# AUSTRALIAN CUSTOMS NOTICE NO. 2006/08

Notices of Objection to Importation - Copyright Act 1968

The *Copyright Act 1968* allows the owner of the copyright, or the exclusive licensee, to object to the importation of goods that infringe copyright. The owner of the copyright, or the exclusive licensee, does this by lodging a Notice of Objection with the Australian Customs Service (Customs). Unless revoked, a Notice of Objection remains in force for a period of two years from the date of commencement.

The attached Schedule sets out the copyright owners, and exclusive licensees, who have lodged a Notice of Objection under the *Copyright Act 1968* since August 2005 (ACN 2005/40)*.* The Notices notify the objections of the copyright owners, and exclusive licensees, to the importation of goods that infringe their copyright. A description of where copyright is claimed is also set out in the Schedule.

A detailed list of all current Copyright Notices of Objection is available at: <http://cww.customs.gov.au/internet/site/page4497.htm>

Goods identified by Customs at the border as potentially infringing copyright are liable to be seized by Customs unless it can be established that:

* the goods are being imported other than for the purposes of trade (sale, lease, hire, etc); or
* the goods do not infringe the copyright.

People who are intending to import goods that may potentially be liable to seizure under the provisions of the *Copyright Act 1968* should consider seeking advice from Customs, or a suitably qualified legal practitioner, as to the implications of the copyright legislation.

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 Notices of Objection, or Customs’ role in respect of those Notices, should contact the Customs Information and Support Centre on 1300 363 263 or the Intellectual Property Rights Group on (02) 6275 6577.

Tim Chapman National Manager Cargo Branch For

Chief Executive Officer 28 March 2006



# Schedule To ACN No. 2006/08 Copyright Notices of Objection

**Notices of Objection under the *Copyright Act 1968* have been accepted for the following companies***:*

## Adobe Systems, Inc

***Atomic Fashion Marketing Pty Ltd*** ***Australian Olympic Committee*** ***Comedy Partners***

## D-Rights Inc

***Disney Enterprises, Inc Gazal Apparel Pty Ltd GSM (Operations) Pty Ltd***

## GSM Rocket Australia Pty Ltd Nintendo of America Inc.

***Take 2 Interactive Software Pty Ltd***

**The full details of the Notice of Objection for these companies can be found below.**

## Adobe Systems, Inc. Mallesons Stephen Jaques Ph: (02) 9296 2000

***Effective Date: 23 August 2005 File Ref: C05/12683***

*Material*

Copyright is claimed in:

* All artistic works in which Adobe Systems, Inc owns copyright, including without limitation the works represented in the images in the schedule provided.
* All literary works, being computer programs and associated manuals and documentation, in which Adobe Systems, Inc owns copyright, including without limitation, the works identified below.

|  |  |
| --- | --- |
| Adobe Acrobat Approval | Adobe Info Publisher |
| Adobe Acrobat Capture | Adobe InScope |
| Adobe Acrobat CD Sampler | Adobe LiveMotion |
| Adobe Acrobat Distiller Server | Adobe PageMaker |
| Adobe Acrobat Elements | Adobe PageMill |
| Adobe Acrobat Exchange | Adobe Paint & Publish |
| Adobe Acrobat for Workgroups | Adobe Persuasion |
| Adobe Acrobat Messenger | Adobe Photo Album |
| Adobe Acrobat Professional | Adobe Photo Deluxe |
| Adobe Acrobat Standard | Adobe Photoshop |
| Adobe Acrobat Search | Adobe Photoshop Album |
| Adobe Acrobat V2.1 Catalogue | Adobe Photoshop Elements |
| Adobe After Effects | Adobe Premiere |
| Adobe AlterCast | Adobe Premier Pro |
| Adobe Art Explorer | Adobe Premier Elements |
| Adobe Atmosphere | Adobe PressReady |
| Adobe Audition | Adobe Print Central |
| Adobe Capture | Adobe Printer Driver |
| Adobe Checklist | Adobe Publishing Collection |

