

U.S. Customs and Border Protection



COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS (NO. 2 2017)

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

SUMMARY: The following copyrights, trademarks, and trade names were recorded with U.S. Customs and Border Protection in February 2017. The last notice was published in the CUSTOMS BULLETIN on March 8, 2017.

Corrections or updates may be sent to: Intellectual Property Rights Branch, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, 90 K Street, NE., 10th Floor, Washington, D.C. 20229–1177, or via email at iprrquestions@cbp.dhs.gov.

FOR FURTHER INFORMATION CONTACT: LaVerne Watkins, Paralegal Specialist, Intellectual Property Rights Branch, Regulations & Rulings, Office of Trade, at (202) 325–0095.

CHARLES R. STEUART
Chief,
Intellectual Property Rights Branch
Regulations and Rulings, Office of Trade

CBP IPR RECORDATION — MARCH 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
COP 17-00007	02/01/2017	02/01/2037	SUPER MARIO RUN.	Nintendo of America Inc.	No
COP 17-00008	02/10/2017	02/10/2037	21 DAY FIX EXTREME KIT (2015)	Beachbody, LLC	No
COP 17-00009	02/21/2017	02/21/2037	The Master's Hammer and Chisel.	Beachbody, LLC. Address 3301 Exposition Blvd., 3rd Floor, Santa Monica, CA, 90404, United States.	No
COP 17-00010	02/21/2017	11/21/2017	Country Heat Kit	Beachbody, LLC	No
COP 17-00011	02/22/2017	02/22/2037	Cognitive Behavior Therapy, Second Edition	Guilford Publications	No
COP 17-00012	02/22/2017	11/21/2017	Rocky Mountain Tumbler Front and Back Labels	Ontel Products Corporation	No
COP 17-00013	02/23/2017	02/23/2037	Sheikah Eye.	Nintendo of America Inc.	No
COP 17-00014	02/28/2017	02/28/2037	Alex Face	Mojang Synergies AB	No
COP 17-00015	02/28/2017	02/28/2037	Bat Face	Mojang Synergies AB	No
COP 17-00016	02/28/2017	02/28/2037	Cow Face	Mojang Synergies AB	No
COP 17-00017	02/28/2017	02/28/2037	Diamond Steve Armor Face	Mojang Synergies AB	No
COP 17-00018	02/28/2017	02/28/2037	Mooshroom Face	Mojang Synergies AB	No
COP 17-00019	02/28/2017	02/28/2037	Ocelot Face	Mojang Synergies AB	No
COP 97-00018	02/14/2017	02/14/2037	BVLGARI WOMEN LINE PERFUME BOX	Bulgari, SPA	No
COP 97-00018	02/14/2017	02/14/2037	BVLGARI WOMEN LINE PERFUME BOX	Bulgari, SPA	No
COP 97-00019	02/06/2017	02/11/2017	Yellow graphic design print for Bvlgari women line perfume box.	Partecipazioni Bulgari, SPA	No
COP 97-00019	02/14/2017	02/14/2037	Yellow graphic design print for Bvlgari women line perfume box.	Partecipazioni Bulgari, SPA (employer for hire of Paolo Bulgari)	No

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COP 97-00019	02/14/2017	02/14/2037	Yellow graphic design print for Bvlgari women line perfume box.	Partecipazioni Bulgari, SPA (employer for hire of Paolo Bulgari)	No
COP 97-00020	02/14/2017	02/14/2037	Bvlgari	Bulgari, SPA	No
COP 97-00020	02/14/2017	02/14/2037	Bvlgari	Bulgari, SPA	No
COP 97-00028	02/14/2017	02/14/2037	Bulgari eau parfume box.	Partecipazioni Bulgari, S.P.A.	No
COP 97-00028	02/06/2017	02/26/2017	Bulgari eau parfume box.	Partecipazioni Bulgari, S.P.A.	No
COP 97-00028	02/14/2017	02/14/2037	Bulgari eau parfume box.	Partecipazioni Bulgari, S.P.A.	No
TMK 00-00280	02/21/2017	02/20/2027	SALEM	ITG BRANDS, LLC	No
TMK 00-00280	02/21/2017	02/20/2027	SALEM	ITG BRANDS, LLC	No
TMK 05-00336	02/01/2017	09/27/2021	OLD TIMER	BATTENFELD TECHNOLOGIES, INC.	No
TMK 05-00336	02/01/2017	09/27/2021	OLD TIMER	BATTENFELD TECHNOLOGIES, INC.	No
TMK 06-01234	02/10/2017	02/15/2027	ERMENEGILDO ZEGNA & Z DESIGN	Ermeneigildo Zegna Corporation	No
TMK 06-01234	02/10/2017	02/15/2027	ERMENEGILDO ZEGNA & Z DESIGN	Ermeneigildo Zegna Corporation	No
TMK 06-01443	02/08/2017	02/07/2027	POST-IT	3M Company	No
TMK 06-01443	02/08/2017	02/07/2027	POST-IT	3M Company	No
TMK 07-00222	02/10/2017	02/15/2027	POLO BLACK	PRL USA Holdings, Inc.	No
TMK 07-00222	02/10/2017	02/15/2027	POLO BLACK	PRL USA Holdings, Inc.	No
TMK 07-00269	02/02/2017	03/15/2027	POLIDENT (Stylized)	BLOCK DRUG COMPANY, INC.	No
TMK 07-00269	02/02/2017	03/15/2027	POLIDENT (Stylized)	BLOCK DRUG COMPANY, INC.	No
TMK 07-00360	02/27/2017	08/13/2027	ERNIE BALL (Stylized)	Ernie Ball, Inc.	No
TMK 07-00360	02/27/2017	08/13/2027	ERNIE BALL (Stylized)	Ernie Ball, Inc.	No
TMK 07-00505	02/28/2017	03/17/2027	BURBERRY CHECK DESIGN	BURBERRY LIMITED	No
TMK 07-00505	02/28/2017	03/17/2027	BURBERRY CHECK DESIGN	BURBERRY LIMITED	No

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TMK 07-00529	02/02/2017	05/20/2027	ME 2	Miss Elaine, Inc.	No
TMK 07-00529	02/02/2017	05/20/2027	ME 2	Miss Elaine, Inc.	No
TMK 07-00657	02/27/2017	07/17/2017	ERNIE BALL	Ernie Ball, Inc.	No
TMK 07-00657	02/27/2017	07/17/2017	ERNIE BALL	Ernie Ball, Inc.	No
TMK 07-00800	02/13/2017	02/15/2027	B and Design	Cincinnati Bengals, Inc.	No
TMK 07-00800	02/13/2017	02/15/2027	B and Design	Cincinnati Bengals, Inc.	No
TMK 07-00810	02/13/2017	02/15/2027	B and Design (Stylized)	Cincinnati Bengals, Inc.	No
TMK 07-00810	02/13/2017	02/15/2027	B and Design (Stylized)	Cincinnati Bengals, Inc.	No
TMK 07-00931	02/22/2017	04/02/2027	DENSARMOR PLUS	GEORGIA-PACIFIC GYPSUM LLC	No
TMK 07-00931	02/22/2017	04/02/2027	DENSARMOR PLUS	GEORGIA-PACIFIC GYPSUM LLC	No
TMK 07-01008	02/01/2017	02/04/2027	HUMATROPE	ELI LILLY AND COMPANY	No
TMK 07-01008	02/01/2017	02/04/2027	HUMATROPE	ELI LILLY AND COMPANY	No
TMK 07-01129	02/01/2017	04/02/2027	LIQUI-MARK (Stylized)	Liqui-Mark Corp.	No
TMK 07-01129	02/01/2017	04/02/2027	LIQUI-MARK (Stylized)	Liqui-Mark Corp.	No
TMK 07-01205	02/28/2017	11/28/2026	REFRIGIWEAR	REFRIGIWEAR, INC.	No
TMK 07-01205	02/28/2017	11/28/2026	REFRIGIWEAR	REFRIGIWEAR, INC.	No
TMK 07-01358	02/23/2017	10/20/2024	MARK NASON	SKECHERS U.S.A., INC. II	No
TMK 07-01358	02/23/2017	10/20/2024	MARK NASON	SKECHERS U.S.A., INC. II	No
TMK 07-01359	02/22/2017	11/30/2024	SKECHERS	SKECHERS U.S.A., INC. II	No
TMK 07-01359	02/22/2017	11/30/2024	SKECHERS	SKECHERS U.S.A., INC. II	No
TMK 07-01366	02/23/2017	05/26/2022	SKX	SKECHERS U.S.A., INC. II	No
TMK 07-01366	02/23/2017	05/26/2022	SKX	SKECHERS U.S.A., INC. II	No

