Australian Customs Notice 1997 62

**NOTICE OF OBJECTION TO IMPORTATION TRADE MARKS ACT 1995**

The company referred to in the attached Schedule has 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, this Notice of Objection remains in force for a period of two years from the commencement date shown or until, as indicated where applicable, the registration of the nominated trade mark expires.

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. 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 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 Notice 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

July 1997

(Cargo Facilitation : C97/04421

C97/04985)

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**  Assistant Director  Intellectual Property Rights (Policy) Cargo Facilitation Branch  Customs House  5 Constitution Avenue  Canberra ACT 2600  Tel: 06 275 6571  Fax: 06 275 6997 | **New South Wales**  Chief Inspector  Commerce Prohibitions and Restrictions Level 3  ACS Link Road Office Mascot NSW 2020  Tel: 02 9317 7020  Fax: 02 9317 7156 |
| **Victoria**  Senior Inspector  Commerce Prohibitions and Restrictions 10th Floor  414 La Trobe Street Melbourne VIC 3000  Tel: 03 9244 8423  Fax: 03 9244 8440 | **Queensland**  Inspector  Import Clearance Australia House 363 Adelaide Street  Brisbane QLD 4000  Tel: 07 3835 3291  Fax: 07 3835 3337 |
| **Western Australia**  Senior Inspector  Commerce Prohibitions and Restrictions Customs House  2 Henry Street  Fremantle WA 6160  Tel: 08 9430 1405  Fax: 08 9430 1751 | **South Australia**  Inspector  Commerce Prohibitions and Restrictions Customs House  220 Commercial Road Port Adelaide SA 5015  Tel: 08 847 9378  Fax: 08 847 9349 |
| **Northern Territory** | **Tasmania** |
| Inspector  Cargo Facilitation Customs House 21 Lindsay Street  Darwin NT 0800  Tel: 08 8946 9851 | Inspector  Exports and Entry Processing 25 Argyle Street  Hobart TAS 7000  Tel: 03 6230 1201  Fax: 03 6230 1262 |
| Fax: 08 8946 9953 |  |

# SCHEDULE TO ACN 97/62

**Playboy Enterprises Inc**

Customs File : C97/04985

C97/04421

Contact : Spruson &amp; Ferguson

(02) 9261 5498

**Commencement Date : 4 June 1997**

|  |  |  |  |
| --- | --- | --- | --- |
| **Trade Mark** | **Class** | **Goods** | **Expiry Date** |
|  |  |  |  |
| PLAYBOY | 3 | All goods in this class. |  |
|  |  |  |  |
| PLAYBOY | 5 | Air fresheners, deodorants and all other goods included in this class. |  |
|  |  |  |  |
| PLAYBOY | 9 | Optical frames, motorcycle and ski goggles and sport glasses and all other goods included in this class. | 20.01.98 |
|  |  |  |  |
| PLAYBOY | 10 | Contraceptives in this class; condoms. |  |
|  |  |  |  |
| PLAYBOY | 14 | Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; watches, horological and chronometric instruments. |  |
|  |  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| PLAYBOY | 16 | Binders and other stationery materials in this class and all other goods in this class. |  |
|  |  |  |  |
| PLAYBOY | 18 | Umbrellas, parasols and walking sticks; leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; whips, harness and saddlery. |  |
|  |  |  |  |
| PLAYBOY | 21 | Glassware. |  |
|  |  |  |  |
| PLAYBOY | 24 | Quilts, bedspreads and bed linen; piece goods; and all other textiles and textile goods in this class. |  |
|  |  |  |  |
| PLAYBOY | 25 | Clothing, footwear, headgear. |  |
|  |  |  |  |
| PLAYBOY | 26 | All goods included in this class. | 17.06.98 |

|  |  |  |  |
| --- | --- | --- | --- |
| **Trade Mark** | **Class** | **Goods** | **Expiry Date** |
|  |  |  |  |
| PLAYBOY | 28 | Games and toys. |  |
|  |  |  |  |
| PLAYBOY | 32 | Beer, ale and porter; mineral and aerated waters and other non-alcoholic drinks; syrups and other preparations for making beverages. |  |
|  |  |  |  |
| PLAYBOY | 33 | Liquors included in this class. | 26.06.98 |
|  |  |  |  |
| PLAYBOY | 34 | All goods in this class. |  |

