

U.S. Customs and Border Protection



19 CFR PART 177

REVOCATION OF THREE RULING LETTERS AND MODIFICATION OF ONE RULING LETTER, AND REVOCATION OF TREATMENT RELATING TO THE TARIFF CLASSIFICATION OF RADIO REMOTE CONTROLLERS FOR VIDEO GAME CONSOLES

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

ACTION: Notice of revocation of three ruling letters and modification of one ruling letter, and of revocation of treatment relating to the tariff classification of radio remote controllers for video game consoles.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is revoking three ruling letters and modifying one ruling letter concerning tariff classification of radio remote controllers for video game consoles under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 52, No. 8, on February 21, 2018. No comments were received in response to that notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after July 16, 2018.

FOR FURTHER INFORMATION CONTACT: Dwayne Rawlings, Electronics, Machinery, Automotive and International Nomenclature Branch, Regulations and Rulings, Office of Trade, at (202) 325–0092.

SUPPLEMENTARY INFORMATION:**BACKGROUND**

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obligation on CBP to provide the public with information concerning the trade community's responsibilities and rights under the customs and related laws. In addition, both the public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to 19 U.S.C. §1625(c)(1), a notice was published in the *Customs Bulletin*, Vol. 52, No. 8, on February 21, 2018, proposing to revoke three ruling letters and modify one ruling letter pertaining to the tariff classification of radio remote controllers for video game consoles. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to 19 U.S.C. §1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should have advised CBP during the comment period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of this notice.

In New York Ruling Letter ("NY") L83006, dated April 22, 2005; NY N118298, dated August 30, 2010; NY N143476, dated February 2, 2011; and NY M86614, dated October 11, 2006, CBP classified radio remote controllers in heading 9504, HTSUS, specifically in subheading 9504.10.00, HTSUS, which provides for "Articles for arcade, table or parlor games ...: Video games of a kind used with a television receiver and parts and accessories thereof." CBP has reviewed NY L83006, NY N118298, NY 143476 and NY M86614, and has determined the ruling letters to be in error. It is now CBP's position that the radio remote controllers are properly classified, in heading 8526, HTSUS, specifically in subheading 8526.92.10, HTSUS, which

provides for “Radar apparatus, radio navigational aid apparatus and radio remote control apparatus: ...: Radio remote control apparatus for video game consoles.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP is revoking NY L83006, NY N143476 and NY N118298, and modifying NY M86614, and revoking or modifying any other ruling not specifically identified to reflect the analysis contained in Headquarters Ruling Letter (“HQ”) H235178, set forth as an attachment to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

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

Dated: April 19, 2018

GREG CONNOR

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

Attachment

HQ H235178

April 19, 2018

CLA-2: OT:RR:CTF:TCM H235178 DSR

CATEGORY: Classification

TARIFF NO.: 8526.92.10

MR. STEVEN W. BAKER
LAW OFFICES OF STEVEN W. BAKER
448 IGNACIO BOULEVARD #323
NOVATO, CA 94949

RE: Revocation of NY L83006 (classification of a Nintendo “Wavebird” Wireless Controller from China); Modification of NY M86614 (classification of a Wii controller from China); Revocation of NY N118298 (classification of three video game components from China); Revocation of NY N143476 (classification of a Wii compatible remote controller from China)

DEAR MR. BAKER:

This letter is in reference to four New York Ruling Letters (NY) in which certain wireless video game controllers, or retail sets containing such controllers, were classified under subheading 9504.10.00, Harmonized Tariff Schedule of the United States (HTSUS), which covers parts and accessories of video games of a kind used with a television receiver. The four rulings are NY L83006 (April 22, 2005); NY M86614 (October 11, 2006); NY N118298 (August 30, 2010); and NY N143476 February 2, 2011). We have re-examined those rulings and now believe that we incorrectly classified the subject articles. This letter serves to revoke or modify the rulings, as explained below.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, notice of the proposed revocations of NY L83006, NY N118298 and NY N143476, and modification of NY M86614, was published in the Customs Bulletin, Volume 52, No. 8, on February 21, 2018. CBP received no comments in response to the notice.

FACTS:

In NY L83006, the merchandise, labeled as the “Wavebird” controller, is a wireless controller for the Nintendo Game Cube. The controller contains an RF transmitter that sends joystick and button information to an RF receiver that is designed to plug into the front of the Game Cube console. The controller replaces standard controllers, and it allows people to play the Nintendo Game Cube from anywhere in the room without wires.

In NY M86614, the merchandise at issue here, labeled as the “Wii” controller, is a handheld, motion-sensitive wireless device. The controller contains an RF transmitter that sends joystick and button information to control a Wii video game console.

In NY N118298, the first item, the Snakebyte Premium Fitness Board (White), item number SB90412, is designed to be used with the Nintendo Wii video game system and is compatible with the Wii Fit video game and other similar games that utilize the board’s technology. The Premium Fitness Board acts as a game controller, similar in design and function to Nintendo’s Balance Board, and contains four sensors that measure one’s weight and body balance, necessary for proper playing of the video games, and then replicates the body movements in the game. The Fitness Board, which connects wire-

lessly to the Wii via Bluetooth technology, emits a blue light on two sides when activated and also has a small LCD screen which displays one's weight as well as a timer that measures one's exercise duration. While providing a display to show one's weight may be informative, the item's ability to measure one's weight is essential for proper game play. It is principally designed as a video game device. The second item, the Snakebyte Premium Remote XL+, item number SB905278, is also designed for use with the Nintendo Wii. The item is packaged as a set containing a Wii compatible remote with motion plus technology, two wrist straps, two rechargeable batteries and a generic USB cable for charging the remote. The last item, the Snakebyte Premium Bluetooth Controller, item number SB904714, is designed for use with Sony's PlayStation 3 (PS3) video game console. The item is packaged as a set containing a PS3 compatible remote, two bonus clip-on triggers and a generic USB cable for charging the remote.

In NY N143476, the product is a radio remote controller that is compatible with the Wii console. The controller measures approximately 6" long x 1.5" wide. The remote controller features a clear jacket skin, an attached wrist strap and includes pointer, motion sensor and speaker functions. The item will be packaged and sold in a hanging box.

ISSUE:

Whether the articles are properly classified under heading 9405, HTSUS, as video game accessories or under heading 8526, HTSUS, as radio remote control apparatus for video game consoles.

LAW AND ANALYSIS:

Merchandise imported into the United States is classified under the HTSUS. Tariff classification is governed by the principles set forth in the General Rules of Interpretation (GRIs). GRI 1 requires that classification be determined first according to the terms of the heading of tariff schedule and any relative section or chapter notes, and unless otherwise required, according to the remaining GRIs taken in their appropriate order. The HTSUS provisions under consideration in this case are as follows:

8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus:
	Other:
8526.92	Radio remote control apparatus:
8526.92.10	Radio remote control apparatus for video game consoles.
* * *	
9504	Video game consoles and machines, articles for arcade, table or parlor games, including pinball machines, bagatelle, billiards and special tables for casino games; automatic bowling alley equipment; parts and accessories thereof :
9504.50.00	Video game consoles and machines, other than those of subheading 9504.30, and parts and accessories thereof.
* * * *	

With particular regard to NY N118298, the Snakebyte Premium Fitness Board is imported alone. However, the Snakebyte Premium Remote XL+ and

the Snakebyte Premium Bluetooth Controller are imported as retail sets subject to GRI 3. Our position is unchanged that the essential character of the Snakebyte Premium Remote XL+ set is imparted by the included Wii remote, while the essential character of the Snakebyte Premium Bluetooth Controller set is imparted by the included PS3 remote.

Note 3 to Chapter 95, HTSUS, states that “Subject to Note 1 [to Chapter 95, HTSUS], parts and accessories which are suitable for use solely or principally with articles of this chapter are to be classified with those articles.” However, Note 1(m) to Chapter 95, HTSUS, states that the chapter does not cover, in relevant part, “radio remote control apparatus (heading 8526).” Bluetooth technology is based upon radio frequencies, and the subject controllers in each of the rulings at issue employ Bluetooth technology to control video game consoles. Applying Note 1(m) to Chapter 95, HTSUS, the controllers are excluded from classification in Chapter 95 because they fit squarely within the scope of *eo nomine* heading 8526, HTSUS, which provides for, in pertinent part, “radio remote control apparatus.” They are specifically provided for under subheading 8526.92.10, HTSUS, which covers “radio remote control apparatus for video game consoles.”

HOLDING:

By application of GRI 1, the subject articles are classified in heading 8526, HTSUS. Specifically, they are classified in subheading 8526.92.10, HTSUS, which provides for “Radar apparatus, radio navigational aid apparatus and radio remote control apparatus: Other: Radio remote control apparatus: Radio remote control apparatus for video game consoles.” The column one, general rate of duty is “Free.”

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

EFFECT ON OTHER RULINGS:

NY L83006, NY N118298 and NY N143476 are revoked in accordance with this decision. NY M86614 is modified in accordance with this decision with respect to the classification of the Wii controller. The classification of the other item described therein remains unchanged.

Sincerely,

GREG CONNOR

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

**PROPOSED REVOCATION OF ONE RULING LETTER AND
REVOCATION OF TREATMENT RELATING TO THE
TARIFF CLASSIFICATION OF TACO TWIN-TEES**

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

ACTION: Notice of proposed revocation of one ruling letter and revocation of treatment relating to the tariff classification of Taco Twin-Tees.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. § 1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) intends to revoke one ruling letter concerning the tariff classification of Taco Twin-Tees under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Comments on the correctness of the proposed actions are invited.

DATE: Comments must be received on or before June 15, 2018.

ADDRESS: Written comments are to be addressed to U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 90 K St., NE, 10th Floor, Washington, DC 20229–1177. Submitted comments may be inspected at the address stated above during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325–0118.

FOR FURTHER INFORMATION CONTACT: Nicholai Diamond, Electronics, Machinery, Automotive, and International Nomenclature Branch, Regulations and Rulings, Office of Trade, at (202) 325–0292.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obligation on CBP to provide the public with information concerning the trade community’s responsibilities and rights under the customs and related laws. In addition, both the public and CBP share responsibility in carrying out import requirements. For example, under section

484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to 19 U.S.C. § 1625(c)(1), this notice advises interested parties that CBP is proposing to revoke one ruling letter pertaining to the tariff classification of Taco Twin-Tees. Although in this notice, CBP is specifically referring to New York Ruling Letter (“NY”) M82071, dated May 5, 2006 (Attachment A), this notice also covers any rulings on this merchandise which may exist, but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should advise CBP during the comment period.

Similarly, pursuant to 19 U.S.C. § 1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should advise CBP during this comment period. An importer’s failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY M82071, CBP classified Taco Twin-Tees of ductile iron compositions in heading 7326, HTSUS, specifically subheading 7326.90.85 of the 2006 HTSUS, which provided for: “Other articles of iron or steel: Other: Other: Other: Other.” In that ruling, CBP classified Taco Twin-Tees of bronze compositions in heading 7419, HTSUS, specifically in subheading 7419.99.50, HTSUS, which provides for “Other articles of copper: Other: Other: Other: Other.” CBP has reviewed NY M82071 and has determined the ruling letter to be in error. It is now CBP’s position that Taco Twin-Tees of ductile iron are properly classified in heading 7307, HTSUS, specifically in subheading 7307.19.30, HTSUS, which provides for “Tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel: Cast fittings: Other: Ductile fittings.” It is also CBP’s position that Taco Twin-Tees of bronze are classified in heading 7412, HTSUS, specifically in

subheading 7412.20.00, HTSUS, which provides “Copper tube or pipe fittings (for example couplings, elbows, sleeves): Of copper alloys.”

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is proposing to revoke NY M82071 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) HQ H291783, set forth as Attachment B to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

Before taking this action, consideration will be given to any written comments timely received.

