Australian Customs Notice 1996 41

**NOTICES OF OBJECTION TO IMPORTATION TRADE MARKS ACT 1995**

# See ACN96/46 for erratum to this ACN

The companies referred to in the attached Schedule have given notice under section 132 of the Trade Marks Act 1995 objecting to the importation of the goods listed in the Schedule which have applied to them, or in relation to them, a sign which infringes

the relevant trade mark/s. Unless revoked, these Notices of Objection remain in force for a period of two years from the commencement date shown for the particular trade mark.

The references in the Schedule to particular classes of goods refer to the classes of goods prescribed in Schedule 1 in the Trade Marks Regulations. Unless the Schedule indicates to the contrary, the particular trade mark relates to the specific goods listed in regard to the trade mark/s in question. However, where certain objectors have lodged a Notice of Objection in regard

to a variety of trade marks covering a diversity of goods, it

has not been feasible to comprehensively reflect the intricacies of some of those Notices.

The Schedule clearly indicates where that applies with an asterisk.

In any case prospective importers should seek further advice regarding the coverage of the Notice of Objection from their local Customs

office (in accordance with the final paragraph below).Where goods of the kind referred to are manufactured outside Australia and

are imported with a sign that is substantially identical with

or deceptively similar to the relevant trade mark they are liable to be seized by Customs, unless it can be established that: the

goods are being imported otherwise than for the purposes of trade (sale, lease, hire, etc.); or the goods do not infringe the relevant

trade mark. Part 12 of the Trade Marks Act 1995 details the circumstances in which the use of a trade mark may, or may not, amount to an infringement. For example, a trade mark is not infringed where

the mark in question has been applied to, or in relation to, goods with the consent of the registered owner of the trade mark.

People who have been planning commitments to import goods that may be liable to seizure under the provisions of the Trade Marks Act should consider seeking advice from Customs, or a suitably qualified legal practitioner, as to the implications of the trade

marks legislation, and the meaning of terms such as "substantially identical with", "deceptively similar to" and "an

infringement of" a trade mark. The trade mark owner's contact particulars have been included in the Scheduleto assist importers who may wish to initiate negotiations regarding use of the trade marks in question.

Copies of the relevant Notices of Objection have been forwarded to the Customs office in the capital city of each State and Territory. Importers, or their advisers, who require further information regarding the Notices of Objection, or Customs role in regard

to those Notices, should contact the Commerce Prohibitions, and

Restrictions Group in the Australian Customs Service Office in their nearest capital city.

for (L B WOODWARD)

CHIEF EXECUTIVE OFFICER CANBERRA ACT 2601

4 September 1996

(Cargo Facilitation: C96/03183) **THE SCHEDULE**

# \*Asics Corporation Contact : Davies Ryan De Boos (03) 9254 2888Trade Marks :

Asics; asics (very large lower case letters); Asics a (stripe tapered and curled); Tiger (heavy capitals); Tiger (old English capitals with fancy T); Asics device (curved oblique stripes intersecting).

# Goods :

*Class 9:* Kneecap guards, goggles for use in swimming and other water sports.

*Class 18:* Leather and imitations of leather, animal skins and hides. Trunks, bags, rucksacks, sacks and cases; umbrellas, parasols and walking sticks; whips, harness and saddlery; parts and accessories included in this class for the foregoing goods, none of the aforesaid goods being made from tiger skin, and none being of simulated tiger skins.

*Class 22:* Bags, sacks, cases, ropes, string, nets, tents, awnings, tarpaulins, sails, padding and stuffing materials (hair, kapok, feather, seaweed excepting rubber or plastics), raw fibrous textile materials and all other goods in this class.

*Class 25:* Clothing including boots, shoes, and headgear; parts and accessories included in this class for the foregoing goods and all other goods in this class.

*Class 28:* Games and playthings; gymnastic and sporting articles (except clothing), ornaments and decorations for Christmas trees, gloves; bands for sporting use; guards for legs; supporters; bats and racquets, cases and bags for sporting equipment; golf clubs, nets for sports, parts and accessories included in this class for the foregoing goods.

