



AUSTRALIAN CUSTOMS NOTICE NO. 2002/55

NOTICES OF OBJECTION TO IMPORTATION TRADE MARKS ACT 1995

The companies referred to in the attached Schedule have given notice under section 132 of the Trade Marks Act 1995 objecting to the importation of the goods listed in the Schedule which have applied to them, or in relation to them, a sign which infringes the relevant trade mark/s. Unless revoked, these Notices of Objection remain in force for a period of two years from the commencement date shown for the particular trade mark.

The references in the Schedule to particular classes of goods refer to the classes of goods prescribed in Schedule 1 in the Trade Marks Regulations, while the reference to goods indicates to which goods the trade mark registration relates. Prospective importers of such goods should seek further advice regarding the ambit of the Notice of Objection from their local Customs office.

Where goods of the kind referred to are manufactured outside Australia and are imported with a sign that is substantially identical with or deceptively similar to the relevant trade mark, they 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 relevant trade mark.

Part 12 of the Trade Marks Act 1995 details the circumstances in which the use of a trade mark may, or may not, amount to an infringement. For example, a trade mark is not infringed where the mark in question has been applied to, or in relation to, goods with the consent of the registered owner of the trade mark. However, where the trade mark is applied by, or with the consent of, an overseas owner of the trademark and the goods are imported into Australia without the consent of the Australian trade mark owner, this may still represent an infringement.

People who have been intending to import goods that may be liable to seizure under the provisions of the Trade Marks Act 1995 should consider seeking advice from Customs, or a suitably qualified legal practitioner, as to the implications of the trade marks legislation, and the meaning of terms such as "substantially identical with", "deceptively similar to" and "an infringement of" a trade mark.

The trade mark owner's contact particulars have been included in the Schedule to assist importers who may wish to contact the owner regarding use of the trade marks in question.

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 Commerce Prohibitions and Restrictions Group in the Australian Customs Service Office in their nearest capital city – see Attachment A.

Ken Riordan
National Manager
Cargo Branch
for
Chief Executive Officer

October 2002

SCHEDULE TO ACN NO. 2002/55
TRADE MARK NOTICES OF OBJECTION

*Casio Keisanki Kabushiki
Kaisha (trading as Casio
Computer Co Ltd)*

*Deacons Lawyers
Ph: (02) 6218 6511*

<i>Trade Marks</i>	<i>Class</i>	<i>Goods</i>
BABY-G	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
CASIO	14	Horological and chronometric apparatus and instruments including electronic and electric clocks and watches; mechanical clocks and watches; electronic and mechanical wristwatches and stop watches; and all other goods in this class.
CASIO G-SHOCK	14	Timepieces and parts therefore.
FILE	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
FILM WATCH	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
FROG MAN	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
G	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
G.COOL	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
G-SHOCK	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
ILLUMINATOR	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
MR-G	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
PELA	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
PRO SPORTS	14	All goods in this class including horological and chronometric instruments but excluding stop watches and watches incorporating stop watches; parts and fittings included in class 14 for all of the aforesaid goods.

PRO TREK	14	Watches and clocks, parts thereof included in this class being goods in this class; and all other goods in this class.
PROTECTION	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
RESIST	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
SPORTS GEAR	14	Watches and clocks and parts and fittings therefore all included in class 14.
TREKING COUNTER	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
TRIPLE SENSOR	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
TWINCEPT	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
TWIN SENSOR	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.
X-TREME	14	Electronic watches and clocks, parts and fittings in this class for all the aforesaid goods.

Effective Date: 22 October 2002

File No: C02/08953

DC Shoes, Inc.

Phillips Ormonde Fitzpatrick

Ph: (03) 9614 1944

<i>Trade Marks</i>	<i>Class</i>	<i>Goods</i>
ACTIVE TERRAIN	25	Clothing, namely T-shirts, sweatshirts, pants, jackets, caps, hats, socks and shoes including athletic shoes, casual shoes, snowboard boots and boots.
DC – ltrs in square; star in second letter	25	Athletic clothing, namely T-shirts, sweatshirts, pants, jackets, caps, hats and socks; athletic footwear, including athletic shoes, casual athletic shoes, hiking boots, snowboard boots and boots.
DC – ltrs in square; star in second letter	25	Clothing, footwear and headwear.
DC – ltrs in square; star in second letter	26	Laces and patches in this class.

