

U.S. Customs and Border Protection

19 CFR PART 181

[CBP DEC. 15-07]

RIN 1515-AE04

TECHNICAL CORRECTIONS TO THE NORTH AMERICAN FREE TRADE AGREEMENT UNIFORM REGULATIONS

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

ACTION: Final rule.

SUMMARY: This document sets forth amendments to the Customs and Border Protection regulations that implement the preferential tariff treatment and other customs-related provisions of the North American Free Trade Agreement (NAFTA) entered into by the United States, Canada, and Mexico. The amendments reflect technical recifications to the NAFTA Uniform Regulations agreed upon by the three NAFTA Parties, as well as corrections necessitated by changes to the Harmonized Tariff Schedule of the United States. The conforming amendments are required to maintain the United States' obligations under the NAFTA and to ensure that NAFTA traders operate under a uniform tariff and rules of origin regime. The amendments set forth in this document involve no substantive interpretation of the NAFTA or change in policy.

DATES: The corrections are effective July 10, 2015.

FOR FURTHER INFORMATION CONTACT: Craig T. Clark, Director, Textile and Trade Agreements Division, Office of International Trade, Customs and Border Protection, Tel. (202) 863-6657.

SUPPLEMENTARY INFORMATION:

Background

North American Free Trade Agreement

On December 17, 1992, the United States, Canada, and Mexico entered into the North American Free Trade Agreement (NAFTA) which, among other things, provides for preferential duty treatment on goods of those three countries. The North American Free Trade Agreement Implementation Act, Public Law 103–182, 107 Stat. 2057, was signed into law by the United States on December 8, 1993. For purposes of administration of the NAFTA preferential duty provisions, the three countries agreed to the adoption of verbatim NAFTA Rules of Origin Regulations and additional uniform regulatory standards to be followed by each country in promulgating NAFTA implementing regulations under its national law.

NAFTA Rules of Origin Regulations

The regulations implementing the NAFTA preferential duty and related provisions under United States law are set forth in part 181 of title 19 of the Code of Federal Regulations (19 CFR part 181) which incorporates, in the Appendix, the verbatim NAFTA Rules of Origin Regulations. The NAFTA rules of origin are structured primarily in terms of prescribed changes in tariff classification, with some goods also subject to a content requirement.

Technical Rectifications to the NAFTA Rule of Origin Regulations Agreed to by the United States, Canada, and Mexico

On April 9, 2009, the United States Trade Representative, the Canadian Minister of International Trade, and the Mexican Secretary of the Economy (Parties) agreed, in an Exchange of Letters, to make certain technical rectifications to the NAFTA Uniform Regulations for Chapter Four and Annex 403.1, subject to the completion of each Party's domestic legal procedures. These technical rectifications are set forth in Appendices 6 and 4, respectively, to the April 9, 2009 Exchange of Letters. The technical rectifications were necessitated by systemic revisions to the international Harmonized Commodity Description and Coding System (Harmonized System) and the implementation of these changes into each Party's national domestic tariff law, effective 2007. In Presidential Proclamation 8097 of December 29, 2006, the President proclaimed modifications to the Harmonized Tariff Schedule of the United States (HTSUS) to reflect the revisions to the Harmonized System (HS).

The technical rectifications to the NAFTA Uniform Regulations for Chapter Four and Annex 403.1 do not constitute policy or substantive changes to the NAFTA and have the sole purpose of maintaining consistency between the NAFTA Annexes and each of the signatory countries' tariff laws. The conforming amendments set forth in this

document implement these technical rectifications by updating the HTSUS tariff provisions in the Appendix to part 181 of 19 CFR and are necessary to maintain the United States' obligations under the NAFTA and to ensure that NAFTA traders operate under a uniform tariff and rules of origin regime.

To effect the agreed upon numerical and text changes to the NAFTA Rules of Origin Regulations for the United States, technical rectifications are made to the following provisions within the Appendix to 19 CFR part 181:

- Part II, Section 5, subsection (4)(i), pertaining to exceptions to the de minimis rule for non-originating materials that do not undergo, subject to authorization, a required tariff change.
- Part III, Section 6, subsection (6)(d)(iv), pertaining to regional value content and application of the net cost method in certain circumstances.
- Part VI, Section 16, subsection (3), pertaining to exceptions to transshipment rules for certain goods.
- Schedule IV, pertaining to the list of tariff provisions for the purposes of section 9 of the Appendix.¹

Additional Technical Corrections to the Schedule IV Light-Duty Automotive Tracing List Necessitated by Pre-2007 Revisions to the HTSUS

