# AUSTRALIAN CUSTOMS NOTICE NO. 2005/40

Notices of Objection to Importation Copyright Act 1968

The *Copyright Act 1968* allows the owner of the copyright, or the exclusive licensee, to object to the importation of goods that infringe copyright. The owner of the copyright, or the exclusive licensee, does this by lodging a Notice of Objection with the Australian Customs Service (Customs). Unless revoked, a Notice of Objection remains in force for a period of two years from the date of commencement.

The attached Schedule sets out the copyright owners, and exclusive licensees, who have lodged a Notice of Objection under the *Copyright Act 1968* since August 2004 (ACN 2004/17)*.* The Notices notify the objections of the copyright owners, and exclusive licensees, to the importation of goods that infringe their copyright. A description of where copyright is claimed is also set out in the Schedule.

A detailed list of all current Notices of Objection is available at <http://cww.customs.gov.au/internet/site/page4497.htm>.

Goods identified by Customs at the border as potentially infringing copyright 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 copyright.

People who have been intending to import goods that may be liable to seizure under the provisions of the *Copyright Act 1968* should consider seeking advice from Customs, or a suitably qualified legal practitioner, as to the implications of the copyright legislation.

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 respect of those Notices, should contact the Customs Information and Support Centre on 1300 363 263 or the Intellectual Property Rights Group on (02) 6275 6577.

Philomena Carnell National Manager Cargo Branch

for

Chief Executive Officer 9 August 2005



# Schedule To ACN No. 2005/40 Copyright Notices of Objection

***Notices of Objection under the Copyright Act 1968 have been accepted for the following companies:***

***Calvin Klein, Inc.***

***H-D Michigan, Inc.***

***Kabushiki Kaisha Sanrio (Sanrio Co Ltd) Mag Instrument, Inc.***

***Microsoft Corporation Pineapple Trademarks Pty Ltd QS Holdings Sarl***

***Wizards of the Coast, Inc.***

***The full details of the Notice of Objection for these companies can be found below.***

***Calvin Klein, Inc. Baker & McKenzie***

***Ph: (02) 9224 1540 /9225 0300***

***Effective Date: 26 August 2004 File Ref: C04/09169***

*Material*

Copyright is claimed in:

The literary and artistic works contained in the wording and logos of Calvin Klein, including “cK”, “Calvin Klein”, “Original Calvin”, “Calvin Klein Jeans”, “cK JEANS”, “KHAKIS CALVIN KLEIN” and “Calvin Klein Khakis” as represented.

The literary and artistic works contained in the wording and logos of the Calvin Klein swing tags, hang tags, in-seam tags, pocket flashers, care labels, joker labels and folded paper booklets as represented.

The literary and artistic works contained in the wording and logos of Calvin Klein swing tags, including details of “Original Calvin”, “The Fit”, “The Look” and “The Spirit” as represented.

* 1. ***Michigan, Inc. Baker & McKenzie***

***Ph: (02) 9225 0200***

***Effective Date: 07 January 2005 File Ref: C04/13978***

*Material*

Copyright is claimed in:

The literary and artistic works contained in the wording and logos of H-D Michigan, Inc. including:

* + - Harley-Davidson & Design (5) – eagle, wings outstretched, atop shield divided by rectangle, atop and breaking triple ellipse
    - Harley-Davidson & Design (16) (Harley-Davidson MotorClothes logo) – eagle, wings outstretched and divided shield atop scroll

***Kabushiki Kaisha Sanrio (Sanrio Co Ltd) Griffith Hack Lawyers Ph: (02) 9925 5900***

***Effective Date: 05 February 2005 File Ref: C05/02948***

*Material*

Copyright is claimed in:

The artistic and literary works contained in the schedule which includes the Hello Kitty works and other related images. Further information regarding the works can be obtained from Customs.

***Mag Instrument, Inc Allens Arthur Robinson Ph: (03) 9614 1011***

***Effective Date: 02 March 2005 File Ref:* C03/13715**

*Material*

Copyright is claimed in:

Work of artistic craftsmanship comprised by the following prototypes:

Prototype SOLITAIRE® 1AAA flashlight Prototype MINI MAGLITE® 2AA flashlight Prototype MINI MAGLITE® 2AAA flashlight Prototype MAG-LITE® 2C flashlight Prototype MAG-LITE® 3D flashlight

***Microsoft Corporation Mallesons Stephen Jaques Ph: (03) 9296 2000***

***Effective Date: 20 March 2005 File Ref: C05/03310***

*Material*

Copyright is claimed in:

All literary works being computer programs and associated manuals and documentation, in which Microsoft Corporation owns copyright, including without limitation the following computer programs:

|  |  |
| --- | --- |
| Access | Application Centre Enterprise Ed |
| Age of Empires II: Age of Kings | Bookshelf |
| Age of Empires II: Conquerors | Combat Flight Simulator 2 |
| Age of Empires II: Gold Edition | Combat Flight Simulator 3 |
| Age of Mythology | Commerce Server Standard |
| Age of Mythology: Gold Edition | Data Analyzer |
| Age of Mythology: The Titans | Digital Image Suite |

|  |  |
| --- | --- |
| ***(continued)*** | Optical Desktop w Fingerprint Rd |
| Dungeon Siege: Legends of Aranna | Publisher |
| Encarta Reference Library | Rise of Nations |
| Encarta Standard | Rise of Nations: Gold Edition |
| Entertainment Pak | Rise of Nations: Throne Patriots XP |
| Excel | SharePoint Portal Server |
| Excel for Students & Teachers | Small Business Server Client Add On |
| Excel Macintosh | SQL Server Developer Edition |
| Exchange Server - Enterprise | SQL Server Enterprise Edition |
| Exchange Server - Standard | SQL Server Standard Edition |
| Fingerprint Reader | System Mgmt Client Access Licence |
| Flight Simulator 2002 Standard | Systems Mgmt Config Mgmt Licence |
| Flight Simulator 2004 Century Flight | System Mgmt Server Enterprise Ed |
| Freelancer | Technet |
| FrontPage | Technet Plus |
| Halo PC | Train Simulator |
| Host Integration Server Standard | Virtual PC |
| InfoPath | Virtual PC for Macintosh |
| ISA Server Enterprise Edition | Virtual Server Enterprise |
| ISA Server Standard Edition | Virtual Server Standard |
| MOM Ops Manager Server Enterprise Ed | Visio Professional |
| MOM Ops Manager Workgroup | Visio Standard |
| Money Standard | Visual Basic.NET Standard |
| MS Plus! SuperPack for Windows XP | Visual C#.NET Standard |
| MSDN Enterprise | Visual C++.NET Standard |
| MSDN Library | Visual FoxPro Professional |
| MSDN OS | Visual J# .NET Standard |
| MSDN Professional | Visual SourceSafe |
| MSDN Universal | Visual Studio.NET Enterprise Architect |
| Office LCS Enterprise | Visual Studio.NET Enterprise Developer |
| Office LCS Standard | Visual Studio.NET Professional |
| Office Macintosh | Visual Studio Tools for Office |
| Office Macintosh Professional | Windows 2000 Advanced Server |
| Optical Mouse Designer | Windows 2000 Professional |
| Optical Dsktp Elite for Bluetooth | Windows 2000 Server |
| Outlook | Windows Server Enterprise |
| Outlook for Students & Teachers | Windows Server for Small Business |
| Picture It! Premium | Windows Server Standard |
| PowerPoint | Windows Small Business Server Premium |
| PowerPoint Students & Teachers | Windows Small Business Server Standard |
| Project | Windows XP Home |
| Project Professional | Windows XP Professional |
| Project Server | Word |
| Proofing Tools | Word for Students & Teachers |
| Office Macintosh Student Teacher | Word Macintosh |
| Office Professional | Works |
| Office Small Business Edition | Works Suite |
| Office Standard | Zoo Tycoon |
| Office Student Teacher | Zoo Tycoon 2 |
| OneNote | Zoo Tycoon: Complete Collection |

**XBOX**

|  |  |
| --- | --- |
| Amped | Brute Force |
| Amped 2 | Counter Strike |
| Azurik: Rise of Perathia | Crimson Sks: High Rd to Rev |
| Blinx | Fable |
| Blinx 2 | Fuzion Frenzy |
| Blood Wake | Grabbed by the Ghoulies |

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| --- | --- |
| ***(continued)*** | Nightcaster |
| Halo | Oddworld: Munchs Oddysee |
| Halo 2 | Project Gotham Racing |
| Halo with Halo Controller | Project Gotham Racing 2 |
| Kung Fu Chaos | Quantum Redshift |
| Links 2004 | Rallisport Challenge |
| Mech Assault | Rallisport Challenge 2 |
| Midtown Madness 3 | Shenmue II |
| NBA Inside Drive 2002 | Starfox Adventures |
| NBA Inside Drive 2003 | Sudeki |
| NBA Inside Drive 2004 | Tao Feng |
| NFL Fever 2003 | Top Spin |
| NFL Fever 2004 | Voodoo Vince |
| NHL Rivals 2004 | Whacked |

***Pineapple Trademarks Pty Ltd Billabong Australia*** ***Ph: (07) 5589 9899***

***Effective Date: 12 January 2005 File Ref: C05/00208***

*Material*

Copyright is claimed in:

The literary and artistic works in the Honolua and associated logos.

***QS Holdings Sarl Corrs Chambers Westgarth Ph: (03) 9672 3000***

***Effective Date: 16 December 2004 File Ref: C04/13809***

*Material*

Copyright is claimed in:

The artistic and literary work embodied within the Mountain and Wave and the Old Mountain and Wave logos and emblems.

***Wizards of the Coast, Inc. Baker & McKenzie*** ***Ph: (02) 9225 0200***

***Effective Date: 30 September 2004 File Ref: C04/10401***

*Material*

Copyright is claimed in:

The literary and artistic works contained in the images, logos, and labels, which are numbered in accordance with the following list:

1. Rothus the Traveller;
2. Mighty Shouter;
3. Aqua Sniper;
4. Urth, Purifying Element;
5. Deathliger, Lion of Chaos;
6. Explosive Fighter;
7. Shobu 1; and
8. Shobu 2.