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TMK 08-00040	02/27/2017	02/25/2027	DOLCE & GABBANA (Stylized)	DOLCE & GABBANA TRADEMARKS S.R.L.	No
TMK 08-00040	02/27/2017	02/25/2027	DOLCE & GABBANA (Stylized)	DOLCE & GABBANA TRADEMARKS S.R.L.	No
TMK 08-00323	02/01/2017	08/02/2026	N NORELCO (Stylized)	KONINKLIJKE PHILIPS ELECTRONICS N.V.	No
TMK 08-00323	02/01/2017	08/02/2026	N NORELCO (Stylized)	KONINKLIJKE PHILIPS ELECTRONICS N.V.	No
TMK 08-00474	02/06/2017	02/18/2027	UNCLE HENRY	BATTENFELD TECHNOLOGIES, INC.	No
TMK 08-00474	02/06/2017	02/18/2027	UNCLE HENRY	BATTENFELD TECHNOLOGIES, INC.	No
TMK 08-00474	02/01/2017	02/18/2017	UNCLE HENRY	BATTENFELD TECHNOLOGIES, INC.	No
TMK 08-00589	02/01/2017	03/16/2018	SCHRADE	BATTENFELD TECHNOLOGIES, INC.	No
TMK 08-00589	02/01/2017	03/16/2018	SCHRADE	BATTENFELD TECHNOLOGIES, INC.	No
TMK 08-00598	02/01/2017	08/29/2021	CUTTIN' HORSE & DESIGN (COWBOY RIDING HORSE)	BATTENFELD TECHNOLOGIES, INC.	No
TMK 08-00598	02/01/2017	08/29/2021	CUTTIN' HORSE & DESIGN (COWBOY RIDING HORSE)	BATTENFELD TECHNOLOGIES, INC.	No
TMK 08-01179	02/15/2017	11/08/2026	Oval Y Design (Stylized)	Brigham Young University	No
TMK 08-01179	02/15/2017	11/08/2026	Oval Y Design (Stylized)	Brigham Young University	No
TMK 09-00276	02/02/2017	02/05/2027	Polo Player Symbol	PRL USA Holdings, Inc.	No
TMK 09-00276	02/02/2017	02/05/2027	Polo Player Symbol	PRL USA Holdings, Inc.	No
TMK 09-00399	02/14/2017	12/18/2026	UPC Shield and Design	INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS AKA IAPMO NON-PROFIT	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	GM Restricted
TMK 09-00399	02/14/2017	12/18/2026	UPC Shield and Design	INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS AKA IAPMO NON-PROFIT	No
TMK 09-00519	02/21/2017	09/20/2025	JABRA	GN AUDIO A/S	No
TMK 09-00519	02/21/2017	09/20/2025	JABRA	GN AUDIO A/S	No
TMK 09-01022	02/28/2017	03/05/2027	VIVELLE-DOT	Novartis AG	No
TMK 09-01022	02/28/2017	03/05/2027	VIVELLE-DOT	Novartis AG	No
TMK 09-01023	02/09/2017	02/12/2027	GENTEAL (Stylized)	NOVARTIS PHARMACEUTICALS CORPORATION	No
TMK 09-01023	02/09/2017	02/12/2027	GENTEAL (Stylized)	NOVARTIS PHARMACEUTICALS CORPORATION	No
TMK 09-01191	02/10/2017	11/15/2025	SARAP	Anhing Corporation	No
TMK 09-01191	02/10/2017	11/15/2025	SARAP	Anhing Corporation	No
TMK 10-00553	02/15/2017	11/12/2023	HUAWEI	HUAWEI TECHNOLOGIES CO. LTD.	No
TMK 10-00553	02/15/2017	11/12/2023	HUAWEI	HUAWEI TECHNOLOGIES CO. LTD.	No
TMK 10-00730	02/15/2017	11/29/2026	MILLY	MILLY LLC	No
TMK 10-00730	02/15/2017	11/29/2026	MILLY	MILLY LLC	No
TMK 10-00762	02/16/2017	03/05/2027	MILLY CABANA	Milly LLC	No
TMK 10-00762	02/16/2017	03/05/2027	MILLY CABANA	Milly LLC	No
TMK 11-00130	02/22/2017	10/11/2026	KOROVKA (Stylized)	"Krasnyj Octyabr"	No
TMK 11-00130	02/22/2017	10/11/2026	KOROVKA (Stylized)	"Krasnyj Octyabr"	No
TMK 11-00492	02/10/2017	08/13/2026	MY-THO	ANHING CORPORATION	No
TMK 11-00492	02/10/2017	08/13/2026	MY-THO	ANHING CORPORATION	No

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TMK 11-00676	02/07/2017	02/07/2027	PANTHER ENERGY DRINK AND DE-SIGN	Anhing Corporation	No
TMK 11-00676	02/07/2017	02/07/2027	PANTHER ENERGY DRINK AND DE-SIGN	Anhing Corporation	No
TMK 12-00032	02/28/2017	02/28/2027	GARRETT'S GRAVITY TRAP	GARRETT ELECTRONICS, INC.	No
TMK 12-00032	02/28/2017	02/28/2027	GARRETT'S GRAVITY TRAP	GARRETT ELECTRONICS, INC.	No
TMK 12-00560	02/01/2017	01/17/2027	BISSELL w/Triangle Design	BISSELL Homecare, Inc.	No
TMK 12-00560	02/01/2017	01/17/2027	BISSELL w/Triangle Design	BISSELL Homecare, Inc.	No
TMK 12-00599	02/08/2017	05/06/2027	STABILICERS	32 North Corporation	No
TMK 12-00599	02/08/2017	05/06/2027	STABILICERS	32 North Corporation	No
TMK 12-01099	02/22/2017	05/04/2027	MCM and Design (Stylized)	MCM MODERNE CREATION MUNCHEN REISEGEFACK GMBH	No
TMK 12-01099	02/22/2017	05/04/2027	MCM and Design (Stylized)	MCM MODERNE CREATION MUNCHEN REISEGEFACK GMBH	No
TMK 12-01241	02/22/2017	05/04/2027	MCM and Design (Stylized)	MCM HOLDING AG	No
TMK 12-01241	02/22/2017	05/04/2027	MCM and Design (Stylized)	MCM HOLDING AG	No
TMK 13-00010	02/28/2017	03/05/2027	EXTAVIA	Novartis AG	No
TMK 13-00010	02/28/2017	03/05/2027	EXTAVIA	Novartis AG	No
TMK 13-01070	02/01/2017	02/07/2027	LOUIS POULSEN	Louis Poulsen Lighting A/S	No
TMK 13-01070	02/01/2017	02/07/2027	LOUIS POULSEN	Louis Poulsen Lighting A/S	No
TMK 13-01160	02/16/2017	11/30/2024	OCCASIONS	JLM COUTURE, INC.	No
TMK 13-01160	02/16/2017	11/30/2024	OCCASIONS	JLM COUTURE, INC.	No
TMK 13-01182	02/08/2017	02/12/2027	TECH 2	GENERAL MOTORS LLC	No
TMK 13-01182	02/08/2017	02/12/2027	TECH 2	GENERAL MOTORS LLC	No

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TMK 14-00361	02/28/2017	04/13/2026	Two-Horse Label & Design	LEVI STRAUSS & CO.	No
TMK 14-00361	02/28/2017	04/13/2026	Two-Horse Label & Design	LEVI STRAUSS & CO.	No
TMK 14-00720	02/28/2017	03/09/2017	HYPERTHERM	HYPERTHERM, INC.	No
TMK 14-00720	02/28/2017	03/09/2017	HYPERTHERM	HYPERTHERM, INC.	No
TMK 14-00884	02/08/2017	01/17/2027	DESIGN ONLY (Cadillac Crest & Wreath)	GENERAL MOTORS LLC	No
TMK 14-00884	02/08/2017	01/17/2027	DESIGN ONLY (Cadillac Crest & Wreath)	GENERAL MOTORS LLC	No
TMK 14-00907	02/09/2017	02/07/2027	Comet Design	SPYDERCO, INC.	No
TMK 14-00907	02/09/2017	02/07/2027	Comet Design	SPYDERCO, INC.	No
TMK 15-00107	02/28/2017	02/14/2027	M Logo (Stylized)	SWEET PEOPLE APPAREL, INC.	No
TMK 15-00107	02/28/2017	02/14/2027	M Logo (Stylized)	SWEET PEOPLE APPAREL, INC.	No
TMK 15-01083	02/27/2017	04/30/2027	YETI	YETI COOLERS, LLC	No
TMK 15-01083	02/27/2017	04/30/2027	YETI	YETI COOLERS, LLC	No
TMK 16-00346	02/15/2017	10/04/2026	FREESTYLE	ABBOTT DIABETES CARE INC.	No
TMK 16-00346	02/15/2017	10/04/2026	FREESTYLE	ABBOTT DIABETES CARE INC.	No
TMK 16-01227	02/23/2017	07/10/2017	A BACKYARD TRADITION	ABBOTT DIABETES CARE INC.	Lever
TMK 16-01227	02/23/2017	07/10/2017	A BACKYARD TRADITION	Aspects, Inc.	No
TMK 17-00124	02/01/2017	06/05/2023	F.U.S.A.I.	Aspects, Inc.	No
TMK 17-00125	02/01/2017	03/17/2024	DIGICASTER	Focus USA, Inc.	No
TMK 17-00126	02/01/2017	02/15/2027	ARMITRON ADVENTURE	Digital Comm Link, Inc.	No
TMK 17-00127	02/02/2017	08/29/2017	AND NOTHING ELSE	E. Gluck Corporation	No
TMK 17-00128	02/02/2017	05/26/2018	Y. S. PARK and Design	BLEND, LLC AKA SENSIBLE FOODS	No
TMK 17-00130	02/02/2017	11/23/2026	WHISKY GLASS DESIGN	Kabushiki Kaisha Park Way (Park Way Co., Ltd.)	No
TMK 17-00130	02/02/2017	11/23/2026	WHISKY GLASS DESIGN	Glencairm IP Holdings Ltd.	No

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TMK 17-00131	02/06/2017	08/12/2022	DESIGN ONLY	New Colt Holding Corp.	No
TMK 17-00132	02/06/2017	12/27/2026	COLT (Stylized)	COLT'S MANUFACTURING IP HOLDING COMPANY LLC	No
TMK 17-00133	02/06/2017	11/21/2022	COLT	NEW COLT HOLDING CORP.	No
TMK 17-00134	02/06/2017	05/05/2018	DESIGN ONLY	NEW COLT HOLDING CORPORATION	No
TMK 17-00135	02/06/2017	09/05/2020	COLT (Stylized)	NEW COLT HOLDING CORPORATION	No
TMK 17-00136	02/06/2017	11/07/2017	COLT (Stylized)	NEW COLT HOLDING CORP.	No
TMK 17-00137	02/06/2017	12/16/2018	DESIGN MARK	NEW COLT HOLDING CORPORATION	No
TMK 17-00138	02/06/2017	06/01/2026	LARGER THAN LIFE	SHISEIDO AMERICAS CORPORATION	No
TMK 17-00139	02/06/2017	12/20/2018	PLAYBOY	Playboy Enterprises International, Inc.	No
TMK 17-00140	02/06/2017	02/24/2026	DESIGN ONLY (RABBIT HEAD Design)	Playboy Enterprises International, Inc.	No
TMK 17-00141	02/06/2017	04/29/2023	SUKHADIA'S	PIYUSH (PHIL) SUKHADIA	No
TMK 17-00142	02/06/2017	04/17/2027	SDR	Satcom Direct, Inc. DBA SD	No
TMK 17-00143	02/07/2017	10/29/2023	FUZEON	Hoffmann-La Roche Inc.	No
TMK 17-00144	02/08/2017	03/27/2017	DESIGN ONLY (OVAL COLT)	NEW COLT HOLDING CORPORATION	No
TMK 17-00145	02/08/2017	09/07/2018	NUTROPIN	GENENTECH, INC.	No
TMK 17-00146	02/08/2017	03/26/2022	VALIUM	ROCHE PRODUCTS INC.	No
TMK 17-00147	02/08/2017	12/22/2025	HAPPY MAT	EAZY-PZ, LLC	No
TMK 17-00148	02/08/2017	01/20/2026	GRIFFIN	Griffin Technology, Inc.	No
TMK 17-00149	02/08/2017	03/13/2027	SURVIVOR	Griffin Technology, Inc.	No
TMK 17-00150	02/08/2017	08/24/2026	BEDGEAR	BEDGEAR, LLC	No
TMK 17-00151	02/08/2017	09/30/2025	EZ PZ	eazy-PZ, LLC	No
TMK 17-00152	02/09/2017	01/24/2022	HUBBELL (Stylized)	Hubbell, Incorporated	No

