

Bureau of Customs and Border Protection

CBP Decisions

(CBP Decision 05-17)

RECORDATION OF TRADE NAME: “JOY ENTERPRISES”

AGENCY: Customs and Border Protection (CBP).

ACTION: Notice of final action.

SUMMARY: This document gives notice that “JOY ENTERPRISES” has been recorded with CBP as a trade name by Shell Stores Corporation d/b/a Joy Enterprises, a Florida corporation organized under the laws of the State of Florida, 1862 M.L. King Blvd, Riviera Beach, Florida 33404-7105.

The application for trade name recordation was properly submitted to CBP and published in the Federal Register. As no public comments in opposition to the recordation of this trade name were received by CBP within the 60-day comment period, the trade name has been duly recorded with CBP and will remain in force as long as this trade name is in use by this manufacture, unless the recordant requests cancellation of the recordation or any other provision of law so requires.

EFFECTIVE DATE: November 12, 2004

FOR FURTHER INFORMATION CONTACT: La Verne Watkins, Paralegal Specialist, Intellectual Property Rights Branch, Office of Regulations and Rulings, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, N.W., Mint Annex, Washington, D.C. 20229; (202) 572-8710.

SUPPLEMENTARY INFORMATION:

Trade names that are being used by manufacturers or traders may be recorded with Customs and Border Protection (CBP) to afford the particular business entity with increased commercial protection. CBP procedures for recording trade names are provided at § 133.11 et seq. of the Customs Regulations (19 CFR Parts 1 – 140). Pursuant

to this regulatory provision, Shell Stores Corporation d/b/a Joy Enterprises, a Florida corporation organized under the laws of the State of Florida, 1862 M.L. King Blvd., Riviera, Florida 33404-7105, applied to CBP for protection of its manufacturer's trade name, "JOY ENTERPRISES."

On Friday, November 12, 2004, CBP published a notice of application for the recordation of the trade name "JOY ENTERPRISES" in the **Federal Register** (69 FR 65445). The application advised that before final action would be taken on the application, consideration would be given to any relevant data, views, or arguments submitted in writing in opposition of the recordation of this trade name. The closing day for the comment period was January 11, 2005.

As of the end of the comment period, January 11, 2005, no comments were received. Accordingly, as provided by § 133.14, of the Customs Regulations, "JOY ENTERPRISES" is recorded with CBP as the trade name used by the manufacturer, Shell Stores Corporation d/b/a Joy Enterprises, and will remain in force as long as this trade name is in use by this manufacturer unless the recordant requests cancellation of the recordation or any other provision of law so requires.

GEORGE FREDERICK MCCRAY, ESQ.,
Chief,
Intellectual Property Rights Branch.

Dated: May 11, 2005

[Published in the Federal Register, May 20, 2005 (70 FR 29340)]



(CBP Dec. 05-18)

FOREIGN CURRENCIES

VARIANCES FROM QUARTERLY RATES FOR April, 2005

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, and reflect variances of 5 per centum or more from the quarterly rates published in CBP Decision 05-13 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Holiday(s): None

Brazil real:

April 27, 2005	0.397852
April 28, 2005	0.396354

Dated: May 1, 2005

MARGARET T. BLOM,
Acting Chief,
Customs Information Exchange.

(CBP Dec. 05–19)

FOREIGN CURRENCIES

DAILY RATES FOR COUNTRIES NOT ON QUARTERLY LIST FOR April, 2005

The Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Holiday(s): None

European Union euro:

April 1, 2005	1.289600
April 2, 2005	1.289600
April 3, 2005	1.289600
April 4, 2005	1.283800
April 5, 2005	1.284200
April 6, 2005	1.286800
April 7, 2005	1.290600
April 8, 2005	1.291200
April 9, 2005	1.291200
April 10, 2005	1.291200
April 11, 2005	1.297200
April 12, 2005	1.287300
April 13, 2005	1.291800
April 14, 2005	1.281900
April 15, 2005	1.292800
April 16, 2005	1.292800
April 17, 2005	1.292800
April 18, 2005	1.303700
April 19, 2005	1.303400
April 20, 2005	1.308000
April 21, 2005	1.309300

FOREIGN CURRENCIES—Daily rates for Countries not on quarterly
list for April 2005 (continued):

European Union euro: (continued):

April 22, 2005	1.306800
April 23, 2005	1.306800
April 24, 2005	1.306800
April 25, 2005	1.298400
April 26, 2005	1.296400
April 27, 2005	1.293800
April 28, 2005	1.291600
April 29, 2005	1.291900
April 30, 2005	1.291900

South Korea won:

April 1, 2005	0.000988
April 2, 2005	0.000988
April 3, 2005	0.000988
April 4, 2005	0.000987
April 5, 2005	0.000983
April 6, 2005	0.000987
April 7, 2005	0.000988
April 8, 2005	0.000985
April 9, 2005	0.000985
April 10, 2005	0.000985
April 11, 2005	0.000985
April 12, 2005	0.000984
April 13, 2005	0.000989
April 14, 2005	0.000981
April 15, 2005	0.000982
April 16, 2005	0.000982
April 17, 2005	0.000982
April 18, 2005	0.000983
April 19, 2005	0.000987
April 20, 2005	0.000991
April 21, 2005	0.000992
April 22, 2005	0.000996
April 23, 2005	0.000996
April 24, 2005	0.000996
April 25, 2005	0.001001
April 26, 2005	0.001001
April 27, 2005	0.000997
April 28, 2005	0.000998
April 29, 2005	0.001003
April 30, 2005	0.001003

Taiwan N.T. dollar:

April 1, 2005	0.031908
April 2, 2005	0.031908
April 3, 2005	0.031908
April 4, 2005	0.031706
April 5, 2005	0.031706
April 6, 2005	0.031716
April 7, 2005	0.031736

FOREIGN CURRENCIES—Daily rates for Countries not on quarterly list for April 2005 (continued):

Taiwan N.T. dollar: (continued):

April 8, 2005	0.031676
April 9, 2005	0.031676
April 10, 2005	0.031676
April 11, 2005	0.031681
April 12, 2005	0.031626
April 13, 2005	0.031827
April 14, 2005	0.031546
April 15, 2005	0.031686
April 16, 2005	0.031686
April 17, 2005	0.031686
April 18, 2005	0.031626
April 19, 2005	0.031746
April 20, 2005	0.031786
April 21, 2005	0.031736
April 22, 2005	0.031756
April 23, 2005	0.031756
April 24, 2005	0.031756
April 25, 2005	0.031928
April 26, 2005	0.031908
April 27, 2005	0.031857
April 28, 2005	0.031928
April 29, 2005	0.032020
April 30, 2005	0.032020

Dated: May 1, 2005

MARGARET T. BLOM,
Acting Chief,
Customs Information Exchange.

