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This notice shall be published in the **Federal Register**.

Dated: September 16, 2011.

**William J. Burns,**

*Deputy Secretary of State.*

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**BILLING CODE 4710-10-P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### 2011 Special 301 Out-of-Cycle Review of Notorious Markets: Request for Public Comments

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for written submissions from the public.

**SUMMARY:** In 2010 the Office of the United States Trade Representative (USTR) began publishing the notorious market list as an "Out of Cycle Review" separately from the annual Special 301 report. This review of Notorious Markets ("Notorious Markets List") results in the publication of examples of Internet and physical markets that have been the subject of enforcement action or that may merit further investigation for possible intellectual property infringements. The Notorious Markets List does not represent a finding of violation of law, but rather is a summary of information that serves to highlight the problem of marketplaces that deal in infringing goods and which help sustain global piracy and counterfeiting. USTR is hereby requesting written submissions from the public identifying potential Internet and physical notorious markets that exist outside the United States and that may be included in the 2011 Notorious Markets List.

**DATES:** The deadline for interested parties to submit written comments is October 26, 2011.

**ADDRESSES:** All written comments should be sent electronically via <http://www.regulations.gov>, docket number USTR-2011-0012. Submissions should contain the term "2011 Out-of-Cycle Review of Notorious Markets" in the "Type comment" field on <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Paula Karol Pinha, Director for Intellectual Property Enforcement, Office of the United States Trade Representative, at (202) 395-5419. Further information about Special 301 can be found at <http://www.ustr.gov>.

**SUPPLEMENTARY INFORMATION:**

### 1. Background

Pursuant to the 2010 Joint Strategic Plan on Intellectual Property Enforcement, USTR began publishing the Notorious Markets List separately from the annual Special 301 report in which it had previously been included. After a dedicated request for comments and separate review which took place in the fall and winter of 2010, USTR published the first Out-of-Cycle Review of Notorious Markets ("Notorious Markets List") in February 2011.

The 2010 Notorious Markets List identified 34 markets, including both physical and virtual markets, as examples of marketplaces that have been the subject of enforcement action or that may merit further investigation for possible intellectual property rights infringements, or both. The 2010 Notorious Markets List did not reflect findings of violation of law, nor did it reflect the United States' analysis of the general climate of protection and enforcement of intellectual property rights in the countries where the markets were located. Rather, the list identified certain prominent examples of markets in which pirated or counterfeit goods were reportedly available. Through the Notorious Markets List, the United States encourages the responsible authorities to step up efforts to combat piracy and counterfeiting in these and similar markets.

### 2. Public Comments

#### A. Written Comments

The Special 301 Subcommittee invites written submissions from the public concerning potential examples of Internet and physical "notorious markets." Notorious markets are those where counterfeit or pirated products are prevalent to such a degree that the market exemplifies the problem of marketplaces that deal in infringing goods and help sustain global piracy and counterfeiting.

#### B. Requirements for Comments

Interested parties must submit written comments by October 26, 2011. Written comments should be as detailed as possible and should clearly identify the reason or reasons why the nature or scope of activity associated with the identified market or markets exemplify the problem of marketplaces that deal in infringing goods and help sustain global piracy and counterfeiting. Information that would be particularly helpful would include: location; principal owners/operators (if known); types of products sold, distributed, or otherwise made available; information on the

volume of Internet traffic associated with the Web site, such as the Alexa ranking; any known civil or criminal enforcement activity against the market; any other efforts to remove/limit infringing materials, including the Web site's responsiveness to notices of infringement and requests to remove or disable access to allegedly infringing material; and any other relevant information, including with respect to any other positive progress made by the operators of the market in addressing infringing activity. Any comments that include quantitative loss claims should be accompanied by the methodology used in calculating such estimated losses. Comments must be in English.

All comments should be sent electronically via <http://www.regulations.gov>, docket number USTR-2011-0012. To submit comments to <http://www.regulations.gov>, find the docket by entering the number USTR-2011-0012 in the "Enter Keyword or ID" window at the <http://www.regulations.gov> home page and click "Search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notice" under "Document Type" on the left side of the search results page, and click on the link entitled "Submit a comment." (For further information on using the <http://www.regulations.gov> Web site, please consult the resources provided on the Web site by clicking on "How to Use This Site" on the left side of the home page.) The <http://www.regulations.gov> site provides the option of providing comments by filling in a "Type comment" field, or by attaching a document. It is USTR's preference that comments be provided in an attached document. If a document is attached, please type "2011 Out-of-Cycle Review of Notorious Markets" in the "Type comment" field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the "Type comment" field.

### 3. Inspection of Comments

USTR will maintain a docket on the 2011 Out-of-Cycle Review of Notorious Markets accessible to the public. The public file will include all comments received which will be placed in the docket and open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Comments may be viewed on the <http://www.regulations.gov> Web site by

entering docket number USTR–2011–0012 in the search field on the home page.

**Stanford K. McCoy,**

*Assistant U.S. Trade Representative for Intellectual Property and Innovation.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Request for Public Comments on Annual Review of Country Eligibility for Benefits Under the African Growth and Opportunity Act

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice and Request for Comments.

