

only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-FINRA-2018-028, and should be submitted on or before September 6, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>25</sup>

**Robert W. Errett,**  
Deputy Secretary.

[FR Doc. 2018-17631 Filed 8-15-18; 8:45 am]

**BILLING CODE 8011-01-P**

## DEPARTMENT OF STATE

### [Public Notice 10506]

#### Notice of Public Meeting

The Department of State will conduct an open meeting at 10:30 a.m. on Friday, September 14, 2018, in Room 5Y23-21 of the Douglas A. Munro Coast Guard Headquarters Building at St. Elizabeth's, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593. The primary purpose of the meeting is to prepare for the fifth Session of the International Maritime Organization's (IMO) Sub-Committee on Implementation of IMO Instruments (III 5) to be held at the IMO headquarters, London, United Kingdom, on September 24-28, 2018.

The agenda items to be considered include:

—Decisions of other IMO bodies;

- Consideration and analysis of reports on alleged inadequacy of port reception facilities;
  - Lessons learned and safety issues identified from the analysis of marine safety investigation reports;
  - Measures to harmonize port state control (PSC) activities and procedures worldwide;
  - Identified issues related to the implementation of IMO instruments from the analysis of PSC data;
  - Analysis of consolidated audit summary reports;
  - Updated survey guidelines under the Harmonized System of Survey and Certification (HSSC);
  - Non-exhaustive list of obligations under the instruments relevant to the IMO Instruments Implementation Code (III Code); and
  - Unified interpretation of provisions of IMO safety, security, and environment related conventions.
- Review the Model Agreement for the authorization of recognized organizations acting on behalf of the Administration.

The public meeting will focus on answering any questions from the public that are directly related to the meeting documents submitted for this meeting. The public may attend this meeting up to the seating capacity of the room. However, due to the size of the room and security protocols at Coast Guard Headquarters, members of the public are encouraged to participate via teleconference. To access the teleconference line or request physical access to the meeting, participants should contact the meeting coordinator, Mr. Christopher Gagnon, by email at [christopher.j.gagnon@uscg.mil](mailto:christopher.j.gagnon@uscg.mil) or by phone at (202) 372-1231. Physical access to the meeting requires that all attendees respond to the meeting coordinator not later than September 5, 2018, seven working days prior to the meeting. Responses made after September 5, 2018 might result in not being able to participate in person at the meeting. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Coast Guard Headquarters building. The building is accessible by public transportation or taxi.

**Joel C. Coito,**

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2018-17701 Filed 8-15-18; 8:45 am]

**BILLING CODE 4710-09-P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR-2018-0027]

### 2018 Special 301 Out-of-Cycle Review of Notorious Markets: Comment Request

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

**ACTION:** Request for comments.

**SUMMARY:** The Office of the United States Trade Representative (USTR) requests written comments that identify online and physical markets based outside the United States that should be included in the 2018 Notorious Markets List (List). Conducted under the auspices of the Special 301 program, the List identifies online and physical marketplaces that reportedly engage in and facilitate substantial copyright piracy and trademark counterfeiting. In 2010, USTR began publishing the Notorious Markets List separately from the annual Special 301 Report as an "Out-of-Cycle Review."

#### **DATES:**

*October 1, 2018 at midnight EST:*  
Deadline for submission of written comments.

*October 15, 2018 at midnight EST:*  
Deadline for submission of rebuttal comments and other information USTR should consider during the review.

**ADDRESSES:** You should submit written comments through the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments in section III below. For alternatives to online submissions, please contact USTR at [Special301@ustr.eop.gov](mailto:Special301@ustr.eop.gov) before transmitting a comment and in advance of the relevant deadline.

#### **FOR FURTHER INFORMATION CONTACT:**

Sung Chang, Director for Innovation and Intellectual Property, at [special301@ustr.eop.gov](mailto:special301@ustr.eop.gov). You can find information about the Special 301 Review, including the Notorious Markets List, at [www.ustr.gov](http://www.ustr.gov).

#### **SUPPLEMENTARY INFORMATION:**

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

The United States is concerned with trademark counterfeiting and copyright piracy on a commercial scale because they cause significant financial losses for right holders, legitimate businesses and governments, undermine critical U.S. comparative advantages in innovation and creativity to the detriment of American workers, and potentially pose significant risks to consumer health and safety as well as privacy and security. The Notorious

<sup>25</sup> 17 CFR 200.30-3(a)(12).

Markets List identifies select online and physical marketplaces that reportedly engage in or facilitate substantial copyright piracy and trademark counterfeiting.

Beginning in 2006, USTR identified notorious markets in the annual Special 301 Report. In 2010, pursuant to the Administration's 2010 Joint Strategic Plan on Intellectual Property Enforcement, USTR announced that it would publish the List as an Out-of-Cycle Review, separate from the annual Special 301 Report. USTR published the first List in February 2011. USTR develops the annual List based upon public comments solicited through the **Federal Register** and in consultation with other Federal agencies that serve on the Special 301 Subcommittee of the Trade Policy Staff Committee.

