Australian Customs Notice 1997 59

**NOTICE OF OBJECTION TO IMPORTATION**

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 marks relate 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 Notices 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 marks 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 Notice of Objection, or Customs' role in regard to this Notice, 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

2 July 1997

(Cargo Facilitation : C97/03219, C97/08437, C97/04024, C97/05127, C97/05253) 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** | **New South Wales** |
| Assistant Director | Chief Inspector |
| Intellectual Property Rights (Policy) | Commerce Prohibitions and Restrictions |
| Cargo Facilitation Branch | Level 3 |
| Customs House | ACS Link Road Office |
| 5 Constitution Avenue | Mascot NSW 2020 |
| Canberra ACT 2600 | Tel: 02 9317 7020 |
| Tel: 06 275 6571 | Fax: 02 9317 7156 |
| Fax: 06 275 6997 |  |
| **Victoria** | **Queensland** |
| Senior Inspector | Inspector |
| Commerce Prohibitions and Restrictions | Import Clearance |
| 10th Floor | Australia House |
| 414 La Trobe Street | 363 Adelaide Street |
| Melbourne VIC 3000 | 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 | Inspector |
| Commerce Prohibitions and Restrictions | Commerce Prohibitions and Restrictions |
| Customs House | Customs House |
| 2 Henry Street | 220 Commercial Road |
| Fremantle WA 6160 | Port Adelaide SA 5015 |
| Tel: 08 9430 1405 | Tel: 08 847 9378 |

|  |  |
| --- | --- |
| Fax: 08 9430 1751 | Fax: 08 847 9349 |
| **Northern Territory** | **Tasmania** |
| Inspector | Inspector |
| Cargo Facilitation | Exports and Entry Processing |
| Customs House | 25 Argyle Street |
| 21 Lindsay Street | Hobart TAS 7000 |
| Darwin NT 0800 | Tel: 03 6230 1201 |
| Tel: 08 8946 9851 | Fax: 03 6230 1262 |
| Fax: 08 8946 9953 |  |

SCHEDULE TO ACN NO. 97/59

**Intel Corporation**

Customs File : C97/04024

Contact :

Mallesons Stephen Jaques

**Date of Effect : 4 June 1997**

Solicitors

(02) 9296 2173

|  |  |  |
| --- | --- | --- |
| **Trade Mark** | **Class** | **Goods** |
|  |  |  |
| INTEL | 9 | Integrated circuits, computer registers, and semiconductor memories; computers and other components thereof  included in this class. |
|  |  |  |
| INTELLEC | 9 | Computers, mini-computers, micro-processors, testers,  circuit design aids; part and fittings thereof. |

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| --- | --- | --- |
|  |  |  |
| INTEL | 9 | Video processor boards, microprocessors, electronic circuit boards, integrated circuit memories, operating systems programs, micro-controllers, computers, processors, central processing units, computer components, semi-conductor chips, computer input and  output devices, work stations, data memories, recorded computer programs, registers, peripheral memory systems, microcomputers, microcomputers, computer systems, modems, memory boards, integrated circuits, computer registers, and semiconductor memories; computers and all other component thereof; storage devices, equipment for testing and programming integrated circuits, processing equipment, neural networks, all the aforesaid goods being within Class 9. |
|  |  |  |
| INTEL | 9 | Video processor boards, microprocessors, electronic circuit boards, integrated circuit memories, operating systems programs, microcontrollers, computers,  processors, CPUs, computer components, semiconductor chips, computer input and output devices, work stations, data memories, storage devices, recorded computer  programs, registers, equipment for testing and  programming ICs, peripheral memory systems, microcomputers, mini computers, computer systems, modems, memory boards, processing equipment and  neural networks in Class 9. |
|  |  |  |
| NETPORT | 9 | Computer hardware and software in connection  with a networking system. |

