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## **AUSTRALIAN CUSTOMS NOTICE NO. 2004/17**

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### **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 their 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*. 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.

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 otherwise than for the purposes of trade (sale, lease, hire, etc.);  
or
- the goods do not infringe the copyright.

People who have been intending to import goods that may 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 Customs Information on 1300 363 263 or the Intellectual Property Rights Group on (02) 6275 6577.

Philomena Carnell  
National Manager  
Cargo Branch  
for  
Chief Executive Officer

August 2004

## Schedule To ACN No. 2004/17 Copyright Notices of Objection

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

*Australian Olympic Committee Inc.  
Calvista Australia Pty Ltd  
Comedy Partners  
Creative Technology Ltd  
GSM (Operations) Pty Ltd  
GSM Rocket Australia  
New Line Productions, Inc.  
Nintendo of America, Inc.  
Pelle Pelle, Inc.  
Universal Music Australia Pty Ltd*

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

*Australian Olympic Committee Inc.*

*Australian Olympic Committee Inc.  
Ph: (02) 8436 2100*

*Effective Date: 18 February 2004*

*File No: C04/00902*

*Material*

Copyright is claimed in:

The Olympic rings

*Calvista Australia Pty Ltd*

*Freehills  
Ph: (03) 9288 1234*

*Effective Date: 26 November 2003*

*File No: C03/13508*

*Material*

Copyright is claimed in:

The series of cinematographic films under the PRIVATE title in any format, including DVD and VHS-VIDEO format, a full list of titles which appears in the schedule;  
*(Titles included in the schedule are not published on this ACN, due to their adult nature. Further details regarding this Notice can be obtained by contacting the Intellectual Property Rights Group on (02) 6275 6577.)*

the sound recordings in the Private Films;

the artistic work comprising the songs in the Private Films;

the artistic work comprising the packaging for the Private Films;

the artistic work comprising the packaging elements of the Private Films;  
the artistic work comprising DVD, CD or Video face of the Private Films;  
the artistic and/or literary work comprising any attached booklet, brochure or other advertising material provided or sold with the Private Films;  
the literary work comprising the lyrics in the songs in the Private Films;  
the literary work comprising the script for the Private Films;  
the literary works comprising the compilation of DVD and video titles accompanying the Private Films; and  
the literary works comprised in computer software/or source code contained on a machine readable disk (including a hard drive, CD, VD or DVD) which contains a part of one or more of the Private Films.

**Comedy Partners**

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

**Effective Date: 04 February 2004**

**File No: C04/01787**

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.

**Creative Technology Ltd**

**Baker & McKenzie**  
**Ph: (02) 9225 0200**

**Effective Date: 18 December 2003**

**File No: C03/08048**

Copyright is claimed in:

The artistic work being a photograph of the NOMAD MuVo MP3 player, 64MB, manufactured and distributed by Creative Technology Ltd.

The artistic work being a photograph of the NOMAD MuVo MP3 player, 128 MB, manufactured and distributed by Creative Technology.

The literary and artistic works contained in the packaging, logos and labels represented (details of the logos and labels can be provided upon request).

The literary and artistic works contained in the labels of and the literary works incorporated in the software contained in, the following CD-ROMs:

- Installation and Application CD for SoundBlaster Live! Platinum 5.1
- Installation and Application CD for SoundBlaster Live! DE 5.1 SE (S) Asian English Version
- Installation CD for SoundBlaster PCI 4.1 Digital
- Installation and Application CD for SoundBlaster Audigy Platinum eX
- Installation and Application CD for SoundBlaster Audigy Platinum
- Installation CD for Sound Blaster Audigy LS
- Installation CD for Sound Blaster Extigy
- Installation CD for Sound Blaster Digital Music
- Installation and Application CD for Sound Blaster Audigy 2 NX USB