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TMK 17-00153	02/09/2017	04/24/2027	COUNTRY HEAT	Beachbody, LLC	No
TMK 17-00154	02/09/2017	03/06/2027	COUNTRY HEAT	Beachbody, LLC	No
TMK 17-00155	02/09/2017	09/26/2027	SILVER CLOUD	ROCK RIVER MANUFACTURING COMPANY	No
TMK 17-00156	02/10/2017	03/10/2024	THEORIE	Charles & Co., LLC	No
TMK 17-00157	02/10/2017	02/24/2020	WUBBANUB	Treco Specialty Products, Inc.	No
TMK 17-00158	02/10/2017	11/20/2023	MADE IN NATIVE AMERICA plus Design	Ho-Chunk, Inc.	No
TMK 17-00159	02/10/2017	03/20/2027	KOHU	Rock River Manufacturing Company	No
TMK 17-00160	02/10/2017	06/16/2019	COLORLY	IT&LY HAIRFASHION N.A., INC.	No
TMK 17-00161	02/14/2017	01/06/2026	HUAWEI (Stylized)	HUAWEI TECHNOLOGIES CO., LTD.	No
TMK 17-00162	02/14/2017	12/16/2027	AIRTEC	AIRTEC PNEUMATIC GMBH	No
TMK 17-00163	02/14/2017	09/13/2026	BEPEC	VGC INVESTMENTS LLC	No
TMK 17-00164	02/14/2017	10/23/2023	MELANIA	Trump, Melania	No
TMK 17-00165	02/14/2017	01/22/2024	MELANIA TRUMP	Trump, Melania	No
TMK 17-00166	02/14/2017	04/17/2027	NLED	GLO AB	No
TMK 17-00167	02/14/2017	07/23/2023	TRUMP	TRUMP WINE MARKS LLC	No
TMK 17-00168	02/14/2017	02/20/2018	THE DONALD J. TRUMP SIGNATURE COLLECTION	DTTM OPERATIONS LLC	No
TMK 17-00169	02/15/2017	12/11/2017	THE DONALD J. TRUMP SIGNATURE COLLECTION	DTTM OPERATIONS LLC	No
TMK 17-00170	02/15/2017	03/19/2021	TRUMP	DTTM OPERATIONS LLC	No
TMK 17-00171	02/15/2017	10/01/2018	TRUMP	DTTM OPERATIONS LLC	No
TMK 17-00172	02/15/2017	04/20/2019	TRUMP	DTTM OPERATIONS LLC	No

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TMK 17-00173	02/15/2017	12/02/2025	HUBBELL plus Design	HUBBELL INCORPORATED	No
TMK 17-00174	02/15/2017	01/11/2022	TRUMP	DTTM OPERATIONS LLC	No
TMK 17-00175	02/15/2017	03/07/2021	TRUMP	DTTM OPERATIONS LLC	No
TMK 17-00176	02/15/2017	07/28/2025	IVANKA TRUMP	Ivanka Trump Marks LLC	No
TMK 17-00177	02/15/2017	09/19/2022	SKECHERS GO RUN	SKECHERS U.S.A., INC. II	No
TMK 17-00178	02/15/2017	10/03/2022	SKECHERS GO WALK	SKECHERS U.S.A., INC. II	No
TMK 17-00179	02/15/2017	03/17/2024	SKECHERS GO GOLF	SKECHERS U.S.A., INC. II	No
TMK 17-00180	02/15/2017	12/22/2019	TRUMP	DTTM OPERATIONS LLC	No
TMK 17-00181	02/15/2017	01/23/2018	TRUMP	DTTM OPERATIONS LLC	No
TMK 17-00182	02/15/2017	05/10/2019	DONALD J. TRUMP SIGNATURE COL- LECTION	DTTM OPERATIONS LLC	No
TMK 17-00183	02/15/2017	04/10/2027	IT Box Design (Stylized)	Ivanka Trump Marks LLC	No
TMK 17-00184	02/15/2017	03/08/2026	IVANKA	Ivanka Trump Marks LLC	No
TMK 17-00185	02/15/2017	10/05/2026	IVANKA TRUMP IT Box Design (Stylized)	Ivanka Trump Marks LLC	No
TMK 17-00186	02/15/2017	09/03/2024	SKECHERS ON-THE-GO	SKECHERS U.S.A., INC. II	No
TMK 17-00187	02/15/2017	01/28/2025	SKECHERS ON-THE-GO CONNECT	SKECHERS U.S.A., INC. II	No
TMK 17-00188	02/15/2017	10/28/2025	SKECHERS GO FLEX	SKECHERS U.S.A., INC. II	No
TMK 17-00189	02/15/2017	08/31/2026	SKECHERS GO FLEX WALK	SKECHERS U.S.A., INC.	No
TMK 17-00190	02/15/2017	01/18/2027	SKECHERS GO STEP	SKECHERS U.S.A., INC. II	No
TMK 17-00191	02/15/2017	03/02/2025	SKECHERS GO MEB	SKECHERS U.S.A., INC. II	No
TMK 17-00192	02/16/2017	01/16/2023	SKECHERS GO TRAIN	SKECHERS U.S.A., INC. II	No
TMK 17-00193	02/16/2017	12/24/2023	SKECHERS GO TRAIL	SKECHERS U.S.A., INC. II	No
TMK 17-00194	02/16/2017	03/24/2024	SKECHERS GO DRI	SKECHERS U.S.A., INC. II	No

CBP IPR RECORDATION — MARCH 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 17-00195	02/16/2017	10/05/2026	SKECHERS GO AIR	SKECHERS U.S.A., INC. II	No
TMK 17-00196	02/16/2017	10/05/2026	SKECHERS GOGA PLUS	SKECHERS U.S.A., INC. II	No
TMK 17-00197	02/16/2017	03/09/2025	GOGA MAT	SKECHERS U.S.A., INC. II	No
TMK 17-00198	02/16/2017	10/28/2025	GOGA PILLARS	SKECHERS U.S.A., INC. II	No
TMK 17-00199	02/16/2017	10/19/2026	GOGAMATRIX	SKECHERS U.S.A., INC. II	No
TMK 17-00200	02/16/2017	02/28/2027	AQUADECK	SCOTT PAINT COMPANY, INC.	No
TMK 17-00201	02/16/2017	07/21/2025	CAMBRIAN BLACK	Polycor Inc.	No
TMK 17-00202	02/16/2017	01/21/2025	SKECHERS GO FIT	SKECHERS U.S.A., INC. II	No
TMK 17-00203	02/16/2017	03/13/2027	SKECHERS GO THERM 360	SKECHERS U.S.A., INC. II	No
TMK 17-00204	02/16/2017	03/20/2027	SKECHERS GOGA MAX	SKECHERS U.S.A., INC. II	No
TMK 17-00205	02/16/2017	12/25/2022	GO LIKE NEVER BEFORE	SKECHERS U.S.A., INC. II	No
TMK 17-00206	02/16/2017	10/28/2025	INNOVATION NEVER FELT THIS GOOD	SKECHERS U.S.A., INC. II	No
TMK 17-00207	02/16/2017	08/19/2025	S Design (Stylized)	SKECHERS U.S.A., INC. II	No
TMK 17-00208	02/16/2017	02/20/2023	S plus Design (Stylized)	SKECHERS U.S.A., INC. II	No
TMK 17-00209	02/16/2017	07/13/2020	TEKTURNA HCT	NODEN PHARMA DAC	No
TMK 17-00210	02/16/2017	09/08/2020	TEKTURNA & Design	NODEN PHARMA DAC	No
TMK 17-00211	02/16/2017	11/28/2027	RELYCO	RELYCO SALES, INC.	No
TMK 17-00212	02/16/2017	11/16/2026	MAKE AMERICA GREAT AGAIN	DONALD J. TRUMP FOR PRESIDENT, INC.	No
TMK 17-00213	02/21/2017	04/20/2019	NEBO	Alliance Sports Group, L.P.	No
TMK 17-00214	02/21/2017	11/23/2026	SUPER MARIO	Nintendo of America Inc.	No
TMK 17-00215	02/21/2017	08/17/2025	TEKTURNA	Novartis AG	No
TMK 17-00216	02/21/2017	08/11/2020	RASILEZ Design	NODEN PHARMA DAC	No

