

**AUSTRALIAN CUSTOMS NOTICE No. 2001/11**

# NOTICE OF OBJECTION

**SECTION 135 OF THE COPYRIGHT ACT 1968**

The operation of the Customs seizure provisions of the Copyright Act 1968 (“Copyright Act”) was outlined in Australian Customs Notices 95/31 of 15 June 1995 and 00/02 of 12 January 2000.

The following company, having declared itself to be either the owner of the copyright material or the exclusive licensee identified below, has given Notice under Section 135 of the Copyright Act. By this action, the company has notified its objection to the importation of goods which allegedly infringe either its copyright or exclusive license agreement.

Unless revoked, this Notice remains in force until the end of the period of two years commencing on the date specified.

***Objector Contact***

***Gazal Apparel Pty Ltd Blake Dawson Waldron Lawyers (02) 9258 6000***

# Material

Copyright is claimed in the literary and artistic works comprised in the following items distributed by Gazal Apparel Pty Ltd under licence from Maui and Sons, Nautica Apparel Inc and The British Van Heusen Company Limited:

1. The logo for each of the following brands

. Maui and Sons

. Nautica

. Sharkman

. Van Heusen (the Logo)

1. All documents bearing the Logo including but not limited to brochures, operator's manuals, warranties, general information, leaflets, packaging, labels,

stationery, notices, warranties, information cards, advertising materials and quality policy statements.

1. All original works of authorship fixed in a tangible medium of expression and bearing the Logo including literary works, pictorial, graphic, and sculptural works.
2. All clothing manufactured by Nautica Apparel Inc, The British Van Heusen Company Limited and under a sub-licence from Maui and Sons (a Californian corporation) which in turn is licensed by Harrow Street Limited and bearing the Logo.

***Commencement Date :*** *6 January 2001.* ***Customs File :*** *C01/00269*

## Quiksilver International Pty Ltd Contact : Corrs Chambers Westgarth Lawyers ((03) 9672 3000

Copyright is claimed in the artistic and literary work embodied within the Mountain and wave and the Old Mountain and wave logos and emblems.

***Commencement Date :*** *16 December 2000..* ***Customs File :*** *C01/00169*

## MM Fab Inc. Contact : Griffith Hack Lawyers ((02) 9957 5944

Copyright is claimed in the specific artistic work printed on the fabric, by the marked author’s name and in the names “South Sea Imports” abbreviated to “SSI” as well as the corporate name “MM Fab Inc”.

***Commencement Date :*** *9 February 2001..* ***Customs File :*** *C01/01137*

These companies have also provided Customs with the details of importers who have been authorised to bring in a wide range of products bearing copyright material covered by the Notice. Persons requiring further details in this regard should contact the company representative on the number supplied.

Goods identified by Customs at the border as potentially infringing copyright will be seized by Customs. Upon seizure of any goods by Customs, the objectors may take court action under the Copyright Act against the person importing those goods.

A copy of the relevant Notice of Objection has 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 - see Attachment A.

Jeff Buckpitt National Manager

Import/Export Management Branch for

Chief Executive Officer February 2001.

ATTACHMENT A

**COMMERCE PROHIBITIONS AND RESTRICTIONS**

**Regional Offices**

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

# Canberra

Customs Manager

Intellectual Property Rights Policy Import/Export Management Branch Customs House

5 Constitution Avenue

Canberra ACT 2600

Tel: 02 6275 6418

Fax: 02 6275 6699

# New South Wales

Customs Supervisor

Commerce Prohibitions and Restrictions Level 3

ACS Link Road Office Mascot NSW 2020

Tel: 02 9317 7020

Fax: 02 9317 7156

# Victoria

Customs Supervisor

Commerce Prohibitions and Restrictions 13th Floor

414 La Trobe Street Melbourne VIC 3000

Tel: 03 9244 8423

Fax: 03 9244 8440

# Queensland

Customs Supervisor

Commerce Prohibitions and Restrictions Terrica Place

140 Creek Street

Brisbane QLD 4000

Tel: 07 3835 3276

Fax: 07 3835 3494

# Western Australia

Customs Supervisor

Commerce Prohibitions and Restrictions Customs House

2 Henry Street

Fremantle WA 6160

Tel: 08 9430 1402

Fax: 08 9430 1751

# South Australia

Senior Customs Officer

Commerce Prohibitions and Restrictions Customs House

220 Commercial Road Port Adelaide SA 5015 Tel: 08 8447 9316

Fax: 08 8447 9227

**Northern Territory** Senior Customs Officer Cargo Facilitation Customs House

21 Lindsay Street

Darwin NT 0800

Tel: 08 8946 9851

Fax: 08 8946 9953

# Tasmania

Customs Supervisor Imports/Exports

25 Argyle Street

Hobart TAS 7000

Tel: 03 6230 1256

Fax: 03 6230 1261