Australian Customs Notice 1998 06

# 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 Notice 95/31 of 15 June 1995.

The following companies, having declared themselves to be the owners of the copyright material identified below, have given Notice under Section 135 of the Copyright Act 1968. By this action, the companies have notified their objection to the importation of goods which allegedly infringe their copyright.

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

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| **OBJECTOR**  Iomega Corporation | **CONTACT**  Davies Collison Cave  Patent and Trademark Attorneys Ph: (03) 9254 2777 |
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### MATERIAL

Computer coded works known as OSCAR 100 software and CONTROLLER CODE software stored on magnetic disk media, identified as "Compatible Zip Disks". Commencement Date : 25 November 1997 Customs File : C97/10530

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| **OBJECTOR**  Coats Australian Pty Ltd | **CONTACT**  Watermark Patent Attorneys  Ph: (02) 9716 8311 |
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### MATERIAL

The artistic work embodied in the spiral yarn device which appears beneath the word ASTRA in labels on reels of spun polyester. Also, the artistic work embodied in the 'circular yarn device' which appears at the top left hand corner of the label; the artistic and literary works contained in the label as a whole.

Commencement Date : 24 September 1997 Customs File : C97/08455

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| **OBJECTOR** | **CONTACT** |
| Nintendo Company Ltd | Purves Clarke Richards |
|  | Solicitors |
|  | Ph: (03) 9612 8222 |

### MATERIAL

All items of software, and related packaging and instruction booklets, in which the copyright is attributed to :

1. NINTENDO OF AMERICA INC ("NoA"), or
2. NINTENDO CORPORATION LIMITED ("NCL"), or
3. "NINTENDO", or
4. a combination of any of the above

including items in which copyright is attributed to another party or other parties. Copyright so attributed subsists :

1. in the case of software - the literary work, the sound recording and the cinematographic film comprised in that software; and
2. in the case of packaging and instruction manuals - all literary and artistic works comprised in those items.

Commencement Date : 10 October 1997 Customs File : C97/02018

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| **OBJECTOR**  Brosnan Golf Australia | **CONTACT**  Ryan Roberts  International Freight Forwarders Ph: (07) 3831 1988 |
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### MATERIAL

The literary and artistic work contained in associated brochures, pamphlets and works embodied on the following items :

*Callaway Golf (Manufacture)*

*War Bird Big Bertha (golf club head) Great Big Bertha (golf club head) Biggest Big Bertha (golf club head)*

Commencement Date : 29 September 1997 Customs File : C97/08457

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| **OBJECTOR**  Sydney Waterfront Estates T/A Thirst For Life | **CONTACT**  Mr William Hockings Director  Ph: (02) 9361 6535 |
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### MATERIAL

Copyright is claimed in the product, bottle, label, ingredients, advertising pictures, literature, instore shelf talkers, posters, neck tags and gift tags associated with the following mineral water products :

## AME

*Aqua Libra Purdeys*

## TyNant Welsh Spring Water

Commencement Date : 7 November 1997 Customs File : C97/09892

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| **OBJECTOR**  Autodesk Australia Pty Ltd | **CONTACT**  Stephens  Lawyers and Consultants Ph: (02) 9690 9444 |
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### MATERIAL

Copyright is claimed in :

1. the Autodesk computer software stored on both diskettes and/or compact disks
2. the manuals for the use of the Autodesk computer software products in printed form and on both diskettes and/or compact disks
3. the artistic work on the packaging of the Autodesk computer software products
4. the artistic work in the Autodesk logo applied or affixed to :

## the packaging of the Autodesk computer software products;

* 1. *the diskettes and compact disks storing Autodesk computer software; and*

## the manuals for the use of the Autodesk computer software products

1. the artistic work in the Autodesk logo in combination with the word "AUTODESK" applied or affixed to :

## the packaging of the Autodesk computer software products

* 1. *the diskettes and compact disks storing Autodesk computer software; and*

## the manuals for the use of the Autodesk computer software products.

Commencement Date : 5 December 1997 Customs File: C97/06477

**OBJECTOR**

Heytrack (Australia) Pty Ltd

**CONTACT**

Freehill Hollingdale &amp; Page

Ph: (023) 9288 1234

### MATERIAL

Copyright is claimed in the "Bombardier sprocket logo" for watercraft, parts and accessories for watercraft, clothing, jet boats, parts and accessories for jet boats, jet boat clothing. Commencement Date : 5 December 1997 Customs File : C97/10885

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| **OBJECTOR**  Macnaught Industries Pty Ltd | **CONTACT**  Blake Dawson Waldron Lawyers  Ph: (02) 9258 6000 |
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### MATERIAL

The literary and artistic works comprised in the following items associated with ARO Pumps manufactured under licence from Ingersoll-Rand Company : ARO Logo

ARO - Integrity Series Piston Pumps brochure ARO - Air-Operated Diaphragm Pumps brochure

ARO - Fluid Handling Pumps 2" Differential Transfer Pump ARO - Service Kit Directory

ARO - 2" and 3" (Ports), High-Flow Diaphragm Pumps brochure Photographs

ARO - Thunder Lubrication Pumps brochure ARO - Liquid Level Sensors brochure

ARO - Service Kit Directory for Piston and Lube ARO - Air System Components brochure

ARO - Lubrication Equipment brochure ARO - Various Operator Manuals Sales &amp; Engineering Data

All documents bearing the Logo including but not limited to brochures, operator's manuals, warranties, general information. leaflets, packaging, labels, decals, notices, warranties, information cards for all ARO products, performance test data, quality policy statements, Serial &amp; Model Identification Tags, and OK Tags on all ARO products (some multi- lingual).

All original works of authorship fixed in a tangible medium of expression and bearing the logo including literary works, pictorial, graphic and sculptural works. All pumps manufactured by Ingersoll-Rand, and engraved with the Logo.

Commencement Date : 5 December 1997 Customs File : C97/10898

**OBJECTOR**

Coty Australia Pty Ltd

**CONTACT**

Connor Anderson International Ph: (02) 9693 2444

### MATERIAL

Copyright is claimed in the works depicted on retail packaging of the following fragrances : JOOP!

Davidoff Cool Water Heaven Chopard

Commencement Date : 18 December 1997 Customs File : C97/11177

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| **OBJECTOR**  Disc Inc | **CONTACT**  Baker &amp; McKenzie Solicitors and Attorneys Ph: (02) 9225 0200 |
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### MATERIAL

Copyright is claimed in the artistic and literary works contained on (but not in) hand-held electronic fishing games entitled "Lake Trout Fishin". Commencement Date : 3 December 1997 Customs File : C97/10566

The 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 Notices. 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 (being imports on which the logos described above have been used without authorisation) will be seized by Customs. Upon seizure of any goods by Customs, the objector may take court action under the Copyright Act against the person importing those goods.

Copies of the Notices have been forwarded to Managers, Trade Facilitation, Australian Customs Service, in the capital city of each state and the Northern Territory. Further information about the control regime may be obtained from those officers - see Attachment A.

(R.J. Mitchell) National Manager Cargo Facilitation for

Chief Executive Officer January 1998

**ATTACHMENT A**

# COMMERCE PROHIBITIONS AND RESTRICTIONS

**Regional Offices**

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

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| **Canberra Assistant Director**  **Intellectual Property Rights (Policy) Cargo Facilitation Branch**  **Customs House**  **5 Constitution Avenue**  **Canberra ACT 2600**  **Tel: 02 6275 6571**  **Fax: 02 6275 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 8847 9378**  **Fax: 08 8847 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** |  |