The United States encourages owners and operators of markets reportedly involved in piracy and counterfeiting to adopt business models that rely on the licensed distribution of legitimate content and products and to work with right holders and enforcement officials to address infringement. USTR also encourages responsible government authorities to intensify their efforts to investigate reports of piracy and counterfeiting in such markets, and to pursue appropriate enforcement actions. The List does not purport to reflect findings of legal violations, nor does it reflect the United States Government's analysis of the general intellectual property (IP) protection and enforcement climate in the country or countries concerned. For an analysis of the IP climate in particular countries, please refer to the annual Special 301 Report, published each spring no later than 30 days after USTR submits the National Trade Estimate to Congress.

## II. Public Comments

USTR invites written comments concerning examples of online and physical notorious markets, including foreign trade zones that allegedly facilitate substantial trademark counterfeiting and copyright piracy. To facilitate the review, written comments should be as detailed as possible. Comments must clearly identify the market and the reasons why the commenter believes that the market should be included in the List. Commenters should include the following information, as applicable:

- If a physical market, the market's name and location, *e.g.*, common name, street address, neighborhood, shopping district, city, etc., and the identity of the principal owners/operators.
- If an online market:

- The domain name(s) past and present, available registration information, and name(s) and location(s) of the hosting provider(s) and operator(s).
- Information on the volume of internet traffic associated with the website, including number of visitors and page views, average time spent on the site, estimate of the number of infringing goods offered, sold, or traded and number of infringing files streamed, shared, seeded, leeches, downloaded, uploaded, or otherwise distributed or reproduced, and global or country popularity rating (*e.g.*, Alexa rank).
- Revenue sources such as sales, subscriptions, donations, upload incentives, or advertising and the methods by which that revenue is collected.
- Whether the market is owned, operated, or otherwise affiliated with a government entity.
- Types of counterfeit or pirated products or services sold, traded, distributed, or otherwise made available at that market.
- Volume of counterfeit or pirated goods or services or other indicia of a market's scale, reach, or relative significance in a given geographic area or with respect to a category of goods or services.
- Estimates of economic harm to right holders resulting from the piracy or counterfeiting and a description of the methodology used to calculate the harm.
- Whether the volume of counterfeit or pirated goods or estimates of harm has increased or decreased from previous years, and an approximate calculation of that increase or decrease for each year.
- Whether the infringing goods or services sold, traded, distributed, or made available pose a risk to public health or safety.
- Any known contractual, civil, administrative, or criminal enforcement activity against the market and the outcome of that enforcement activity.
- Additional actions taken by right holders against the market such as takedown notices, requests to sites to remove URLs or infringing content, cease and desist letters, warning letters to landlords and requests to enforce the terms of their leases, requests to providers to enforce their terms of service or terms of use, and the outcome of these actions.
- Additional actions taken by the market owners or operators to remove, limit, or discourage the availability of counterfeit or pirated goods or services, including policies to prevent or remove access to such goods or services, or to disable seller or user accounts, the

effectiveness of market policies and guidelines in addressing counterfeiting and piracy, and the level of cooperation with right holders and law enforcement.

- Any other additional information relevant to the review.

## III. Submission Instructions

All submissions must be in English and sent electronically via [www.regulations.gov](http://www.regulations.gov). To submit comments, locate the docket (folder) by entering the docket number USTR–2018–0027 in the “Enter Keyword or IP” window at the [www.regulations.gov](http://www.regulations.gov) homepage and click “Search.” The site will provide a search-results page listing all documents associated with this docket. Locate the 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 “Comment Now!” You should provide comments in an attached document, and name the file according to the following protocol, as appropriate: Commenter Name or Organization\_2018 Notorious Markets OCR. Please include the following information in the “Type Comment” field: 2018 Out-of-Cycle Review of Notorious Markets. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf) format. If the submission is in another file format, please indicate the name of the software application in the “Type Comment” field. For further information on using the [www.regulations.gov](http://www.regulations.gov) website, please select “How to Use Regulations.gov” on the bottom of any page.

Please do not attach separate cover letters to electronic submissions. Instead, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

For any comment submitted electronically that contains business confidential information, the file name of the business confidential version should begin with the characters “BC”. Any page containing business confidential information must be clearly marked “BUSINESS CONFIDENTIAL” on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. A filer requesting business confidential treatment must certify that the information is business confidential and would not customarily be released to the public by the submitter. Additionally, the submitter should type

“Business Confidential 2018 Out-of-Cycle Review of Notorious Markets” in the “Comment” field.

Filers of comments containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character “P”. The non-business confidential version will be placed in the docket at [www.regulations.gov](http://www.regulations.gov) and be available for public inspection.

As noted, USTR strongly urges submitters to file comments through [www.regulations.gov](http://www.regulations.gov). You must make any alternative arrangements in advance of the relevant deadline and before transmitting a comment by contacting USTR at [Special301@ustr.eop.gov](mailto:Special301@ustr.eop.gov).

