Australian Customs Notice 1997 12

**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) National Manager Cargo Facilitation for

Chief Executive Officer CANBERRA ACT 2601

13 February 1997

(Cargo Facilitation : C96/12552; C96/12503, C96/12877) **THE SCHEDULE**

**Contact: Watson Curro Burke Pty Ltd Customs Agents &amp; Consultants (03) 335 2566**

**Bill Bass Optical Pty Ltd**

**Trade Mark :** BOLLE

# Goods :

*Class 9 :* Protective headwear; optical frames; protective eye wear; ski goggles; sun glasses and lenses.

# Commencement date : 25 November 1996 Canberra File : C96/12552

**Contact: Freehill Hollingdale &amp; Page (03) 92881234**

**Montblanc Simplo GmbH**

**Trade Marks :**

MONTBLANC; Montblanc Star Device

# Goods :

*Class 16:* Writing instruments, pouches for writing instruments, gift cases for writing instruments, desk sets, inks and refills, stationary; and all other goods in this class.

# Commencement date : 22 November 1996 Canberra File : C96/12503

**Risk Management Services (03) 9282 1686**

**Country Road Clothing Pty Ltd**

**Trade Mark** Country Road **Goods :**

*Class 3 :* All goods in this class. *Class 5 :* All goods in this class. *Class 8 :* All goods in this class. *Class 10 :* All goods in this class *Class 11 :* All goods in this class.

*Class 12 :* Vehicles, apparatus for locomotion by land, air or water including bicycles, cycles, tricycles, boats, launches, motor boats, watercraft, yachts, land

vehicles, motor cars, and all other goods in this class. *Class 14 :* All goods in this class.

*Class 16 :* All goods in this class. *Class 18 :* All goods in this class. *Class 20 :* All goods in this class. *Class 21 :* All goods in this class. *Class 22 :* All goods in this class. *Class 24* : All goods in this class.

*Class 25 :* Clothing and all other goods included in this class. *Class 26 :* All goods in this class.

*Class 27 :* All goods in this class. *Class 28 :* All goods in this class.

*Class 29 :* Meat, fish, poultry and game, and all other goods included in this class including anchovy, cheese, pate, preserved dried or cooked fruits and vegetables, jellies, jams and preserves.

*Class 30 :* Coffee, tea, cocoa, and all other goods in this class including biscuits, bread, buns, cakes, confectionery, honey, sauces and spices. **Commencement Date : 9 December 1996 Canberra File : C96/12877**

ATTACHMENT A

# COMMERCE PROHIBITIONS AND RESTRICTIONS

Regional Offices

FURTHER INFORMATION REGARDING CONTROLS ON THE INTELLECTUAL PROPERTY OF IMPORTED GOODS MAY BE OBTAINED BY CONTACTING:

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| --- | --- | --- |
| **Canberra** | **New South Wales** |  |
| Assistant Director  Intellectual Property Rights (Policy) Cargo Facilitation Branch  Customs House  5 Constitution Avenue  Canberra ACT 2600 | Chief Inspector  Commerce Prohibitions and Restrictions Level 3  ACS Link Road Office Mascot NSW 2020  Tel: 02 9317 7020 |
| Tel: 06 275 6571 | Fax: 02 9317 7156 |
| Fax: 06 275 6997 |  |
| **Victoria** | **Queensland** |
| Senior Inspector  Commerce Prohibitions and Restrictions 10th Floor  414 La Trobe Street Melbourne VIC 3000 | Inspector  Import Clearance Australia House 363 Adelaide Street  Brisbane QLD 4000 |
| Tel: 03 9244 8423 | Tel: 07 3835 3291 |
| Fax: 03 9244 8440 | Fax: 07 3835 3337 |
| **Western Australia** | **South Australia** |
| Senior Inspector  Commerce Prohibitions and Restrictions Customs House  2 Henry Street  Fremantle WA 6160 | Inspector  Commerce Prohibitions and Restrictions Customs House  220 Commercial Road Port Adelaide SA %015 |
| Tel: 09 430 1405 | Tel: 08 47 9378 |
| Fax: 09 430 1751 | Fax: 08 47 9349 |
| **Northern Territory** | **Tasmania** |
| Inspector  Cargo Facilitation Customs House Harry Chan Drive Darwin NT 0800 | Inspector  Exports and Entry Processing 25 Argyle Street  Hobart TAS 7000  Tel: 002 30 1231 |
| Tel: 08 8946 9851 | Fax: 002 30 1262 |
| Fax: 08 8946 9953 |  |