Australian Customs Notice 1998 33

**NOTICES OF OBJECTION - 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. By this action, the companies have notified their objection to the importation of goods which allegedly infringe their copyright.

Unless revoked, these Notices remain in force until the end of the period of two years commencing on the date specified.

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| **Objector** | **Contact** |
| **Gordon &amp; Rena Merchant P/L** | **Scott** |
| **Trading as BILLABONG** | **Standen** |
|  | **Corporate** |
|  | **Lawyer** |
|  | **Billabong** |
|  | **Australia** |
|  | **(07) 5589** |
|  | **9899** |

# Material

The literary and artistic works comprised in the Billabong device and Billabong wave device.

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| **Commencement Date:** 09 March 1998 | **Customs File : C98/02367** |

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| **Objector** | **Contact** |
| **Make-up Art Cosmetics LLC USA** | **Baker &amp; McKenzie (02) 9225**  **0287** |

# Material

The literary and artistic works comprised in the M.A.C. logo.

**Commencement Date:** 05 March 1998

**Customs File :**

**C98/02440**

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| **Objector** | **Contact** |
| **Heytrack (Australia) Pty Ltd** | **Freehill Hollingdale &amp;**  **Page (02) 9288**  **1234** |

**Material**

Copyright is claimed in the "SEADOO logo" for watercraft, parts and accessories for watercraft, clothing, jet boats, parts and accessories for jet boats, jet boat clothing.

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| **Commencement Date:** 20 March 1998 | **Customs File : C98/02368** |

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| **Objector** | **Contact** |
| **Creative Technology Ltd** | **Ms Cindy Wong (02) 9906**  **8887** |

# Material

Copyright is claimed in the literary and artistic works in the software, manuals, design and layout of circuit boards associated with Sound Blaster 16 and Sound Blaster AWE64 boards.

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| **Commencement Date:** 6 May 1998 | **Customs File : C98/03796** |

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| **Objector** | **Contact** |
| **Proctor &amp; Gamble NPD Inc** | **Price Waterhouse (02) 9256**  **7243** |

# Material

The literary and artistic works in the labels and/or packaging of PERT hair care products. The literary and artistic works in the labels and/or packaging of WHISPERS feminine hygiene products.

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| **Commencement Date:** 24 December 1997 | **Customs File : C98/00221** |

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| **Objector** | **Contact** |
| **Proctor &amp; Gamble NPD Inc** | **Price Waterhouse (02) 9256**  **7243** |

# Material

The literary and artistic works in the labels and/or packaging of PANTENE brand hair products.

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| **Commencement Date:** 28 January 1998 | **Customs File : C98/00915** |

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| **Objector** | **Contact** |
| **Proctor &amp; Gamble NPD Inc** | **Price Waterhouse (02) 9256**  **7000** |

# Material

The literary and artistic works in the labels and/or packaging of the following products: Cover Girl cosmetics and accessories

Old Spice men's toiletries Clearisil skin care products Oil of Ulan skin care products Milton health care products Napisan laundry products

Metamucil health care products Vicks health care products

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| **Commencement Date:** 31 March 1998 | **Customs File : C98/03832** |

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| **Objector** | **Contact** |
| **Gianni Versace SpA, Italy** | **Baker &amp; McKenzie (02) 9225**  **0200** |

# Material

Articles bearing the Gianni Versace labels and logos.

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| **Commencement Date:** 14 May 1998 | **Customs File : C98/04127** |

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| **Objector** | **Contact** |
| **International Distributor Corporation** | **Chris Blackman (03) 9281**  **1000** |

# Material

Copyright is claimed in the cinematograph film embodied in the following computer amusement machines : Sega Super GT, Sega Scud Race; Sega Virtua Striker II; Sega House of the Dead; Sega Virtua On II; Sega Fighting Vipers; Sega Virtua Fighter III; Sega Virtua Fighter III "Team Battle"; Sega Touring Car; Sega Waverunner; Sega Top Skater; Sega le Mans 24 Hour; Sega Lost World; Sega Motor Raid; Sega Rally Championship II; Sega Daytona II; Sega Harley Davidson; Sega Bass Fishing; Sega Winter Heat; Sega Water Ski; Sega Scud Race Plus.

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| **Commencement Date:** 24 April 1998 | **Customs File : C97/08456** |

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| **Objector** | **Contact** |
| **S.D.E (Australia) Pty Ltd** | **Peter Zablud &amp; Co (03) 9650**  **9111** |

# Material

Armament Systems and Procedures Inc. ('ASP') catalogues, packaging, instruction sheets, warranties, order forms, repair kit contents and other printed, illustrated material.

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| **Commencement Date:** 8 May 1998 | **Customs File : C98/03498** |

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| **Objector** | **Contact** |
| **Lexmark International (Australia) Pty Limited** | **Price Waterhouse (02) 9256**  **7000** |

# Material

Copyright is claimed in the "Lexmark" logo.

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| **Commencement Date:** 23 March 1998 | **Customs File : C98/03292** |

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](https://borderauthor.border.gov.au/Busi/Cust/Aust/Australian-Customs-Notice-1998-32-C).

(R.J. MITCHELL)

National Manager

Import/Export Management Branch FOR CHIEF EXECUTIVE OFFICER CANBERRA ACT

May 1998