General Notices

**COPYRIGHT, TRADEMARK, AND
TRADE NAME RECORDATIONS**

(No. 4 2005)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of April 2005. The last notice was published in the CUSTOMS BULLETIN on April 27, 2005.

Corrections or updates may be sent to: Department of Homeland Security, U.S. Customs and Border Protection, Office of Regulations and Rulings, IPR Branch, 1300 Pennsylvania Avenue, N.W., Mint Annex, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Delois Johnson, Paralegal, Intellectual Property Rights Branch, (202) 572-8710.

Dated: May 11, 2005

GEORGE FREDERICK MCCRAY, ESQ.,
Chief,
Intellectual Property Rights Branch.

BUREAU OF CUSTOMS AND BORDER PROTECTION

REC NUMBER	EFF DT	EXP DT	NAME OF COP, TMK, TMM OR MSK	OWNER NAME	RES
COP0500034	20050419	20250419	LEAF TORCHES	SANDY COOPER	N
COP0500035	20050419	20250419	FISH TORCHES	SANDY COOPER	N
COP0500036	20050419	20250419	BEE TORCHES	SANDY COOPER	N
COP0500037	20050419	20250419	LADYBUG TORCH	SANDY COOPER	N
COP0500038	20050419	20250419	BUTTERFLY TORCH	SANDY COOPER	N
COP0500039	20050419	20250419	TIERRACAST 9TH EDITION CATALOG	TIERRACAST INC.	N
COP0500040	20050420	20250420	TRIPLE PEARL WEDDING CAKE CANDLE	KATE ASPEN INC.	N
COP0500041	20050420	20250420	"BEACH MEMORIES" MINIATURE ADIRONDACK CHAIR W/PHOTO	KATE ASPEN INC.	N
COP0500042	20050420	20250420	WEDDING FAVOR THANK YOU WEDDING BELL TAG	KATE ASPEN INC.	N
COP0500043	20050420	20250420	ROSE BALL CANDLE IN WEDDING FAVOR GIFT BOX	KATE ASPEN INC.	N
COP0500044	20050420	20250420	LISA LOOK PATTERN	GARY ISHAM	N
COP0500045	20050422	20250422	BASE STATION FOR VECTRON ULTRALITE RADIO/INFRARED CONT	EDU-SCIENCE (H.K.) LTD.	N
COP0500046	20050422	20250422	VECTRON ULTRALITE BATTERY OPERATED RADIO/INFRARED	EDU-SCIENCE (H.K.) LTD.	N
COP0500047	20050422	20250422	CONTROL GUN FOR VECTRON ULTRALITE RADIO/INFRARED	EDU-SCIENCE (H.K.) LTD.	N
COP0500048	20050422	20250422	BVLGARI-HOLIDAY CATALOGUE 2004	BULGARI S.P.A.	N
COP0500049	20050427	20250427	POKEMON TRADING CARD GAME	NINTENDO OF AMERICA INC.	N
COP0500050	20050427	20250427	NUBRA BROCHURE	BRAGEL INTERNATIONAL, INC.	N
COP0500051	20050427	20250427	NUBRA BOX GRAPHICS	BRAGEL INTERNATIONAL, INC.	N
COP0500052	20050427	20250427	NUBRA PHOTOGRAPH (WOMEN MODELING)	BRAGEL INTERNATIONAL, INC.	N
COP0500053	20050427	20250427	NUBRA PHOTOGRAPH (WOMAN MODELING VARIOUS POSES)	BRAGEL INTERNATIONAL, INC.	N
COP0500054	20050429	20250429	THE HELICOPTER	PAUL FRANK INDUSTRIES, INC.	N
COP0500055	20050429	20250429	HOUSE AND TREES CLOUDS	PAUL FRANK INDUSTRIES, INC.	N
COP0500056	20050429	20250429	ELLIUS	PAUL FRANK INDUSTRIES, INC.	N
COP0500057	20050429	20250429	JULIUS	PAUL FRANK INDUSTRIES, INC.	N
COP0500058	20050429	20250429	CLANCY	PAUL FRANK INDUSTRIES, INC.	N
COP0500059	20050429	20250429	SMALL PAUL	PAUL FRANK INDUSTRIES, INC.	N
COP0500060	20050429	20250429	SKURVY	PAUL FRANK INDUSTRIES, INC.	N
COP0500061	20050429	20250429	PAUL FRANK SWIMMER	PAUL FRANK INDUSTRIES, INC.	N
SUBTOTAL RECORDATION TYPE 28					
TMK0500260	20050401	20131207	TAMPA BAY BUCCANEERS	BUCCANEERS LIMITED PARTNERSHIP	N
TMK0500261	20050401	20081103	HELMET DESIGN	BUCCANEERS LIMITED PARTNERSHIP	N
TMK0500262	20050404	20091010	AVIREX	AVIREX, LTD.	N
TMK0500263	20050404	20140821	AVIREX LTD.	AVIREX, LTD.	N
TMK0500264	20050404	20081027	AVIREX	AVIREX, LTD.	N
TMK0500265	20050404	20100822	IMPERIAL SCHRADE & DESIGN	TAYLOR CUTLERY LLC	N
TMK0500266	20050404	20071216	SCHRADE	TAYLOR CUTLERY LLC	N
TMK0500267	20050404	20101010	GOLDEN MOUNTAIN	EASTLAND FOOD CORPORATION	N
TMK0500268	20050404	20101010	GOLDEN MOUNTAIN & DESIGN	EASTLAND FOOD CORPORATION	N
TMK0500269	20050404	20150112	ROLEX	ROLEX WATCH U.S.A. INC.	N
TMK0500270	20050407	20141108	CINCINNATI BENGALS	CINCINNATI BENGALS	N
TMK0500271	20050407	20141108	HELMET DESIGN	MIAMI DOLPHINS LTD.	N
TMK0500272	20050407	20141108	HELMET DESIGN	MIAMI DOLPHINS LTD.	N
TMK0500273	20050407	20140529	HORSE AND RIDER	PRO. LOUIS RAHMS PARTNERSHIP	N
TMK0500274	20050407	20121112	CONFIGURATION OF A TABLE WITH A WOODEN BASE & GLASS	PRO. LOUIS RAHMS PARTNERSHIP	N
TMK0500275	20050411	20140106	PARENTAL ADVISORY EXPLICIT CONTENT	THE TSAMINGHUE FOUNDATION & RECORDING INDUSTRY ASSOCIATION	N
TMK0500276	20050411	20140106	PARENTAL ADVISORY EXPLICIT CONTENT	THE TSAMINGHUE FOUNDATION & RECORDING INDUSTRY ASSOCIATION	N
TMK0500277	20050411	20091012	RECORDING INDUSTRY ASSOCIATION OF AMERICA	RECORDING INDUSTRY ASSOCIATION	N