Dated: April 20, 2018

ALLYSON MATTANAH
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

Attachments

ATTACHMENT A

NY M82071

May 5, 2006

CLA-2-73:RR:NC:N1:113 M82071

CATEGORY: Classification

TARIFF NO.: 7326.90.8587; 7419.99.5010

MS. HEATHER GANLEY
TACO, INC.
1160 CRANSTON STREET
CRANSTON, RI 02920

RE: The tariff classification of pipe fittings from Brazil and China

DEAR MS GANLEY:

In your letter dated March 30, 2000, you requested a tariff classification ruling.

The merchandise is the Taco Twin Tee, a single pipe fitting designed to replace two primary circuit tees. They will be used primarily for industrial applications in the fan coil industry in hotels and office buildings. The fittings are suitable for sweat or grooved supply line pipe sizes from 1.25 inches to 6 inches NPT (National Pipe Thread). The Taco Twin Tee is available in bronze or ductile iron.

The applicable subheading for the ductile iron Twin Tee from China will be 7326.90.8587, Harmonized Tariff Schedule of the United States (HTSUS), which provides for other articles of iron or steel, other. The regular rate of duty will be 2.9 percent ad valorem.

Articles classifiable under subheading 7326.90.8587, HTS, which are products of Brazil may be entitled to duty free treatment under the Generalized System of Preferences (GSP) upon compliance with all applicable regulations. The GSP is subject to modification and periodic suspension, which may affect the status of your transaction at the time of entry for consumption or withdrawal from warehouse. To obtain current information on GSP, check our Web site at www.cbp.gov and search for the term "GSP".

The applicable subheading for the bronze Twin Tee from China or Brazil will be 7419.99.5010, Harmonized Tariff Schedule of the United States (HTSUS), which provides for other articles of copper, other, other, other, other, brass plumbing goods not elsewhere specified or included. The regular rate of duty will be free.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on World Wide Web at <http://www.usitc.gov/tata/hts/>.

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist James Smyth at 646-733-3018.

Sincerely,

ROBERT B. SWIERUPSKI
Director,
National Commodity
Specialist Division

ATTACHMENT B

HQ H291783

CLA-2 OT:RR:CTF:EMAIN H291783 NCD

CATEGORY: Classification

TARIFF NO.: 7307.19.3060

Ms. HEATHER GANLEY
 TACO, INC.
 1160 CRANSTON STREET
 CRANSTON, RI 02920

RE: Revocation of NY M82071; Classification of Taco Twin-Tees

DEAR Ms. GANLEY:

This letter concerns New York Ruling Letter (NY) M82071, issued to you on May 5, 2006 by U.S. Customs and Border Protection (CBP), concerning the tariff classification of articles referred to commercially as “Taco Twin-Tee” under the Harmonized Tariff Schedule of the United States (HTSUS). We have reviewed NY M82071, determined that it is incorrect, and for the reasons set forth below, are revoking the ruling.

FACTS:

The subject Taco Twin-Tees, which are either bronze or ductile iron in composition, consist of main apertures intersected by two smaller “twin” apertures at their centers so as to impart the appearance of “T” shapes (see Figure 1).¹ The intersecting apertures are bifurcated to allow concurrent bidirectional flow into and out of the main apertures. According to product literature, the Taco Twin-Tees are designed for placement in hydroponic piping systems, in which they function as a juncture connecting primary and secondary circuits within the system. Specifically, the main aperture connects the ends of primary circuit pipes, while the intersecting apertures connect the end of a secondary circuit pipe to the main aperture (see Figure 2).



Figure 1

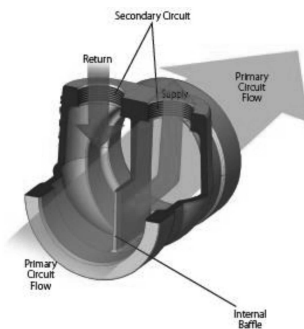


Figure 2

In NY M82071, the bronze Taco Twin-Tees were classified in heading 7419, HTSUS, specifically subheading 7419.99.50, HTSUS, which provides for:

¹ Brass is a metal alloy consisting of copper and zinc. See Brass Definition, OXFORD DICTIONARY <https://en.oxforddictionaries.com/definition/brass> (last visited March 6, 2018).

“Other articles of copper: Other: Other: Other: Other.” The ductile iron Taco Twin-Tees were classified in heading 7326, HTSUS, specifically subheading 7326.90.85 of the 2006 HTSUS, which provided for: “Other articles of iron or steel: Other: Other: Other: Other.” We note that subheading 7326.90.85, HTSUS, was superseded by subheading 7326.90.86, HTSUS, as part of the 2017 revisions to the HTSUS, but that the provisions are substantively identical.

ISSUE:

Whether the bronze Taco Twin-Tees are properly classified in heading 7412, HTSUS, as copper pipe fittings, or in heading 7419, HTSUS, as other articles of copper, and whether the iron Taco Twin-Tees are properly classified in heading 7307, HTSUS, as iron pipe fittings, or in heading 7326, HTSUS, as other articles of iron.

LAW AND ANALYSIS:

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order.

In understanding the language of the HTSUS, the Explanatory Notes (ENs) of the Harmonized Commodity Description and Coding System, which constitute the official interpretation of the HTSUS at the international level, may be utilized. The ENs, although not dispositive or legally binding, provide a commentary on the scope of each heading, and are generally indicative of the proper interpretation of the HTSUS. *See* T.D. 89–80, 54 Fed. Reg. 35127 (August 23, 1989).

The HTSUS provisions under consideration, in pertinent part, are as follows:

7307	Tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel
7326	Other articles of iron or steel
7412	Copper tube or pipe fittings (for example couplings, elbows, sleeves)
7419	Other articles of copper

Because both headings 7307 and 7412, HTSUS, apply to “pipe fittings,” we initially consider the two headings in conjunction. *See ClearCorrect Operating, LLC v. ITC*, 810 F.3d 1283, 1294 (Fed. Cir. 2015) (“The Supreme Court has consistently held that ‘identical words used in different parts of the same act are intended to have the same meaning.’”). EN 73.07 provides, in relevant part, as follows:

This heading covers fittings of iron or steel, mainly used for connecting the bores of two tubes together, or for connecting a tube to some other apparatus, or for closing the tube aperture...

This heading therefore includes flat flanges and flanges with forged collars, elbows and bends and return bends, reducers, tees, crosses, caps and plugs, lap joint stub-ends, fittings for tubular railings and structural elements, off sets, multi-branch pieces, couplings or sleeves, clean out traps, nipples, unions, clamps and collars.

EN 74.12 provides in relevant part, as follows:

The Explanatory Note to heading 73.07 applies, *mutatis mutandis*, to this heading.

The term “pipe fitting” is not defined in the HTSUS. As such, it must be construed in accordance with its common meaning, which may be ascertained by reference to “standard lexicographic and scientific authorities” and to the pertinent ENs. See *GRK Can., Ltd. v. United States*, 761 F.3d 1354, 1357 (Fed. Cir. 2014). According to various technical references and EN 73.07, the latter of which guides classification in both heading 7307 and heading 7412, pipe fittings denote articles used to connect pipes to each other and/or to wholly separate apparatus. See *L & B Prods. Corp. v. United States*, 66 Cust. Ct. 424, 429 (Cust. Ct. 1971) (citing *Audels Mechanical Dictionary*, *Knight’s New American Mechanical Dictionary* and *The Dictionary of Mechanical Engineering* in defining “pipe fitting” as “auxiliary pieces to the main pipe system which is generally designed to transmit either a fluid or gas”); see also *GRK Canada, Ltd. v. United States*, 761 F.3d 1354, 1358 (Fed. Cir. 2014) (“Although an *eo nomine* provision generally describes the merchandise by name, not by use, such a provision may be limited by use when the name itself inherently suggests a type of use.”). Those authorities further indicate that for purposes of tariff classification, pipe fittings include tees. See EN 73.07 (enumerating “tee” as an exemplar of a pipe fitting); see also HQ H282279, dated July 6, 2017 (citing *L & B Prods. Corp. v. United States*, 66 Cust. Ct. at 429 (Cust. Ct. 1971) and *Mitsubishi Int’l Corp. v. United States*, 78 Cust. Ct. 4, 19–20 (Cust. Ct. 1977) in determining that tees fall within the scope of “pipe fitting”).² As we determined in HQ H282279, pipe fittings also include articles which function as tees, insofar as they combine or split fluid streams among various pipe ends or apparatus intake, even if their constructions vary somewhat from that of traditional tees.

Here, the Taco Twin-Tees do in fact combine and split the fluid streams within the hydroponic systems in which they are placed. Specifically, one of the two intersecting “twin” apertures diverts fluid from the primary circuit to the secondary circuit, while the other simultaneously joins fluids of the two circuits. As such, while the construction and operation of the articles may vary from those of traditional tees, in that the “vertical” component of the tee consists of two separate apertures that enable bi-directional fluid flow into and out of the main aperture, it nevertheless retains the form of a tee classifiable as a “pipe fitting” in headings 7307 and 7412, HTSUS. That the article can be considered a “tee” is further reinforced by its commercial designation as such. Moreover, that the articles are, by extension, classifiable as pipe fittings is evident in their description as such in an official product guide. See Taco Comfort Solutions, *Hydroponic Accessories: Loadmatch® Taco Twin-Tee®* (2006), available at <http://www.taco-hvac.com/uploads/FileLibrary/100-6.8.pdf> (describing Taco Twin-Tee as “a patented single pipe

² As noted in HQ H282279, *Mitsubishi* and *L & B Prods.* are highly instructive as to the proper interpretation of heading 7307, HTSUS, insofar as they pertained to a provision of the TSUS with substantially identical language.

fitting”). Because the Taco Twin-Tees are therefore describable as “pipe fittings,” they are classified in heading 7307, HTSUS, or heading 7412, HTSUS, according to their material composition.

HOLDING:

By application of GRI 1, the ductile iron Taco-Twin Tees are classified in heading 7307, HTSUS. They are specifically classified in subheading 7307.19.3085, HTSUSA (Annotated), which provides for: “Tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel: Cast fittings; Other: Ductile fittings: Other: Other.” The column one, general rate of duty is 5.6 percent *ad valorem*.

By application of GRI 1, the bronze Taco-Twin Tees are classified in heading 7412, HTSUS. They are specifically classified in subheading 7412.20.0035, HTSUSA, which provides for “Copper tube or pipe fittings (for example couplings, elbows, sleeves): Of copper alloys: Other: Of copper-zinc base alloys (brass): Threaded: Other.” The column one, general rate of duty is 3.0 percent *ad valorem*.

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

The merchandise in question may also be subject to antidumping duties or countervailing duties. We note that the International Trade Administration is not necessarily bound by a country of origin or classification determination issued by CBP, with regard to the scope of antidumping orders or countervailing duties. Written decisions regarding the scope of AD/CVD orders are issued by the Import Administration in the Department of Commerce and are separate from tariff classification and origin rulings issued by Customs and Border Protection. The Import Administration can be contacted at <http://www.trade.gov/ia/> (click on “Contact Us”). A list of current AD/CVD cases at the United States International Trade Commission can be viewed on its website at <http://www.usitc.gov> (click on “Antidumping and countervailing duty investigations”). AD/CVD deposit and liquidation messages can be searched using ACE, the system of record for AD/CVD messages, or the AD/CVD Search tool at <http://adcdvd.cbp.gov/index.asp?ac=home>.

EFFECT ON OTHER RULINGS:

NY M82071, dated May 5, 2006, is hereby REVOKED.

Sincerely,

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

**PROPOSED REVOCATION OF ONE RULING LETTER AND
REVOCATION OF TREATMENT RELATING TO THE
TARIFF CLASSIFICATION OF A BLUETOOTH WIRELESS
SPEAKER FROM THE PHILIPPINES**

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

ACTION: Notice of proposed revocation of one ruling letter and revocation of treatment relating to the tariff classification of a Bluetooth wireless speaker from the Philippines.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. § 1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) intends to revoke one ruling letter concerning the tariff classification of a Bluetooth wireless speaker from the Philippines under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Comments on the correctness of the proposed actions are invited.

