

**Australian Government Department of Home Affairs**

Australian Government Australian Customs and

**Border Protection Service**

*AUSTRALIAN CUSTOMS AND BORDER PROTECTION NOTICE NO. 2017/03*

The Australian Government has recently approved the renewal of a number of trade marks. This Notice sets out the new trade marks to be removed from the Customs register after six years of importation.

New trade marks will be removed from the Customs Register if the relevant trade marks were used in the manufacture, packaging or marketing of goods bearing these trade marks at the time of importation from Australia. The trade mark owner will have until the end of the period of six years to respond to the notice.

Where a trade mark owner has not responded within the period listed above and the Notice of Objection remains in force, Customs will consider making a Notice of Objection under Section 132 of the Copyright Act 1968 for the same trade marks.

The list of trade marks affected by the new regulation has been prepared by the Australian Industry Group and is available on the ICS.

Importers and brokers should check to ensure all trade marks listed in their import declaration are included in the removal list provided by Customs, which can take up to two working days to process.

Copies of all Notice of Objection applications lodged with Customs between 3 September 2017 and 17 September 2017 will be made available in the ICS and subscribers of the ICS will be able to access them by searching for ‘Schedule 4’ and ‘ATTACHMENT’ in the COMPILE search engine. The available information will inform importers and brokers of their right to lodge an Objection under section 132 of the Copyright Act.

**Goods**

# ATTACHMENT

## The Schedule makes no reference to the term ‘commercial use’ when referring to goods. It is intended that goods identified as ‘commercial use’ for commercial purposes should be regarded in this context as ‘made for commercial use’.

Enquiries concerning this notice may be directed to.

* Tim Chapman National Manager Trade Services Branch CANBERRA ACT
* October 1997

# Attachment A

## New Schedule to Schedule 5 Customs Tariff Proposal No. 2 Customs Tariff Proposal No. 2 ("Supplemental Trade Marks", Schedule 5) is currently under review and received Royal Assent on 10 November 1997. Details of the supplements are attached.

Schedule 5 provides for the renewal of certain trade marks:

* US, Thai, Chilean, AANZ, Malaysian, Korean, Japanese, Chinese (Hong Kong), Korean (South Korea) and Taiwanese originating goods; and
* Cake, coffee, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour, bread, pastry, confectionery, and all other goods in the class.
* It will be the responsibility of importers, especially those importing tobacco from Peru, to ascertain the origin of any goods before lodging a Notice of Objection.

# ATTACHMENT

## New Schedule 3 Customs Tariff Proposal No. 3 Customs Tariff Proposal No. 3 ("Supplemental Trade Marks") provides for the renewal of certain trade marks.

Schedule 3 provides for the renewal of certain trade marks:

* US, Thai, Chilean, AANZ, Malaysian, Korean, Japanese, Chinese (Hong Kong), Korean (South Korea) and Taiwanese originating goods; and
* Cake, coffee, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour, bread, pastry, confectionery, and all other goods in the class.

From 1 July 1997, goods that were registered in accordance with Schedule 3 from 1 September 1997 will also require an import declaration to indicate whether or not the goods are ‘originating or manufactured goods’.

Enquiries concerning this notice may be directed to. [www.ato.gov.au/AusGST.](https://www.ato.gov.au/Business/International-tax-for-business/GST-on-low-value-imported-goods/Information-for-transporters-and-customs-brokers/#PreventingGSTfrombeingchargedagainattheb)

(Signed)

J Robert Moore

National Manager Trade Services Branch CANBERRA ACT

19 July 1997