U.S. CUSTOMS SERVICE
IPR RECORDATIONS ADDED IN APRIL APRIL 2005

05/02/2005
07:37:19

REC NUMBER	EFF DT	EXP DT	NAME OF COP, TMK, TMM OR MSK	OWNER NAME	RES
THK0500278	20050411	20090420	RIAA (SERVICE MARK)	RECORDING INDUSTRY ASSOCIATION	N
THK0500279	20050411	20131223	EZ MANAGER	ANIMAS CORPORATION	N
THK0500280	20050411	20150411	DESIGN ONLY (SERVICE MARK)	COLUMBIA PICTURES INDUSTRIES INC	N
THK0500281	20050411	20120430	HARDWOOD CLASSICS VINTAGE AND DESIGN	COLUMBIA PICTURES, INC.	N
THK0500282	20050411	20130225	HARDWOOD CLASSICS	NBA PROPERTIES, INC.	N
THK0500283	20050411	20140925	ROTOREX	ROTOREX COMPANY, INC.	N
THK0500284	20050411	20120129	PURPLE NITRILE	SAFESKIN CORPORATION	N
THK0500285	20050411	20120716	PURPLE NITRILE-XTRA	J. CHOO (JERSEY) LIMITED	N
THK0500286	20050412	20121029	JIMMY CHOO	BDSRCO	N
THK0500287	20050412	20081013	BAY STUDIO	BDSRCO	N
THK0500288	20050412	20061001	BOCA CLASSICS	BDSRCO	N
THK0500289	20050412	20121210	BOCA CLASSICS	BDSRCO	N
THK0500290	20050412	20061008	KIDLOOKS	BDSRCO	N
THK0500291	20050412	20060430	OUTLOOKS	BDSRCO	N
THK0500292	20050412	20081013	BAY STUDIO	BDSRCO, INC.	N
THK0500293	20050412	20140506	PALM ISLAND	BDSRCO, INC.	N
THK0500294	20050412	20080818	PARADISE BAY	BDSRCO, INC.	N
THK0500295	20050412	20130826	REEL LEGENDS	BDSRCO, INC.	N
THK0500296	20050412	20140601	SCHOOL COLORS	BDSRCO, INC.	N
THK0500297	20050412	20090309	SUNSHINE OTTOMANS	BDSRCO, INC.	N
THK0500298	20050412	20100628	SUNSHINE BABY	BDSRCO, INC.	N
THK0500299	20050412	20100628	TROST	BDSRCO, INC.	N
THK0500300	20050412	20130819	WINDHAM POINTE	BDSRCO, INC.	N
THK0500301	20050412	20140907	KUZ	YOUSSEF MEHANNA AND SUSANA DE LA	N
THK0500302	20050412	20150101	LAST-A-FOAM	GENERAL PLASTICS, INC.	N
THK0500303	20050412	20120409	LIZLINK	L.C. LICENSING, INC.	N
THK0500304	20050413	20071209	CAROLINA PANTHERS	RICHARDSON SPORTS LIMITED	N
THK0500305	20050413	20140224	LIZ & CO.	L.C. LICENSING, INC.	N
THK0500306	20050413	20120625	LIZ CLAIBORNE BABY	L.C. LICENSING, INC.	N
THK0500307	20050413	20120702	CLAIBORNE	L.C. LICENSING, INC.	N
THK0500308	20050413	20130624	CRAZY FOR WRAPS	ELECTRONIC ARTS INC.	N
THK0500309	20050413	20130715	EA (STYLIZED)	ELECTRONIC ARTS INC.	N
THK0500310	20050413	20100905	MEDAL OF HONOR	ELECTRONIC ARTS INC.	N
THK0500311	20050413	20100321	DESIGN ONLY	ELECTRONIC ARTS INC.	N
THK0500312	20050413	20101121	THE SIMS	ELECTRONIC ARTS INC.	N
THK0500313	20050413	20131223	THE SIMS & DESIGN	ELECTRONIC ARTS INC.	N
THK0500314	20050415	20141109	SK-II	PROCTOR & GAMBLE COMPANY, THE	N
THK0500315	20050415	20110820	DESIGN ONLY	BAMBU SALES, INC.	N
THK0500316	20050415	20140109	PRESENCE	HONTBLANC NORTH AMERICA LLC	N
THK0500317	20050415	20150307	VOLT & DESIGN (BOLT)	CONCORD MUSIC GROUP, INC.	N
THK0500318	20050419	20140907	CC AND DESIGN	CHANEL INC.	N
THK0500319	20050419	20141207	TITANIUM	COLUMBIA SPORTSWEAR NORTH AMERIC	N
THK0500320	20050419	20090718	AERPOSTALE	AERPOSTALE WEST INC.	N
THK0500321	20050419	20080419	AERPOSTALE	AERPOSTALE WEST INC.	N
THK0500322	20050419	20070621	AERPOSTALE	AERPOSTALE WEST INC.	N
THK0500323	20050419	20070621	AERPOSTALE	AERPOSTALE WEST INC.	N
THK0500324	20050419	20100104	CLEANING FOR HEALTH	PROTEAM, INC.	N
THK0500325	20050419	20100104	FOUR-LEVEL FILTRATION	PROTEAM, INC.	N
THK0500326	20050419	20100104	PRO-TEAM	PROTEAM, INC.	N

