5 For trademark purposes Chô

**Japanese clothing and accessories not prohibited under Australian law**

The registered owner of the trade mark in question is liable to pay to the Commonwealth such monetary penalty as the court considers appropriate and, if the court is satisfied that the use of the trade mark amounts to an infringement of copyright and that there is a likelihood of greater than one of the following circumstances that the mark owner will be held liable in respect of that infringement:

an infringement of copyright has been committed according to s15(2) of the Copyright Act 1968; or using the trade mark in a manner that is likely to prejudice the legitimate interests of third parties;

abhor or in any way contribute to, or to be likely to contribute to, the infringement of copyright, or the unlawful conversion of or to use a copy of such literary, artistic, graphic or dramatic works; or

endanger the security, privacy or economic interests of the owner or the exclusive licensee of copyright.

Sanctions may also include the seizure of goods unless a court has given permission in writing.

John Arndell Assistant

Trade Policy and Regulation Branch

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