DATE: Comments must be received on or before June 15, 2018.

ADDRESS: Written comments are to be addressed to U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 90 K St., NE, 10th Floor, Washington, DC 20229–1177. Submitted comments may be inspected at the address stated above during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325–0118.

FOR FURTHER INFORMATION CONTACT: Dwayne Rawlings, Electronics, Machinery, Automotive, and International Nomenclature Branch, Regulations and Rulings, Office of Trade, at (202) 325–0092.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obligation on CBP to provide the public with information concerning the trade community's responsibilities and rights under the customs and

related laws. In addition, both the public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to 19 U.S.C. § 1625(c)(1), this notice advises interested parties that CBP is proposing to revoke one ruling letter pertaining to the tariff classification of a Bluetooth wireless speaker from the Philippines. Although in this notice, CBP is specifically referring to New York Ruling Letter (“NY”) N233202, dated October 2, 2012 (Attachment A), this notice also covers any rulings on this merchandise which may exist, but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should advise CBP during the comment period.

Similarly, pursuant to 19 U.S.C. § 1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should advise CBP during this notice period. An importer’s failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY N233202, CBP classified a Bluetooth wireless speaker in heading 8517, HTSUS, specifically in subheading 8517.62.00, which provides for “Other apparatus for transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network (such as a local or wide area network): Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus: Other.” CBP has reviewed NY N233202 and has determined the ruling letter to be in error. It is now CBP’s position that the device is properly classified, by operation of GRI 1, in heading 8518, HTSUS, specifically in subheading 8518.22.00 which provides in pertinent part for “... loudspeakers, whether or not mounted in their

enclosures; ...: ... Loudspeakers, whether or not mounted in their enclosures: ... Multiple loudspeakers, mounted in the same enclosure.”

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is proposing to revoke NY N233202 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed HQ H281100, set forth as Attachment B to this notice. Additionally, pursuant to 19 U.S.C. § 1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

Before taking this action, consideration will be given to any written comments timely received.

Dated: April 20, 2018

GREG CONNOR

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

Attachments

ATTACHMENT A

N233202

October 2, 2012

CLA-2-85:OT:RR:NC:N1:109

CATEGORY: Classification

TARIFF NO.: 8517.62.0050

MR. PASCALE PANIGHEL
EURO COMMUNICATION EQUIPMENTS
ROUTE DE FOIX D117
NEVIAS 11500 FRANCE

RE: The tariff classification of a SuperTooth Disco 2 Bluetooth Wireless Speaker from the Philippines

DEAR MR. PANIGHEL:

In your letter dated September 11, 2012 you requested a tariff classification ruling.

The merchandise subject to this ruling is a SuperTooth Disco 2 Bluetooth wireless speaker. It contains a CSR8645 Bluetooth chip that enables it to receive and transmit in the frequency range of 2.402-2.480 GHz. When paired with other Bluetooth devices, the unit communicates with those Bluetooth devices using a time division duplex scheme that alternates transmission and reception functions, and thus uses the same antenna to transmit and receive at different times. There is an internal BT radio, digital signal processor, and audio codec that are used to receive and decode streamed music from a mobile phone or any Bluetooth host device. There is also a headset that can communicate with other Bluetooth products that support AD2P/AVRCP Bluetooth profile. Contained within the SuperTooth Disco2 Bluetooth wireless speaker is an 8 cell nickel-metal hydride (NiMH) rechargeable battery, which can be charged by the 14 volt direct current (DC) charging input. The SuperTooth Disco2 Bluetooth wireless speaker utilizes a Bluetooth version 4.0, making it compatible to any Bluetooth enabled cellular phone for up to 15 hours of talk time and up to 800 hours of standby time. There are built-in buttons for adjustable volume, play/pause, and next/previous music search. The Bluetooth chip contained within has a 3.3 volt voltage regulation circuit, battery protection and a charging circuit.

The SuperTooth Disco2 Bluetooth wireless speaker is a composite machine because it consists of several machines fitted together to form a whole (a speaker, a CSR8645 Bluetooth chip, and a headset) which perform complimentary functions described in different headings of Section XVI of the Harmonized Tariff Schedule of the United States (HTSUS). In accordance with Note 3 to Section XVI, composite machines are classified as if consisting only of the component which performs the principal function. It is the opinion of this office that the principal function of the SuperTooth Disco2 Bluetooth wireless speaker is to receive and transmit radio signals to and from the cell phones and Bluetooth enabled music playback devices to which they are paired. The said function is performed by the CSR8645 Bluetooth chip, as a transceiver, enabling hands-free telephony and communication with Bluetooth music devices. Transceivers are classified in subheading 8517.62, which provides in part for transmission and reception apparatus... including apparatus for communication in a wired or wireless network. While speaker and headset are classified in heading 8518, that heading does not fully

describe the merchandise at issue because it does not account for transceivers. Since the transceiver (CSR8645 Bluetooth chip) enables the headset to perform functions that distinguish it from the headsets classified in heading 8518, those functions being reception, transmission and decoding of streamed music from a mobile phone or any Bluetooth host device, when paired with other Bluetooth devices, the SuperTooth Disco2 Bluetooth wireless speaker is classifiable within subheading 8517.62, as a transceiver.

The applicable subheading for the SuperTooth Disco2 Bluetooth wireless speaker will be 8517.62.0050, Harmonized Tariff Schedule of the United States (HTSUS), which provides for “Other apparatus for transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network (such as a local or wide area network): Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus: Other.” The rate of duty will be free.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on World Wide Web at <http://www.usitc.gov/tata/hts/>.

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Linda M. Hackett at (646) 733-3015.

Sincerely,

THOMAS J. RUSSO

Director

National Commodity Specialist Division

ATTACHMENT B

HQ H281100
CLA-2 OT:RR:CTF:TCM H281100 DSR
CATEGORY: Classification
TARIFF NO.: 8518.22.00

MR. PASCALE PANIGHEL
EURO COMMUNICATION EQUIPMENTS
ROUTE DE FOIX D117
NEVIAS 11500 FRANCE

RE: Revocation of NY N233202; tariff classification of SuperTooth Disco 2 Bluetooth Wireless Speaker from the Philippines

DEAR MR. PANIGHEL:

In New York Ruling Letter (NY) N233202 (October 2, 2012), U.S. Customs and Border Protection (CBP) classified a device identified as the “SuperTooth Disco 2 Bluetooth Speaker” (hereinafter “Disco 2”) in subheading 8517.62.00, Harmonized Tariff Schedule of the United States (HTSUS), which provides for “Other apparatus for transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network (such as a local or wide area network): Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus: Other.” Since NY N233202 was issued, CBP has reviewed the ruling and determined that the classification provided for the Disco 2 is incorrect and, therefore, NY N233202 must be revoked for the reasons set forth in this ruling.

FACTS:

The Disco 2 is a device that houses, among other things, two loudspeakers and a “bass reflex system,” or subwoofer. To enable connectivity, the Disco 2 also contains a CSR8645 Bluetooth chip that permits it to receive and transmit in the frequency range of 2.402–2.480 GHz. When paired with other Bluetooth devices, the unit communicates with those Bluetooth devices using a time division duplex scheme that alternates transmission and reception functions, and thus uses the same antenna to transmit and receive at different times. There is an internal BT radio, digital signal processor, and audio codec that are used to receive and decode streamed music from a mobile phone or any Bluetooth host device. There is also a headset that can communicate with other Bluetooth products that support AD2P/AVRCP Bluetooth profile. Contained within the Disco 2 is an 8 cell nickel-metal hydride (NiMH) rechargeable battery, which can be charged by the 14 volt direct current (DC) charging input. There are built-in buttons for adjustable volume, play/pause, and next/previous music search.¹ The Bluetooth chip contained within has a 3.3 volt voltage regulation circuit, battery protection and a charging circuit.

¹ NY N233202 incorrectly stated that the Disco 2 is capable of up to 15 hours of talk time (as a “speakerphone”) when paired with a Bluetooth enabled cellular phone. However, our research indicates that the Disco 2 is not able to act as a speakerphone – it can only stream music from such a phone.

ISSUE:

Whether the Disco 2 is classified under subheading 8517.62.00, HTSUS, which provides for machines for the reception, conversion and transmission or regeneration of voice, images or other data; subheading 8518.22.00, which provides for multiple loudspeakers mounted in the same enclosure; or in subheading 8519.89.30, which provides for other sound recording or sound reproducing devices.

LAW AND ANALYSIS:

Classification under the HTSUS is determined in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order. In addition, in interpreting the HTSUS, the Explanatory Notes (ENs) of the Harmonized Commodity Description and Coding System may be utilized. The ENs, although not dispositive or legally binding, provide a commentary on the scope of each heading, and are generally indicative of the proper interpretation of the HTSUS. *See* T.D. 89-80, 54 Fed. Reg. 35127 (August 23, 1989). The HTSUS provisions under consideration in this ruling are as follows:

- 8517** Telephone sets, including telephones for cellular networks or for other wireless networks; other apparatus for the transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network (such as a local or wide area network), other than transmission or reception apparatus of heading 8443, 8525, 8527 or 8528; parts thereof:
- ...
- Other apparatus for transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network (such as a local or wide area network):
- ...
- 8517.62.00** Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus
- * * *
- 8518** Microphones and stands therefor; loudspeakers, whether or not mounted in their enclosures; headphones and earphones, whether or not combined with a microphone, and sets consisting of a microphone and one or more loudspeakers; audio-frequency electric amplifiers; electric sound amplifier sets; parts thereof:
- ...
- Loudspeakers, whether or not mounted in their enclosures:
- ...
- 8518.22.00** Multiple loudspeakers, mounted in the same enclosure
- * * *

8519 Sound recording or reproducing apparatus:

...

Other apparatus:

...

Other:

...

8519.89.30 Other

The EN to heading 85.17 provides, in pertinent part, the following:

This heading covers apparatus for the transmission or reception of speech or other sounds, images or other data between two points by variation of an electric current or optical wave flowing in a wired network or by electromagnetic waves in a wireless network. The signal may be analogue or digital. The networks, which may be interconnected, include telephony, telegraphy, radio-telephony, radio-telegraphy, local and wide area networks.

...

(II) OTHER APPARATUS FOR TRANSMISSION OR RECEPTION OF VOICE, IMAGES OR OTHER DATA, INCLUDING APPARATUS FOR COMMUNICATION IN A WIRED OR WIRELESS NETWORK (SUCH AS A LOCAL OR WIDE AREA NETWORK)

...

(F) Transmitting and receiving apparatus for radio-telephony and radio-telegraphy.

This group includes:

(1) Fixed apparatus for radio-telephony and radio-telegraphy (transmitters, receivers and transmitter-receivers). . . .

...

The EN to heading 85.18 provides, in pertinent part, the following:

This heading covers microphones, loudspeakers, headphones, earphones and audio-frequency electric amplifiers of all kinds presented separately, regardless of the particular purpose for which such apparatus may be designed (e.g., telephone microphones, headphones and earphones, and radio receiver loudspeakers).

The heading also covers electric sound amplifier sets.

...

(B) LOUSPEAKERS, WHETHER OR NOT MOUNTED IN THEIR ENCLOSURES

The function of loudspeakers is the converse of that of microphones: they reproduce sound by converting electrical variations or oscillations from an amplifier into mechanical vibrations which are communicated to the air.

...

Matching transformers and amplifiers are sometimes mounted together with loudspeakers. Generally the electrical input signal received by loudspeakers is in analogue form, however in some cases the input signal is in

digital format. Such loudspeakers incorporate digital to analogue converters and amplifiers from which the mechanical vibrations are communicated to the air.

Loudspeakers may be mounted on frames, chassis or in cabinets of different types (often acoustically designed), or even in articles of furniture. They remain classified in this heading provided the main function of the whole is to act as a loudspeaker. Separately presented frames, chassis, cabinets, etc., also fall in this heading provided they are identifiable as being mainly designed for mounting loudspeakers; articles of furniture of Chapter 94 designed to receive loudspeakers in addition to their normal function remain classified in Chapter 94.