**SUMMARY:** The African Growth and Opportunity Act Implementation Subcommittee of the Trade Policy Staff Committee (the “Subcommittee”) is requesting written public comments for the annual review of the eligibility of sub-Saharan African countries to receive the benefits of the African Growth and Opportunity Act (the AGOA). The Subcommittee will consider these comments in developing recommendations on AGOA country eligibility for calendar year 2012 for the President. Comments received related to the child labor criteria may also be considered by the Secretary of Labor in the preparation of the Department of Labor’s report on child labor as required under section 412(c) of the Trade and Development Act of 2000. This notice identifies the eligibility criteria that must be considered under the AGOA, and lists those sub-Saharan African countries that are currently eligible for the benefits of the AGOA and those that were ineligible for such benefits in 2011.

**DATES:** To ensure consideration, public comments must be submitted to the Office of the U.S. Trade Representative (USTR) by October 11, 2011.

**ADDRESSES:** USTR strongly prefers electronic submissions made at <http://www.regulations.gov>, docket number USTR-. See “Requirements for Submission,” below. If you are unable to make a submission at [www.regulations.gov](http://www.regulations.gov), please contact Laura Newport, Trade Policy Staff Committee, at (202) 395–3475 to make other arrangements.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions, please contact Laura Newport, Office of the U.S. Trade Representative, 600 17th Street, NW.,

Room F516, Washington, DC 20508, at (202) 395–3475. All other questions should be directed to Constance Hamilton, Deputy Assistant U.S. Trade Representative for Africa, Office of the U.S. Trade Representative, at (202) 395–9514.

**SUPPLEMENTARY INFORMATION:** The AGOA (Title I of the Trade and Development Act of 2000, Public Law 106–200) (19 U.S.C. 3721 *et seq.*), as amended, authorizes the President to designate sub-Saharan African countries as beneficiary sub-Saharan African countries eligible for duty-free treatment for certain additional products under the Generalized System of Preferences (GSP) (Title V of the Trade Act of 1974 (19 U.S.C. 2461 *et seq.*) (the “1974 Act”)), as well as for the preferential treatment the AGOA provides for certain textile and apparel articles.

The President may designate a country as a beneficiary sub-Saharan African country eligible for both the additional GSP benefits and the textile and apparel benefits of the AGOA for countries meeting certain statutory requirements intended to prevent unlawful transshipment of such articles, if he determines that the country meets the eligibility criteria set forth in: (1) Section 104 of the AGOA (19 U.S.C. 3703); and (2) section 502 of the 1974 Act (19 U.S.C. 2462).

Section 104 of the AGOA includes requirements that the country has established or is making substantial progress toward establishing: a market-based economy; the rule of law, political pluralism, and the right to due process; the elimination of barriers to U.S. trade and investment; economic policies to reduce poverty; a system to combat corruption and bribery; and protection of internationally recognized worker rights. In addition, the country may not engage in activities that undermine U.S. national security or foreign policy interests or engage in gross violations of internationally recognized human rights. Please see section 104 of the AGOA and section 502 of the 1974 Act for a complete list of the AGOA eligibility criteria.

For 2011, 37 countries have been designated as beneficiary sub-Saharan African countries. These countries, as well as the countries currently ineligible, are listed below. Section 506A of the 1974 Act provides that the President shall monitor and review annually the progress of each sub-Saharan African country in meeting the foregoing eligibility criteria in order to determine whether each beneficiary sub-Saharan African country should continue to be eligible, and whether

each sub-Saharan African country that is currently not a beneficiary sub-Saharan African country, should be designated as such a country. Section 506A of the 1974 Act requires that, if the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the eligibility requirements, he must terminate the designation of the country as a beneficiary sub-Saharan African country.

The Subcommittee is seeking public comments in connection with the annual review of the eligibility of beneficiary sub-Saharan African countries for the AGOA’s benefits. The Subcommittee will consider any such comments in developing recommendations on country eligibility for the President. Comments related to the child labor criteria may also be considered by the Secretary of Labor in making the findings required under section 504 of the 1974 Act. The following sub-Saharan African countries were designated as beneficiary sub-Saharan African countries in 2011:

Angola, Republic of Benin, Republic of Botswana, Burkina Faso, Burundi, Republic of Cape Verde, Republic of Cameroon, Republic of Chad, Federal Islamic Republic of Comoros, Republic of Congo, Republic of Djibouti, Ethiopia, Gabonese Republic, The Gambia, Republic of Ghana, Republic of Guinea-Bissau, Republic of Kenya, Kingdom of Lesotho, Republic of Liberia, Republic of Malawi, Republic of Mali, Islamic Republic of Mauritania, Republic of Mauritius, Republic of Mozambique, Republic of Namibia, Federal Republic of Nigeria, Republic of Rwanda, Sao Tome & Principe, Republic of Senegal, Republic of Seychelles, Republic of Sierra Leone, Republic of South Africa, Kingdom of Swaziland, United Republic of Tanzania, Republic of Togo, Republic of Uganda, Republic of Zambia.

Three countries that were not designated as AGOA beneficiary countries for 2011 are the subject of a separate out-of-cycle review that is ongoing, so they are not part of this annual review. These countries are Cote d’Ivoire, Guinea, and Niger. Written public comments regarding AGOA eligibility for these three countries were separately solicited through a notice in the **Federal Register** (76 FR 50284, August 12, 2011).

The following sub-Saharan African countries that were not designated as beneficiary sub-Saharan African countries in 2011 that are up for review are:

Central African Republic, Democratic Republic of Congo, Republic of Equatorial Guinea, State of Eritrea,