CBP IPR RECORDATION — MARCH 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 17-00217	02/21/2017	04/17/2022	Whale (design only)	Vineyard Vines LLC	No
TMK 17-00218	02/21/2017	07/06/2020	Whale (design only)	Vineyard Vines LLC	No
TMK 17-00219	02/21/2017	03/04/2018	PPI (Stylized)	Professional Publications, Inc.	No
TMK 17-00220	02/21/2017	12/05/2026	Whale (design only)	Vineyard Vines LLC	No
TMK 17-00221	02/22/2017	10/19/2025	Whale (design only)	Vineyard Vines LLC	No
TMK 17-00222	02/22/2017	04/17/2026	VINEYARD VINES SINCE 1998 & Design	Vineyard Vines, LLC	No
TMK 17-00223	02/22/2017	05/15/2020	VINEYARD VINES	Vineyard Vines LLC	No
TMK 17-00224	02/22/2017	11/26/2024	VINEYARD VINES	Vineyard Vines LLC	No
TMK 17-00225	02/22/2017	12/06/2025	VINEYARD VINES MARTHA'S VINE-YARD	Vineyard Vines, LLC	No
TMK 17-00226	02/22/2017	12/06/2025	VINEYARD VINES BY SHEP & IAN	Vineyard Vines, LLC	No
TMK 17-00227	02/22/2017	04/30/2027	IMPERIAL and Design	Imperial Trading Co., L.L.C.	No
TMK 17-00228	02/22/2017	02/20/2024	JUMEX	COMERCIALIZADORA ELORO, S.A.	No
TMK 17-00229	02/22/2017	09/02/2020	KERN'S	COMERCIALIZADORA ELORO S.A.	No
TMK 17-00230	02/22/2017	10/19/2026	OBE, Inc.	OBE, INC.	No
TMK 17-00231	02/22/2017	11/02/2026	Obe Logo & Design	OBE, Inc.	No
TMK 17-00232	02/23/2017	10/15/2024	9W	Nine West Development Corporation	No
TMK 17-00233	02/23/2017	09/08/2023	NINE WEST	NINE WEST DEVELOPMENT CORPO-RATION	No
TMK 17-00234	02/23/2017	11/17/2026	ANNE KLEIN	NINE WEST DEVELOPMENT LLC	No
TMK 17-00235	02/23/2017	10/03/2022	HONORA (Stylized)	RICHLINE GROUP, INC.	No
TMK 17-00236	02/27/2017	09/29/2020	ADRIANO GOLDSCHMIED	Adriano Goldschmied, LLC	No
TMK 17-00237	02/27/2017	09/07/2021	AG	Adriano Goldschmied, LLC	No

CBP IPR RECORDATION — MARCH 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 17-00238	02/27/2017	11/30/2021	AG and Circle Design	Adriano Goldschmied, LLC	No
TMK 17-00239	02/27/2017	02/21/2027	BACK POCKET DESIGN	Adriano Goldschmied, LLC	No
TMK 17-00240	02/27/2017	12/06/2026	CONSOLE VAULT	Console Vault, Inc.	No
TMK 17-00241	02/27/2017	04/06/2019	JOSEPH'S STUDIO	Roman, Inc.	No
TMK 17-00242	02/27/2017	02/10/2020	JS (design & word)	Roman, Inc.	No
TMK 17-00243	02/27/2017	05/14/2027	FESTIVAL OF SAIL	Draw Events LLC	No
TMK 17-00244	02/27/2017	08/31/2026	WORLD'S LARGEST RUBBER DUCK and Design	Big Duck LLC	No
TMK 17-00245	02/27/2017	12/02/2023	CROCODILE HANGER	American Keder, Inc.	No
TMK 17-00246	02/27/2017	08/03/2026	DESIGN ONLY (Clip Device)	American Keder, Inc.	No
TMK 17-00247	02/27/2017	02/22/2027	DESIGN ONLY (American Keder Clip Device)	American Keder, Inc.	No
TMK 17-00248	02/28/2017	10/13/2024	RED CHERRY	Troika International, Inc.	No
TMK 87-00293	02/14/2017	03/02/2027	SQUID DESIGN	THAI FISHSAUCE FACTORY (SQUID BRAND) CO., LTD.	No
TMK 87-00293	02/14/2017	03/02/2027	SQUID DESIGN	THAI FISHSAUCE FACTORY (SQUID BRAND) CO., LTD.	No
TMK 87-00430	02/10/2017	10/01/2026	FORD in Oval Design	FORD MOTOR COMPANY	No
TMK 87-00430	02/10/2017	10/01/2026	FORD in Oval Design	FORD MOTOR COMPANY	No
TMK 95-00198	02/06/2017	02/25/2027	CALVIN KLEIN	CALVIN KLEIN TRADEMARK TRUST	No
TMK 95-00198	02/06/2017	02/25/2027	CALVIN KLEIN	CALVIN KLEIN TRADEMARK TRUST	No
TMK 96-00158	02/01/2017	03/16/2027	AWATCH	E. GLUCK CORPORATION	No
TMK 96-00158	02/01/2017	03/16/2027	AWATCH	E. GLUCK CORPORATION	No
TMK 97-00303	02/15/2017	01/01/2027	DESIGN ONLY (ALLIGATOR)	Lacoste Alligator S.A.	No

CBP IPR RECORDATION — MARCH 2017

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 97-00303	02/15/2017	01/01/2027	DESIGN ONLY (ALLIGATOR)	Lacoste Alligator S.A.	No
TMK 97-00321	02/01/2017	02/05/2027	DURASTEEL	E. Gluck Corporation	No
TMK 97-00321	02/01/2017	02/05/2027	DURASTEEL	E. Gluck Corporation	No
TMK 97-00346	02/08/2017	02/06/2027	WOLFORD and Design	Wolford Aktiengesellschaft	No
TMK 97-00346	02/08/2017	02/06/2027	WOLFORD and Design	Wolford Aktiengesellschaft	No
TMK 97-00396	02/06/2017	03/17/2027	CK CALVIN KLEIN (Stylized)	Calvin Klein Trademark Trust	No
TMK 97-00396	02/06/2017	03/17/2027	CK CALVIN KLEIN (Stylized)	Calvin Klein Trademark Trust	No
TMK 99-00664	02/01/2017	12/01/2018	S.W.A.T.	BATTENFELD TECHNOLOGIES, INC.	No
TMK 99-00664	02/01/2017	12/01/2018	S.W.A.T.	BATTENFELD TECHNOLOGIES, INC.	No

**NOTICE OF ISSUANCE OF FINAL DETERMINATION
CONCERNING THE WORKFIT-TL SIT-STAND DESKTOP
WORKSTATION**

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (“CBP”) has issued a final determination concerning the country of origin of the WorkFit-TL Sit-Stand Desktop Workstation. Based upon the facts presented, CBP has concluded in the final determination that the United States is the country of origin of the WorkFit-TL Sit-Stand Desktop Workstation for purposes of U.S. government procurement.

DATES: The final determination was issued on March 7, 2017. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination no later than April 12, 2017.

FOR FURTHER INFORMATION CONTACT: Elif Eroglu, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade (202) 325-0277.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on March 7, 2017, pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of the WorkFit-TL Sit-Stand Desktop Workstation which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, Headquarters Ruling Letter (“HQ”) H280512, was issued under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511-18). In the final determination, CBP concluded that, under the totality of the circumstances, the country of origin of the WorkFit-TL Sit-Stand Desktop Workstation is the United States for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: March 7, 2017.

ALICE A. KIPEL,
Executive Director,
Regulations and Rulings, Office of Trade.

Attachment

HQ H280512

March 07, 2017

OT:RR:CTF:VS H280512 EE

CATEGORY: Marking

JIM NOREAUULT
ERGOTRON INC.
1181 TRAPP ROAD
EAGAN, MN 55121

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. 2511); Subpart B, Part 177, CBP Regulations; WorkFit-TL Sit-Stand Desktop Workstation

DEAR MR. NOREAUULT:

This is in response to your correspondence of September 29, 2016 requesting a final determination on behalf of Ergotron Inc. (“Ergotron”), pursuant to subpart B of Part 177, U.S. Customs and Border Protection (“CBP”) Regulations (19 CFR 177.21 *et seq.*). Under the pertinent regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of the WorkFit-TL Sit-Stand Desktop Workstation. We note that Ergotron is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination.

FACTS:

The merchandise at issue is the WorkFit-TL Sit-Stand Desktop Workstation. You state that the WorkFit-TL is an ergonomic, height adjustable desk intended to help promote a healthy work environment by giving the user the ability to easily adjust between a standing or sitting position. The WorkFit-TL can be adjusted by releasing the hand-brake levers on either side of the unit to position the surface higher or lower to accommodate sitting or standing position. The WorkFit-TL is assembled in the United States from U.S. and Chinese components. Ergotron received a country of origin marking ruling for the WorkFit-T Sit-Stand Desktop Workstation from the National Commodity Specialist Division (New York Ruling Letter (“NY”) N276731, dated July 15, 2016). You state that WorkFit-TL features a larger keyboard tray and wider work surface than the WorkFit-T but the products and the assembly processes are otherwise identical.

You have submitted photographs, an assembly drawing, a process flow map, and two bills of materials for the WorkFit-TL. The first bill of materials is for materials utilized for all processing performed in the United States. The second bill of materials is for all processing performed in China. You state that of the total cost of production, 57 percent is attributable to materials of U.S. origin and U.S. labor costs (including overhead).

You state that the WorkFit-TL is comprised of three main components: A Chinese origin lift assembly, a U.S. origin laminated particle board work surface and keyboard tray. The lift assembly consists of base metal and

provides user assisted lift functionality by means of spring force to allow adjustment of the product between sitting and standing positions. The lift assembly from China is assembled with components fabricated in Ergotron's facility in the United States including the work surface, keyboard tray, right and left keyboard support brackets, and metal support bar. The design and development of the WorkFit-TL occurs in the United States. The production that occurs in the United States includes the following:

The right and left keyboard support brackets and metal support bar

- Laser cutting sheet metal components
- Press braking to bend sheet metal components to create the right and left brackets and the metal support bar
- Stud insertion into the sheet metal components
- Painting the sheet metal components
- Assembling the sheet metal components to the imported lift mechanism.

The work surface and keyboard tray

- Sawing raw Medium-Density Fiberboard ("MDF") to the size of the work surface and keyboard tray
- Routing of profiles on the MDF sheets
- Sanding of MDF to prepare for the vinyl laminate
- Applying glue to the MDF
- Pressing the vinyl laminate onto the MDF
- Removing the excess laminate from the work surface and keyboard tray
- Removing the excess glue from the bottom of the work surface and keyboard tray
- Printing the Ergotron logo onto work surface
- Attaching the work surface and keyboard tray to the lift mechanism of Chinese origin.