DCSHOES	25	Clothing, including T-shirts, sweatshirts, pants, jackets; head gear including caps, hats; footwear including shoes, athletic shoes, casual shoes, snowboard boots, boots, socks; and accessories in this class.
DCSHOES	26	Laces and patches in this class.
DCSHOECOUSA	25	Clothing, T-shirts, sweatshirts, pants, jackets, headwear, caps, footwear and shoes.
YOUTH PROJECT	25	Clothing namely, T-shirts, sweatshirts, pants, jackets, caps, hats, socks; shoes namely, athletic shoes, casual shoes; boots namely, snowboard boots, hiking boots and casual boots.
Capsule divided by stripe	25	Clothing, namely shoes in class 25; footwear including shoes, boots, sandals and slippers.

Effective Date: 1 August 2002

File No: C02/06672

Disney Enterprises, Inc.

***Australian Film & Video Security Office
Ph: 1800 251 996***

<i>Trade Marks</i>	<i>Class</i>	<i>Goods</i>
BUENA VISTA	9	Motion pictures and video cassettes.
BUENA VISTA HOME VIDEO – towers & flags atop striped arch in semi-circle	9	Motion pictures and video cassettes.
DISNEY	9	Film, motion picture film, television film, sound film, film carrying associated sound records and pictures for projection, phonograph records, and tapes with sound recorded thereon.
HOLLYWOOD PICTURES HOME VIDEO – circle behind sphinx on 3 stripes, horizontal	9	Motion pictures and video cassettes.
TOUCHSTONE	9	Photographic and cinematographic apparatus and instruments, being motion picture films, video cassettes, sound recording apparatus for recording, transmission or reproduction of sound or images.

TOUCHSTONE HOME VIDEO – asteroids, passing across 9 Motion pictures and video cassettes.

WALT DISNEY 9 Video recordings including videocassettes, videotapes, and videodiscs; cinematographic films; sound recordings; media in this class for recording of sound and/or video images.

Effective Date: 6 September 2002

File No: C02/08150

Dolce & Gabbana

Griffith Hack

Ph: (03) 9243 8300

<i>Trade Marks</i>	<i>Class</i>	<i>Goods</i>
D&G DOLCE & GABBANA	3	Perfumes including liquid perfumes, essential oils; cosmetics, mascara, eye liners, lipsticks, nail varnishes; soaps, including liquid soaps and toilet soaps; shampoos, hair lotions, balsams, gels, hair dyes, face creams, body creams and lotions, tanning oils, creams and lotions; dentrifices and toothpastes.
D&G DOLCE & GABBANA	9	Glasses; sunglasses; lenses; eyeglass frames; and eyeglass cases.
D&G DOLCE & GABBANA	18	Tote bags, handbags, suitcases, wallets, cosmetic cases sold empty, briefcases, school bags, handbags for men, trunks for travel, parasols, patio umbrellas, umbrellas, walking sticks, harnesses and other saddlery articles in this class.
D&G DOLCE & GABBANA	25	Clothing articles for men, women and children, including shirts, blouses, skirts, coats, trousers, pants, vests, jerseys, pyjamas, socks and stockings, singlets, corsets, garters, underpants, petticoats, neckties, bathing suits, sports overalls, wind-resistant jackets, ski pants, belts, fur coats, raincoats, overcoats, greatcoats, scarves, gloves and dressing gowns; footwear, including shoes, sports shoes, slippers and boots; and headgear, including hats and headscarves.
D & G DOLCE & GABBANA	9	Telecommunications systems and apparatus, telephone receivers and transmitters, telephone apparatus, including radio telephones, cellular and mobile telephones, parts and fittings for all the aforesaid goods.
D & G DOLCE & GABBANA	14	Watches, clocks, wristwatches, table clocks, pocket watches, alarm clocks, digital clocks, waterproof clocks, timers, watch cases, watch chains, watch crystals, watch glasses, watch straps, chronographs, jewellery articles, custom jewellery articles.