The heading includes loudspeakers designed for connection to an automatic data processing machine, when presented separately.

...

The EN to heading 85.19 provides, in pertinent part, the following:

This heading covers apparatus for recording sound, apparatus for reproducing sound and apparatus that is capable of both recording and reproducing sound. Generally, sound is recorded onto or reproduced from an internal storage device or media (e.g., magnetic tape, optical media, semiconductor media or other media of heading 85.23).

...

(IV) OTHER APPARATUS USING MAGNETIC, OPTICAL OR SEMICONDUCTOR MEDIA

The apparatus of this group may be portable. They may also be equipped with, or designed to be attached to acoustic devices (loudspeakers, earphones, headphones) and an amplifier.

...

As in N233202, we continue to hold that the Disco 2 performs two or more complementary functions and that, therefore, Note 3 to Section XVI is applicable. Note 3 to Section XVI, states the following:

Unless the context otherwise requires, composite machines consisting of two or more machines fitted together to form a whole and other machines designed for the purpose of performing two or more complementary or alternative functions are to be classified as if consisting only of that component or as being that machine which performs the principal function.

However, we no longer hold that that the principal function of the Disco 2 is to transmit and receive sounds or data. Specifically, we now believe that in NY N233202, CBP incorrectly reasoned that the Bluetooth chip (*i.e.*, the component that imparts the transmission/reception functionality), rather than the loudspeaker, performs the principal function of this composite machine. Instead, we now find that the Disco 2 compares in functionality to a device that was the subject of H167260, issued *before* NY N233202 (on July 11, 2011), and that was classified in heading 8518 as a loudspeaker. In HQ H167260, the subject device is described as a “Jambox.” It is a Bluetooth-compliant wireless speaker with a built-in microphone. It is a portable device that connects to laptops, smart phones, tablets and mp3 players through a 3.5mm stereo wire, or via wireless Bluetooth technology, which enables it to play music stored on or streamed through such devices. When paired to a

mobile telephone via Bluetooth, the Jambox will also function as a “speakerphone” – i.e., a device that enables its user to command the paired mobile telephone to dial calls, answer calls, and talk hands-free by broadcasting the call.

In H167260, CBP correctly determined that the principal function of the Jambox, which is functionally analogous to the Disco 2, is that of a loudspeaker. Accordingly, H167260 correctly held that, by operation of Note 3 to Section XVI, the Jambox is properly classifiable in subheading 8518.22.00, covering loudspeakers. Like the Jambox of HQ H167260, the principal function of the Disco 2 is to act as a loudspeaker, regardless of the manner in which that function is enabled by its Bluetooth capabilities. The Bluetooth feature enables the speaker to wirelessly connect to the source of the audio signals that the speaker converts into corresponding sounds. Thus, the Bluetooth feature functions essentially like a stereo wire, except it permits the connection to be wireless. Regardless of whether loudspeakers such as the Jambox or the Disco 2 are connected to the source of the audio signals by way of a stereo wire, or wirelessly via the Bluetooth transmission/reception functions, the principal function of such loudspeakers is not to connect to the source of the signal, but rather to convert such signal into sound – that is, to function as a loudspeaker. Accordingly, by operation of Note 3 to Section XVI and because the Disco 2 principally functions as a loudspeaker, it is properly classified under heading 8518, HTSUS, and not in heading 8517, which covers machines for the transmission or reception of data. Moreover, because the Disco 2 consists of multiple loudspeakers mounted in the same enclosure, it is properly classifiable in subheading 8518.22.00.

We also note that because the Disco 2 is unable to record sound or read a recorded file from an internal memory or from a USB flash memory device or other removable solid-state non-volatile media, the Disco 2 is functionally distinct from merchandise that is classifiable in heading 8519, which provides for sound recording or reproducing apparatus. In NY N133779 (December 17, 2010), for example, CBP considered a device identified as the “iHome Airplay Wireless Stereo Speaker System with Rechargeable Battery” (Model No. iW1). The device is described as being designed to play and control audio files that it receives over a wireless (“Wi-Fi”) computer network. It is composed of a Wi-Fi system that incorporates four built-in speakers, an audio controller, an auxiliary input jack, a USB port, and a built-in rechargeable lithium battery. It is designed to reproduce sound that it generates from externally stored digital audio files. It can also play back music when physically connected to such devices as an Apple iPod, iPhone or iPad. Upon connection to a wireless network, the device also receives digital audio files, e.g., within an iTunes library, that it converts into audio signals, and then amplifies and plays the audio through its four built-in speakers. The rechargeable, battery-operated device does not contain a tuner and is not capable of recording. The product page for the device indicates that the device “supports charging *and local audio playback via USB* using the USB sync cable that comes with new iPods and iPhones.” [Emphasis added] See <https://www.ihomeaudio.com/iW1BC/>. CBP classified the device as an “other” sound recording or reproducing apparatus of subheading 8519.89.30, HTSUS. Later, in HQ H234950, CBP affirmed the holding reached in NY N133779 and provided comprehensive guidance regarding the proper interpretation of the phrase “sound recording or reproducing” as contemplated by heading 8519, HTSUS. Specifically, in HQ H234950 CBP explained that, in

accordance with the EN to heading 8519, a “sound-reproducing device” must be able to read a recorded file either from an internal memory or from a removable solid-state non-volatile medium, such as a USB flash memory apparatus:

[T]he ENs define a “sound-recording or reproducing device” as including one that functions by way of semiconductor media. Sound that is recorded onto such a medium is done so as digital code converted from analogue signal on the recording medium, and sound that is reproduced is done so by reading such medium. The fact that the ENs allow for semiconductor media to be either permanently installed in the apparatus or in the form of removable solid-state non-volatile storage media means that sound can be recorded onto an internal file or a removable solid state non-volatile media, such as a USB flash memory apparatus. *In order for a device to be a sound-reproducing device, it must be able to read the recorded file, either from an internal memory or from a removable solid-state non-volatile media, such as a USB flash memory apparatus. See EN 85.19.* [Emphasis added]

This definition is in accordance with definitions of dictionaries and other lexicographic sources. For example, the Oxford English Dictionary defines “record” as “of a machine, instrument or device: to set down (a message, reading, etc.) in some permanent form.” See *www.oed.com*. The Oxford English Dictionary defines “reproduce” as “To relay (sound originating elsewhere) or replay (sound recorded on another occasion) by electrical or mechanical means.... To produce again in the form of a copy.” See *www.oed.com*. In addition, the McGraw-Hill Encyclopedia of Science and Technology defines “sound recording” as “the technique of entering sound, especially music, on a storage medium for playback at a subsequent time.” See *McGraw-Hill Concise Encyclopedia of Science and Technology, 6th Ed.*, 2009 at 2197. This encyclopedia defines “sound-reproducing systems,” in pertinent part, as:

Systems that attempt to reconstruct some or all of the audible dimensions of an acoustic event that occurred elsewhere. A sound-reproducing system includes the functions of capturing sounds with microphones, manipulating those sounds using elaborate electronic mixing consoles and signal processors, and then storing the sounds for reproduction at later times and different places.

Id. at 2197.

A machine with a USB port allows a flash drive or other memory device to be plugged directly into the machine [and] ... [t]he [products in question], because they can read these files from the USB device, are sound-reproducing devices. ... This conclusion is consistent with prior CBP rulings, including NY N133779, to which you cited in support of this reconsideration. See NY N133779; see also NY N182121, dated September 16, 2011 and NY N129141, dated November 16, 2010.

Unlike the devices considered in HQ H234950 and the rulings cited therein, the instant Disco 2 is unable to record files either from an internal memory or from a removable solid-state non-volatile media, nor can the Disco 2 reproduce said files – a requirement that must be met in order for the devices to meet the relevant definition of “sound recording or reproducing” devices. Accordingly, the Disco 2 is not classified as a sound recording or reproducing device within the scope of heading 8519, HTSUS.

HOLDING:

By application of GRI 1 (Note 3 to Section XVI), the SuperTooth Disco 2 Bluetooth Wireless Speaker is classified in heading 8518, HTSUS, specifically in subheading 8518.22.00, HTSUS, which provides in pertinent part for: "... loudspeakers, whether or not mounted in their enclosures; ...: ... Loudspeakers, whether or not mounted in their enclosures: ... Multiple loudspeakers, mounted in the same enclosure." The current column one, general rate of duty is 2.4% *ad valorem*.

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

EFFECT ON OTHER RULINGS:

NY N233202, dated October 2, 2012, is revoked in accordance with this decision.

Sincerely,

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

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

(NO. 3 2018)

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 March 2018. The last notice was published in the CUSTOMS BULLETIN Vol. 52, No. 15, April 11, 2018.

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.

Dated: April 11, 2018

CHARLES R. STEUART

Chief,

*Intellectual Property Rights Branch
Regulations & Rulings, Office of Trade
U.S. Customs and Border Protection*

CBP IPR RECORDATION — MARCH 2018

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
COP 18-00048	03/05/2018	03/05/2038	HATCHIMALS COLLEGGIBLES SHELL 1.0.	Spin Master, Ltd.	No
COP 18-00049	03/06/2018	03/06/2038	Super Mario Bros.	Nintendo of America, Inc.	No
COP 18-00050	03/12/2018	03/12/2038	MANCHESTER CITY Crest.	Manchester City Football Club Limited (a UK company), Transfer	No
COP 18-00051	03/15/2018	12/15/2018	Chatsworth 2-Tier Solar Fountain	Smart Solar Inc.	No
COP 18-00052	03/15/2018	03/15/2038	QUATRO VINE	KEVIN NOH	No
COP 18-00053	03/15/2018	03/15/2038	PURPLE PAISLEY PARK.	Kevin Noh	No
COP 18-00054	03/16/2018	09/16/2018	Twister Tracks School Bus	Mindscope Products	No
COP 18-00055	03/16/2018	03/16/2038	FLAMINGO IN TOWN.	KEVIN NOH	No
COP 18-00056	03/16/2018	03/16/2038	MERMAID IN TOWN.	Kevin Noh	No
COP 18-00057	03/16/2018	03/16/2038	Southwest Serape	KEVIN NOH	No
COP 18-00058	03/16/2018	03/16/2038	TURTLE AND ME	KEVIN NOH	No
COP 18-00059	03/16/2018	03/16/2038	COW IN TOWN	KEVIN NOH	No
COP 18-00060	03/16/2018	03/16/2038	JOYFUL HAPPY CAMPER	KEVIN NOH	No
COP 18-00061	03/16/2018	12/16/2018	Twister Tracks Safari Vehicle	Mindscope Products	No
COP 18-00062	03/21/2018	03/21/2038	Zebra head design	ZIH Corp.	No
TMK 01-00386	03/07/2018	03/13/2028	CHANEL	CHANEL, INC.	No
TMK 01-00386	03/07/2018	03/13/2028	CHANEL	CHANEL, INC.	No
TMK 02-00115	03/13/2018	03/16/2028	MINNESOTA TIMBERWOLVES AND DESIGN	Minnesota Timberwolves Basketball Limited Partnership	No
TMK 02-00115	03/13/2018	03/16/2028	MINNESOTA TIMBERWOLVES AND DESIGN	Minnesota Timberwolves Basketball Limited Partnership	No
TMK 02-00122	03/15/2018	04/20/2028	UTAH JAZZ AND DESIGN	JAZZ BASKETBALL INVESTORS, INC.	No