REC NUMBER	EFF DT	EXP DT	NAME OF COP, TMK, TMM OR MSK	OWNER NAME	RES
TMK0500327	20050419	20130819	PROTEAM, THE VACUUM COMPANY AND DESIGN	PROTEAM, INC.	N
TMK0500328	20050419	20141102	INTERCEPT MICRO FILTERS	PROTEAM, INC.	N
TMK0500329	20050419	20141225	A.A.	ALCOHOLICS ANONYMOUS WORLD SERVI	N
TMK0500330	20050419	20120827	LUNGFUND	ANHING CORPORATION	N
TMK0500331	20050419	20050527	PANTHER MARTIN	HARRISON-HODGE INDUSTRIES INC.	N
TMK0500332	20050419	20150111	SLIVENSKA PERLA	KOLIO KOLEV	N
TMK0500333	20050420	20150307	GOLDEN EAGLE BRAND AND DESIGN	GUANGXI CEREALS, OILS & FOODSTUF	N
TMK0500334	20050420	20140302	CAZAL DESIGN	PALM OPTICAL COMPANY INC.	N
TMK0500335	20050420	20110627	PHILADELPHIA CERVICAL COLLAR	PHILADELPHIA CERVICAL COLLAR CO.	N
TMK0500336	20050420	20110627	OLD TIMER	TAYLOR CUTLERY LLC.	N
TMK0500337	20050420	20061108	UNCLE HENRY	TAYLOR CUTLERY LLC.	N
TMK0500338	20050420	20140203	DESIGN WITH COCONUT	EASTLAND FOOD CORPORATION	N
TMK0500339	20050420	20141019	ULTIMO DRAGON	WORLD WRESTLING ENTERTAINMENT,	N
TMK0500340	20050420	20140928	HARDY BOYZ	WORLD WRESTLING ENTERTAINMENT,	N
TMK0500341	20050420	20140928	ROAD WILD	WORLD WRESTLING ENTERTAINMENT,	N
TMK0500342	20050420	20141207	P.22	MCM, INC.	N
TMK0500343	20050420	20141214	WALTHER IN A BOX	CARL WALTHER GMBH	N
TMK0500344	20050420	20141221	SHADOW	UMAREX SPORTWAFFEN GMBH &	N
TMK0500345	20050420	20140727	TUGBOYS	UMAREX SPORTWAFFEN GMBH &	N
TMK0500346	20050420	20141003	FLOWER FAIRIES	ALL CORPORATION	N
TMK0500347	20050420	20140213	FLOWER DESIGN	FREDEK MARNE & CO., LTD.	N
TMK0500348	20050420	20140810	ARROW LOGO	FREDEK MARNE & CO., LTD.	N
TMK0500349	20050420	20150810	LIZ CLATBORNE COMPANY STORE	MINENDO CO. LTD.	N
TMK0500350	20050420	20141130	PRODUCTS TO STICK WITH	PIERRE ANDRE SENIZERGUES	N
TMK0500351	20050420	20141121	CURA SIL	L.C. LICENSING INC.	N
TMK0500352	20050420	20130826	WINGED HORSE DESIGN	SCHNEE-MOREHEAD BUSINESS TRUST	N
TMK0500353	20050420	20131228	TROJAN	SCHNEE-MOREHEAD BUSINESS TRUST	N
TMK0500354	20050420	20080609	CROSS & SHIELD DEVICE	TROJAN BATTERY COMPANY	N
TMK0500355	20050420	20080310	CROSS & SHIELD DEVICE	SWISS ARMY BRAND LTD.	N
TMK0500356	20050420	20080303	CROSS & SHIELD DEVICE	SWISS ARMY BRAND LTD.	N
TMK0500357	20050420	20090801	SPLAYED FIVE STRIPES	SWISS ARMY BRAND LTD.	N
TMK0500358	20050420	20140125	CLASSIC SHOE DESIGN	K-SWISS INC.	N
TMK0500359	20050420	20060106	CLASSIC SHOE DESIGN	K-SWISS INC.	N
TMK0500360	20050420	20060223	K-SWISS	K-SWISS INC.	N
TMK0500361	20050420	20080216	K-SWISS & SHIELD	K-SWISS INC.	N
TMK0500362	20050422	20080512	ZEN-NOH	K-SWISS INC.	N
TMK0500363	20050422	20150307	BLOCK DESIGN	MAKINO TRADING CORPORATION	N
TMK0500364	20050422	20141110	BAKER	THE LINCOLN ELECTRIC COMPANY	N
TMK0500365	20050422	20081011	CAR DESIGN-WOODY LOGO	BAKER, KNAPP & TUBBS INC.	N
TMK0500366	20050422	20060950	JIMMY Z	AERPOSTALE WEST INC.	N
TMK0500367	20050422	20140601	SORIN WITH DESIGN	SHEET METAL INC.	N
TMK0500368	20050422	20140905	TREE DESIGN	THE THERLAND COMPANY	N
TMK0500369	20050422	20070416	GYMBOREE	THE THERLAND COMPANY	N
TMK0500370	20050422	20050422	SUPER BLUE	GYM-MARK, INC.	N
TMK0500371	20050422	20150101	TRUE RELIGION BRAND JEANS	PRINTING, RESEARCH INC.	N
TMK0500372	20050422	20150111	TRUE RELIGION BRAND JEANS	GURU DENIM, INC.	N
TMK0500373	20050422	20130909	TRUE RELIGION BRAND JEANS	GURU DENIM, INC.	N
TMK0500374	20050422	20130909	DNA HIGH PERFORMANCE FILTERS (STYLIZED)	GURU DENIM, INC.	N
TMK0500375	20050422	20141102	DNA HIGH PERFORMANCE FILTERS (STYLIZED)	DNA FILTERS LTD.	N