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| --- | --- | --- | --- |
|  |  |  |  |
| PLAYMATE | 3 | Cosmetics and cosmetic articles, nail polish, nail polish removing preparations, toilet preparations and articles, included in Class 3, preparations for the hair, perfumed soap. |  |
|  |  |  |  |
| PLAYMATE | 5 | Medicated cosmetics and medicated cosmetic articles, medicated toilet preparations and articles, medicated preparations for the hair, deodorants. |  |
|  |  |  |  |
| PLAYMATE | 9 | Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanism for coin-operated apparatus, cash registers, calculating machines and data processing equipment; fire- extinguishing apparatus; but none of the foregoing being a container. |  |
|  |  |  |  |
| PLAYMATE | 10 | Contraceptives in this class; condoms. |  |
|  |  |  |  |
| PLAYMATE | 14 | Jewellery, precious stones, horological and chronometric instruments. |  |
|  |  |  |  |
| PLAYMATE | 16 | Magazines, periodicals and all other publications; and all other goods included in this class. |  |

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| **Trade Mark** | **Class** | **Goods** | **Expiry Date** |
|  |  |  |  |
| PLAYMATE | 18 | Umbrellas, parasols and walking sticks; leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; whips, harness and saddlery. |  |
|  |  |  |  |
| PLAYMATE | 24 | Quilts, bedspreads and bed linen; piece goods; and all other textiles and textile goods in this class. |  |
|  |  |  |  |
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|  |  |  |  |
| --- | --- | --- | --- |
| PLAYMATE | 25 | All goods included in this class. |  |
|  |  |  |  |
| PLAYMATE | 32 | Beer, ales and porter; mineral and  aerated waters and other non-alcoholic drinks; syrups and other preparations for making beverages. |  |
|  |  |  |  |
| Playboy Rabbit in Box | 3 | After shave, deodorant, shower gel, shampoo, shaving creme and perfume and all other goods in  this class. | 04.06.98 |
|  |  |  |  |
| Playboy Rabbit in Box | 5 | Air fresheners, deodorants and all  other goods included in this class. |  |
|  |  |  |  |
| Playboy Rabbit in Box | 9 | Optical frames, motorcycle and ski goggles and sport glasses and all  other goods included in this class. | 20.01.98 |
|  |  |  |  |
| Playboy Rabbit in Box | 9 | Scientific, nautical, surveying, electric, photographic,  cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving  and teaching apparatus and  instruments; apparatus for recording, transmission or reproduction of  sounds or images; magnetic data carriers, recording discs; automatic vending machines and mechanism for coin-operated |  |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | apparatus; cash registers, calculating machines and data processing  equipment, fire- extinguishing apparatus. |  |
|  |  |  |  |
| Playboy Rabbit in Box | 10 | Contraceptives in this class;  condoms. |  |

|  |  |  |  |
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| **Trade Mark** | **Class** | **Goods** | **Expiry Date** |
|  |  |  |  |
| Playboy Rabbit in Box | 14 | Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks and spoons); jewellery; precious stones; horological and other chronometric  instruments. |  |
|  |  |  |  |
| Playboy Rabbit in Box | 16 | Binders and other stationery materials in this class and all other goods in  this class. |  |
|  |  |  |  |
| Playboy Rabbit in Box | 18 | Umbrellas, parasols and walking sticks; leather and imitations of leather, and  goods made of these materials and  not included in other classes; animal skins, hides; trunks and travelling bags; whips, harness and saddlery. |  |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| Playboy Rabbit in Box | 21 | Glassware. |  |
|  |  |  |  |
| Playboy Rabbit in Box | 24 | All goods included in this class. | 17.06.98 |
|  |  |  |  |
| Playboy Rabbit in Box | 25 | All goods in this class. | 21.10.98 |
|  |  |  |  |
| Playboy Rabbit in Box | 26 | All goods included in this class. | 17.06.98 |
|  |  |  |  |
| Playboy Rabbit in Box | 28 | Games and toys. |  |
|  |  |  |  |
| Playboy Rabbit in Box | 32 | Beer, ale and porter; mineral and aerated waters and other non-  alcoholic drinks; syrups and other preparations for making beverages. |  |
|  |  |  |  |
| Playboy Rabbit in Box | 33 | Liquors included in this class. | 26.06.98 |
|  |  |  |  |
| Playboy Rabbit in Box | 34 | Smokers' articles. |  |