CBP IPR RECORDATION — MARCH 2018

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 02-00122	03/15/2018	04/20/2028	UTAH JAZZ AND DESIGN	JAZZ BASKETBALL INVESTORS, INC.	No
TMK 02-00659	03/16/2018	10/09/2022	CC CC CC CC andDesign	COACH IP HOLDINGS LLC	No
TMK 02-00659	03/16/2018	10/09/2022	CC CC CC CC andDesign	COACH IP HOLDINGS LLC	No
TMK 02-00948	03/21/2018	12/24/2022	CC CC CC CC and Design	COACH IP HOLDINGS LLC	No
TMK 02-00948	03/21/2018	12/24/2022	CC CC CC CC and Design	COACH IP HOLDINGS LLC	No
TMK 03-00585	03/15/2018	06/24/2028	VENTURA WHITES AND DESIGN	Republic Tobacco L.P.	No
TMK 03-00585	03/15/2018	06/24/2028	VENTURA WHITES AND DESIGN	Republic Tobacco L.P.	No
TMK 05-00190	03/05/2018	01/12/2025	ST. LOUIS RAMS	THE LOS ANGELES RAMS, LLC	No
TMK 05-00190	03/05/2018	01/12/2025	ST. LOUIS RAMS	THE LOS ANGELES RAMS, LLC	No
TMK 05-00260	03/16/2018	09/07/2024	TAMPA BAY BUCCANEERS	BUCCANEERS TEAM LLC	No
TMK 05-00260	03/16/2018	09/07/2024	TAMPA BAY BUCCANEERS	BUCCANEERS TEAM LLC	No
TMK 05-00356	03/20/2018	06/10/2028	Design Only (Cross and Shield)	SWISS ARMY BRAND LTD.	No
TMK 05-00356	03/20/2018	06/10/2028	Design Only (Cross and Shield)	SWISS ARMY BRAND LTD.	No
TMK 05-00357	03/16/2018	06/03/2028	Design Only (Cross and Shield)	SWISS ARMY BRAND LTD.	No
TMK 05-00357	03/16/2018	06/03/2028	Design Only (Cross and Shield)	SWISS ARMY BRAND LTD.	No
TMK 05-00419	03/20/2018	06/03/2028	Design Only (Cross and Shield)	SWISS ARMY BRAND LTD.	No
TMK 05-00419	03/20/2018	06/03/2028	Design Only (Cross and Shield)	SWISS ARMY BRAND LTD.	No
TMK 06-00819	03/05/2018	04/30/2026	ST. LOUIS RAMS	THE LOS ANGELES RAMS, LLC	No
TMK 06-00819	03/05/2018	04/30/2026	ST. LOUIS RAMS	THE LOS ANGELES RAMS, LLC	No
TMK 07-00123	03/13/2018	03/13/2028	THINSULATE	3M COMPANY	No
TMK 07-00123	03/13/2018	03/13/2028	THINSULATE	3M COMPANY	No
TMK 07-00450	03/21/2018	07/04/2026	DESIGN ONLY	Auto Meter Products, Inc.	No
TMK 07-00450	03/21/2018	07/04/2026	DESIGN ONLY	Auto Meter Products, Inc.	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 07-00453	03/21/2018	04/24/2025	Phantom (Stylized)	AUTO METER PRODUCTS, INC.	No
TMK 07-00453	03/21/2018	04/24/2025	Phantom (Stylized)	AUTO METER PRODUCTS, INC.	No
TMK 07-00454	03/21/2018	07/16/2026	ULTRA-LITE (Stylized)	AUTO METER PRODUCTS, INC.	No
TMK 07-00454	03/21/2018	07/16/2026	ULTRA-LITE (Stylized)	AUTO METER PRODUCTS, INC.	No
TMK 07-00686	03/21/2018	06/27/2027	C2	Auto Meter Products, Inc.	No
TMK 07-00686	03/21/2018	06/27/2027	C2	Auto Meter Products, Inc.	No
TMK 07-00775	03/21/2018	11/09/2027	COACH	COACH IP HOLDINGS LLC	No
TMK 07-00775	03/21/2018	11/09/2027	COACH	COACH IP HOLDINGS LLC	No
TMK 07-00775	03/01/2018	11/09/2027	COACH	COACH IP HOLDINGS LLC	No
TMK 07-00885	03/21/2018	09/12/2027	DESIGN ONLY	Auto Meter Products, Inc.	No
TMK 07-00885	03/21/2018	09/12/2027	DESIGN ONLY	Auto Meter Products, Inc.	No
TMK 07-00916	03/12/2018	03/16/2028	MIDDLETON'S	JOHN MIDDLETON CO.	No
TMK 07-00916	03/12/2018	03/16/2028	MIDDLETON'S	JOHN MIDDLETON CO.	No
TMK 07-01137	03/21/2018	12/04/2027	Design Only (Cardinal Head) (Stylized)	ARIZONA CARDINALS FOOTBALL CLUB LLC	No
TMK 07-01137	03/21/2018	12/04/2027	Design Only (Cardinal Head) (Stylized)	ARIZONA CARDINALS FOOTBALL CLUB LLC	No
TMK 08-00155	03/20/2018	03/18/2028	ANGE OU DEMON	LVMH FRAGRANCE BRANDS	No
TMK 08-00155	03/20/2018	03/18/2028	ANGE OU DEMON	LVMH FRAGRANCE BRANDS	No
TMK 08-00223	03/12/2018	03/11/2028	COACH	COACH IP HOLDINGS LLC	No
TMK 08-00223	03/12/2018	03/11/2028	COACH	COACH IP HOLDINGS LLC	No
TMK 08-00522	03/21/2018	07/13/2024	CC CC CC CC	COACH IP HOLDINGS LLC	No
TMK 08-00522	03/21/2018	07/13/2024	CC CC CC CC	COACH IP HOLDINGS LLC	No
TMK 08-00617	03/08/2018	03/11/2028	DRAPER	Draper, Inc.	No

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TMK 08-00617	03/08/2018	03/11/2028	DRAPER	Draper, Inc.	No
TMK 08-00761	03/08/2018	03/18/2028	DRAPER	Draper, Inc.	No
TMK 08-00761	03/08/2018	03/18/2028	DRAPER	Draper, Inc.	No
TMK 08-00769	03/08/2018	03/11/2028	DRAPER	Draper, Inc.	No
TMK 08-00769	03/08/2018	03/11/2028	DRAPER	Draper, Inc.	No
TMK 08-01066	03/08/2018	03/11/2028	TOUCHBACK	HairMarker LLC	No
TMK 08-01066	03/08/2018	03/11/2028	TOUCHBACK	HairMarker LLC	No
TMK 08-01154	03/08/2018	05/26/2028	DOUBLE FLORAL CROSS DESIGN	Chrome Hearts LLC	No
TMK 08-01154	03/08/2018	05/26/2028	DOUBLE FLORAL CROSS DESIGN	Chrome Hearts LLC	No
TMK 08-01155	03/08/2018	05/26/2028	DESIGN ONLY (CELTIC CROSS DESIGN)	Chrome Hearts LLC	No
TMK 08-01155	03/08/2018	05/26/2028	DESIGN ONLY (CELTIC CROSS DESIGN)	Chrome Hearts LLC	No
TMK 08-01156	03/08/2018	05/26/2028	OVERLAPPING CROSS DESIGNS	Chrome Hearts LLC	No
TMK 08-01156	03/08/2018	05/26/2028	OVERLAPPING CROSS DESIGNS	Chrome Hearts LLC	No
TMK 08-01157	03/08/2018	06/18/2028	CHROME HEARTS AND DESIGN	Chrome Hearts LLC	No
TMK 08-01157	03/08/2018	06/18/2028	CHROME HEARTS AND DESIGN	Chrome Hearts LLC	No
TMK 08-01168	03/08/2018	05/19/2028	DESIGN ONLY (PLUS DESIGN)	Chrome Hearts LLC	No
TMK 08-01168	03/08/2018	05/19/2028	DESIGN ONLY (PLUS DESIGN)	Chrome Hearts LLC	No
TMK 08-01169	03/23/2018	12/22/2027	F & Design	Fila Luxembourg S.à.r.L.	No
TMK 08-01169	03/23/2018	12/22/2027	F & Design	Fila Luxembourg S.à.r.L.	No
TMK 08-01170	03/08/2018	05/26/2028	DESIGN ONLY (PLUS DESIGN)	Chrome Hearts LLC	No
TMK 08-01170	03/08/2018	05/26/2028	DESIGN ONLY (PLUS DESIGN)	Chrome Hearts LLC	No
TMK 08-01173	03/08/2018	05/19/2028	OVERLAPPING CROSS DESIGNS	Chrome Hearts LLC	No
TMK 08-01173	03/08/2018	05/19/2028	OVERLAPPING CROSS DESIGNS	Chrome Hearts LLC	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 09-00113	03/05/2018	11/19/2027	COACH	COACH IP HOLDINGS LLC	No
TMK 09-00113	03/05/2018	11/19/2027	COACH	COACH IP HOLDINGS LLC	No
TMK 09-00445	03/05/2018	10/14/2027	DESIGN ONLY (Polo Player)	PRL USA HOLDINGS, INC	No
TMK 09-00445	03/05/2018	10/14/2027	DESIGN ONLY (Polo Player)	PRL USA HOLDINGS, INC	No
TMK 09-00709	03/15/2018	08/27/2028	PAPER + DESIGN TABLETOP & Design	Paper & Design GmbH	No
TMK 09-00709	03/15/2018	08/27/2028	PAPER + DESIGN TABLETOP & Design	Paper & Design GmbH	No
TMK 10-00523	03/16/2018	12/22/2019	COACH & Design	COACH IP HOLDINGS LLC	No
TMK 10-00523	03/16/2018	12/22/2019	COACH & Design	COACH IP HOLDINGS LLC	No
TMK 10-00524	03/16/2018	09/02/2018	COACH & Design	COACH IP HOLDINGS LLC	No
TMK 10-00524	03/16/2018	09/02/2018	COACH & Design	COACH IP HOLDINGS LLC	No
TMK 11-00084	03/12/2018	04/22/2028	WR AND DESIGN	Casio Keisanki Kabushiki Kaisha	No
TMK 11-00084	03/12/2018	04/22/2028	WR AND DESIGN	Casio Keisanki Kabushiki Kaisha	No
TMK 11-00587	03/09/2018	03/04/2028	H Design plus words	HERMES INTERNATIONAL	No
TMK 11-00587	03/09/2018	03/04/2028	H Design plus words	HERMES INTERNATIONAL	No
TMK 11-00678	03/06/2018	03/11/2028	URBAN ZEN	Karan, Donna	No
TMK 11-00678	03/06/2018	03/11/2028	URBAN ZEN	Karan, Donna	No
TMK 12-00551	03/21/2018	02/20/2028	XINGSIR	UNIVERSAL PERCUSSION, INC.	No
TMK 12-00551	03/21/2018	02/20/2028	XINGSIR	UNIVERSAL PERCUSSION, INC.	No
TMK 12-00895	03/08/2018	03/18/2028	HARLEY-DAVIDSON MOTORCYCLES and Design	H-D U.S.A., LLC	No
TMK 12-00895	03/08/2018	03/18/2028	HARLEY-DAVIDSON MOTORCYCLES and Design	H-D U.S.A., LLC	No
TMK 13-00957	03/21/2018	08/20/2028	TIFFANY & CO.	TIFFANY (NJ) LLC	No
TMK 13-00957	03/21/2018	08/20/2028	TIFFANY & CO.	TIFFANY (NJ) LLC	No