U.S. CUSTOMS SERVICE
IPR RECORDATIONS ADDED IN APRIL APRIL 2005

05/02/2005
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REC NUMBER	EFF DT	EXP DT	NAME OF COP., TMK, TMH OR MSK	OWNER NAME	RES
TKM0500377	20050427	20130824	ANN TAYLOR (SERVICE MARK)	ANNCO, INC.	N
TKM0500378	20050427	20121013	PARENTAL ADVISORY EXPLICIT LYRICS (CERTIFICATION MARK)	RECORDING INDUSTRY ASSOCIATION	N
TKM0500379	20050427	20141130	DOG LOGO	MASATO WATANABE	N
TKM0500380	20050427	20141211	J. CREW	J. CREW INTERNATIONAL, INC.	N
TKM0500381	20050427	20141204	NEUSPEED	AUTOMOTIVE PERFORMANCE SYSTEMS	N
TKM0500382	20050427	20140410	DESIGN ONLY	ASICS CORPORATION	N
TKM0500383	20050427	20140410	DESIGN ONLY	ASICS CORPORATION	N
TKM0500384	20050427	20141023	TIGER (SYLTIzed)	ASICS CORPORATION	N
TKM0500385	20050427	20060820	WCLB & DESIGN	WEST COAST LUMBER INSPECTION	N
TKM0500386	20050427	20141106	DESIGN ONLY	ASICS CORPORATION	N
TKM0500387	20050427	20141016	ASICS (STYLIZED)	ASICS CORPORATION	N
TKM0500388	20050427	20141016	ASICS (STYLIZED)	ASICS CORPORATION	N
TKM0500389	20050427	20141227	GEL	ASICS CORPORATION	N
TKM0500390	20050427	20130713	DESIGN ONLY	ASICS CORPORATION	N
TKM0500391	20050427	20141211	ASICS (STYLIZED)	ASICS CORPORATION	N
TKM0500392	20050427	20051121	DESIGN ONLY (MARK)	ASICS CORPORATION	N
TKM0500393	20050427	20141206	UGI MA	ASICS CORPORATION	N
TKM0500394	20050427	20150131	DESIGN ONLY	ASICS CORPORATION	N
TKM0500395	20050427	20121020	PVC	UGITECH	N
TKM0500396	20050427	20140120	PRO VI	MARS, INCORPORATED	N
TKM0500397	20050427	20151230	MONSTROBERARDINO	ACUSHNET COMPANY	N
TKM0500398	20050427	20151230	MONSTROBERARDINO	MUSHNET COMPANY	N
TKM0500399	20050427	20141018	PALL MALL & DESIGN	CMSTRUBERARDINO S.P.A.	N
TKM0500400	20050427	20150515	L.S./M.F.T.	CMSTRUBERARDINO S.P.A.	N
TKM0500401	20050427	20110725	FULLER	BMT BRANDS INC.	N
TKM0500402	20050427	20110612	ROADRANGER	BMT BRANDS INC.	N
TKM0500403	20050427	20121019	EATON AND DESIGN	EATON CORPORATION	N
TKM0500404	20050427	20090321	EATON	EATON CORPORATION	N
TKM0500405	20050427	20131109	FRUEHAUF	EATON CORPORATION	N
TKM0500406	20050427	20130805	SO.CAP.	EATON CORPORATION	N
TKM0500407	20050427	20150115	THE TOUCH OF NINA	AURORA TRAILER HOLDINGS LLC	N
TKM0500408	20050427	20150117	LUCAS (STYLIZED)	SO.CAP.S.R.L.	N
TKM0500409	20050427	20130128	NCS (STYLIZED)	NINA FOOTWEAR CORP.	N
TKM0500410	20050429	20130805	DAFRUTA	MARS, INCORPORATED	N
TKM0500411	20050429	20060227	DOLCE	NORTH CAROLINA STATE UNIVERSITY	N
TKM0500412	20050429	20140828	SWORD FLOSS	LIBERTY IMPORTS USA	N
TKM0500413	20050429	20141227	1/4	DOLCE, L.L.C.	N
TKM0500414	20050429	20110911	FAR NIENIE	MAJESTIC DRUG CO., INC.	N
TKM0500415	20050429	20091128	NICKEL & NICKEL	PHILADELPHIA CERVICAL COLLAR CO.	N
TKM0500416	20050429	20111120	DESIGN OF A HARD HAT	FAR NIENIE WINERY, INC.	N
TKM0500417	20050429	20121221	MONTREAL EXPOS AND DESIGN	PACIFIC COAST FARM CREDIT SERVIC	N
TKM0500418	20050429	20150110	CROSS & SHIELD DEVICE	NICKEL & NICKEL WINEYARDS LLC	N
TKM0500419	20050429	20080303	VOODOO NATION INC AND DESIGN	E. D. BULLARD COMPANY	N
TKM0500420	20050429	20141005	CONFIGURATION OF A FISHING LURE	BASEBALL EXPOS L.P.	N
TKM0500421	20050429	20110925	TESTED XX	VOODOO NATION, INC.	N
TKM0500422	20050429	20130925	HANBURGLAR DESIGN	REEF RUNNER TACKLE CO.	N
TKM0500423	20050429	20140124	MC DONALD'S	CASEMARK, INC.	N
TKM0500425	20050429	201101031	MC DONALD'S	MC DONALD'S CORPORATION	N

