup>1</sup> (Pub. L. 105–330, 302, 112 Stat. 3071) required the USPTO to study issues surrounding the protection of the official insignia of federally and state-recognized Native American tribes

under trademark law. The USPTO conducted the study and presented a report to the House and Senate Judiciary Committees on November 30, 1999. One of the recommendations made in the report was that the USPTO create and maintain an accurate and comprehensive database containing the official insignia of all federally and state-recognized Native American tribes. In accordance with this recommendation, the Senate Committee on Appropriations directed the USPTO to create this database. The USPTO published the final procedures for establishing and maintaining the tribal insignia database in the **Federal Register** on August 24, 2001 (66 FR 44603).<sup>2</sup>

The USPTO database of official tribal insignias provides evidence of what a federally or state-recognized Native American tribe considers to be its official insignia. Section 2(a) of the Trademark Act, 15 U.S.C. 1052(a), disallows the registration of marks that falsely suggest a connection with a non-sponsoring person or institution, including a Native American tribe. The database thereby assists trademark examining attorneys in their examination of applications for trademark registration by serving as a reference for determining the registrability of a mark that may falsely suggest a connection to the official insignia of a Native American tribe. The database, included within Trademark Electronic Search System (TESS),<sup>3</sup> is available to the public on the USPTO website, and includes an online help program for using the system. More information about the program is available on the website at <https://www.uspto.gov/trademarks/laws/native-american-tribal-insignia>.

Tribes are not required to request that their official insignia be included in the database. The entry of an official insignia into the database does not confer any rights to the tribe that submitted the insignia, and entry is not the legal equivalent of registering the insignia as a trademark under 15 U.S.C. 1051 *et seq.* The inclusion of an official tribal insignia in the database does not create any legal presumption of validity or priority, does not carry any of the benefits of federal trademark registration, and is not a determination as to whether a particular insignia would be allowed or refused registration

<sup>2</sup> <https://www.federalregister.gov/documents/2001/08/24/01-21479/establishment-of-a-database-containing-the-official-insignia-of-federally-and-state-recognized>.

<sup>3</sup> <https://www.uspto.gov/trademarks-application-process/search-trademark-database>.

<sup>1</sup> <https://www.uspto.gov/trademark/laws-regulations/trademark-law-treaty-implementation-act>.