# Commencement date : 16 May, 1996 Canberra file : C96/08426

**\*Bausch and Lomb Inc Contact : Sprusons : Solicitors (02) 9207 0888 Trade Marks :**

BAUSCH AND LOMB; BAUSCH AND LOMB device (BL monogram in rectangle); Ray-Ban; SOFLENS; BAUSCH AND LOMB SENSITIVE EYES.

# Goods :

*Class 5:* Contact lens care products.

*Class 9:* Optical apparatus including sunglasses, goggles, scientific instruments, contact lenses, eyeglasses; and accessories and parts for these goods.

*Class 25:* Clothing, footwear and headgear.

# Commencement Date : 5 July, 1996 Customs File : C96/08747

**\*Billabong Contact : Intertrade Advisers Pty Ltd (07) 3257 3199Trade Marks :**

Wave devices (waves grotesque in rectangle, waves grotesque in bordered rectangle with pattern, two runs of grotesque waves in a double diamond); Billabong device (words "Billabong since 1973 Australia" enclosed in double rectangle with broken sides); BILLABONG.**Goods :***Class 18:* Bags, cases, trunks, handbags, travelling bags, umbrellas, parasols, walking sticks, wallets, purses and all other goods in this class.

*Class 25:* Clothing, head-gear, footwear, wetsuits and all goods in this class. **Commencement Date : 31 July, 1996 Customs file : C96/09360**

# Brands Pty Ltd Contact : APT Trade Mark Attorneys (08) 410 5042 Trade Marks :

CANNAMELA

**Goods :***Class 29:* Meat, fish, poultry and game extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, eggs, milk, and milk products; edible oils and fats, salad dressings; preserves; and all other goods in this class.

*Class 30:* Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, pastry, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces; spices; ice; but excluding chocolate and confectionery.

# Commencement Date : 24 June, 1996 Customs file : C96/09038

**Ettason Pty LtdContact : Ettason (02) 9728 2288Trade Marks :** KONG MOON DOUBLE SWALLOW BRAND and device (Swallows in flight and disc/moon in circle, striped stripes, horizontal and vertical); FIVE STAR AEROPLANE and device (Aeroplane and 5 stars in circle, 5 characters Chinese).

**Goods :***Class 29:* Canned Bamboo Shoots *Class 30:* Rice Noodles

# Commencement Date : 17 July, 1996 Customs file : C96/09038

**Flox Wines and Spirits Contact : Flox Wines and Spirits (03) 9481 1141 Trade Marks :**

Malamatina Ouzo; Gold Medal Oyzo; Parthenon Ouzo **Goods :**

*Class 33:* Spirits

# Commencement Date : 20 May, 1995 Canberra File : C96/08428

**\*Gianni Versace Contact : Baker and McKenzie (02) 9225 0200 Trade Marks :**

Gianni Versace; Gianni Versace device (Medusa or Gorgon's head in double circle) **Goods :**

*Class 3:*Cosmetics and perfumery. *Class 9:*Glasses and sunglasses.

*Class 18:*Leather and imitations of leather, and articles made from these materials and not included in other classes; skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

*Class 24:*Tissues (piece goods) included in this class; bed and table covers; textile articles not included in other classes.

*Class 25:*Clothing including boots, shoes and slippers and all goods included in this class. **Commencement Date : 16 July, 1996 Customs file : C96/09037**

# \*LA Gear Contact : Sprusons : Solicitors

**(02) 9207 0888Trade Marks :**

LA Gear, LA Gear Los Angeles Gear and device (tower with palm trees inside gear wheel), LA gear device (pentagon &amp; crescent halved, stripe, oblique curved).

# Goods :

*Class 14:* Watches and stop watches.

*Class 18:* Sports bags and all other bags included in this class.

*Class 25:* Footwear, athletic footwear and athletic style leisure footwear, athletic and sports casual shoes and all

other goods in this class.