05/02/2005 07:37:19 U.S. CUSTOMS SERVICE PAGE 5
IPR RECORDATIONS ADDED IN APRIL APRIL 2005 DETAIL

REC NUMBER	EFF DT	EXP DT	NAME OF COP, TMK, TNM OR MSK	OWNER NAME	RES
TMK0500426	20050429	20150425	PROACTIV	GUTHY-RENKER CORPORATION	N
TMK0500427	20050429	20141207	PLANET & COMPANY	HAMPSHIRE GROUP LIMITED	N
SUBTOTAL RECORDATION TYPE 167					
TNM0500001	20050422	99999999	PRECISION INSTRUMENT MANIFOLDS	DYNAMIC CONTROLS & SENSORS INC.	N
SUBTOTAL RECORDATION TYPE 1					
TOTAL RECORDATIONS ADDED THIS MONTH 196					

**AGENCY INFORMATION COLLECTION ACTIVITIES:
APPLICATION FOR WAIVER OF PASSPORT
AND/OR VISA (I-193)**

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security.

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Application for Waiver of Passport and/or Visa (I-193). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (70 FR 11682) on March 9, 2005, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before June 16, 2005.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Homeland Security Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-6974.

SUPPLEMENTARY INFORMATION:

The Bureau of Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13). Your comments should address one of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies/components estimate of the burden of The proposed collection of information, in-

cluding the validity of the methodology and assumptions used;

- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Title: Application for Waiver of Passport and/or Visa

OMB Number: 1651-0107

Form Number: I-193

Abstract: This information collection is used by CBP to determine an applicant's eligibility to enter the United States. This form is used by aliens who wish to waive the documentary requirements for passport's and/or visas due to an unforeseen emergency.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Individuals

Estimated Number of Respondents: 25,000

Estimated Time Per Respondent: 10 minutes

Estimated Total Annual Burden Hours: 4,150

Estimated Total Annualized Cost on the Public: \$4,916,500

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-344-1429.

Dated: May 10, 2005

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, May 17, 2005 (70 FR 28313)]

**AGENCY INFORMATION COLLECTION ACTIVITIES:
APPLICATION TO PAYOFF OR DISCHARGE ALIEN
CREWMAN (I-408)**

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security.

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Application to Payoff or Discharge Alien Crewman (I-408). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (70 FR 11685) on March 9, 2005, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before June 16, 2005.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Homeland Security Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-6974.

SUPPLEMENTARY INFORMATION:

The Bureau of Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13). Your comments should address one of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies/components estimate of the burden of The proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological

collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Title: Application to Pay Off or Discharge Alien Crewman

OMB Number: 1651-0106

Form Number: I-408

Abstract: This form is used by owner, agent, consignee, master or commanding of any vessel or aircraft to obtain permission from CBP to pay off or discharge any alien crewman.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses or other for-profit institutions

Estimated Number of Respondents: 85,000

Estimated Time Per Respondent: 25 minutes

Estimated Total Annual Burden Hours: 35,360

Estimated Total Annualized Cost on the Public: \$353,600

Estimated Time Per Respondent: 10 minutes

Estimated Total Annual Burden Hours: 4,150

Estimated Total Annualized Cost on the Public: \$4,916,500

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-344-1429.

Dated: May 10, 2005

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, May 17, 2005 (70 FR 28313)]

AGENCY INFORMATION COLLECTION ACTIVITIES: AUTOMATED CLEARINGHOUSE CREDIT

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security.

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Automated Clearinghouse Credit. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document

is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (70 FR 11683) on March 9, 2005, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before June 16, 2005.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Homeland Security Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-6974.

SUPPLEMENTARY INFORMATION:

The Bureau of Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13). Your comments should address one of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies/components estimate of the burden of The proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Title: Automated Clearinghouse Credit

OMB Number: 1651-0078

Form Number: N/A

Abstract: The information is to be used by CBP to send information to the company (such as revised format requirements) and to contact participating companies if there is a payment problem.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses, Institutions

Estimated Number of Respondents: 65

Estimated Time Per Respondent: 3.8 hours

Estimated Total Annual Burden Hours: 249

Estimated Total Annualized Cost on the Public: \$4395.85

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-344-1429.

Dated: May 10, 2005

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, May 17, 2005 (70 FR 28315)]

**AGENCY INFORMATION COLLECTION ACTIVITIES:
DOCUMENTATION REQUIREMENTS FOR ARTICLES
ENTERED UNDER VARIOUS SPECIAL TARIFF
TREATMENT PROVISIONS**

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security.

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Documentation Requirements for Articles Entered Under Various Special Tariff Treatment Provisions. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (70 FR 11684) on March 9, 2005, allowing for a 60-day comment period. This notice allows for an additional 30

days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before June 16, 2005.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Homeland Security Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-6974.

SUPPLEMENTARY INFORMATION:

The Bureau of Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act of 1995 (Pub. L.104-13). Your comments should address one of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies/components estimate of the burden of The proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Title: Documentation Requirements for Articles Entered Under Various Special Tariff Treatment Provisions

OMB Number: 1651-0067

Form Number: N/A

Abstract: This collection is used to ensure revenue collections and to provide duty free entry of merchandise eligible for reduced duty treatment under provisions of Harmonized Tariff Schedule of the United States.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses, Institutions

Estimated Number of Respondents: 19,433

Estimated Time Per Respondent: 45 minutes

Estimated Total Annual Burden Hours: 14,575

Estimated Total Annualized Cost on the Public: \$353,715

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-344-1429.