|  |  |
| --- | --- |
| Adobe Content Server | Adobe ScreenReady |
| Adobe Creative Suite Standard | Adobe SGV Viewer |
| Adobe Creative Suite Premium | Adobe SiteMill |
| Adobe Creative Suite Production Studio | Adobe Streamline |
| Adobe Design Team | Adobe Super ATM |
| Adobe Digital Video Collection Standard | Adobe Super Paint |
| Adobe Digital Video Collection Professional | Adobe Type Align |
| Adobe Design Collection | Adobe InCopy |
| Adobe Dimensions | Adobe InDesign |
| Adobe Encore | Adobe Type Collection |
| Adobe Fetch | Adobe Type Library |
| Adobe Font Folio | Adobe Type Manager |
| Adobe FrameMaker | Adobe Type On Call |
| Adobe FrameMaker + SGML | Adobe Type Products |
| Adobe FrameViewer | Adobe Type Reunion |
| Adobe Gallery Effects | Adobe Type Set Value Pack |
| Adobe GoLive | Adobe TypeTwister |
| Adobe GoLive Motion | Adobe Video Collection |
| Adobe Graphics Server | Adobe Web Collection |
| Adobe Home Publisher | Adobe Wild Type |
| Adobe Illustrator | Adobe IntelliDraw |
| Adobe Type Basics |  |

## Atomic Fashion Marketing Pty Ltd Trade Mark Investigation Services (TMIS)

***Ph: (07) 3257 1083***

## Effective Date: 7 November 2005 File Ref: C05/08288

*Material*

Copyright is claimed in literary and artistic works depicted or represented in:

* Images of a girl or “Emily” in various forms;
* Images of “cat shadow”;
* Images of the “cat”;
* Words “Emily”, “Emily the Strange”, “The Strange”, “Visit if you Dare”, “Never too Alone”, “Get Lost”, “Wicked Strange”, “Stranger’s Fortune Know Future”.

## Australian Olympic Committee Inc. The Law Office of Simon Rofe Ph: (02) 9262 4420

***Effective Date: 18 February 2006 File Ref: C06/04156***

*Material*

Copyright is claimed in:

The Olympic rings.

## Comedy Partners Chrysilou Law

***Ph: (02) 9953 4222***

## Effective Date: 4 March 2006 File Ref: C06/05083

*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 & STAN.

## D-Rights Inc. Baker & McKenzie Lawyers

***Ph: (02) 9225 0200***

***Effective Date: 9 December 2005 File Ref*: C05/15333**

*Material:*

Copyright is claimed in:

All literary and artistic works comprised, represented or embodied in the following items:

1. all the documents, colour images, drawings and packaging (including but not limited to manuals, instructions, warranties, general information, leaflets, labels, information cards, advertising materials, quality policy statements, plans, rules, stickers sets and logos) published in connection with the following BATTLE B- DAMAN toys:
   1. PROTO ONE;
   2. HELIO BREAKER;
   3. COBALT BLADE DHB;
   4. LIGHTNING KAHN DHB;
   5. CHROME ZEPHYRD DHB;
   6. WING NINJA;
   7. BAKUSO;
   8. REKUSO.
2. all the documents, colour images, drawings and label work (including but not limited to logos, instructions, warranties, general information, labels and advertising materials) publishes in connection with the BATTLE B-DAMAN toys identified with the name B-DABALL LOADER.
3. all the documents, colour images, drawings and packaging artwork (including but not limited to manuals, instructions, warranties, general information, leaflets, labels, information cards, advertising materials, quality policy statements, plans, rules, stickers sets roster and score sheets, event spinner and event surfaces) published in connection with the BATTLE B-DAMAN tournament set.
4. all the documents, colour images, drawings and packaging artwork (including but not limited to manuals, instructions, warranties, general information, leaflets, labels, information cards, advertising materials, quality policy statements, plans, rules and stickers sets) published in connection with the BATTLE B-DAMAN toy identified with the name SPEED HEX ARENA.
5. the colour images and drawings of the following characters:

* Yamato Delgado;
* Gray Michael Vincent;
* Terry McScotty;
* Bull Borgnine;
* Enjyu;
* Wen Yong Fa;
* Li Yhong Fa.

1. the BATTLE B-DAMAN logos, tags, badges and icons.

## Disney Enterprises, Inc. Shelston IP

***Ph: (02) 9777 1111***

## Effective Date: 8 March 2006 File Ref: C06/04841

*Material*

Copyright is claimed in the images described in:

“*Cars*” poster

“*Finding Nemo”* images “*King Arthur*” movie poster

“*Nightmare Before Christmas”* images

*“Piglets”* big movie poster

“*Pirates of the Caribbean: Dead Man’s Chest*” poster “*The Incredibles”* images

“*The Many Adventures of Winnie the Pooh”* video sleeve poster

## Gazal Apparel Pty Ltd Halford & Co.

***Ph: (02) 9264* 8388**

## Effective Date: 28 November 2005 File Ref: C06/03788

*Material*

Copyright is claimed in:

The literary and artistic works comprised in the following items distributed by Gazal Apparel Pty Ltd under licence from Nautica Apparel,

Inc., Phillips-Van Heusen (previously under licence The British Van Heusen Company Limited), and under sub-licence from Maui and Sons