We will post comments in the docket for public inspection, except business confidential information. You can view comments on the <https://www.regulations.gov> website by entering docket number USTR–2018–0027 in the search field on the home page.

**Daniel Lee,**

*Assistant U.S. Trade Representative for Innovation and Intellectual Property (Acting), Office of the United States Trade Representative.*

[FR Doc. 2018–17649 Filed 8–15–18; 8:45 am]

BILLING CODE 3290–F8–P

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Notice of Action Pursuant to Section 301: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

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

**ACTION:** Notice.

**SUMMARY:** The U.S. Trade Representative (Trade Representative) has determined that appropriate action in this investigation includes the imposition of an additional *ad valorem* duty of 25 percent on products from China classified in the subheadings of the Harmonized Tariff Schedule of the United States (HTSUS) set out in Annex A of this notice. The Trade Representative has further determined to establish a process by which U.S. stakeholders may request that particular products classified within a covered tariff subheading in Annex A be excluded from these additional duties.

**DATES:** The additional duties set out in Annex A to this notice are effective with respect to products that are entered for consumption, or withdrawn from

warehouse for consumption, on or after August 23, 2018.

**FOR FURTHER INFORMATION CONTACT:** For questions about this action, contact Assistant General Counsel Arthur Tsao or Director of Industrial Goods Justin Hoffmann at (202) 395–5725. For questions on customs classification or implementation of additional duties on products identified in Annex A to this Notice, contact [Traderemedy@cbp.dhs.gov](mailto:Traderemedy@cbp.dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Proceedings in the Investigation

On August 18, 2017, the Office of the U.S. Trade Representative (USTR) initiated an investigation into certain acts, policies, and practices of the Government of China related to technology transfer, intellectual property, and innovation (82 FR 40213).

In a notice published on April 6, 2018 (83 FR 14906), the Trade Representative announced a determination that the acts, policies, and practices of the Government of China covered in the investigation are unreasonable or discriminatory and burden or restrict U.S. commerce. The April 6 notice also invited public comment on a proposed action in the investigation, in the form of an additional 25 percent *ad valorem* duty on products from China classified in a list of 1,333 tariff subheadings, with an annual trade value of approximately \$50 billion. As explained in that notice, the level was appropriate both in light of the estimated harm to the U.S. economy, and to obtain elimination of China’s harmful acts, policies, and practices.

The public comment process included two opportunities for the submission of written comments, and the opportunity to participate in a public hearing. USTR received thousands of submissions, and held a 3-day public hearing with more than 100 witnesses. The public versions of submissions and a transcript of the hearing are available on [www.regulations.gov](http://www.regulations.gov) in docket number USTR–2018–0005.

USTR and the interagency Section 301 Committee carefully reviewed the public comments and the testimony from the public hearing. USTR and the Section 301 Committee also carefully reviewed the extent to which the tariff subheadings in the April 6 notice include products containing industrially significant technology, including technologies and products related to China’s “Made in China 2025” industrial policy program.

Based on this review process, the Trade Representative determined to take an initial action in the investigation,

and to consider an additional proposed action. The Trade Representative announced the determination on June 15, 2018, and published a notice on June 20, 2018 (83 FR 28710). The Trade Representative narrowed the proposed list in the April 6 notice to 818 tariff subheadings, with an approximate annual trade value of \$34 billion. This initial action became effective on July 6, 2018. The additional proposed action was an additional *ad valorem* duty of 25 percent on products of China classified in 284 tariff subheadings, with an annual trade value of approximately \$16 billion, as set forth in Annex C to the June 20 notice. The June 20 notice further explained that including these tariff subheadings in the Section 301 action would maintain the effectiveness of a \$50 billion trade action.

The June 20 notice invited public comment on the additional proposed action. USTR requested that commenters address specifically whether imposing increased duties on a particular listed subheading would be practicable or effective to obtain the elimination of China’s acts, policies, and practices, and whether maintaining or imposing additional duties on a particular listed product would cause disproportionate economic harm to U.S. interests, including small or medium-sized businesses and consumers.

In response to the notice of additional proposed action, interested persons filed over 700 written submissions. USTR and the Section 301 Committee held a 2-day public hearing on July 24–25, 2018. During the hearing, 82 witnesses provided testimony and responded to questions. Interested parties also had the opportunity to provide rebuttal submissions. The public submissions and a transcript of the hearing are available on [www.regulations.gov](http://www.regulations.gov) in docket number USTR–2018–0018.

##### B. Determination on Appropriate Action

USTR and the Section 301 Committee have carefully reviewed the public comments and the testimony from the two-day public hearing. In addition, USTR and the interagency Section 301 Committee have carefully reviewed the extent to which the tariff subheadings in Annex C to the June 20 notice include products containing industrially significant technology, including technologies and products related to the “Made in China 2025” program. Based on this review process, the Trade Representative has determined to narrow the proposed tariff subheadings in Annex C to the June 20 notice to 279 tariff subheadings. The annual trade