ISSUE:

What is the country of origin of the WorkFit-TL Sit-Stand Desktop Workstation for the purposes of U.S. Government procurement?

LAW AND ANALYSIS:

Pursuant to subpart B of Part 177, 19 CFR 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth under 19 U.S.C. 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 CFR 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with Federal Acquisition Regulations. *See* 19 CFR 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. *See* 48 CFR 25.403(c)(1). The Federal Acquisition Regulations define "U.S.-made end product" as:

. . . an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.

48 CFR 25.003.

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *See Belcrest Linens v. United States*, 6 CIT 204 (1983), *aff'd*, 741 F.2d 1368 (Fed. Cir. 1984). The country of origin of the item's components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, factors such as the resources expended on product design and development, extent and nature of post-assembly inspection and testing procedures, and the degree of skill required during the actual manufacturing process may be relevant when determining whether a substantial transformation has occurred. No one factor is determinative.

In *Carlson Furniture Industries v. United States*, 65 Cust. Ct. 474 (1970), the U.S. Customs Court ruled that U.S. operations on imported chair parts constituted a substantial transformation, resulting in the creation of a new article of commerce. After importation, the importer assembled, fitted, and glued the wooden parts together, inserted steel pins into the key joints, cut the legs to length and leveled them, and in some instances, upholstered the chairs and fitted the legs with glides and casters. The court determined that the importer had to perform additional work on the imported chair parts and add materials to create a functional article of commerce. The court found that the operations were substantial in nature, and more than the mere assembly of the parts together.

In HQ 561258, dated April 15, 1999, CBP determined that the assembly of numerous imported workstation components with the U.S.-origin work surface, which was the essential and largest component of the workstation, into finished workstations constituted a substantial transformation. CBP held

that the imported components lost their identity as leg brackets, drawer units, panels etc. when they were assembled together to form a workstation. In HQ H083693, dated March 23, 2010, CBP held that a certain wood chest assembled in the United States was a product of the United States for purposes of U.S. government procurement. The wood chest was assembled from over twenty U.S. and foreign components. Of the total cost of production, 40 percent was attributable to materials of U.S. origin, U.S. warehouse overhead and U.S. labor costs (including overhead). CBP held that the components that were used to manufacture the wood chest, when combined with a U.S. origin laminate top, were substantially transformed as a result of the assembly operations performed in the United States. *See also* HQ 731676, dated June 22, 1989, (unfinished mahogany table legs and rails from the Philippines were substantially transformed in the United States when assembled into a table base with a U.S. origin wood veneered top).

In the instant case, the lift assembly, manufactured in China, is assembled in the United States with laminated particle board work surface and keyboard tray, right and left keyboard support brackets, and metal support bar which are fabricated in the United States by Ergotron. The processes that occur in the United States include sawing, profiling, sanding, hot-pressing and trimming to manufacture the work surface and keyboard tray as well as laser-cutting, bending and painting of the sheet metal components followed by final assembly of the U.S. origin and the imported components. Based on the facts provided and consistent with the CBP rulings cited above, we find that the imported lift assembly is substantially transformed as a result of the assembly performed in the United States to produce the finished WorkFit-TL Sit-Stand Desktop Workstation. In support of this conclusion, we agree that the lift assembly is not functional to an end user by itself as it does not include the primary features of the U.S. origin work surface and keyboard tray which allow the work to be conducted, and without which, the lifting mechanism is incapable of being used as a workstation. Accordingly, we find that the country of origin of the WorkFit-TL Sit-Stand Desktop Workstation for purposes of U.S. Government procurement is the United States.

HOLDING:

The country of origin of the WorkFit-TL Sit-Stand Desktop Workstation for government procurement purposes is the United States.

Notice of this final determination will be given in the **Federal Register**, as required by 19 CFR 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 CFR 177.30, any party-at-interest may, within 30 days after publication of the **Federal Register** notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely

ALICE A. KIPPEL,

Executive Director,

Regulations and Rulings, Office of Trade

NOTICE OF ISSUANCE OF FINAL DETERMINATION CONCERNING CERTAIN DATA STORAGE PRODUCTS

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (“CBP”) has issued a final determination concerning the country of origin of three data storage products. Based upon the facts presented, CBP has concluded that the country of origin of two data storage products is Mexico and the country of origin of the third data storage is Malaysia for purposes of U.S. Government procurement.

DATES: The final determination was issued on March 8, 2017. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within April 13, 2017.

FOR FURTHER INFORMATION CONTACT: Grace A. Kim, Tariff Classification and Marking Branch, Regulations and Rulings, Office of Trade, (202) 325-7941.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on March 8, 2017, pursuant to subpart B of part 177, U.S. Customs and Border Protection Regulations (19 CFR 177(B)), CBP issued a final determination concerning the country of origin of certain data storage products, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ H269185, was issued under procedures set forth at 19 CFR 177(B), which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511-18). In the final determination, CBP concluded that for two of the three products, the processing in Mexico results in a substantial transformation. However, for the third product, the processing in Mexico does not result in a substantial transformation. Therefore, the country of origin of two data storage products is Mexico and the country of origin of the third data storage is Malaysia for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such

determination in the **Federal Register**.

Dated: March 8, 2017.

Alice A. Kipel,
Executive Director,
Regulations and Rulings, Office of Trade.

Attachment

HQ H269185

OT:RR:CTF:VS H269185 GaK

CATEGORY: Marking

STUART P. SEIDEL
BAKER & MCKENZIE LLP
815 CONNECTICUT AVE. NW.
WASHINGTON, DC 20006

RE: Final Determination; Government Procurement; Country of Origin of data storage system; Substantial Transformation

DEAR MR. SEIDEL:

This is in response to a letter we received dated September 18, 2013, requesting a final determination on behalf of [*****] (“the Company”), pursuant to subpart B of Part 177 of the U.S. Customs and Border Protection Regulations (19 CFR part 177) and to two follow-up submissions dated January 6, 2014, and May 30, 2014. You also requested a country of origin marking decision. CBP also received notification on July 21, 2015 that the Company was acquired by another corporation and counsel for the Company was replaced. Under 19 CFR part 177, which implements Title III of the Trade Agreements Act of 1979 (TAA), as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of three data storage products for government procurement. As a U.S. importer, the Company is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination. A meeting was held at our office on February 19, 2014.

In your letter, you requested confidential treatment for certain information contained in the file. Pursuant to 19 CFR 177.2(b)(7), the identified information has been bracketed and will be redacted in the public version of this final determination.

FACTS:

The Company is a data storage technology company headquartered in the United Kingdom with worldwide operations. The Company manufactures a variety of high performance enterprise data storage products that are used for the storage of electronic data onto physical disc drives. These products serve as the building blocks for medium to large corporations with a need to store and access large amounts of data securely and rapidly. Physically, the products operate in large server rooms or similar facilities, managed by trained professional information technology staff.

Three products are the subject of this ruling and they all apply the Integrated Storage Test Platform (“ISTP”). ISTP is a highly proprietary, Linux-based global hardware and software solution representing approximately 100 man-years of software development time over the past ten years and 6,500,000 lines of code, developed in the United Kingdom and the United States for the Company’s manufacturing processes. You state that ISTP is a

critical element of the Company's products. As discussed *infra*, the firmware for the three data storage products is developed and managed in the United Kingdom and a team of 19 United Kingdom-based software engineers manage ISTP. There are also software engineers at each production facility, including a Mexican facility at issue, that are trained by the United Kingdom-based engineers. ISTP-qualified engineers are located at the production site to provide input into the manufacturing and testing processes and all engineers have a high level of competence in "C" programming, test engineering, and the Company's product knowledge. The ISTP undergoes approximately 40 updates a month incorporating customer requirements and design updates that directly affect the manufacturing process in Mexico.

Product One, the [*****] is a storage application platform delivering integrated storage and enterprise server system resources that tailor the amount of processing, memory, storage capacity, and high bandwidth input/output resources to meet customers' requirements. While Product One can be configured based on customer requirements, it generally includes hard disc slots that can carry up to 24 hard disc drivers in drive carrier, server-grade Intel processor(s), memory chips, and seven Peripheral Component Interconnect Express ("PCIe") input/output slots. It can accept both a base-level operating system and unique storage applications developed by Original Equipment Manufacturers ("OEM"). The chassis subassembly is imported from Malaysia; hard disc drives are imported from China, Singapore, or Thailand; and a power supply included in the chassis subassembly is imported from the Philippines. All of the components are imported into Mexico for assembly, firmware installation, inspection, and testing. The workers at the Mexican facility are stated to be highly trained and many positions require college/technical degrees, in addition to 1–7 years of experience.

The assembly process in Mexico starts with the chassis subassembly, which is a non-functioning unit that includes certain electronic components (*e.g.*, printed circuit board assemblies, a controller/central processing unit), but not the disc drives, firmware/software, or the ISTP configuration essential to the finished product. The assembly process takes approximately 135 minutes and is as follows:

1. The chassis subassembly is removed from the packaging, prepared for production, and inspected.
2. A SAP-trained employee generates labels to be applied to the subassembly to track the subassembly parts through the production.
3. The individual hard drives from China, Singapore, or Thailand, and drive carriers from Malaysia are assembled to create 24 disc drive assemblies. This process is conducted under stringent electrostatic discharge ("ESD") controlled conditions and operators must use SAP to determine the assembly process. The installation of each hard drive into the drive carrier takes 12 steps.
4. The disc drive assemblies are installed into the chassis subassembly in a 15 step process, with SAP-generated labels.
5. The assembled chassis build undergoes first inspection, in an approximately 80–85 step process, which primarily focuses on the physical condition and the traceability of all the parts.
6. During the basic assurance test and functional test/firmware and software installation, the chassis build is connected to a custom test server to enable the correct configuration of the unit for customer use. Then, the updated software is loaded, including the specified level of firmware, vital

product data, security data, and serialization information. The firmware is developed and managed by engineers in the United Kingdom.