DOLCE & GABBANA	3	Perfumery articles; perfumes; essential oils; cosmetics; hair lotions; shampoo; tooth pastes; tanning oils and creams; soaps; shaving soaps; liquid soaps; toilet soaps; compounds for cleaning; and all other goods in this class.
DOLCE & GABBANA	9	Eyewear including glasses and their accessories in this class, ordinary spectacles, sunglasses, eye glasses, goggles, swimming goggles, frames, eye glass cases, eye glass chains, contact lenses, containers for contact lenses; binoculars; television sets; radio sets; radio recorders; records; compact discs; hi-fi systems; telephone sets; photographic, cinematographic, optical, measuring and signalling apparatus; control, inspection, aiding, rescue and teaching apparatus; automatic apparatus activated by a coin or by cash recorders; all included in class 9.
DOLCE & GABBANA	14	Precious metals and alloys of precious metals; articles made of precious metals and alloys of precious metals, namely: rings, necklaces, bracelets, brooches, earrings, hair ornaments, tie pins, tie clips, cuff links; jewel cases; precious stones; pearls; watches and clocks; watch cases, chronometers; costume jewellery; all included in class 14.
DOLCE & GABBANA	16	Folders; and document folders.
DOLCE & GABBANA	18	Bags; handbags; suitcases; briefcases; purses; folders; document folders; hand purses; trunks; leather and leather articles; imitation of hides and leather and articles made of these materials; parasols; umbrellas; walking sticks; harness and other saddlery articles; all included in class 18.
DOLCE & GABBANA	25	Ladies', gents' and children's clothing in general, including: suits made of leather; shirts; blouses; skirts; women's suits, jackets; trousers; shorts; vests; jerseys; pyjamas; stockings; singlets; corsets; garters; pants; petticoats; hats; foulards; neck-ties; raincoats; overcoats; greatcoats; bathing costumes; sports overalls; wind-resistant jackets; ski-pants; belts; furs; scarves; dressing gowns; footwear in general including: slippers; shoes; sports shoes; boots; all included in class 25.
J&ANS DOLCE & GABBANA	3	Perfumes; essential oils; cosmetics, mascara, eye liners, lipsticks, nail varnishes; soaps, including liquid soaps and toilet soaps; shampoos, hair lotions, balsams in class 3, hair gels, hair dyes; face creams, body creams and lotions all being for cosmetic purposes; tanning oils, creams and lotions all being in class 3; dentifrices and toothpaste.
J&ANS DOLCE & GABBANA	9	Glasses; sunglasses; lenses; eyeglass frames; eyeglass cases; and all other optical apparatus included in this class.

J&ANS DOLCE & GABBANA	14	Articles made of precious metals and alloys of precious metals, with or without precious stones, including rings, necklaces, bracelets, brooches, earrings, hair ornaments in class 14, tie pins, tie clasps, jewel cases in class 14; watches and clocks; chronometers; watch cases; and costume jewellery.
J&ANS DOLCE & GABBANA	18	Bags in this class; tote bags, handbags, suitcases, wallets, beauty cases in class 18, briefcases, school bags, handbags for men, trunks for travel, parasols, patio umbrellas, umbrellas, walking sticks, harnesses and other saddlery articles in this class.
J&ANS DOLCE & GABBANA	25	Articles of clothing for men, women and children, including shirts, blouses, skirts, coats, trousers, pants, vests, jerseys, pyjamas, socks and stockings, singlets, corsets, garters, underpants, petticoats, hats, headscarves, neckties, raincoats, overcoats, greatcoats, bathing suits, sports overalls, wind-resistant jackets, ski pants, belts, fur coats, scarves, gloves, dressing gowns; and footwear, including shoes, sport shoes, slippers and boots.
SICILY BY DOLCE & GABBANA	3	Perfumes and cosmetics in general including: lipsticks, essential oils, tanning oils, mascara, foundation creams, eyeliners, soaps for personal use, cold creams, vanishing creams, shaving creams, antiwrinkle creams, nail varnish, nail polish, tooth pastes, skin lotions, hair lotions, eye shadow, deodorants for personal use, liquid soaps, aftershave lotions, beauty masks, cosmetics kits, cotton sticks and wool for cosmetics purposes, eyebrow pencils, hair waving preparations, hair colorants spray, make up powder, make up removing preparations, shampoos, talcum powder.