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TMK 13-01014	03/16/2018	04/13/2028	THE MULTIPLE (Stylized)	SHISEIDO AMERICAS CORPORATION	No
TMK 13-01014	03/16/2018	04/13/2028	THE MULTIPLE (Stylized)	SHISEIDO AMERICAS CORPORATION	No
TMK 14-00190	03/16/2018	12/14/2024	GOOGLE	GOOGLE LLC	No
TMK 14-00190	03/16/2018	12/14/2024	GOOGLE	GOOGLE LLC	No
TMK 14-00555	03/08/2018	03/10/2028	DESIGN ONLY (Zebra Stripes Design - 9 Stripes)	Tama Plastic Industry	No
TMK 14-00555	03/08/2018	03/10/2028	DESIGN ONLY (Zebra Stripes Design - 9 Stripes)	Tama Plastic Industry	No
TMK 14-01187	03/15/2018	02/12/2027	PROSCIUTTO DI PARMA	CONSORZIO DEL PROSCIUTTO DI PARMA	No
TMK 14-01187	03/15/2018	02/12/2027	PROSCIUTTO DI PARMA	CONSORZIO DEL PROSCIUTTO DI PARMA	No
TMK 14-01198	03/15/2018	02/12/2027	PARMA HAM	CONSORZIO DEL PROSCIUTTO DI PARMA	No
TMK 14-01198	03/15/2018	02/12/2027	PARMA HAM	CONSORZIO DEL PROSCIUTTO DI PARMA	No
TMK 14-01242	03/15/2018	02/12/2026	Parma and Design	CONSORZIO DEL PROSCIUTTO DI PARMA	No
TMK 14-01242	03/15/2018	02/12/2026	Parma and Design	CONSORZIO DEL PROSCIUTTO DI PARMA	No
TMK 16-00164	03/13/2018	09/22/2020	LIME CRIME	LC BRANDS LLC	No
TMK 16-00164	03/13/2018	09/22/2020	LIME CRIME	LC BRANDS LLC	No
TMK 16-00211	03/16/2018	05/28/2022	COACH	COACH IP HOLDINGS LLC	No
TMK 16-00211	03/16/2018	05/28/2022	COACH	COACH IP HOLDINGS LLC	No
TMK 16-00277	03/16/2018	09/02/2019	COACH	COACH IP HOLDINGS LLC	No

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TMK 16-00277	03/16/2018	09/02/2019	COACH	COACH IP HOLDINGS LLC	No
TMK 16-00279	03/16/2018	06/09/2019	COACH	COACH IP HOLDINGS LLC	No
TMK 16-00279	03/16/2018	06/09/2019	COACH	COACH IP HOLDINGS LLC	No
TMK 16-00298	03/21/2018	04/01/2028	INTELLINET NETWORK SOLUTIONS	IC Intracom Holdings, LLC	No
TMK 16-00298	03/21/2018	04/01/2028	INTELLINET NETWORK SOLUTIONS	IC Intracom Holdings, LLC	No
TMK 16-00394	03/13/2018	10/16/2023	VELVETINES	LC BRANDS LLC	No
TMK 16-00394	03/13/2018	10/16/2023	VELVETINES	LC BRANDS LLC	No
TMK 16-01007	03/05/2018	05/17/2025	SteamQ (stylized)	NEXT UP CO., LTD.	No
TMK 16-01007	03/05/2018	05/17/2025	SteamQ (stylized)	NEXT UP CO., LTD.	No
TMK 16-01117	03/21/2018	12/20/2026	Hangtag (Design)	COACH IP HOLDINGS LLC	No
TMK 16-01117	03/21/2018	12/20/2026	Hangtag (Design)	COACH IP HOLDINGS LLC	No
TMK 17-00169	03/15/2018	12/11/2027	THE DONALD J. TRUMP SIGNATURE COLLECTION	DTTM OPERATIONS LLC	No
TMK 17-00169	03/15/2018	12/11/2027	THE DONALD J. TRUMP SIGNATURE COLLECTION	DTTM OPERATIONS LLC	No
TMK 17-00863	03/21/2018	03/11/2028	DR. SCHOLL'S	BAYER HEALTHCARE LLC	No
TMK 17-00863	03/21/2018	03/11/2028	DR. SCHOLL'S	BAYER HEALTHCARE LLC	No
TMK 17-01338	03/12/2018	06/10/2028	TARTINE ET CHOCOLAT	LVMH FRAGRANCE BRANDS	No
TMK 17-01338	03/12/2018	06/10/2028	TARTINE ET CHOCOLAT	LVMH FRAGRANCE BRANDS	No
TMK 18-00159	03/01/2018	04/30/2028	SAMSARA	SZKUTAK WINE VENTURES, LLC	No
TMK 18-00160	03/05/2018	06/17/2025	ITAP	iOttie Inc.	No
TMK 18-00161	03/05/2018	05/16/2026	DESIGN ONLY (Toy vehicle track sets)	Mindscope Products	No
TMK 18-00162	03/05/2018	05/16/2026	DESIGN ONLY (Toy vehicle track sets)	Mindscope Products	No
TMK 18-00163	03/05/2018	05/27/2028	SPLY-350	adidas AG	No

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TMK 18-00164	03/05/2018	11/19/2022	DAWN	THE PROCTER & GAMBLE COMPANY	No
TMK 18-00165	03/05/2018	07/07/2019	PEPTO	The Procter & Gamble Company	No
TMK 18-00166	03/05/2018	09/04/2023	AKG	HARMAN INTERNATIONAL INDUSTRIES, INCORPORATED	No
TMK 18-00167	03/05/2018	05/16/2026	DESIGN ONLY (Toy vehicle track sets)	Mindscope Products	No
TMK 18-00168	03/06/2018	05/16/2026	DESIGN ONLY (Toy vehicle track sets)	Mindscope Products	No
TMK 18-00169	03/06/2018	05/06/2028	DESIGN ONLY (PopSockets Icon Logo)	PopSockets LLC	No
TMK 18-00170	03/08/2018	08/09/2027	BOOBOBOX	Hutzler Manufacturing Company, Inc.	No
TMK 18-00171	03/08/2018	05/16/2019	SANO	Sano-Brunos Enterprises Ltd.	No
TMK 18-00172	03/08/2018	07/28/2025	Design Only (Football Helmet with a 5-point star)	Dallas Cowboys Football Club, Ltd.	No
TMK 18-00173	03/08/2018	11/14/2022	XXIO (STYLIZED)	DUNLOP SPORTS CO. LTD.	No
TMK 18-00174	03/08/2018	02/01/2026	Design Only (Football Helmet with a Ram's Horn)	THE LOS ANGELES RAMS, LLC	No
TMK 18-00175	03/12/2018	11/29/2027	JETS	New York Jets LLC	No
TMK 18-00176	03/12/2018	11/17/2024	PROENZA SCHOUER	PROENZA SCHOUER, LLC	No
TMK 18-00177	03/12/2018	07/08/2024	M.C.F.C. SUPERBIA IN PROELIO and DESIGN	MANCHESTER CITY FOOTBALL CLUB	No
TMK 18-00178	03/12/2018	11/15/2027	MANCHESTER CITY 1894 & Design	Manchester City Football Club Limited	No
TMK 18-00179	03/12/2018	07/18/2027	DESIGN ONLY (Square Reader Audio plug)	Square, Inc.	No
TMK 18-00180	03/12/2018	12/17/2023	WAFF	Boudaeva, Kristina	No
TMK 18-00181	03/12/2018	10/29/2024	TARTE	Tarte, Inc.	No
TMK 18-00182	03/12/2018	05/27/2028	PENSIMPLE	JABB DESIGNS INC	No
TMK 18-00183	03/13/2018	12/11/2021	BALENCIAGA (Stylized)	BALENCIAGA	No

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TMK 18-00184	03/13/2018	06/18/2028	FREE LAY	MITCHELL, DANIEL PAUL	No
TMK 18-00185	03/13/2018	03/27/2027	MODA	Royal Brush Manufacturing, Inc.	No
TMK 18-00186	03/13/2018	01/10/2028	SPC	Mitchell, Daniel P.	No
TMK 18-00187	03/13/2018	03/27/2027	MODA & Design	Royal Brush Manufacturing, Inc.	No
TMK 18-00188	03/13/2018	08/26/2025	COACH NEW YORK and DESIGN	COACH IP HOLDINGS LLC	No
TMK 18-00189	03/13/2018	06/14/2027	B. BALENCIAGA PARIS (Stylized)	BALENCIAGA	No
TMK 18-00190	03/15/2018	05/26/2023	COACH EST. 1941 NEW YORK & Design	COACH IP HOLDINGS LLC	No
TMK 18-00191	03/15/2018	08/26/2025	COACH NEW YORK & Design	COACH IP HOLDINGS LLC	No
TMK 18-00192	03/15/2018	08/26/2025	COACH NEW YORK & Design	COACH IP HOLDINGS LLC	No
TMK 18-00193	03/15/2018	08/26/2025	COACH NEW YORK & Design	COACH IP HOLDINGS LLC	No
TMK 18-00194	03/15/2018	07/05/2021	PROENZA SCHOULER	Proenza Schouler, LLC	No
TMK 18-00195	03/15/2018	04/09/2028	VIGNA MONTEBELLO SETTE	Tolaini Societa' Agricola S.R.L.	No
TMK 18-00196	03/15/2018	04/09/2028	VALLENUOVA	Tolaini Societa' Agricola S.R.L.	No
TMK 18-00197	03/15/2018	04/09/2028	TOLAINI & Design (Stylized)	Tolaini Societa' Agricola S.R.L.	No
TMK 18-00198	03/15/2018	04/02/2028	VALDISANTI	Tolaini Societa' Agricola S.R.L.	No
TMK 18-00199	03/15/2018	04/02/2028	AL PASSO	Tolaini Societa' Agricola S.R.L.	No
TMK 18-00200	03/15/2018	04/09/2028	DONNA LAURA	Donna Laura S.R.L.	No
TMK 18-00201	03/15/2018	08/23/2027	ALTA	Fitbit, Inc.	No
TMK 18-00202	03/15/2018	05/14/2027	FITBIT CHARGE	FITBIT, INC.	No
TMK 18-00203	03/16/2018	04/30/2028	BE SMART GET PREPARED	Total Resources International	No
TMK 18-00204	03/16/2018	11/02/2026	FITBIT SURGE	FITBIT, INC.	No
TMK 18-00205	03/16/2018	06/14/2027	FITBIT BLAZE	Fitbit, Inc.	No
TMK 18-00206	03/16/2018	04/17/2027	Overlapping circle design	TEMPUR WORLD, LLC	No

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TMK 18-00207	03/16/2018	09/20/2027	Y design	TEMPUR WORLD, LLC	No
TMK 18-00208	03/16/2018	03/27/2027	Design Only (Arch design)	TEMPUR WORLD, LLC	No
TMK 18-00209	03/16/2018	10/09/2023	CC CC CC CC (Stylized)	COACH IP HOLDINGS LLC	No
TMK 18-00210	03/16/2018	01/03/2028	V and DESIGN (Knight Helmet logo)	BLACK KNIGHT SPORTS AND ENTERTAINMENT LLC	No
TMK 18-00211	03/16/2018	08/26/2025	COACH NEW YORK & Design	COACH IP HOLDINGS LLC	No
TMK 18-00212	03/20/2018	02/08/2022	United States Mint and Design (graphic logo)	United States Department of the Treasury	No
TMK 18-00213	03/20/2018	06/06/2020	UNITED STATES MINT	DEPARTMENT OF THE TREASURY, U.S. MINT	No
TMK 18-00214	03/20/2018	05/27/2028	POWER EAR	GAJSTUT, ENRIQUE (INDIVIDUAL)	No
TMK 18-00215	03/20/2018	05/11/2024	GERBER and Design	Fiskars Brands, Inc.	No
TMK 18-00216	03/21/2018	06/11/2028	DUNHILL (Stylized)	Alfred Dunhill Limited	No
TMK 18-00217	03/21/2018	09/20/2027	SWANSEA CITY AFC (Stylized) and Design	The Swansea City Association Football Club Limited	No
TMK 18-00218	03/21/2018	01/09/2028	YOU'LL NEVER WALK ALONE LIVERPOOL FOOTBALL CLUB EST.1892 and Design	THE LIVERPOOL FOOTBALL CLUB AND ATHLETIC GROUNDS LIMITED	No
TMK 18-00219	03/21/2018	05/10/2025	NEWCASTLE UNITED and Design	Newcastle United Football Company Limited	No
TMK 18-00220	03/21/2018	03/09/2019	TOTTENHAM HOTSPUR and Design	Tottenham Hotspur Limited Incorporated	No
TMK 18-00221	03/21/2018	10/05/2026	WEST HAM UNITED LONDON and Design	West Ham United Football Club Limited	No
TMK 18-00222	03/21/2018	03/26/2028	KANEFUKU and Design	Kamerycah, Inc.	No
TMK 18-00223	03/21/2018	05/20/2028	DESIGN ONLY (KANEFUKU in Japanese hiragana letters)	Kamerycah, Inc.	No