(A California Corporation), which is in turn licensed by Harrow Street Limited: -

1. The logo for each of the following brands:
   * MAUI AND SONS
   * NAUTICA; and
   * VAN HEUSEN.
2. All documents bearing the Logo including but not limited to brochures, operator's manuals, warranties, general information, leaflets, packaging, labels, stationery, notices, warranties, information cards, advertising materials, and quality policy statements.
3. All original works of authorship fixed in a tangible medium of expression and bearing the Logo including literary works, pictorial, graphic, and sculptural works.
4. All clothing manufactured by Nautica Apparel Inc., Phillips-Van Heusen (previously under licence from The British Van Heusen Company Limited), and under a sub-licence from Maui and Sons (a Californian corporation), which in turn is licensed by Harrow Street Limited and bearing the Logo.

## GSM (Operations) Pty Ltd Trade Mark Investigation Services (TMIS)

***Ph: (07) 3257 1083***

## Effective Date: 11 December 2005 File Ref: C06/03789

*Material*

Copyright is claimed in:

The literary and artistic works in the Billabong and Von Zipper logos.

## GSM Rocket Australia Pty Ltd Trade Mark Investigation Services (TMIS)

***Ph: (07) 3257 1083***

## Effective Date: 11 December 2005 File Ref: C06/03737

*Material*

Copyright is claimed in:

The literary and artistic works in the Element and associated logos. (See also ACN 2005/17 for Element’s Trade Mark Notice of Objection)

## Nintendo of America Inc. Maddocks Lawyers Ph: (03) 9288 0622

***Effective Date: 31 January 2006 File Ref: C06/05103***

*Material*

Copyright is claimed in the literary, artistic and musical works, sound recordings and cinematographic films contained in the logos, packaging, brochures, instruction sheets or manuals of Nintendo products, including without limitation:

* Game Boy games;
* Nintendo 64 games;
* Game Boy Advance Games;
* Nintendo Game Cube Games;
* Game Boy Advance S.P Games;
* Nintendo DS Games; and the hardware for playing such games.

## Take 2 Interactive Software Pty Ltd Henry Davis York Lawyers Ph: (02) 9947 6000

***Effective Date: 31 August 2005 File Ref: C05/*12609**

*Material*

Copyright is claimed in the following list of materials:

1. The artistic works comprising any of the following:
   * T2 Take 2 Interactive logo (current Take 2 Interactive logo);
   * T2 Take 2 Interactive logo (old Take 2 Interactive logo);
   * R device (R logo);
   * R & ROCKSTAR device (Rockstar games logo);
   * GATHERING device (current Gathering logo);
   * Gathering of Developers device (old Gathering of Developers logo #1);
   * Gathering of Developers and head of man device (old Gathering of Developers logo #2);
   * JOYTECH and device (current Joytech logo);
   * JOYTECH device (old Joytech logo #1);
   * JOYTECH device (old Joytech logo #2);
   * Directsoft device (old directsoft logo);
   * Jack of All Games device (jack of All Games logo);
   * GS GLOBAL STAR SOFTWARE device (Global Star Software logo);
   * GOTHAM GAMES device (old Gotham Games logo);
   * 2K SPORTS device (2K Sports logo);
   * 2K GAMES device (2K Games logo); “the Logos”, which are incorporated in:
2. computer games software;
3. compact disks or other electronic storage media storing computer game
4. packaging for computer games products; or
5. manuals relating to computer games products.
6. The literary, artistic, musical and dramatic works, cinematograph films and sound recording comprising computer games software:
7. which incorporates;
8. which is stored on compact disks or other electronic storage media that incorporates;
9. the packaging of which incorporates, or
10. the manuals of which incorporates any of the Logos.
11. The literary and artistic works comprising the manuals (whether printed or in electronic form):
12. which incorporates; or
13. which relate to the computer games software;
    1. which incorporates;
    2. which is stored on compact disks or other electronic storage media that incorporate; or
    3. the packaging of which incorporates, any of the Logos.
14. The literary and artistic work comprising the packaging:
15. which incorporates; or
16. which relates to the computer games software:
    1. which incorporates;
    2. which is stored on compact disks or other electronic storage media that incorporates; or
    3. the manuals for which incorporates, any of the Logos.
17. All other:
18. literary, artistic, musical and dramatic works, cinematograph films and sound recordings comprising computer games software; or
19. literary and artistic works comprising manuals and packaging which relates to computer games software,

in which copyright is owned by Take-Two Interactive Software, Inc. and of which Take 2 Interactive Software Pty Ltd is the exclusive licensee in Australia.