- Installation and Application CD for Sound Blaster Audigy 2 ZS Platinum Pro
- Installation and Application CD for Sound Blaster Audigy 2 ZS
- Installation and Application CD for Creative Web Cam NX Pro
- Installation and Application CD for Creative Web Cam Vision
- Installation and Application CD for Creative Card Cam Vision
- Installation and Application CD for Creative Slim Card Cam
- Installation and Application CD for Creative Web Cam Mobile
- Installation and Application CD for Creative PC Cam 850
- Installation and Application CD for Creative Web Cam NX
- Installation and Application CD for Creative Web Cam Notebook
- Installation and Application CD for Creative DC Cam 3000Z
- Installation and Application CD for Nomad Jukebox C 6GB
- Installation and Application CD for Nomad Jukebox 3
- Installation and Application CD for Nomad Jukebox Zen GB
- Installation and Application CD for Nomad Jukebox Zen NX 20 GB
- Installation and Application CD for Nomad Jukebox Zen NX 30 GB
- Installation and Application CD for Nomad Muvo 64mb
- Installation and Application CD for Nomad Muvo NX 128mb
- Installation and Application CD for Nomad Muvo NX 256 mb
- Installation and Application CD for Nomad Muvo 2 1.5 GB
- Installation and Application CD for Digital MP3 Player 1 32mb
- Installation and Application CD for Digital MP3 Player 2 32mb
- Installation and Application CD for Digital MP3 Player 3 64mb
- Installation CD for Digital MP3 Player MX 100 128mb
- Installation CD for Digital MP3 Player MX 200 256mb
- Installation CD for Digital MP3 Player LX 100 128mb
- Installation CD for Digital MP3 Player LX 200 256mb

***GSM (Operations) Pty Ltd***

***GSM (Operations) Pty Ltd***  
***Ph: (07) 5589 9899***

***Effective Date: 11 December 2003***

***File No: C03/15056***

***Material***

Copyright is claimed in:

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

***GSM Rocket Australia Pty Ltd***

***GSM (Operations) Pty Ltd***  
***Ph: (07) 5589 9899***

***Effective Date: 11 December 2003***

***File No: C03/15054***

***Material***

Copyright is claimed in:

The literary and artistic works in the Element and associated logos.

**New Line Productions, Inc.**

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

**Effective Date: 26 July 2004**

**File No: C04/ 06685**

Material

Copyright is claimed in:

The cinematograph film entitled "The Lord of the Rings, The Fellowship of the Ring ("the Film").

The sound broadcasting recorded in the Film.

The artistic work comprising the character drawings reproduced in Annexure "A".

The artistic works comprising the packaging artwork reproduced in Annexure "B".

The artistic works comprising the packaging elements reproduced in Annexure "C".

The artistic works comprising the "merchandising banners" reproduced in Annexure "D".

The artistic works comprising the "Lord of the Rings" logos reproduced in Annexure "E".

Other artistic works comprising character artwork, fonts, name treatments and other works set out in the Style Guide which is annexed and marked "F".

The literary works comprised in computer software relating to, including or embodying any of the abovementioned works including computer game programs, downloadable on-line interactive computer game programs and computer game cartridges.

*Due size and images involved regarding the Annexures, they cannot be provided in this Australian Customs Notice. Further details regarding this Notice can be obtained by contacting the Intellectual Property Rights Group on (02) 6275 6577.*

**Nintendo of America, Inc.**

**Clayton Utz Lawyers  
Ph: (02) 9353 4000**

**Effective Date: 31 January 2004**

**File No: C04/00888**

Material

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

**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.

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

**Pokémon 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, non-optical sun glasses, sunglass cords, sunglass cases, c-watch, key fobs, clocks/watches, jewellery music boxes, costume jewellery.

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

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

**Gifts & Novelties:** Christmas ornaments, foam figures, glow in the dark wall décor, 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 & 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 & find origami books, calendars, diaries, journals, stickers, transfer tattoos, jigsaw puzzle clocks, rubber stamps, pens, posters.

***Pelle Pelle, Inc.***

***Griffith Hack Lawyers***  
***Ph: (03) 9243 8340***

***Effective Date: 5 October 2003***

***File No: C03/12764***

*Material*

Copyright is claimed in:

The literary and artistic works embodied in the Pelle Pelle logos and labels in the Schedule and in the print on the garments and in the artistic work being the pattern of the garments. Further information regarding the works can be obtained from Customs.

**Universal Music Australia Pty Ltd**

**Gilbert & Tobin  
Ph: (02) 9263 4000**

**Effective Date: 20 May 2004**

**File No: C04/04843**

**Material**

Copyright is claimed in:

The musical works, literary works (lyrics, if printed), sound recordings, artistic works (artwork in some instances), cinematograph films.