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TMK 18-00224	03/21/2018	04/16/2028	STEALTH	Victory Grips, LLC	No
TMK 18-00225	03/21/2018	08/29/2027	FORTIFLORA	Societe des Produits Nestle S.A.	No
TMK 18-00226	03/21/2018	06/13/2028	CHEEKY BOY	Foong, Kaye Yeen TA Cheeky Boy Sauces	No
TMK 18-00227	03/21/2018	04/16/2028	VICTORY GRIPS	Victory Grips, LLC	No
TMK 18-00228	03/23/2018	01/24/2028	INSIDE IMPACT	Matter Unlimited LLC	No
TMK 18-00229	03/23/2018	10/17/2027	Design Only (Stylized Falcon)	Atlanta Falcons Football Club, LLC	No
TMK 18-00230	03/23/2018	01/31/2028	XPA	X-Ray Professional Association	No
TMK 18-00231	03/23/2018	03/30/2025	DESIGN ONLY (Trade dress design of a square with four octagons, one in each quadrant)	Tri-Lynx Corporation	No
TMK 18-00232	03/23/2018	02/14/2028	TAPS TO RICHES	Game Circus LLC	No
TMK 18-00233	03/23/2018	01/24/2028	BOOMERING BRINGING THE BUSINESS BACK TOYOU. & Design	TJ Kraft, Ltd. DBA BoomeKing	No
TMK 18-00234	03/23/2018	01/17/2028	TUBSTER	Revolution Recovery	No
TMK 18-00235	03/23/2018	07/05/2026	TORY SPORT	River Light V, L.P.	No
TMK 18-00236	03/23/2018	10/26/2021	VIAIR	VIAIR CORPORATION	No
TMK 18-00237	03/23/2018	05/12/2028	HANDLE-ALL (Stylized)	Bloomfield Manufacturing Company, Inc.	No
TMK 18-00238	03/23/2018	11/22/2027	MILLBROOKE	LTL Wholesale, Inc.	No
TMK 18-00239	03/23/2018	11/11/2025	COLOURPOP	COLOURPOP COSMETICS, LLC	No
TMK 18-00240	03/23/2018	11/30/2024	VIAIR Your Vital Air Source & Design	VIAIR Corporation	No
TMK 90-00090	03/08/2018	12/06/2019	PENDLETON (Stylized)	PENDLETON WOOLEN MILLS, INC.	No
TMK 90-00090	03/08/2018	12/06/2019	PENDLETON (Stylized)	PENDLETON WOOLEN MILLS, INC.	No
TMK 92-00131	03/15/2018	05/23/2028	LOS ANGELES LAKERS AND DESIGN	THE LOS ANGELES LAKERS, INC.	No
TMK 92-00131	03/15/2018	05/23/2028	LOS ANGELES LAKERS AND DESIGN	THE LOS ANGELES LAKERS, INC.	No

QUARTERLY IRS INTEREST RATES USED IN CALCULATING INTEREST ON OVERDUE ACCOUNTS AND REFUNDS ON CUSTOMS DUTIES

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

ACTION: General notice.

SUMMARY: This notice advises the public that the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties will increase from the previous quarter. For the calendar quarter beginning April 1, 2018, the interest rates for overpayments will be 4 percent for corporations and 5 percent for non-corporations, and the interest rate for underpayments will be 5 percent for both corporations and non-corporations. This notice is published for the convenience of the importing public and U.S. Customs and Border Protection personnel.

DATES: The rates announced in this notice are applicable as of April 1, 2018.

FOR FURTHER INFORMATION CONTACT: Bruce W. Ingalls, Revenue Division, Collection and Refunds Branch, 6650 Telecom Drive, Suite #100, Indianapolis, Indiana 46278; telephone (317) 298-1107.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85-93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of customs duties must be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 provides different interest rates applicable to overpayments: One for corporations and One for non-corporations.

The interest rates are based on the Federal short-term rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2018-07, the IRS determined the rates of interest for the calendar quarter beginning April 1, 2018, and ending on June 30, 2018. The interest rate paid to the Treasury for underpayments will be the Federal short-term rate (2%) plus three percentage

points (3%) for a total of five percent (5%) for both corporations and non-corporations. For corporate overpayments, the rate is the Federal short-term rate (2%) plus two percentage points (2%) for a total of four percent (4%). For overpayments made by non-corporations, the rate is the Federal short-term rate (2%) plus three percentage points (3%) for a total of five percent (5%). These interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties are the same from the previous quarter. These interest rates are subject to change for the calendar quarter beginning July 1, 2018, and ending September 30, 2018.

For the convenience of the importing public and U.S. Customs and Border Protection personnel the following list of IRS interest rates used, covering the period from July of 1974 to date, to calculate interest on overdue accounts and refunds of customs duties, is published in summary format.

Beginning date	Ending date	Under-payments (percent)	Over-payments (percent)	Corporate overpay-ments (eff. 1-1-99) (percent)
070174.....	063075	6	6	.....
070175.....	013176	9	9	.....
020176.....	013178	7	7	.....
020178.....	013180	6	6	.....
020180.....	013182	12	12	.....
020182.....	123182	20	20	.....
010183.....	063083	16	16	.....
070183.....	123184	11	11	.....
010185.....	063085	13	13	.....
070185.....	123185	11	11	.....
010186.....	063086	10	10	.....
070186.....	123186	9	9	.....
010187.....	093087	9	8	.....
100187.....	123187	10	9	.....
010188.....	033188	11	10	.....
040188.....	093088	10	9	.....
100188.....	033189	11	10	.....
040189.....	093089	12	11	.....
100189.....	033191	11	10	.....
040191.....	123191	10	9	.....
010192.....	033192	9	8	.....
040192.....	093092	8	7	.....
100192.....	063094	7	6	.....

Beginning date	Ending date	Under-payments (percent)	Over-payments (percent)	Corporate overpayments (eff. 1-1-99) (percent)
070194.....	093094	8	7	.....
100194.....	033195	9	8	.....
040195.....	063095	10	9	.....
070195.....	033196	9	8	.....
040196.....	063096	8	7	.....
070196.....	033198	9	8	.....
040198.....	123198	8	7	.....
010199.....	033199	7	7	6
040199.....	033100	8	8	7
040100.....	033101	9	9	8
040101.....	063001	8	8	7
070101.....	123101	7	7	6
010102.....	123102	6	6	5
010103.....	093003	5	5	4
100103.....	033104	4	4	3
040104.....	063004	5	5	4
070104.....	093004	4	4	3
100104.....	033105	5	5	4
040105.....	093005	6	6	5
100105.....	063006	7	7	6
070106.....	123107	8	8	7
010108.....	033108	7	7	6
040108.....	063008	6	6	5
070108.....	093008	5	5	4
100108.....	123108	6	6	5
010109.....	033109	5	5	4
040109.....	123110	4	4	3
010111.....	033111	3	3	2
040111.....	093011	4	4	3
100111.....	033116	3	3	2
040116.....	033118	4	4	3
040118.....	063018	5	5	4

Dated: April 23, 2018.

SAMUEL D. GRABLE,
*Assistant Commissioner and
Chief Financial Officer,
Office of Finance.*

[Published in the Federal Register, May 2, 2018 (83 FR 19292)]

ACCREDITATION AND APPROVAL OF SAYBOLT LP (ST. ROSE, LA) AS A COMMERCIAL GAUGER

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

ACTION: Notice of accreditation and approval of Saybolt LP (St. Rose, LA), as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Saybolt LP (St. Rose, LA), has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of June 13, 2017.

DATES: Saybolt LP (St. Rose, LA) was approved and accredited as a commercial gauger and laboratory as of June 13, 2017. The next triennial inspection date will be scheduled for June 2020.

FOR FURTHER INFORMATION CONTACT: Christopher J. Mocella, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that Saybolt LP, 190 James Drive East, Suite 110, St. Rose, LA 70087, has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Saybolt LP (St. Rose, LA), is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
11	Physical Properties Data.
12	Calculations.
17	Maritime measurement.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202)

344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov*. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. *<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>*.

Dated: April 25, 2018.

DAVE FLUTY,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, May 2, 2018 (83 FR 19296)]

NOTICE OF ISSUANCE OF FINAL DETERMINATION CONCERNING GYROCOMPASSES

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 certain gyrocompasses. Based upon the facts presented, CBP has concluded that the country of origin of the gyrocompasses is the United States for purposes of U.S. Government procurement.

DATES: This final determination was issued on April 24, 2018. 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 June 1, 2018.

FOR FURTHER INFORMATION CONTACT: Ross M. Cunningham, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade, (202) 325–0034.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on April 24, 2018, pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP issued one final determination concerning the country of origin of certain gyrocompasses, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination (HQ H287851) 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 the processing in the United States will result in a substantial transformation. Therefore, the country of origin for purposes of U.S. Government procurement of the gyrocompasses is the United States.

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: April 24, 2018.

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

HQ H287851

April 24, 2018

OT:RR:CTF:VS H287851 RMC

CATEGORY: Country of Origin

MICHAEL S. SNARR
BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 110
1050 CONNECTICUT AVE., NW
WASHINGTON, DC 20036-5304

Re: U.S. Government Procurement; Country of Origin of Gyrocompass;
Substantial Transformation

DEAR MR. SNARR:

This is in response to your letter dated June 12, 2017, requesting a final determination on behalf of [] (“the Manufacturer”) pursuant to subpart B of Part 177 of the U.S. Customs and Border Protection (“CBP”) Regulations (19 C.F.R. Part 177). A meeting was held in our office on December 18, 2018, during which you and your client explained how the product functions and the assembly process. A follow-up submission dated January 4, 2018, was also provided.

This final determination concerns the country of origin of a gyrocompass that will be assembled in the United States. As a U.S. importer, [the Manufacturer] is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination.

You have asked that certain information submitted in connection with this request be treated as confidential. Inasmuch as this request conforms to the requirements of 19 C.F.R. § 177.2(b)(7), the request for confidentiality is approved. The information contained within brackets in this ruling or in the attachments to this ruling request, forwarded to our office, will not be released to the public and will be withheld from published versions of this ruling.

FACTS:

[The Manufacturer] is incorporated in [] and has its principal place of business in []. It is a wholly-owned subsidiary of [] (“the Parent Company”) a [] entity. [The Parent Company] develops gyrocompasses and advanced inertial navigational systems for navigation on land, at sea, in the air, and in space.

The subject merchandise is a “surface gyrocompass and attitude reference system” sold under the name []. The technical offer documentation provided describes the merchandise as a “small size, low weight, low power consumption, IMO-certified, solid-state Fiber-Optic gyrocompass providing all necessary data for demanding navigation and control applications: True-North heading, roll, pitch and rates of return.” The merchandise transmits these data to onboard navigational and control systems to control a ship’s movement at sea.

Five main components comprise the merchandise:

1. Inertial Sensor Assembly (“ISA”)—Manufactured in France from French (or possibly U.S.) parts, the ISA contains interferometric fiber-optic gyroscopes (“FOGs”) and accelerometers. The FOGs incorporate fiber-optic coils connected to integrated optical circuits to create the interferometers that provide the actual place of gyroscopic measurement. Three FOGs are com-

bined into a single component structure along with three accelerometers to form the ISA. The capability of the ISA is limited to measuring raw accelerations and rotation rates. After testing in France, the ISA will be shipped to the United States.

2. Digital Signal Processing (“DSP”) Board—Manufactured in the United States from U.S. parts, the DSP Board acquires the measurements from the ISA, compensates for various kinds of potential measurement errors, computes an angular position using algorithms, and sends the computed parameters to a dual-access memory unit. It is comprised of 46 different components including capacitors, resistors, connectors, inductors, an oscillator, a flash memory unit, and others.