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| **Trade Mark** | **Class** | **Goods** |
|  |  |  |
| INTEL INSIDE and Device | 9 | Microprocessors |
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| --- | --- | --- |
| OVERDRIVE | 9 | Computer hardware, including semiconductors, microprocessors, upgrade microprocessors and  sockets for microprocessors in Class 9. |
|  |  |  |
| PENTIUM | 9 | Computer hardware, namely microprocessors in  Class 9. |
|  |  |  |
| LANDESK | 9 | Computer hardware and software for use in local area network applications; and all other goods in this  Class. |
|  |  |  |
| INDEO and Device | 9 | Algorithms for the compression and decompression of data; hardware and software incorporating such  algorithms in Class 9; all other goods in Class 9. |
|  |  |  |
| INDEO | 9 | Algorithms for the compression and decompression of  data; hardware and software incorporating such algorithms in Class 9; all other goods in Class 9. |
|  |  |  |
| i960 | 9 | Computer hardware, namely microprocessors. |
|  |  |  |
| ICOMP | 16 | Magazines, newsletters and booklets relating to the field  of computer hardware and software in Class 16; and all other goods in this Class. |
|  |  |  |
| PROSHARE | 9 | Computer hardware, software peripherals, cameras and headsets for use with computers and documentation for  use therewith; all other goods in this Class. |

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| PENTIMEDIA | 9 | Computers and peripherals. |
|  |  |  |
| PENTIUM  PROCESSOR | 9 | Computer hardware, namely microprocessors. |
|  |  |  |
| INTEL PROSHARE  and device | 9 | Computer hardware and peripherals thereof, cameras  and headsets, and computer software for facilitating conferences among persons in different locations through the transfer of voices and visual images of participants  and through the transfer of data among participants, in  Class 9. |
|  |  |  |
| **Microsoft Corporation** | Customs File : C97/05253 |
| Contact : |  |
| Mallesons Stephen Jaques | **Date of Effect : 17 June 1997** |
| Solicitors |  |
| (02) 9296 2173 |  |

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| **Trade Mark** | **Class** | **Goods** |
|  |  |  |
| WINDOWS | 9 | Computer systems software, computer systems software and programmers' reference and users  manuals sold as a unit. |
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| WINDOWS | 9 | Books; computer documentation, namely reference books, user and instructional manuals, data sheets, reference cards and templates; periodical and  newsletters; all the foregoing featuring information about computer hardware and software and information about computer operating systems and environments. |
| **Reebok International Limited** | Customs File : C97/08437 |
| Contact : |  |
| Baker &amp; McKenzie | **Date of Effect : 4 June 1997** |
| Solicitors and Attorneys |  |
| (02) 9225 0257 |  |

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| **Trade Mark** | **Class** | **Goods** |
|  |  |  |
| REEBOK | 14 | Jewellery, watches, clocks and all other goods in this Class. |
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| STRIPE CHECK DEVICE | 14 | Precious metals and their alloys and goods in precious  metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments. |
| **TDK Australia Pty Limited** | Customs File : C97/03219 |
| Contact : |  |
| Harris &amp; Company | **Date of Effect : 4 June 1997** |

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| --- | --- | --- |
| Solicitors and Notaries |  |  |
| (02) 9261 8533 |  |
| **Trade Mark** | Class | Goods |
|  |  |  |
| TDK &amp; DIAMOND DEVICE | 9 | Memory apparatus, magnetic tapes |
|  |  |  |
| DIAMOND DEVICE | 9 | Memory apparatus, magnetic tapes |
|  |  |  |
| TDK &amp; DIAMOND DEVICE | 9 | Magnetic tapes and floppy discs magnets |

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| **Alfred Dunhill Limited** | Customs File : C97/05127 |  |
|  |  |
| Contact : Freehill Hollingdale &amp; Page | **Date of Effect : 17 June 1997** |
| (03) 9288 1234 |  |
| **Trade Mark** | **Class** | **Goods** |
|  |  |  |
| DUNHILL\* | 3 | All goods included in this Class. |
|  |  |  |
| DUNHILL\* | 14 | All goods included in this Class. |
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| DUNHILL | 16 | Writing instruments including pens, pencils; pen and pencil sets; erasers, erasing shields; drawing instruments  and sets including compasses and dividers; pencil leads, pencil sharpeners; inks and refills for pens; stands and  holders for pens and pencils; pen nibs; drawing boards. |
|  |  |  |
| DUNHILL\* | 18 | All goods included in this Class. |
|  |  |  |
| DUNHILL\* | 25 | All goods included in this Class. |