Dated: May 10, 2005

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, May 17, 2005 (70 FR 28315)]

AGENCY INFORMATION COLLECTION ACTIVITIES: DRAWBACK PROCESS REGULATIONS

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security.

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Drawback Process Regulations. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (70 FR 11683-11682) on March 9, 2005, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before June 16, 2005.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public bur-

den and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Homeland Security Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-6974.

SUPPLEMENTARY INFORMATION:

The Bureau of Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act of 1995 (Pub. L.104-13). Your comments should address one of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the Proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies/components estimate of the burden of The proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Title: Drawback Process Regulations

OMB Number: 1651-0075

Form Number: Forms CBP-7551, 7552, 7553,

Abstract: The information is to be used by CBP officers to expedite the filing and processing of drawback claims, while maintaining necessary enforcement information to maintain effective administrative oversight over the drawback program.

Current Actions: This submission is being submitted to extend the expiration date with no change to the burden hours.

Type of Review: Extension (without change)

Affected Public: Businesses, Institutions

Estimated Number of Respondents: 8,150

Estimated Time Per Respondent: 11 hours

Estimated Total Annual Burden Hours: 90,000

Estimated Total Annualized Cost on the Public: \$3,098,405.86

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-344-1429.

Dated: May 10, 2005

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, May 17, 2005 (70 FR 28314)]

PROPOSED COLLECTION; COMMENT REQUEST
Petition for Remission or Mitigation of
Forfeitures and Penalties

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Bureau of Customs and Border Protection (CBP), invites the general public and other Federal agencies to comment on an information collection requirement concerning the Petition for Remission or Mitigation of Forfeitures and Penalties. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before July 18, 2005, to be assured of consideration.

ADDRESS: Direct all written comments to the Bureau of Customs and Border Protection, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2.C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the Bureau of Customs and Border Protection, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, Tel. (202) 344-1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the

burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Petition for Remission or Mitigation of Forfeitures and Penalties

OMB Number: 1651-0100

Form Number: CBP Form 4609

Abstract: Persons whose property is seized or who incur monetary penalties due to violations of the Tariff Act are entitled to seek remission or mitigation by means of an informal appeal. This form gives the violator the opportunity to claim mitigation and provides a record of such administrative appeals.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Business or other for-profit institutions

Estimated Number of Respondents: 28,000

Estimated Time Per Respondent: 14 minutes

Estimated Total Annual Burden Hours: 6,500

Estimated Annualized Cost to the Public: \$157,300

Dated: May 20, 2005

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, May 17, 2005 (70 FR 28316)]

DEPARTMENT OF HOMELAND SECURITY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, DC, May 18, 2005,

The following documents of the Bureau of Customs and Border Protection (“CBP”), Office of Regulations and Rulings, have been determined to be of sufficient interest to the public and CBP field offices to merit publication in the CUSTOMS BULLETIN.

Sandra L. Bell for MICHAEL T. SCHMITZ,
*Assistant Commissioner,
Office of Regulations and Rulings.*

19 CFR PART 177

MODIFICATION OF RULING LETTER AND REVOCATION OF TREATMENT RELATING TO TARIFF CLASSIFICATION OF PAINTED GLASS SINKS

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of modification of a ruling letter and revocation of treatment relating to the tariff classification of painted glass sinks under the Harmonized Tariff Schedule of the United States Annotated (“HTSUSA”).

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625 (c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that CBP is modifying one ruling concerning the tariff classification of painted glass sinks and is revoking any treatment CBP has previously accorded to substantially identical transactions. Notice of the proposed modification was published on July 21, 2004, in Vol. 38, No. 30 of the *Customs Bulletin*. No comments were received in response to the notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after July 31, 2005.

FOR FURTHER INFORMATION CONTACT: Andrew M. Langreich, General Classification Branch: (202) 572–8776.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, Title VI (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057) (hereinafter "Title VI"), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts that emerge from the law are "**informed compliance**" and "**shared responsibility**." These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community's responsibilities and rights under the customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. §1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to CBP's obligations, notice proposing to modify New York Ruling Letter ("NY") G81092, dated September 7, 2000, was published on July 21, 2004, in Vol. 38, No. 30 of the *Customs Bulletin*. No comments were received in response to the notice.

As stated in the proposed notice, the modification action will cover any rulings on this merchandise that may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings other than that herein identified; no further rulings have been found. Any party who has received an interpretive ruling or decision (*i.e.*, ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should have advised CBP during this notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930, as amended (19 U.S.C. § 1625(c)(2)), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should have advised CBP during this notice period. An importer's reliance on a treatment of substantially identical transactions or on a specific ruling concerning the merchandise covered by this notice which was not identified in this notice, may raise the rebuttable presumption of lack of reasonable care on the part of the importers or their agents for importations of merchandise subsequent to the effective date of this final decision.

In NY G81092, merchandise described as painted glass sinks was classified under subheading 7020.00.60, HTSUS, which provides for other articles of glass. In reaching this conclusion, we reasoned that the article was not provided for under prior headings in Chapter 70 of the nomenclature. We have reconsidered that analysis and have determined that the painted glass sink is provided for under heading 7013, HTSUS, which provides for, *inter alia*, glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes.

Pursuant to 19 U.S.C. 1625(c)(1), CBP is modifying NY G81092 only as it pertains to the tariff classification of the painted glass sinks, and any other ruling not specifically identified, to reflect the proper classification of the painted glass sinks, pursuant to the analysis in Headquarters Ruling Letter ("HQ") 966770, which is set forth as an attachment to this document. Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

In accordance with 19 U.S.C. 1625(c), this ruling will become effective sixty (60) days after their publication in the *Customs Bulletin*.

Dated: May 17, 2005

Robert F. Altneu for MYLES B. HARMON,
Director,
Commercial Rulings Division.

