

approval of this information collection; they also will become a matter of public record.

Dated: September 2, 2004.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 04-20617 Filed 9-13-04; 8:45 am]

**BILLING CODE 3510-HR-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 073004A]

#### Endangered Species; File No. 1462

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

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that Inwater Research Group, Inc., 4160 NE Hyline Dr., Jensen Beach, FL, has been issued a permit to take loggerhead (*Caretta caretta*), green (*Chelonia mydas*), hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*) sea turtles for purposes of scientific research.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432; phone (727)570-5301; fax (727)570-5320.

**FOR FURTHER INFORMATION CONTACT:** Patrick Opay or Ruth Johnson, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On May 18, 2004, notice was published in the **Federal Register** (69 FR 28122) that a request for a scientific research permit to take loggerhead, green, hawksbill and Kemp's ridley sea turtles had been submitted by the above-named organization. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Researchers will capture sea turtles using a large mesh tangle net. Animals will be measured, flipper and passive

integrated transponder (PIT) tagged, weighed, blood sampled, photographed and released. Dietary samples will also be extracted from a subset of green sea turtles using a sampling technique called gastric lavage. This research will provide size frequency, disease rate, relative abundance and feeding ecology data on marine turtles utilizing the Lake Worth and the Indian River Lagoon Systems of Florida. Information collected from this study will benefit state and federal managers in the conservation of these marine turtle species. None of the activities are expected to result in mortality. The permit is valid for five years.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered and threatened species which are the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: September 8, 2004.

**Stephen L. Leathery,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 04-20698 Filed 9-13-04; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Native American Tribal Insignia Database

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before November 15, 2004.

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

- E-mail: [Susan.Brown@uspto.gov](mailto:Susan.Brown@uspto.gov). Include "0651-0048 comment" in the subject line of the message.
- Fax: 703-308-7407, marked to the attention of Susan Brown.
- Mail: Susan K. Brown, Records Officer, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division,

U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Ari Leifman, U.S. Patent and Trademark Office, 2900 Crystal Drive, Arlington, VA 22202-3514; by telephone at 703-308-8900; or by e-mail at [Ari.Leifman@uspto.gov](mailto:Ari.Leifman@uspto.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Trademark Law Treaty Implementation Act (Pub. L. 105-330, 302, 112 Stat. 3071 (1998)) required the United States Patent and Trademark Office (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 Chairman of the Committee on the Judiciary of the Senate and to the Chairman of the Committee on the Judiciary of the House of Representatives on November 30, 1999. One of the recommendations made in the report was that the USPTO create, maintain, and update 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 database of official tribal insignias assists trademark attorneys in their examination of applications for trademark registration. Additionally, the database provides evidence of what a federally- or state-recognized Native American tribe considers to be its official insignia. The database serves as a reference for examining attorneys when determining the registrability of a mark that may be similar to the official insignia of a Native American tribe. The insignia database is also available to the public on the USPTO Web site.

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 refused registration as a