# AUSTRALIAN CUSTOMS NOTICE NO. 2005/42

Notices of Objection to Importation

*Melbourne 2006 Commonwealth Games (Indicia and Images) Protection Act 2005 (Cth*)

The *Melbourne 2006 Commonwealth Games (Indicia and Images) Protection Act 2005* (the Act) prevents the unauthorised commercial use of certain indicia and images associated with the Melbourne 2006 Commonwealth Games, in order to provide a more secure environment in which the Melbourne 2006 Commonwealth Games Corporation can raise revenue through sponsorship and prevent ambush marketing.

The Act allows the Melbourne 2006 Commonwealth Games Corporation (the Corporation) and persons authorised by the Corporation, the Australian Commonwealth Games Association and the Commonwealth Games Federation (authorised users), to object to the importation of goods where the designated owner of the goods is not authorised by the Act to use, for commercial purposes, goods that have had Melbourne 2006 Commonwealth Games indicia or images applied to them.

Unless revoked, a Notice of Objection will remain in force until the Act ceases to have effect on 30 June 2006, or in the case of an authorised user (other than the ACGA or the CGF) on the day on which the authorisation ceases to have effect.

Section 8 of the Act provides that indicia or images are applied to goods if they are:

* woven in, impressed on, worked into, affixed or annexed to, the goods; or
* applied to any covering, document, label, reel or thing in or with which the goods are, or are intended to be, dealt with or provided in the course of trade; or
* are used on a signboard or in an advertisement (including a television or radio advertisement) that promotes the goods; or
* are used in an invoice, price list, catalogue, brochure, business letter, business paper or other commercial document that relates to the goods.

Section 21 of the Act allows the CEO of Customs to seize infringing goods if:

* a Notice of Objection is in force under section 20 in relation to the goods; and
* it appears to the CEO of Customs that the designated owner is not authorised by the Act to use the indicia or images for commercial purposes in relation to the goods.

However, under section 21 of the Act the CEO of Customs is not required to seize infringing goods if:

* he or she has reasonable grounds to believe that section 12 of the Act (which regulates the use of indicia and images) would not be contravened by the designated owner’s use of the indicia or images for commercial purposes; or
* the objector has not given sufficient security to the CEO of Customs to reimburse the Commonwealth for reasonable expenses incurred if the goods were seized.

A schedule setting out the Melbourne 2006 indicia and images protected under the Act and described in this Notice is attached, with details of the legal representatives of Melbourne 2006



Commonwealth Games Corporation. Importers who intend to use the Melbourne 2006 Games indicia and images should contact the Corporation’s legal representatives for further assistance.

Information relating to this 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 Notice of Objection, or Customs’ role in respect of this notice, 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 CANBERRA ACT

18 August 2005

# SCHEDULE TO ACN NO. 2005/42 MELBOURNE 2006 COMMONWEALTH GAMES (INDICIA &

**IMAGES) PROTECTION NOTICE OF OBJECTION**

***Melbourne 2006 Commonwealth Legal Representative Games Corporation***

***Melbourne 2006 Commonwealth*** ***Games Corporation***

***Ph: (03) 9613 2006***

***Effective Date: 09 August 2005 File Ref: C05/10041***

***Protection is claimed in all:*** goods that had Melbourne 2006 Commonwealth Games indicia or images applied to them.

**Melbourne 2006 Commonwealth Games images***,* which includes any visual or aural representation that, to a reasonable person, in the circumstances of the presentation, would suggest a connection with the Melbourne 2006 Commonwealth Games*.*

**Melbourne 2006 Commonwealth Games indicia**, which includes:

1. any of the following phrases:
   1. “Melbourne 2006 Commonwealth Games”;
   2. “Melbourne Commonwealth Games";
   3. “Melbourne Games”;
   4. “Melbourne 2006 Games”;
   5. “Commonwealth Games”;
   6. “Australian Commonwealth Games”;
   7. “Friendly Games”;
   8. “Queen's Baton Relay”;
   9. “Commonwealth Games Cultural Program”;
   10. “Melbourne 2006 Cultural Program”;
   11. “M06 Cultural Program";

(whether the reference to "2006" in subparagraphs (i),(iv) and (x) is in words or numerals);

1. either "M06" or "M2006";
2. any combination of an indicium in an item in List A with an indicium in that item in List B:

**Melbourne 2006 Commonwealth Games indicia**

|  |  |  |
| --- | --- | --- |
| Item | List A indicia | List B indicia |
| 1 | "Two thousand and six" "2006"  "18th" "XVIIIth"  "Eighteenth" | "Commonwealth Games" "Games" |
| 2 | "Commonwealth Games" "Commonwealth Games athlete" | "Gold" "Silver" "Bronze" |
| 3 | "Australian Commonwealth Games team" | "Melbourne" "Melbourne 2006"  "Melbourne two thousand and six" "M2006" |