Attachment

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 966770
May 17, 2005
CLA-2 RR:CR:GC 966770 AML
CATEGORY: Classification
TARIFF NO.: 7013.99

MS. JULIA E. HARTENFELS
WILLIAM B. SKINNER INC.
247 Frelinghuysen Avenue
Newark, NJ 07114

RE: NY G81092 modified; glass sink

DEAR MS. HARTENFELS:

This is in reference to New York Ruling Letter ("NY") G81092, dated September 7, 2000, issued to you on behalf of Sara Mone Imports Inc., regarding the tariff classification of, *inter alia*, a glass sink under the Harmonized Tariff Schedule of the United States Annotated ("HTSUSA"). We have taken the opportunity to revisit the determination reached in NY G81092 as it pertains to the classification of the glass sink. While this letter does not affect

the classification determination made in NY G81092 as it concerns the seven other articles therein classified, this ruling modifies NY G81092 as it pertains to the glass sink.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625 (c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), notice of the proposed modification was published on July 21, 2004, in Vol. 38, No. 30 of the *Customs Bulletin*. No comments were received in response to the notice.

FACTS:

We described and classified the glass sink in NY G81092 as follows:

The first item is a glass sink painted royal blue. The item will be imported with plastic fittings for the drain and plumbing and a stainless steel drain and drain plug with a rubber backing.

* * *

The applicable subheading for the glass sink with plastic fittings . . . will be 7020.00.6000, Harmonized Tariff Schedule of the United States (HTS), which provides for other articles of glass: other. The rate of duty will be 5 percent *ad valorem*.

ISSUE:

Whether the subject merchandise is classifiable under heading 7013, HTSUS, which provides for, *inter alia*, glassware for toilet, office, indoor decoration or similar purposes, or heading 7020, HTSUS, which provides for other articles of glass.

LAW AND ANALYSIS:

Merchandise is classifiable under the HTSUS in accordance with the General Rules of Interpretation ("GRIs"). GRI 1 states, in part, that for legal purposes, classification shall be determined according to the terms of the headings and any relative section or chapter notes, and provided the headings or notes do not require otherwise, according to GRIs 2 through 6.

The HTSUSA provisions under consideration are as follows:

7013 Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading 7010 or 7018):

Glassware of a kind used for table (other than drinking glasses) or kitchen purposes other than that of glass-ceramics:

Other glassware:

7013.99 Other.

* * *

7020.00 Other articles of glass:

7020.00.60 Other.

The Harmonized Commodity Description and Coding System Explanatory Notes ("ENs") constitute the official interpretation of the Harmonized System. While not legally binding on the contracting parties, and therefore not dispositive, the ENs provide a commentary on the scope of each heading of

the Harmonized System and are thus useful in ascertaining the classification of merchandise. Customs and Border Protection's ("CBP") believes the ENs should always be consulted. See T.D. 89-80, published in the Federal Register August 23, 1989 (54 FR 35127, 35128).

There is no question that the article is classified in Chapter 70, HTSUS, which provides for articles of glass (we note that in *Los Angeles Tile Jobbers, Inc. v. United States*, 63 Cust. Ct. 248, C.D. 3904 (1969), the Court stated that "all articles of glass are generally defined as 'glassware'" (63 Cust. Ct. at 250; citing *Webster's Third new International Dictionary* (1968); see also *Webster's New World Dictionary, Third College Edition*, at 573 (1988), defining "glassware" as "articles made of glass"). To be determined is which heading within Chapter 70 best describes the articles.

Heading 7020, HTSUS, is a so-called "basket" provision within Chapter 70, in which classification "is appropriate only when there is no tariff category that covers the merchandise more specifically." (*Apex Universal, Inc., v. United States*, CIT Slip Op. 98-69 (May 21, 1988)). Therefore, we are first addressing the competing provision within Chapter 70. Only if classification under heading 7013 is precluded will we address classification in heading 7020, HTSUS.

An article is to be classified according to its condition as imported. See *XTC Products, Inc. v. United States*, 771 F.Supp. 401, 405 (1991). See also, *United States v. Citroen*, 223 U.S. 407 (1911). The article at issue is a glass sink painted royal blue. We consider the characteristics and appearance of the glass article in determining its classification.

Heading 7013, HTSUS, provides for "glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading 7010 or 7018)." Reasonable paraphrasing of the goods enumerated in the superior heading 7013 (of a kind used for table, kitchen, toilet, office, indoor decoration or *similar purposes*) is to describe those articles as household articles. We believe that the phrase "indoor decoration or similar purposes" can also be reasonably interpreted to include articles that are decorative and functional within the home.

The article in question, upon importation, is intended to be decorative, given its unique color and painted appearance (compared with "ordinary" porcelain sinks). It apparently is part of a line of decorative household products, given that NY G81092 classified a royal blue glass shelf and towel rack as well. In consideration of its characteristics and appearance, we find that the painted glass sink is classifiable as a decorative glass article under heading 7013, HTSUSA. Because the painted glass sink meets the terms of heading 7013, classification under heading 7020 is precluded.

This conclusion comports with the decision made in NY J85364, dated June 20, 2003, in which a glass sink (among other articles) was classified under 7013.99.9000, HTS, which provides for "glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes . . . Other glassware: Other: Other: Other: Valued over \$5 each."

HOLDING:

The glass sink is classified as glassware for toilet, office, indoor decoration or similar purposes (classification at the eighth digit is determined by the unit value of the sink) under subheading 7013.99, HTSUS. The 2005 general, column 1 duty rate is also dependent upon the unit value of the article.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at *www.usitc.gov*.

EFFECT ON OTHER RULINGS:

NY G81092 is modified only as it pertains to the classification of the painted glass sink; the remaining classifications remain unchanged. In accordance with 19 U.S.C. §1625 (c), this ruling will become effective sixty (60) days after its publication in the *Customs Bulletin*.

Robert F. Altneu for MYLES B. HARMON,
Director,
Commercial Rulings Division.

cc: National Commodity Specialist Division
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