Australian Customs Notice 1996 51

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

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 1995 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 Schedule to 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.

(R.J. MITCHELL)

for CHIEF EXECUTIVE OFFICER CANBERRA ACT 2601

2 December 1996

(Cargo Facilitation : C96/08439; C96/08425, C96/12048; C96/12051)

# SCHEDULE TO ACN NO. 96/51

**TRADE MARK NOTICES OF OBJECTION**

**Puma Australia Pty Ltd Contact : Company Secretary (03) 555 6655**

# Trade Marks

**PUMA; PUMA (Club); PUMA (Jumping Puma), PUMA (Formstripe); PUMA (Trinomic); PUMA (Disc); PUMA (Turn It On); PUMA (Impact); PUMA (Street**

**Soccer)**

# Goods

***Class 25*** *:* All goods in this class including footwear - namely sports shoes; tennis shoes and health (corrective) shoes; clothing and footwear for sports, athletic and leisure purposes, including training suits, leisure suits, training sweaters, jerseys, shorts and hoses, all-weather suits, tennis and ski sportswear, gloves in this class, caps and headbands, bathing drawers and bath costumes; boots, shoes and slippers but excluding hosiery and any goods made from or resembling puma skin.

***Class 18*** : All goods in this class including articles made of leather or imitations thereof not included in other classes; trunks and travelling bags and carrying bags and cases, especially for sports equipment and sportswear but excluding any goods made from or resembling puma skin.

***Class 28*** : All goods in this class including games and playthings, gymnastic, sporting and exercise machines and devices, and sports balls.

Effective Date : 25 September 1996 Canberra File : C96/08439 **Pacific Dunlop Limited Contact : Freehill Hollingdale and Page (03) 9288 1234**

# Trade Marks

**B51; DUNLOP; Flying D Device; MAX FLI; Panther Device; Slazenger; OLYMPIC; REMINGTON; VOLLEY; KT WALKER DIAMOND; Gem DIAMOND Device; MARSHALL; POWERSAFE**

# Goods

***Class 9*** *:* Electric storage batteries and parts thereof; Batteries and fuel cells, including batteries for vehicles and traction batteries, and parts thereof and equipment for use therewith, including container for electrolyte, charging apparatus, and testing equipment; Lead acid batteries including sealed lead acid batteries, recombination standby power batteries; all being goods included in this class.

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# Goods (cont.)

***Class 12*** : All goods in this class including apparatus and equipment as parts of aircraft or air cushion vehicles and for land vehicles; air pumps for vehicles; tyres including used tyres; tubes and parts and fittings therefore; wheels, hubs and axles and undercarriages suspension and shock-absorbing systems, brake systems and brake control equipment, assemblies and seats all for land vehicles and aircraft; transmission belts and drive belts for engines; brake linings, segments and shoes for land vehicles; hydraulic systems for aircraft and other vehicles; bicycles and parts and fittings therefore, treads for retreading tyres, inflatable rafts and boats; pontoons; automotive vehicles; Life rafts; safety belts included in this class; all rubber and plastic goods included in this class; and parts or accessories used in connection with these goods, excluding accessories for motor cycles.

***Class 17*** : All goods in this class including hose and packing; all goods made from India rubber; non-metallic hoses, pipes, tubes, conduits and ducts with or without metallic or other reinforcement, parts and accessories for use with any of the referred to goods including connectors, joint packings and fittings.

***Class 22*** : Packing included in this class.

***Class 25*** : All goods in this class including India rubber and waterproof articles of clothing; footwear, raincoats, golf jackets, men's trousers, boots and shoes and all other articles of clothing.

***Class 28*** : Golf clubs and golf balls and all other golf articles included in this class; sporting articles; games of all kinds.

Effective Date : 29 October 1996 Canberra File : C96/08425

**The Benson & Hedges Co. Pty Ltd Contact : Shelston Waters**

# Patent and Trade Mark Attorneys

**(02) 9777 1111**

# Trade Marks

**BENSON & HEDGES; BENSON AND HEDGES LABEL**

# Goods

***Class 34*:** Cigarettes, cigars and smoking tobacco, smokers' articles; matches. Effective Date : 1 November 1996 Canberra File : C96/12048

**3.**

**W.D. & H.O. Wills (Australia) Contact : Shelston Waters**

# Patent and Trade Mark Attorneys

**(02) 9777 1111**

# Trade Marks

**STATE EXPRESS; STATE EXPRESS 555 LABEL; HORIZON; HORIZON LABEL**

# Goods

***Class 34*** : Tobacco; raw or manufactured; smokers' articles; matches. Effective Date : 1 November 1996 Canberra File : C96/12051