



AUSTRALIAN CUSTOMS NOTICE NO. 2005/40

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 2004 (ACN 2004/17). 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 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 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 the Customs Information and Support Centre on 1300 363 263 or the Intellectual Property Rights Group on (02) 6275 6577.

Philomena Carnell
National Manager
Cargo Branch
for
Chief Executive Officer

9 August 2005

Schedule To ACN No. 2005/40 Copyright Notices of Objection

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

**Calvin Klein, Inc.
H-D Michigan, Inc.
Kabushiki Kaisha Sanrio (Sanrio Co Ltd)
Mag Instrument, Inc.
Microsoft Corporation
Pineapple Trademarks Pty Ltd
QS Holdings Sarl
Wizards of the Coast, Inc.**

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

Calvin Klein, Inc.

**Baker & McKenzie
Ph: (02) 9224 1540 /9225 0300**

Effective Date: 26 August 2004

File Ref: C04/09169

Material

Copyright is claimed in:

The literary and artistic works contained in the wording and logos of Calvin Klein, including "cK", "Calvin Klein", "Original Calvin", "Calvin Klein Jeans", "cK JEANS", "KHAKIS CALVIN KLEIN" and "Calvin Klein Khakis" as represented.

The literary and artistic works contained in the wording and logos of the Calvin Klein swing tags, hang tags, in-seam tags, pocket flashers, care labels, joker labels and folded paper booklets as represented.

The literary and artistic works contained in the wording and logos of Calvin Klein swing tags, including details of "Original Calvin", "The Fit", "The Look" and "The Spirit" as represented.

H-D Michigan, Inc.

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

Effective Date: 07 January 2005

File Ref: C04/13978

Material

Copyright is claimed in:

The literary and artistic works contained in the wording and logos of H-D Michigan, Inc. including:

- Harley-Davidson & Design (5) – eagle, wings outstretched, atop shield divided by rectangle, atop and breaking triple ellipse

- Harley-Davidson & Design (16) (Harley-Davidson MotorClothes logo) – eagle, wings outstretched and divided shield atop scroll

Kabushiki Kaisha Sanrio (Sanrio Co Ltd)

***Griffith Hack Lawyers
Ph: (02) 9925 5900***

Effective Date: 05 February 2005

File Ref: C05/02948

Material

Copyright is claimed in:

The artistic and literary works contained in the schedule which includes the Hello Kitty works and other related images. Further information regarding the works can be obtained from Customs.

Mag Instrument, Inc

***Allens Arthur Robinson
Ph: (03) 9614 1011***

Effective Date: 02 March 2005

File Ref: C03/13715

Material

Copyright is claimed in:

Work of artistic craftsmanship comprised by the following prototypes:

Prototype SOLITAIRE® 1AAA flashlight
 Prototype MINI MAGLITE® 2AA flashlight
 Prototype MINI MAGLITE® 2AAA flashlight
 Prototype MAG-LITE® 2C flashlight
 Prototype MAG-LITE® 3D flashlight

Microsoft Corporation

***Mallesons Stephen Jaques
Ph: (03) 9296 2000***

Effective Date: 20 March 2005

File Ref: C05/03310

Material

Copyright is claimed in:

All literary works being computer programs and associated manuals and documentation, in which Microsoft Corporation owns copyright, including without limitation the following computer programs:

Access
 Age of Empires II: Age of Kings
 Age of Empires II: Conquerors
 Age of Empires II: Gold Edition
 Age of Mythology
 Age of Mythology: Gold Edition
 Age of Mythology: The Titans

Application Centre Enterprise Ed
 Bookshelf
 Combat Flight Simulator 2
 Combat Flight Simulator 3
 Commerce Server Standard
 Data Analyzer
 Digital Image Suite

(continued)