*Class 28:* Sports goods, namely balls of all kinds; yo-yos; sports bags in this class. **Commencement Date : 10 April, 1996 Canberra file : C96/05095**

# \*Louis Vuitton Malletier Contact : Freehill Hollingdale &amp; Page

**(03) 9288 1234**

# Trade Marks :

LOUIS VUITTON; LV Monogram (block letters); LOUIS VUITTON device (LV Monogram, diamonds, flowers, quatrefoils in a pattern); LOUIS VUITTON device (double circle containing LV monogram); LOUIS VUITTON device (L V monogram on woodgrain pattern in square); LOUIS VUITTON device (four point flowers in rectangle - pattern); LOUIS VUITTON device (monogram in square); L'AME DU VOYAGE; LV CUP device (2 horizontal stripes divide flag, pennant); TAIGA.

# Goods :

*Class 3:* Cosmetics, lotions, aftershave, soap, perfumery products and all other goods in this class. *Class 14:* All goods in this class.

*Class 16:* All goods in this class.

*Class 18:* Leather and imitations of leather, articles in these materials not included in other classes; skins and hides, luggage including trunks, valises, bags, travelling bags, satchels, travel kits in class 18, vanity cases in class 18, pouches in class 18, shoulder bags, kit-bags, rucksacks, shopping bags, beach bags, handbags, pocket books, brief cases, brief case-type portfolios, wallets, billfolds, passport cases, key cases in class 18, credit card cases, business card cases, change purses walking stick seats, cases and portmanteaus; umbrellas, parasols, walking sticks and canes; whips, leather straps, leather thongs, harness and saddlery. *Class 24:* All goods in this class. *Class 25:* All goods in this class.

# Commencement Date : 24 May, 1996 Canberra file : C96/07220

**\*Mizuno Kabushiki Kaisha Contact : Sprusons : Solicitors (02) 9207 0888 Trade Marks :**

MIZUNO; MIZUNO device (triangle stripes, oblique, two form letter M); M device; MIZUNO THE WORLD OF SPORTS; TOUR PROVEN.

# Goods :

*Class 18:* Bags; articles of leather and imitation leather; and all other goods in this class. *Class 25:* Clothing, footwear, headgear, sportswear in this class and shoes including slippers. *Class 28:* Gymnastic and sporting articles and goods, golf clubs and other golf equipment and accessories in this class and all other goods in this class except clothing games and playthings.

# Commencement Date: 23 May, 1996 Canberra file: C96/05653

**\*Montres Rolex Contact : Blake Dawson Waldron (03) 9679 3000 Trade Marks :**

Rolex; RoleX devices (Coronet pointed, coronet pointed above oval containing letter R); Oyster; Rolex Perpetual; Submariner; AirKing; DateJUST; SEA-DWELLER; ROLEX SPACE-DWELLER (+ device); MILGAUSS; COSMOGRAPH RANGER; YACHT-MASTER; ROLEX DAY-DATE OYSTER PERPETUAL (+ device); ORCHID; ROLEX (+ device); QUARTZOYSTER; ROLEX OYSTER QUARTZ (+device); ROLEX DAYTONA (+ device); EXPLORER.

# Goods :

Classes 1, 2, 3, 5, 7, 8, 10, 11, 12, 15, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34: all goods in these

classes.

*Class 4:* Grease for watch barrels, candles, wicks and illuminants.

*Class 6:* All goods in this class, excluding roller shutters, blinds and awnings made of metal. *Class 9:* Electrical and electronic apparatus, instruments, devices and equipment.

*Class 14:* Precious metals and their alloys being goods included in Class 14; goods in Class 14 made of precious metals and their alloys or coated therewith, ie. handmade articles, ornament items, dishes (except cutlery forks

and spoons),table centre-pieces, ashtrays, cases for cigars and for cigarettes, cigar holders and cigarette holders

, tie pins, cuff-links, pendants (included in class 14); jewellery, jewels, precious stones; clocks and watches, including watches, clocks and watch making supplies, small clocks, alarm clocks and other chronometric instruments, chronometers, chronographs, timing instruments for sports being chronometers, timetable installations being chronometers, time display devices and boards being chronometers, wrist watch straps, dials, cases in this class, cases for clocks and watches, jewellery cases in this class; semi precious stones.