Effective Date: 15 September 2002

File No: C02/08259

DVD Format/Logo Licensing Corporation

Chrysiliou Law

Ph: (02) 9949 6577

Trade Marks

Class Goods

DVD – record or oval in ellipse

9

Photographic and cinematographic goods in this class; goods for use in the recording, transmission or reproduction of sound and/or images; magnetic data carriers, recording discs containing digital information for display of filmed products.

Effective Date: 8 August 2002

File No: C02/07120

Felco Australia Pty Ltd

Richard Farrell & Associates
Ph: (03) 9497 4888

<i>Trade Marks</i>	<i>Class</i>	<i>Goods</i>
FELCO	8	Hand tools and hand operated implements including secateurs and pruning shears; holders and shears for the aforementioned goods; wire and metallic cable cutters, hand operated shears; parts and accessories for all the aforementioned goods; all other class 8 goods; all the aforementioned goods excluding instruments and apparatus for surgical or curative purposes.

Effective Date: 29 August 2002

File No: C02/07981

Fender Australia Pty Ltd

Baldwin Shelston Waters
Ph: (02) 9777 1111

<i>Trade Marks</i>	<i>Class</i>	<i>Goods</i>
F	15	Electric guitars.
F	15	Electric guitars.
FENDER	9	Amplifier-loud speaker units, including reverberation units.
FENDER	15	Electric and acoustic guitars, including bass guitars.
FENDER	25	Clothing, including t-shirts and sweaters; headgear including caps; footwear.
SQUIER	15	Musical instruments including electric guitars; strings for musical instruments; parts and accessories in this class for musical instruments.
SQUIER	15	Strings for musical instruments.
STRAT	15	Guitars.
STRATOCASTER	15	Guitars.
SUPER BULLETS	15	Guitar strings.
TELE	15	Musical instruments (other than talking machines and wireless apparatus) including electric guitars and electric basses.
TELECASTER	15	Guitars.

Effective Date: 17 October 2002

File No: C02/08979

<i>Trade Marks</i>	<i>Class</i>	<i>Goods</i>
ACG - triangle	25	Clothing.
AIR – stripe, curved & tapered forms symbol, correct or sunvisor	28	Playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.
AIR MAX	25	Footwear, clothing and headwear.
AIR-SOLE	25	Insoles for articles of footwear.
JORDAN AR – basketballer silhouette leaping	25	Footwear and clothing.
JUST DO IT	25	Footwear, clothing and headgear.
NIKE	9	Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers; recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.
NIKE	14	Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.
NIKE	18	All goods included in this class.
NIKE	25	All goods included in this class.
NIKE	25	Athletic shoes for sports, athletic shoes for training, and athletic shoes for general use; and athletic uniforms.
NIKE	28	All goods included in this class.
NIKE	32	Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.
NIKE – striped, curved & tapered forms symbol, correct	16	Printed matter; posters, photographs, postcards, portraits, stationery, transfers, playing cards, adhesives for stationery or household purposes.