7. A controlled environment reliability test is conducted to ensure that the chassis build can endure challenging physical environments (excessive heat or cold).

8. The Hipot test is conducted to verify that the chassis build is electrically safe, which confirms that the electric current used to run the unit is adequately shielded so that neither the operators nor the equipment are harmed by electrical shock and that all insulation is installed correctly.

9. Customer region-specific power cables, installation, and other customer-specific documentation are added.

10. Final inspection is performed.

Product Two, the [*****] is a combined storage and server platform on which OEMs can deploy their own data storage software as a storage solution to their end customers. The embedded servers have less memory, processing, and input/output capacity than Product One, but they are designed to provide OEMs with a high availability storage solution that can withstand a server failure. While Product Two can be configured based on customer requirements, it generally includes hard disc drive slots that can carry up to 24 hard disc drives in drive carriers, and two embedded server modules with a low-power server-grade Intel processor, memory chips, and one PCIe input/output slot. It can also accept both a case-level operating system and unique OEM applications. The assembly process is similar to the Product One assembly, in that it starts with the chassis subassembly, but does not include disc drive assemblies and has a different computing capacity. The assembly process takes approximately 76 minutes of labor time.

Product Three, the [*****], is also substantially similar to Product One, but it can incorporate up to 84 disc drives. Otherwise, the assembly in Mexico is substantially similar to that of Product One. The assembly process takes approximately 355 minutes of labor time.

During the Basic Assurance Test and Functional Test/Firmware and Software Installation process in all three products, the Company loads numerous firmware files onto the system (15 firmware files in Product One and Product Three, and 22 firmware files in Product Two). The specific firmware is said to confer customer specific operational functionality to the system and enable the components to work together. The disc drives are programmed with key codes in order to work with the customer application, and the Company states that the disc drives are not functional without this step. The drives are programmed to set up to 300 custom drive performance characteristics, such as timeouts, error thresholds, and data block size. The Company states that the post-assembly programming and testing enables the operation of each product and customizes it for its customers. The Company's programming process is driven and managed by the ISTP and is as follows:

1. Initialization and hardware validation is performed to ensure that all necessary physical components are present (disc drives, power units, batteries, motherboards, other printed circuit boards, etc).

2. Canister master/slave validation is performed to ensure that the "master" canister (controller) is properly communicating with the other canisters (the "slaves").

3. Code load and validation are conducted in three phrases to establish the customer-specific operating systems and application code: boot loader (loading code that establish initial functions required by the customer), enclosure

configuration (ensuring that hardware is compatible with the software or application that will operate on the product), and virtual product data load and configuration (customizing the product instruction to be specific to the customer's product).

4. Motherboard Ethernet branding ensures that the Ethernet ports operate correctly.

5. An SES element test is performed to ensure that sensors are present and communicating with the system.

6. Hard disc drive presence, code load, and validation is performed to ensure that all hard disc drives have been installed properly and are able to communicate with the system. The Company will load the customer's firmware and establish the operational behavior of the drives.

7. A hard disc drive rotational vibration test is performed to ensure that the fan vibration does not affect the integrity of data sent to and received by the disc drives.

8. Hard disc drive performance, link speed, and status are verified to assess the response time between the drives and execute the instruction from the main processing unit.

9. Hard disc drive branding and validation is performed.

10. Fan speed test is conducted.

11. Voltage, battery, and temperature validation is performed.

12. Log analysis is conducted.

The Company also states that all three storage products are classified under subheading 8471.70 of the Harmonized Tariff Schedule of the United States ("HTSUS"). As reflected in the General Note ("GN") 12(u)(6) of the HTSUS, the Company states that the goods are considered originating goods for purposes of the North American Free Trade Agreement ("NAFTA") when imported into the United States from Mexico. The Company states that the major components imported into Mexico (chassis subassemblies, disc drives, drive carriers, drawer assemblies, etc.) are classified within the subheadings of 8471.60 and 8472.90, HTSUS.

ISSUES:

I. What is the country of origin of the three data storage products for purposes of U.S. Government procurement?

II. What is the proper country of origin marking under the NAFTA Marking Rules of the three storage products?

LAW AND ANALYSIS:

I. Country of Origin for Procurement Purposes

Pursuant to subpart B of Part 177, 19 CFR 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth under 19 U.S.C. 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from

another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 CFR 177.22(a).

In *Data General v. United States*, 4 Ct. Int'l Trade 182 (1982), the court determined that for purposes of determining eligibility under item 807.00, Tariff Schedules of the U.S. (predecessor to subheading 9802.00.80, HTSUS), the programming of a foreign PROM (Programmable Read-Only Memory chip) in the United States substantially transformed the PROM into a U.S. article. In programming the imported PROMs, the U.S. engineers systematically caused various distinct electronic interconnections to be formed within each integrated circuit. The programming bestowed upon each circuit its electronic function, that is, its "memory" which could be retrieved. A distinct physical change was effected in the PROM by the opening or closing of the fuses, depending on the method of programming. This physical alteration, not visible to the naked eye, could be discerned by electronic testing of the PROM. The court noted that the programs were designed by a project engineer with many years of experience in "designing and building hardware." While replicating the program pattern from a "master" PROM may be a quick one-step process, the development of the pattern and the production of the "master" PROM required much time and expertise. The court noted that it was undisputed that programming altered the character of a PROM. The essence of the article, its interconnections or stored memory, was established by programming. The court concluded that altering the non-functioning circuitry comprising a PROM through technological expertise in order to produce a functioning read only memory device, possessing a desired distinctive circuit pattern, was no less a "substantial transformation" than the manual interconnection of transistors, resistors and diodes upon a circuit board creating a similar pattern.

In determining whether the combining of parts or materials constitutes a substantial transformation, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *Belcrest Linens v. United States*, 573 F. Supp. 1149 (Ct. Int'l Trade 1983), *aff'd*, 741 F.2d 1368 (Fed. Cir. 1984). Assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation.

In order to determine whether a substantial transformation occurs when components of various origins are assembled into complete products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. The country of origin of the item's components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, factors such as the resources expended on product design and development, the extent and nature of post-assembly inspection and testing procedures, and worker skill required during the actual manufacturing process will be considered when determining whether a substantial transformation has occurred. No one factor is determinative.

You argue that the country of origin of the three products is Mexico because the components imported into Mexico are substantially transformed as a result of the Mexican assembly operations, as described *infra*, downloading of the software, programming and customization of the software and firmware, and extensive testing of the data storage products.

In Headquarters Ruling Letter (“HQ”) H082476, dated May 11, 2010, and in New York Ruling Letter (“NY”) N083979 dated December 3, 2009, the United States was determined to be the country of origin of ICS clustered storage units, when foreign components were assembled into the units and programmed in the United States. In HQ H025023 dated April 1, 2008, CBP determined that the Czech Republic was the country of origin of a fabric switch that was assembled to completion and programmed in that country. *See also* HQ H089762, dated June 2, 2010 (GTX Mobile and Handheld Computer); and HQ H090115, dated August 2, 2010 (Unified Communications Solution). In HQ H125975 dated January 19, 2011, CBP considered a similar scenario to the one here. In HQ H125975, all of the components were assembled into the data storage system in Mexico and the previously programmed controller assembly was downloaded with software, which was stated to impart the functional intelligence to the system to allow for storage management, performance monitoring and access control. In HQ H125975, CBP found that the major operating hardware components were the controller assembly and the hard drives set, which were of Thai origin. However, the assembly process in Mexico involved multiple countries of origin with development and programming also occurring in two different countries. CBP concluded that the imported components of various origins lost their individual identities and were substantially transformed into a new and different article, as a result of the assembly and programming operations that took place in Mexico.

In this case, there are also significant assembly operations of the data storage products occurring in Mexico. Similar to HQ H125975, we have various countries involved: Chassis assembly from Malaysia; power supply from the Philippines; software from the United Kingdom; hard disc drives from China, Singapore, or Thailand; and assembly in Mexico. Given the totality of the circumstances in this case, we find that Products One and Three are substantially transformed in Mexico mainly because of the assembly of the various components. However, we find that the origin of Product Two is Malaysia because it lacks the disc drive assemblies, which make up a significant part of the assembly process. For purposes of government procurement, Mexico is the country of origin for Products One and Three, and Malaysia is the country of origin for Product Two.

II. NAFTA Marking

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), provides that, unless excepted, every article of foreign origin imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or its container) will permit, in such a manner as to indicate to the ultimate purchaser in the United States the English name of the country of origin of the article. By enacting 19 U.S.C. 1304, Congress intended to ensure “that the ultimate purchaser would be able to know by inspecting the marking on the imported goods the country of which the goods are the product. The evident purpose is to mark the goods so that at the time of purchase the ultimate purchaser may, by knowing where the goods were produced, be able to buy or refuse to buy them, if such marking should influence his will.” *United States v. Friedlaender & Co.*, 27 C.C.P.A. 297, 302 (1940).

Section 134.1(b), CBP Regulations (19 CFR 134.1(b)), defines “country of origin” as “the country of manufacture, production or growth of any article of

foreign origin entering the United States. Further work or material added to an article in another country must effect a substantial transformation in order to render such other country the ‘country of origin’ within the meaning of this part; however, for a good of a NAFTA country, the NAFTA Marking Rules will determine the country of origin.”

The NAFTA Marking Rules require the application of the country of origin rules per 19 CFR 102.11, in order to determine whether a good qualifies to be marked as a good of a NAFTA country. *See* 19 CFR 134.1(j). Section 102.11, CBP Regulations (19 CFR 102.11), provides the hierarchical rules for determining the country of origin of imported goods for NAFTA purposes, in part, as follows:

(1) The good is wholly obtained or produced;

(2) The good is produced exclusively from domestic materials; or

(3) Each foreign material incorporated in that good undergoes an applicable change in tariff classification set out in 102.20 and satisfies any other applicable requirements of that section and all other applicable requirements of these rules are satisfied.

