Australian Customs Notice 2002 14

**Notice 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 Notices 95/31 of 15 June 1995 and 00/02 of 12 January 2000.

The following company, having declared itself to be either the owner of the copyright material or the exclusive licensee identified below, has given Notice under Section 135 of the Copyright Act. By this action, the company has notified its objection to the importation of goods which allegedly infringe either its copyright or exclusive license agreement.

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

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| **Australian Olympic Committee Inc** | **Contact: Australian Olympic Committee Inc Ph: (02) 8436 2100** |
| **Material**  Copyright is claimed in: The Olympic rings. |  |
| **Effective Date: 18 February 2002** | **File No: C01/11317** |
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| **Comedy Partners** | **Contact: Chrysiliou Law Ph: (02) 9949 6544** |
| **Material**  Copyright is claimed in:  The artistic works as applied to materials and goods in the two-dimensional form, residing in cartoon or animated characters known as KYLE, CARTMAN, KENNY, CHEF &amp; STAN |  |
| **Effective Date: 18 February 2002** | **File No: C01/11317** |
|  |  |
| **Nintendo of America Inc** | **Contact: Clayton UtzPh: (02) 9353 4000** |

**Material**

Copyright is claimed in:

The packaging, literary, musical and artistic works of the Nintendo products, including but not limited to the following products:

**Apparel**: hats, t-shirts, shoes/juvenile footwear, knit sweaters, pullovers, zipperfronts, sweater dresses, cardigans, vests, children's sleepwear, boxer shorts, wind suits, swimwear, nylon outerwear, short sets, fleece sets, underwear, blanket sleepers.

**Toys**: plush toys, electronic toys, kites, 3D magnets, Crazy Bones game, key chains/rings, yoyos, balls, Collectable card game, Mini action skateboard, snow board toys and accessories, Photo sticker machines, Sears Portrait Studios backdrop and creation, board games.

**Pok mon cards**: trading cards (US), Pocket Monster Trading Card (Japanese), playing cards.

**Pok mon Videos, Cameras and Music**: Movie soundtrack recording, sheet music, music folios, musical CD, story and tape, home videos.

**Accessories**: hair accessories, bags/luggage, tins, adult bags, zipper pulls, cloisonne pins, cold weather accessories, headwear, hosiery, nonoptical sun glasses, sunglass cords, sunglass cases, c-watch, key fobs, clocks/watches, jewellery music boxes, costume jewellery.

**Domestic &amp; Linens**: robes, flannel &amp; jersey sheets, bath and beach towels, sand chairs, decorative pillows, bath accessories, bedding.

**Food &amp; Beverage**: Dextrose candy, bubble gum, jaw breaker holder with sticker, novelty gum and candy, ice cream, fruit snacks, cake decorations &amp; decorating kits, macaroni &amp; cheese, novelty candy, lollipops, fruit spreads in glass tumblers.

**Gifts &amp; Novelties**: Christmas ornaments, foam figures, glow in the dark wall d cor, 3D treasure keepers, 3D figure key chains, collectable custom dog tags, rubber die-cut key chains, 3D desk accessories, picture frames, picture frame key chains.

**Health &amp; Beauty Aids**: toothbrushes, toothbrush toppers, toothpaste, electric toothbrushes.

**Home Furnishings**: cuddle pillow, bedside lamp, bedside lantern, nightlights, room accessories, slumber bag, playhouse, bed tent, bean bag chair, wall border and stick-ups, inflatable furniture, lockers storage cases.

**Housewares and Party Supplies**: plates, bowls, cups, napkins and tablecloths, ceramic mugs, freezer mugs, head topper and squeeze bottles, tumblers, home sewing patterns, melamine dinnerware, talking cups, madcaps, sippers, straw huggers, ceramic cookie jars, lunch kits, baking accessories, candles, candle holders, mylar balloons. **Software and accessories**: Game Boy canvas carrying case, mouse pads, CD wallet holders, wrist rests.

**Stationery, Books and School Supplies**: story books, desk sets, folders, spiral notebooks, life size cardboard standees, bookmarks, bookplates, address books, colour/activity books, storybooks, strategy guides, novelty books, novels, comic books, look &amp; find origami books, calendars, diaries, journals, stickers, transfer tattoos, jigsaw puzzle clocks, rubber stamps, pens, posters

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| **Effective Date: 31 January 2002** | **File No: C02/00985** |
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| **RPG Global Music Limited** | **Contact: Simpsons SolicitorsPh: (02) 9247**  **3473** |
| **Material**  Copyright is claimed in:  All sound recordings bearing the label "RPG" or "SA RE GA MA". |  |
| **Effective Date: 25 February 2002** | **File No: C02/01677** |

These 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 Notice. 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 will be seized by Customs. Upon seizure of any goods by Customs, the objectors may take court action under the Copyright Act against the person importing those goods.

A copy of the relevant 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 Notices of Objection, or Customs' role in regard to those Notices, should contact the Commerce Prohibitions and Restrictions Group in the Australian Customs Service Office in their nearest capital city - see Attachment A.

Ken Riordan National Manager Import/Export Management Branch for Chief Executive Officer April 2002

# 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** | **New South Wales** |
| Customs Manager | Customs Supervisor |
| Intellectual Property Rights Policy | Commerce Prohibitions and Restrictions |
| Import/Export Management Branch | Level 3 |
| Customs House | ACS Link Road Office |
| 5 Constitution Avenue | Mascot NSW 2020 |
| Canberra ACT 2600 | Tel: 02 9317 7020 |
| Tel: 02 6275 6418 | Fax: 02 9317 7156 |
| Fax: 02 6275 6699 |  |
| **Victoria** | **Queensland** |
| Customs Supervisor | Customs Supervisor |
| Commerce Prohibitions and Restrictions | Commerce Prohibitions and Restrictions |
| 13th Floor | Terrica Place |
| 414 La Trobe Street | 140 Creek Street |
| Melbourne VIC 3000 | Brisbane QLD 4000 |
| Tel: 03 9244 8423 | Tel: 07 3835 3268 |
| Fax: 03 9244 8440 | Fax: 07 3835 3493 |
| **Western Australia** | **South Australia** |
| Customs Supervisor | Senior Customs Officer |
| Commerce Prohibitions and Restrictions | Commerce Prohibitions and Restrictions |
| Customs House | Customs House |
| 2 Henry Street | 220 Commercial Road |

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| Fremantle WA 6160  Tel: 08 9430 1402  Fax: 08 9430 1391 | Port Adelaide SA 5015 Tel: 08 8447 9378  Fax: 08 8447 9227 |
| **Northern Territory** Senior Customs Officer Cargo Facilitation Customs House  21 Lindsay Street  Darwin NT 0800  Tel: 08 8946 9851  Fax: 08 8946 9953 | **Tasmania**  Customs Supervisor Imports/Exports  25 Argyle Street  Hobart TAS 7000  Tel: 03 6230 1232  Fax: 03 6230 1261 |