NIKE – striped, curved & tapered forms symbol, correct or sunvisor	9	Optical apparatus and equipment, including sunglasses and spectacles; video tapes, audio tapes, compact discs; computer software, computer hardware; electronic games and apparatus; amusement apparatus adapted for use for television receivers; amusement machines, automatic and coin operated; anti-glare visors; photographic equipment, including camcorders and cameras; spectacle and sunglass cases; cassette players; protective helmets, including sports helmets, football helmets, cycling helmets, roller skating helmets and other protective helmets for sports or recreational activities; radios; electrically heated socks; video game cartridges, video recorders, video cassettes.
NIKE – striped, curved & tapered forms symbol, correct or sunvisor	14	Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.
NIKE – striped, curved & tapered forms symbol, correct or sunvisor	25	Clothing, footwear, headgear.
NIKE – striped, curved & tapered forms symbol, correct or sunvisor	28	Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.
NIKE – striped, curved & tapered forms symbol, correct or sunvisor	29	Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats.
NIKE – striped, curved & tapered forms symbol, correct or sunvisor	32	Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.
NIKE AIR – stripe, curved & tapered forms symbol, correct in square	25	Clothing, footwear, headgear.
NIKE ALPHA PROJECT	9	Eyewear, eyewear cases and parts for eyewear.
NIKE ALPHA PROJECT	14	Timepieces and jewellery.
NIKE ALPHA PROJECT	18	Bags, backpacks and knapsacks.
NIKE ALPHA PROJECT	25	Footwear and clothing.

NIKE ALPHA PROJECT – ltrs in discs, 5	28	Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.
NIKE SHOX	25	Footwear, clothing and headwear.
PLAY PARTICIPATE IN THE LIVES OF AUSTRALIA’S YOUTH – stripe, curved & tapered forms symbol, correct or sunvisor	25	Clothing, footwear, headgear.
S OR 5 – 2 stripes atop & below zig-zag is ltr or number	25	Footwear, clothing and headwear.
SWOOSH	25	Footwear, clothing and headwear.
Five discs in horizontal line	25	Clothing, footwear, headgear.
Stripe, curved & tapered forms symbol, correct or sunvisor	9	Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers; recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.
Stripe, curved & tapered forms symbol, correct or sunvisor	14	Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.
Stripe, curved & tapered forms symbol, correct or sunvisor	18	All goods included in this class.
Stripe, curved & tapered forms symbol, correct or sunvisor	25	Athletic shoes for sports, athletic shoes for training, and athletic shoes for general use; and athletic uniforms.
Stripe, curved & tapered forms symbol, correct or sunvisor	25	All goods included in this class.

Stripe, curved & tapered forms symbol, correct or sunvisor	28	Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.
Stripe, curved & tapered forms symbol, correct or sunvisor	28	All goods included in this class.
Stripe, curved & tapered forms symbol, correct or sunvisor	32	Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

Effective Date: 21 August 2002

File No: C02/06826

ATTACHMENT A

COMMERCE PROHIBITIONS AND RESTRICTIONS

Regional Offices

FURTHER INFORMATION REGARDING CONTROLS ON THE INTELLECTUAL PROPERTY OF IMPORTED GOODS MAY BE OBTAINED BY CONTACTING:

Canberra

Customs Manager
Intellectual Property Rights Policy
Cargo Branch
Customs House
5 Constitution Avenue
Canberra ACT 2600
Tel: 02 6275 6418
Fax: 02 6275 6699

New South Wales

Customs Supervisor
Commerce Prohibitions and Restrictions
Level 3
ACS Link Road Office
Mascot NSW 2020
Tel: 02 9317 7020
Fax: 02 9317 7156

Victoria

Customs Supervisor
Commerce Prohibitions and Restrictions
13th Floor
414 La Trobe Street
Melbourne VIC 3000
Tel: 03 9244 8423
Fax: 03 9244 8440

Queensland

Customs Supervisor
Commerce Prohibitions and Restrictions
Terrica Place
140 Creek Street
Brisbane QLD 4000
Tel: 07 3835 3268
Fax: 07 3835 3493

Western Australia

Customs Supervisor
Commerce Prohibitions and Restrictions
Customs House
2 Henry Street
Fremantle WA 6160
Tel: 08 9430 1402
Fax: 08 9430 1391

South Australia

Senior Customs Officer
Commerce Prohibitions and Restrictions
Customs House
220 Commercial Road
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