The three data storage products are neither wholly obtained or produced in a single NAFTA country or produced exclusively from domestic materials. You state that the three products are classified under subheading 8471.70, HTSUS. CBP agrees with the Company’s classification with regard to Product One and Product Three. However, after consulting with the National Commodity Specialist Division (“NCSA”), we have determined that Product Two is classified in subheading 8471.80, HTSUS. The tariff shift rule for goods of subheading 8471.70 and 8471.80 is set forth in 19 CFR 102.20 as follows:

8471.60–8472.90

A change to subheading 8471.60 through 8472.90 from any other subheading outside that group, except from subheading 8504.40 or from heading 8473; or

A change to subheading 8471.60 through 8472.90 from any other subheading within that group or from subheading 8504.90 or from heading 8473, provided that the change is not the result of simple assembly.

In all three instances, the Company concedes that the tariff shift rule is not met because the major components are classified in subheadings between 8471.60 and 8472.90, HTSUS, and do not undergo a tariff shift.

However, the Company states that the products will qualify for preferential tariff treatment under the NAFTA. Assuming the Company plans to make a NAFTA claim at the time of entry, 19 CFR 102.19(a) provides as follows:

... if a good is originating within the meaning of 181.1(q) of this chapter is not determined under 102.11(a) or (b) or 102.21 to be a good of a single NAFTA country, the country of origin of such good is the last NAFTA country in which that good underwent production other than minor processing . . .

The language of 19 CFR 102.19(a) is applicable because pursuant to GN 12(b)(v), the three products are considered originating because they are classified under subheading 8471.70 and 8471.80, HTSUS.¹ Since the three

¹ GN 12(b)(v) states that the goods enumerated in subdivision (u) of GN 12 are originating in the territory of a NAFTA party. GN 12(u) states that automatic data processing machines

products undergo production other than minor processing in Mexico, the country of origin for marking purposes under the NAFTA Marking Rules will be Mexico.

HOLDING:

Based on the facts provided, we find that the country of origin of Products One and Three for purposes of U.S. Government procurement is Mexico. The country of origin of Product Two for purposes of U.S. Government procurement is Malaysia. The country of origin for all three products for marking purposes will be Mexico under the NAFTA Marking Rules.

Notice of this final determination will be given in the **Federal Register**, as required by 19 CFR 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 CFR 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

ALICE A. KIPPEL,

Executive Director,

Regulations and Rulings, Office of Trade.

[Published in the Federal Register, March 14, 2017 (82 FR 13644)]

and parts that are classified under subheading 8471.70 and 8471.80 are considered originating when they are imported into the customs territory of the United States from the territory of Canada or of Mexico.

**NOTICE OF ISSUANCE OF FINAL DETERMINATION
CONCERNING COUNTRY OF ORIGIN OF THE KC-390
MILITARY CARGO AIRPLANE CONVERTED TO A
FIRE-FIGHTING AIRCRAFT**

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that United States Customs and Border Protection (“CBP”) has issued a final determination concerning the country of origin of a military cargo airplane manufactured in Brazil, known as the KC-390, that will be converted into a fire-fighting aircraft in the United States. Based upon the facts presented, CBP has concluded in the final determination that for purposes of United States Government procurement the country of origin of the converted KC-390 aircraft will be Brazil, where it was originally manufactured.

DATES: The final determination was issued on March 06, 2017. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within April 10, 2017.

FOR FURTHER INFORMATION CONTACT: Robert Dinerstein, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade (202-325-0132).

SUPPLEMENTARY INFORMATION: Notice is hereby given that on March 06, 2017, pursuant to subpart B of Part 177, Customs and Border Protection (CBP) Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of a converted military cargo airplane which may be offered to the United States Government under an undesignated government procurement contract. This final determination, HQ H280872, was issued at the request of Embraer Aircraft Holding, Inc. under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511-18). In the final determination, CBP was presented with a scenario in which a military cargo plane, the KC-390, manufactured in Brazil, will be converted into an aircraft that would be used for combating forest fires in the United States. CBP has determined for purposes of United States Government procurement that the country of origin of the KC-390 aircraft converted from a military cargo aircraft to a fire suppression

aircraft in the United States will be Brazil, the country where the airplane was originally manufactured.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that notice of final determinations shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: March 06, 2017.

Alice A. Kipel,
Executive Director,
Regulations and Rulings, Office of Trade.

HQ H280872

March 06, 2017

OT:RR:CTF:VS H280872 RSD

CATEGORY: Country of Origin

MR. BRUCE L. BUNIN
DIRECTOR BUSINESS DEVELOPMENT
EMBRAER AIRCRAFT HOLDING, INC.
FT. LAUDERDALE, FLORIDA 33315

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. 2511); subpart B Part 177 CBP Regulations; Converting a Military Cargo Airplane to a Fire Fighting Aircraft

DEAR MR. BUNIN:

This is in response to your letter dated October 24, 2016, requesting a final determination on behalf of Embraer Aircraft Holding, Inc., (Embraer) pursuant to subpart B of Part 177, Customs and Border Protection (“CBP”) Regulations (19 CFR 177.21 *et seq.*). Under the pertinent regulations, which implement Title III of the Trade Agreements Act of 1979 as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for purposes of granting waivers of certain “Buy American” restrictions in the U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of the Embraer KC-390 aircraft, which will be converted from a military cargo aircraft to an aircraft used for fire suppression. We note that Embraer is a party-at-interest within the meaning of 19 CFR 177.22(d) and is entitled to request this final determination.

FACTS:

Embraer is large Brazilian aerospace company that manufactures aircrafts. The merchandise at issue is an aircraft known as the Embraer KC-390. It is a medium-sized, twin-engine jet powered military transport aircraft developed by Embraer for the Brazilian Air Force that is able to perform aerial refueling and for transporting cargo and troops. It is the heaviest aircraft that Embraer had made to date. The aircraft was designed for a variety of military mobility missions, including heavy and outsized cargo transport and air drop, troop transport and parachute drop, air-to-air refueling, search and rescue, and medical evacuation. It has a modern cockpit and an advance cargo handling system designed to enable fast and efficient military operations in normal or austere environments.

Embraer intends to offer the KC-390 aircraft in response to a United States Forest Service (USFS) solicitation for air tankers that can be used in civil fire-fighting operations. Presently, the KC-390 is produced in Brazil. Embraer plans to modify the KC-390 from a medium military cargo aircraft to a fire suppression aircraft to meet the requirements of the USFS solicitation. The work on the aircraft will occur in the United States at a Boeing facility in San Antonio, Texas. You state that the conversion of the KC-390 from a military transport aircraft to a civil fire-fighting aircraft will require modification of multiple systems and structures in order to meet the USFS requirements for aerial fire-fighting.

The following systems in the aircraft need to be removed: the refueling systems, self-protection system, military mission equipment, antennas and systems, cargo handling systems (CHS), electronic controls, and the ballistic protection. In addition, the central panel assemblies of the Container Delivery System (CDS) rails and inboard panels will be removed in order to install a lower component retardant delivery system (RDS) under the cargo compartment floor. This change will also mandate a redesign, manufacture, and integration of a new roller solution on the mid-board floor beams. The aircraft structures, cargo compartment floor, avionics systems, and electrical systems need to be modified. A series of other engineering activities associated with the removal of the cargo handling system and the installation of the fire-fighting systems will be completed as well. Because the USFS does not require an electronically controlled locking system, that system will also be removed.

Because the KC-390 military communications and navigation systems and sensors are not required for the USFS flight operations, they also will be removed. Removing those components includes the partial redesign and manufacture of the control and power harnesses, removal of Line Replaceable Units (LRUs), removal of structural supports for some of the LRUs and the removal of external fuselage surface fairings. KC-390 armor panels will also be removed from the flight deck and loadmaster station and from actuator bays.

Several systems will be installed on the aircraft, such as: a new hydraulic actuator and fluid line, new bell doors, a new harness for power, a new refueling port, a new retardant tank, new pumps, and new fuselage fairings. A major structural modification required for the KC-390 to accommodate the RDS system will be made to the center fuselage of the KC-390. The avionics system will incorporate some new functionalities that need to be developed and integrated into the current system such as: fire-fighting control panels to allow monitoring and control of RDS information and actuation, new synoptics for tank integration, and integration of Global Positioning System and moving map functionality to allow automatic tracking and disposal of retardant.

It will also be necessary to develop and install new hydraulic systems for actuation of the retardant system doors, which comprises the integration of new actuators, a new hydraulic line and valves, and the relocation of the hydraulic lines passing under the floor due to the presence of the RDS lower component. The insertion of the RDS lower component under the floor will affect the current emergency actuation system of the main landing gear. The system will be re-routed under the floor, and cables and pulleys will be repositioned. In addition, a new internal tank will be added. The internal tank will require an external aircraft refueling port for retardant fluid, which means that there will be a design, manufacture, and installation of new fluid lines and valves.

ISSUE:

What is the country of origin of the Embraer KC-390 aircraft after it has been converted from a military cargo aircraft to an aircraft that can be used by the USFS in combatting forest fires?

LAW AND ANALYSIS:

Pursuant to subpart B of Part 177, 19 CFR 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government, under the rule of origin set forth under 19 U.S.C. 2518(4)(B).

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed. *See also*, 19 CFR 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of part 177 consistent with the Federal Acquisition Regulations. *See* 19 CFR 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government’s purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. *See* 48 CFR 25.403(c)(1). The Federal Acquisition Regulations define “U.S.-made end product” as “an article that is mined produced or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with name, character, or use distinct from that of the article or articles from which it was transformed.” *See* 48 CFR 25.003.

In order to determine whether a substantial transformation occurs when components of various origins are put together into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. Substantial transformation occurs when an article emerges from a process with a new name, character or use different from that possessed by the article prior to processing. A substantial transformation will not result from a minor manufacturing or combining process that leaves the identity of the article intact. *See United States v. Gibson-Thomsen Co.*, 27 C.C.P.A. 267 (1940). No one factor is determinative. In *Uniroyal, Inc. v. United States*, the Court of International Trade held that no substantial transformation occurred because the attachment of a footwear upper from Indonesia to its outsole in the United States was a minor manufacturing or combining process which left the identity of the upper intact. *See Uniroyal, Inc. v. United States*, 3 CIT 220, 224, 542 F. Supp. 1026, 1029 (1982), *aff’d*, 702 F.2d 1022 (Fed. Cir. 1983). The court found that the upper was readily recognizable as a distinct item apart from the outsole to which it was attached, it did not lose its identity in the manufacture of the finished shoe in the United States, and the upper did not undergo a physical change or a change in use. Also, under *Uniroyal*, the change in name from “upper” to “shoe” was not significant. The court concluded that the upper was the essence of the completed shoe, and was not substantially transformed.