Dungeon Siege: Legends of Aranna
Encarta Reference Library
Encarta Standard
Entertainment Pak
Excel
Excel for Students & Teachers
Excel Macintosh
Exchange Server - Enterprise
Exchange Server - Standard
Fingerprint Reader
Flight Simulator 2002 Standard
Flight Simulator 2004 Century Flight
Freelancer
FrontPage
Halo PC
Host Integration Server Standard
InfoPath
ISA Server Enterprise Edition
ISA Server Standard Edition
MOM Ops Manager Server Enterprise Ed
MOM Ops Manager Workgroup
Money Standard
MS Plus! SuperPack for Windows XP
MSDN Enterprise
MSDN Library
MSDN OS
MSDN Professional
MSDN Universal
Office LCS Enterprise
Office LCS Standard
Office Macintosh
Office Macintosh Professional
Optical Mouse Designer
Optical Dsktp Elite for Bluetooth
Outlook
Outlook for Students & Teachers
Picture It! Premium
PowerPoint
PowerPoint Students & Teachers
Project
Project Professional
Project Server
Proofing Tools
Office Macintosh Student Teacher
Office Professional
Office Small Business Edition
Office Standard
Office Student Teacher
OneNote

Optical Desktop w Fingerprint Rd
Publisher
Rise of Nations
Rise of Nations: Gold Edition
Rise of Nations: Throne Patriots XP
SharePoint Portal Server
Small Business Server Client Add On
SQL Server Developer Edition
SQL Server Enterprise Edition
SQL Server Standard Edition
System Mgmt Client Access Licence
Systems Mgmt Config Mgmt Licence
System Mgmt Server Enterprise Ed
Technet
Technet Plus
Train Simulator
Virtual PC
Virtual PC for Macintosh
Virtual Server Enterprise
Virtual Server Standard
Visio Professional
Visio Standard
Visual Basic.NET Standard
Visual C#.NET Standard
Visual C++.NET Standard
Visual FoxPro Professional
Visual J# .NET Standard
Visual SourceSafe
Visual Studio.NET Enterprise Architect
Visual Studio.NET Enterprise Developer
Visual Studio.NET Professional
Visual Studio Tools for Office
Windows 2000 Advanced Server
Windows 2000 Professional
Windows 2000 Server
Windows Server Enterprise
Windows Server for Small Business
Windows Server Standard
Windows Small Business Server Premium
Windows Small Business Server Standard
Windows XP Home
Windows XP Professional
Word
Word for Students & Teachers
Word Macintosh
Works
Works Suite
Zoo Tycoon
Zoo Tycoon 2
Zoo Tycoon: Complete Collection

XBOX

Amped
Amped 2
Azurik: Rise of Perathia
Blinx
Blinx 2
Blood Wake

Brute Force
Counter Strike
Crimson Sks: High Rd to Rev
Fable
Fuzion Frenzy
Grabbed by the Ghoulies

(continued)

Halo
Halo 2
Halo with Halo Controller
Kung Fu Chaos
Links 2004
Mech Assault
Midtown Madness 3
NBA Inside Drive 2002
NBA Inside Drive 2003
NBA Inside Drive 2004
NFL Fever 2003
NFL Fever 2004
NHL Rivals 2004

Nightcaster
Oddworld: Munchs Oddysee
Project Gotham Racing
Project Gotham Racing 2
Quantum Redshift
Rallisport Challenge
Rallisport Challenge 2
Shenmue II
Starfox Adventures
Sudeki
Tao Feng
Top Spin
Voodoo Vince
Whacked

Pineapple Trademarks Pty Ltd

***Billabong Australia
Ph: (07) 5589 9899***

Effective Date: 12 January 2005

File Ref: C05/00208

Material

Copyright is claimed in:

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

QS Holdings Sarl

***Corrs Chambers Westgarth
Ph: (03) 9672 3000***

Effective Date: 16 December 2004

File Ref: C04/13809

Material

Copyright is claimed in:

The artistic and literary work embodied within the Mountain and Wave and the Old Mountain and Wave logos and emblems.

Wizards of the Coast, Inc.

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

Effective Date: 30 September 2004

File Ref: C04/10401

Material

Copyright is claimed in:

The literary and artistic works contained in the images, logos, and labels, which are numbered in accordance with the following list:

1. Rothus the Traveller;
2. Mighty Shouter;
3. Aqua Sniper;
4. Urth, Purifying Element;
5. Deathliger, Lion of Chaos;

6. Explosive Fighter;
7. Shobu 1; and
8. Shobu 2.