3. Interface Board—Manufactured in the United States from U.S. parts (other than the connectors on the interface board, which are sourced in Germany “as per the standard for connectors of this purpose”), the Interface Board contains the connections for the components necessary for communication between the product and the ship’s other hardware (e.g., panel mounted receptacle connectors, serial link drivers, and Ethernet LAN transformer). Thus, the Interface Board allows the gyroscope to communicate with the ship’s other navigational equipment, and vice versa. It is comprised of 56 different components including connectors, capacitors, inductors, diodes, digital isolators, a filter, and Ethernet transformer, and others.

4. Processor Board—Manufactured in the United States from U.S. parts, the Processor Board contains a microcontroller that serves as the intelligence of the merchandise. It also contains micro and flash memory that are necessary for the functioning of the merchandise. It is comprised of 61 different components including resistors, oscillators, connectors, diodes, LEDs, a DC power converter, a flash memory unit, and others.

5. Customized Housing—Machined in the United States from U.S. parts, the customized housing consists of a metal baseplate and top cover that enclose and protect the other components.

The U.S. assembly processes described in [the Manufacturer’s] submission begin when a subcontractor assembles the DSP board, Interface Board, Processor Board, and housing in the United States. You state that the combined manufacturing time for the boards is 4.2 hours, while the customized metal housing takes about ten hours. For the boards, the assembly process generally involves the placement and soldering into place of the electronic components necessary for the boards’ functioning. The housing is made by bending sheets of metal, brazing them together, and powder coating the component.

Once the boards and housing have been completed, they are ready to be integrated with the French-origin ISAs to produce the final product. Although the ISAs generate raw data such as angular rates and linear acceleration, these measurements “lack the accuracy and proper frame of reference needed to compute the relevant parameters for navigation or to transmit these data into a functional format for the ship’s navigation and control” (i.e., heading, roll, pitch, and heave). You state that the DSP board, interface board, and processor board are essential in processing and converting the “raw” signal that the ISA generates into a signal that can be used by the ship’s navigational and control systems. For example, according to the information provided, the processor board serves as the “intelligence” of the product and contains firmware and the user interface that allows a ship’s crew to control the product. The interface board serves as the electrical link between the ship’s electrical equipment and the product, and the DSP board processes the

raw data generated by the ISA into a format that is compatible with navigational equipment. Thus, you state that the U.S. processor board, interface board, and DSP board are essential to the capabilities and functioning of the product.

The final assembly of the [] product in the United States will take approximately seven and a half hours and will begin when the ISA is mounted to the baseplate of the housing, which involves placing a gasket, affixing heat-sink compound, and fastening screws. Technicians will then combine the interface board, processor board, and DSP Board to form “electronic clusters.” This process will involve soldering connectors, attaching flexible cables, and screwing components together. The processor board and the DSP board will then each be loaded with software developed in France.

After this process is complete, the electronic clusters will be connected to the ISA through the mounting of cables that permit electronic exchange between the ISA and the electronic cluster. You state that this integration in the United States will produce an Inertial Measurement Unit (“IMU”) that has the capacity of recording and collecting raw navigational data, as well as generating and transmitting those data in a format that related nautical systems can use.

In order to make the IMUs ready for installation, however, calibration testing must be conducted. In this stage of the production process, a motion tester and software tester will be used to ensure smooth integration with a ship’s navigation systems. [The Manufacturer] states that the calibration testing will take up to 24 hours. Once this testing is completed, the finished gyrocompass will be ready for use in the field.

ISSUE:

What is the country of origin of the gyrocompasses for purposes of U.S. Government procurement?

LAW AND ANALYSIS:

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, pursuant to subpart B of Part 177, 19 C.F.R. § 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*).

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 C.F.R. § 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 C.F.R. § 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 desig-

nated country end products for acquisitions subject to the TAA. See 48 C.F.R. § 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 C.F.R. § 25.003.

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, the extent of operations performed and whether the parts lose their identity and become an integral part of the new article are considered. 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.

In HQ 558919, dated March 20, 1995, U.S. Customs (now U.S. Customs and Border Protection) held that an extruder assembly manufactured in England was substantially transformed in the United States when it was combined with U.S. components (a drive unit, an electric control panel, and an extruder screw) to create a vertical extruder. Assembly operations in the United States included “the complete wiring of the motor and control panel to the subassembly, followed by a complete set up and testing program to insure that the vertical extruder is operating within its design parameters.” In reaching the decision that a substantial transformation had occurred, Customs emphasized the importance of the U.S. components to the functioning of the final product. Based on the extent of the assembly operations and the importance of the U.S. components, Customs held that the country of origin of the vertical extruder was the United States.

By contrast, assembly operations that are minimal or simple will generally not result in a substantial transformation. For example, in HQ 734050, dated June 17, 1991, CBP held that Japanese-origin printer components were not substantially transformed in China when assembled to form finished printers. Three components, the circuit, power source, and outer case units, were entirely assembled or molded in Japan. Two components, the head and mechanical units, were made in Japan, but exported to China in an unassembled state. In China, the head and mechanical units were assembled with screws and screwdrivers. Thereafter, the head, mechanism, circuit, and power source units were mounted onto the outer case with screws and screwdrivers. In holding that the country of origin of the assembled printers was Japan, CBP recognized that the vast majority of the printer’s parts were of Japanese origin and that the operations performed in China were relatively simple assembly operations.

Here, as in HQ 558919, the merchandise contains many U.S. materials that are important components of the final product. With the exception of the French-origin ISA, which may in some cases contain U.S. parts, and some German-origin connectors on one subassembly, all the materials used in the gyroscope are of U.S.-origin. These U.S.-origin parts are essential to the functionality of the finished gyrocompass. As noted above, the processor board serves as the “intelligence” of the product and contains firmware and the user interface that allows a ship’s crew to control the product. The interface board serves as the electrical link between the ship’s electrical

equipment and the product, and the DSP board processes the raw data generated by the ISA into a format that is compatible with navigational equipment. Without the U.S.-origin components, the ISA's functionality would be limited to measuring raw accelerations and rotation rates and would not be capable of producing the output expected from a navigational gyrocompass including heading, roll, pitch, and heave.

In addition, the assembly processes that will occur in the United States are complex and time-consuming. Each of the electronic boards contains dozens of electrical components that must be properly mounted to the surface of the board and soldered into place. This process takes 4.2 hours, while the customized metal housing takes about ten hours to manufacture. Next, these components will be combined with the ISA in a process that includes placing a gasket, affixing a heat-sink compound, soldering connectors, attaching cables, fastening screws, and loading software. This process will take an additional seven and a half hours. Finally, significant post-assembly testing procedures, which will calibrate the merchandise and ensure smooth communication with the ship's navigational equipment, will be carried out in the United States. [The Manufacturer] states that the calibration testing will take up to 24 hours. Consistent with previous CBP decisions, the large number of individual components, the 4.2 hours that will be spent assembling the boards, the ten hours that will be spent manufacturing the metal housing, the seven and a half hours that will be spent on final assembly, and the time spent on final calibration testing (up to 24 hours) are evidence of complex and meaningful assembly operations in the United States.

In addition, we find that the French-origin ISAs will undergo a change in name, character, and use when they are assembled into finished gyrocompasses in the United States. Although a change in a product's name is the weakest evidence of a substantial transformation, *Uniroyal, Inc. v. United States*, 3 CIT 220, *aff'd* 703 F.2d 1022 (Fed. Cir. 1983), we note that the name of the imported material will change from ISA to gyrocompass after assembly in the United States. Furthermore, the ISA's character—or its “mark, sign [or] distinctive quality,” *Energizer Battery Inc. v. United States*, No. 16–116, slip op. at 18 (CIT 2016) (quoting Webster's Third New Int'l Dictionary of the English Language Unabridged (2002) at 376)—will change from a component capable of taking raw measurements to a calibrated system able to record, collect, and transmit data to a ship's navigational systems. Finally, the integration of the French-origin ISA into the finished product changes its use from a measurement component to a complete gyrocompass and “attitude reference system that is capable of delivering actionable data integrated into the ship's navigation and control systems.” Because of the change in name, character, and use that occurs in the United States, and considering the totality of the U.S. assembly operations, amount and importance of U.S. materials, and testing that will occur in the United States, the country of origin of the gyrocompasses will be the United States for purposes of U.S. Government procurement.

HOLDING:

The country of origin of the gyrocompasses for purposes of U.S. Government procurement will be the United States.

Notice of this final determination will be given in the **Federal Register**, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R.

§ 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 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 & Rulings Office of Trade

[Published in the Federal Register, May 2, 2018 (83 FR 19293)]

AGENCY INFORMATION COLLECTION ACTIVITIES:**Free Trade Agreements**

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

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

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection 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 of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than June 26, 2018) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651-0117 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*.

(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 Floor, Washington, DC 20229-1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229-1177, Telephone number (202) 325-0056 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 website at *https://www.cbp.gov/*.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions

from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Free Trade agreements.

OMB Number: 1651-0117.

Form Number: None.

Type of Review: Extension (without change).

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

Affected Public: Businesses.

Abstract: Free trade agreements are established to reduce and eliminate trade barriers, strengthen and develop economic relations, and to lay the foundation for further cooperation to expand and enhance benefits of the agreement. These agreements establish free trade by reduced-duty treatment on imported goods.

The U.S. has entered into the following Free Trade Agreements: United States-Chile Free Trade Agreement (US-CFTA) (Pub. L. 108-77); the Republic of Singapore (Pub. L. 108-78, 117 Stat. 948, 19 U.S.C. 3805 note); Australia (Pub. L. 108-286); Morocco (Pub. L. 108-302); Jordan (Pub. L. 107-43); Bahrain (Pub. L. 109-169); Oman (Pub. L. 109-283); Peru (Pub. L. 110-138, 121 Stat. 1455); Korea (Pub. L. 112-41); Colombia (Pub. L. 112-42, 125 Stat. 462); Panama (Pub. L. 112-43); and Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua (CAFTA-DR) (Pub. L. 109-53, 119 Stat. 462).

These free trade agreements involve collection of data elements such as information about the importer and exporter of the goods, a

description of the goods, tariff classification number, and the preference criterion in the Rules of Origin.

Respondents can obtain information on how to make claims under these Free Trade Agreements by going to <http://www.cbp.gov/trade/free-trade-agreements> and use a standard fillable format for the FTA submission by going to <http://www.cbp.gov/document/guides/certification-origin-template>.

Estimated Number of Respondents: 359,400.

Estimated Number of Total Annual Responses: 361,000.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 722,000.

Dated: April 24, 2018.

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

[Published in the Federal Register, April 27, 2018 (83 FR 18581)]

AGENCY INFORMATION COLLECTION ACTIVITIES:**Certificate of Origin**

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

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

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection 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 of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than June 26, 2018) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651-0016 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*.

(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 Floor, Washington, DC 20229-1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229-1177, Telephone number (202) 325-0056 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 website at *https://www.cbp.gov/*.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions

from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Certificate of Origin.

OMB Number: 1651-0016.

Form Number: CBP Form 3229.

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

Type of Review: Extension (without change).

Abstract: CBP Form 3229, Certificate of Origin, is used by shippers and importers to declare that goods being imported into the United States are produced or manufactured in a U.S. insular possession from materials grown, produced or manufactured in such possession. This form includes a list of the foreign materials included in the goods, and their description and value. CBP Form 3229 is used as documentation for goods entitled to enter the U.S. free of duty. This form is authorized by General Note 3(a)(iv) of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202) and is provided for by 19 CFR part 7.3. CBP Form 3229 is accessible at http://forms.cbp.gov/pdf/CBP_Form_3229.pdf.

Affected Public: Businesses.

Estimated Number of Respondents: 113.

Estimated Number of Annual Responses per Respondent: 20.

Estimated Number of Total Annual Responses: 2,260.

Estimated Time per Response: 20 minutes.

Estimated Annual Burden Hours: 746.

Dated: April 24, 2018.

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

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