*Class 16:* All goods in this class excluding painting equipment, paint brushes and paint rollers.

*Class 19:* All goods in this class, excluding non-metallic roller shutters and outdoor blinds, not of metal and not of textiles.

*Class 20:* Jewellery cases made of leather, being goods in this class not of precious metals; jewellery boxes not of precious metals.

*Class 29:* All goods in this class excluding edible oils and fats, milk and dairy products.

*Class 30:* Coffee, tea, cocoa, rice, tapioca, sago, artificial coffee, ices, honey, treacle, salt, mustard, vinegar, sauces (condiments), spices; ice (none of the foregoing being preparations or combinations of substances for use in baking, cooking or food preparation).

# Commencement Date : 24 April, 1996 Canberra file : C96/05086 NutriPet Pty Ltd Contact : NutriPet (03) 9305 4422

**Trade Marks :**

Nutro Goods :

*Class 31:* Foodstuffs for animals, excluding lime for animal forage. **Commencement date : 10 July, 1996 Canberra file : C96/08751**

# \*Reebok International Limited Contact : Baker &amp; McKenzie (02) 9225 0200 Trade Marks :

REEBOK; WEEBOK; REEBOK DEVICES (Stripecheck, ATR Triangle, Stripecheck Triangle). **Goods :**

*Class 18:* Bags in this class including athletic bags, all purpose sport bags, duffel bags, tote bags and all other goods in this class;

**Class 25:** Footwear including sporting footwear and shoes for sport and leisure; clothing including outer clothing and sportswear; headgear and all other goods in this class.

**Class 28:** Toys, games, playthings, sporting goods, gymnastic and sporting articles, decorations for Christmas trees and all other goods in this class.

# Commencement Date : 25 June, 1996 Canberra file : C96/08437

**The Rockport Company Inc Contact : Baker &amp; McKenzie (02) 9225 0200 Trade Marks :**

ROCKPORT; ROCSPORTS.

# Goods :

*Class 18:* All goods in this class.

*Class 25:* All goods in this class including footwear, namely shoes and moccasins. **Commencement date : 25 June, 1996 Canberra File : C96/08538**

# Rothmans of Pall Mall Contact : Rothmans

**(02) 9795 1111Trade Marks :** FREEDOM; Peter Stuyvesant; Rothmans. **Goods :**

*Class 34:* Cigarettes.

# Commencement Date: 11 June, 1996 Canberra File : C96/05097

**\*Smithkline Beecham Contact : Halford and Co (02) 9264 8388 Trade Marks :**

ANDREWS HEALTH SALT, ANDREWS, ANDREWS HEALTH SALT device (Drinking glass and bubbles in double rectangle), BONNINGTONS, BONNINGTONS IRISH MOSS COUGH SYRUP device (GB Monogram), DECON, DELROSA, LIP-EZE, NYAL, PANADOL, PANADEINE, PANAMAX, pHisoHex, PHISOPUFF, VITA-VALU (device -

chevron - rectangle disc square), VITA-VALU BRAND (device - chevron), WINSPRIN. **Goods :**

*Class 1:* Chemical substances used for agricultural and horticultural purposes.

*Class 2:* Perfumery including toilet articles, preparations for the teeth and hair, common soap, detergents, oils included in this class, starch, blue and other laundry preparations included in this class.

*Class 5:* All pharmaceutical and medicinal products and preparations included in this class.

*Class 10:* Medicine droppers, inhalators, eye baths, cannulas, medicine glasses, eye droppers, atomisers, nasal syringes, nasal douches, feeding bottles and feeding cups, hot water bottles and bags.

*Class 21:* Instruments and material for cleaning purposes including non-medicated cleansing sponges.

*Class 32:* Rose hip syrup for making non-intoxicating drinks.**Commencement Date : 6 May, 1996 Canberra file : C96/08427**

**Vans Inc** Contact : Freehill Hollingdale &amp; Page (03) 9288 1234 **Trade Marks :**

Vans (V extended as horizontal stripe above word). **Goods :**

*Class 25:* All goods in this class including footwear. **Commencement date : 23 April, 1996 Canberra file : C96/05087**