CBP has considered changes to airplanes in prior decisions. In Headquarters Ruling Letter (HQ) 546092, dated September 16, 1992, a Yak 52 aircraft

built in Romania was disassembled in Russia and certain vital components of the aircraft were replaced, in order to render the aircraft suitable for performing aerobatic acts. In particular, the aircraft was completely disassembled in order to replace the aircraft's spar with a new heavier spar, which is one of the main longitudinal supports of the wings of an aircraft. In addition, a new engine and propeller were fitted as part of the modification of the aircraft. The newly designed aircraft was capable of use with up to nine positive and seven negative gravitational forces. CBP noted that the purpose of the disassembly and reassembly of the Yak 52 aircraft in Russia was not to restore the aircraft to its original purpose. Rather, the work performed on the Yak 52 aircraft was to transform it from a trainer plane into a plane capable of aerobatic flight. In addition, the reassembly was very substantial involving, most notably, a completely new spar, engine, and propeller. Accordingly, CBP found that the manufacture in Russia resulted in a substantial transformation of the Yak 52 aircraft.

HQ H561322, dated May 11, 1999, involved the assembly of imported component parts of the fuselage plus the installation of other key components of an aircraft in the United States. CBP held that the imported fuselage was substantially transformed in the United States when it was reassembled and combined with significant other parts of the aircraft such as the engines, avionics and the landing gear to make the Hawker 800XP aircraft. CBP noted that when it was entered into the United States, the fuselage was unassembled, unpainted and did not have an interior. Even more significantly, the fuselage was basically an empty shell which lacked the essential components necessary to allow it to function as an aircraft. The most important of the other components that were involved in the making of the Hawker aircraft were the two engines. CBP found that the installation of these components was not a simple minor finishing operation, but a sophisticated procedure which required a high degree of technical skill. Accordingly, CBP held that the aircraft manufacturer substantially transformed the imported fuselage and the other imported component parts when it assembled them together to make the finished Hawker 800XP aircraft. Therefore, CBP held that the country of origin of the Hawker 800XP aircraft was the United States.

In HQ H560245, dated April 4, 1997, certain satellite communications systems were installed in freight vans or trucks operated as motor carriers in the United States. The satellite communication system units consisted of three main components: a communications unit, an outdoor antenna unit, and a display unit. The system was an interactive communications tool that linked vehicles to a dispatch center so that messages and positioning information of the vehicle could be sent and received through a network management center. CBP found that the function of the vans and trucks remained the same before and after the installation of the communication systems, that is, for the transportation of articles. CBP also determined that the installation of the communication systems did not change the identity of the vans or trucks; it merely enabled the vans and trucks to be located while they were on the road. Therefore, CBP held that the vans and trucks could be entered under subheading 9802.00.50, HTSUS.

In this case, we understand that the KC-390 will be overhauled when it is converted from a military cargo plane to an aircraft that has the capability of dispersing fire-fighting retardant. In the process of converting the KC-390, we recognize that some systems and components will have to be removed, while other new systems and components will be added. However, the work

performed to the aircraft in this case is not as significant as the work performed to the aircraft in HQ 546092, where the aircraft's spar was replaced with a new and heavier spar, and a new engine and propeller were fitted as part of the modification of the aircraft. In addition, in HQ 546092, the aircraft was also equipped with two large annunciator panels to be used in aerobatic instruction. In contrast, the information presented indicates that the most important systems of the KC-390 will remain intact even after the work is done to convert it to a fire suppression aircraft. The modification of the KC-390 aircraft largely consists of removing items from the aircraft that are associated with hauling military cargo and personnel and installing some new systems in order that the aircraft can carry and disperse fire retardant materials. Along these lines, while there will be some modifications, the basic structural integrity and the aerodynamics of the aircraft will not be changed. For example, the size and shape including its length and wing-span will not be changed. In addition, no information was presented showing that the engine powering the aircraft will be significantly reworked, meaning there will be no meaningful change to the aircraft's power, speed and range. Similarly, the electronics and instruments, which are involved in flying the airplane, will not be significantly changed.

Although the KC-390 will be modified from a military cargo aircraft to an airplane that has fire suppression capability, we do not find that the fundamental identity of the product will be changed. After the work is completed to give the KC-390 its forest fire-fighting capability, the product will still remain an airplane. Unlike the imported components in H561322, when the aircraft in this case will be imported into the United States, it will already be a fully functioning airplane capable of flight, and ready for transporting personnel and equipment. While the type of materials carried on the aircraft and the method of delivery of those materials will be for a different purpose, we find that the changes made to the aircraft to convert it to a fire suppression airplane are not extensive enough to result in a substantial transformation of the aircraft. Therefore, we find that the country of origin of the KC-390 aircraft after it is converted from a military cargo aircraft to a fire suppression aircraft will be the country where the KC-390 aircraft was originally produced, Brazil.

HOLDING:

Based upon the specific facts of this case, we find that the country of origin of the KC-390 aircraft converted from a military cargo aircraft to a fire suppression aircraft for purposes of U.S. Government procurement will remain Brazil, the country where it was originally manufactured.

Notice of this final determination will be given in the **Federal Register**, as required by 19 CFR 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 CFR 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

ALICE A. KIPPEL,

Executive Director,

Regulations and Rulings, Office of Trade.

AGENCY INFORMATION COLLECTION ACTIVITIES:**Bonded Warehouse Proprietor's Submission**

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

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security (DHS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Bonded Warehouse Proprietor's Submission (CBP Form 300). CBP is proposing that this information collection be extended with a reduction to the burden hours. No change has been made to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before May 12, 2017 to be assured of consideration.

ADDRESSES: All submissions received must include the OMB Control Number 1651-0033 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email:* Submit comments to: (CBP_PRA@cbp.dhs.gov). The email should include the OMB Control number in the subject line.

(2) *Mail:* Submit written comments to CBP PRA Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 10th Floor, 90 K St. NE., Washington, DC 20229-1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Regulations and Rulings, Office of Trade, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email (CBP_PRA@cbp.dhs.gov). Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>. For additional help: <https://help.cbp.gov/app/home/search/1>.

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 (44 U.S.C. 3501 *et seq.*). The comments should address: (a) 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) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Bonded Warehouse Proprietor's Submission.

OMB Number: 1651-0033.

Form Number: CBP Form 300.

Abstract: CBP Form 300, *The Bonded Warehouse Proprietor's Submission*, is filed annually by each warehouse proprietor. The information on CBP Form 300 is used by CBP to evaluate warehouse activity for the year. This form must be filed within 45 days of the end of his business year, pursuant to the provisions of the Tariff Act of 1930, as amended, 19 U.S.C. 66, 1311, 1555, 1556, 1557, 1623 and 19 CFR 19.12(g). The information collected on this form helps CBP determine all bonded merchandise that was entered, released, and manipulated in the warehouse. CBP Form 300 is accessible at http://forms.cbp.gov/pdf/CBP_Form_300.pdf.

Current Actions: CBP proposes to extend the expiration date of this information collection with a reduction to the burden hours. There is no change to the information collected or CBP Form 300.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 1,800.

Estimated Number of Total Annual Responses: 1,800.

Estimated Time per Response: 10 hours.

Estimated Total Annual Burden Hours: 18,000.

Dated: March 8, 2017.

SETH RENKEMA,
Branch Chief,
Economic Impact Analysis Branch,
U.S. Customs and Border Protection.

[Published in the Federal Register, March 13, 2017 (82 FR 13464)]

AGENCY INFORMATION COLLECTION ACTIVITIES:

General Declaration

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

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security (DHS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: General Declaration (CBP Form 7507). CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before May 12, 2017 to be assured of consideration.

ADDRESSES: All submissions received must include the OMB Control Number 1651-0002 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email:* Submit comments to: *CBP_PRA@cbp.dhs.gov*. The email should include the OMB Control Number in the subject line.

(2) *Mail:* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Washington, DC 20229-1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email

CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at *www.cbp.gov*.

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 (44 U.S.C. 3501 *et seq.*). The comments should address: (a) 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) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: General Declaration (Outward/Inward) Agriculture, Customs, Immigration, and Public Health.

OMB Number: 1651-0002.

Form Number: Form 7507.

Abstract: An aircraft commander or agent must file CBP Form 7507, *General Declaration (Outward/Inward) Agriculture, Customs, Immigration, and Public Health* at the time of arrival for all aircraft required to enter pursuant to 19 CFR 122.41 and at the time of clearance for all aircraft departing to a foreign area with commercial airport cargo pursuant to 19 CFR 122.72. This form is used to document clearance and inspections by appropriate regulatory agency staffs. CBP Form 7507 collects information about the flight routing, the numbers of passengers embarking and disembarking, the number of crew members, a declaration of health for the persons on board, and details about disinfecting and sanitizing treatments during the flight. This form also includes a declaration attesting to the accuracy, completeness, and truthfulness of all statements contained in the form and in any document attached to the form.

CBP Form 7507 is authorized by 19 U.S.C. 1431, 1433, and 1644a; and provided for by 19 CFR 122.43, 122.54, 122.73, and 122.144. This form is accessible at: <http://www.cbp.gov/sites/default/files/documents/CBP%20Form%207507.pdf>.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to CBP Forms 7507.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 500.

Estimated Number of Total Annual Responses: 1,000,000.

Estimated Time per Response: 5 minutes.

Estimated Annual Burden Hours: 83,300.

Dated: March 8, 2017.

SETH RENKEMA,
Branch Chief,
Economic Impact Analysis Branch,
U.S. Customs and Border Protection.

[Published in the Federal Register, March. 13, 2017 (82 FR 13463)]