In addition to the technical rectifications trilaterally agreed to by the NAFTA Parties in the 2009 Exchange of Letters, described above, this document makes additional technical corrections to the Schedule IV light-duty automotive tracing list within the Appendix to 19 CFR part 181 to reflect pre-2007 modifications to the HTSUS. As noted above, the HTSUS is periodically updated to reflect systemic revisions to the HS. The periodic revisions to the HTSUS result in certain tariff provisions being added or removed, or certain goods being transferred to different or newly-created tariff provisions. As a result of pre-2007 systemic HTSUS revisions, the existing Schedule IV light-duty automotive tracing list in the Appendix to part 181 contains

¹ Schedule IV of the Appendix to part 181 of 19 CFR (“List of Tariff Provisions for the Purposes of Section 9 of the Appendix” or commonly referred to as the “Schedule IV Light-Duty Automotive Tracing List”) implements the NAFTA Annex 403.1 tariff provisions. Within Part V (“Automotive Goods”) of the Appendix to part 181, section 9 lists special NAFTA valuation rules for certain light-duty automotive goods. The section 9 rules are based on a regional value-content (RVC) calculation that requires producers and exporters to determine whether non-originating materials used in the production of light-duty automotive goods are “traced materials” (*i.e.*, those materials classifiable under specific HTSUS provisions listed in Annex 403.1 of the NAFTA).

outdated tariff provisions that are no longer consistent with Annex 403.1 of the NAFTA. This document makes technical corrections to the numerical tariff references in the tracing list so as to conform to the current version of the HTSUS and maintain the United States' obligations under the NAFTA.

Inapplicability of the Administrative Procedure Act

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), agencies generally are required to publish a notice of proposed rulemaking in the **Federal Register** that solicits public comment on the proposed regulatory amendments, consider public comments in deciding on the content of the final amendments, and publish the final amendments at least 30 days prior to their effective date. Section 553(a)(1) of the APA provides that the standard prior notice and comment procedures do not apply to an agency rulemaking to the extent that it involves a foreign affairs function of the United States. CBP has determined that these technical corrections involve a foreign affairs function of the United States because they implement preferential tariff treatment and related provisions of the NAFTA. In addition, because the amendments set forth in this document are necessary to conform the NAFTA Rules of Origin Regulations within the Appendix to 19 CFR part 181 to the technical corrections to the NAFTA Uniform Regulations for Chapter Four and Annex 403.1 agreed to by the U.S., Canada, and Mexico, as well as to systemic revisions to the Harmonized System, pursuant to 5 U.S.C. 553(b)(B), CBP finds that good cause exists for dispensing with notice and public procedure as unnecessary. For these reasons, pursuant to 5 U.S.C. 553(a)(1) and (d)(3), CBP finds that good cause exists for dispensing with the requirement for a delayed effective date and the rulemaking requirements under the APA do not apply. It is further noted, that although the APA's delayed effective date requirement is inapplicable to this rulemaking, CBP has determined to delay the effective date of these technical rectifications for a period of 60 days from the date of publication of this document in the **Federal Register**. In consideration of the fact that two of the amendments to the CBP regulations correct tariff listings that have been out of date since 1995, the delayed effective date is offered by CBP to allow the trade, if necessary, to make adjustments to their business practices.

Regulatory Flexibility Act

Because this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act, as amended (5 U.S.C. 601 *et seq.*).

Executive Order 12866

As these amendments to the regulations reflect technical rectifications to the NAFTA agreed to by the United States, Canada, and Mexico, as well as revisions to the Harmonized Tariff Schedule of the United States, they do not meet the criteria for a “significant regulatory action” as specified in Executive Order 12866.

Signing Authority

This document is being issued in accordance with § 0.1(a)(1) of the CBP regulations (19 CFR 0.1(a)(1)) pertaining to the authority of the Secretary of the Treasury (or his/her delegate) to approve regulations related to certain customs revenue functions. Accordingly, it is being signed under the authority of 19 CFR 0.1(b)(1).

List of Subjects in 19 CFR Part 181

Administrative practice and procedure, Canada, Customs duties and inspection, Imports, Mexico, Reporting and recordkeeping requirements, Trade agreements (North American Free Trade Agreement).

Amendment to the Regulations

For the reasons stated above, part 181 of title 19 of the Code of Federal Regulations (19 CFR part 181) is amended as set forth below.

PART 181—NORTH AMERICAN FREE TRADE AGREEMENT

■ 1. The general and specific authority citations for part 181 continue to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1624, 3314.

* * * * *

■ 2. In the Appendix to part 181:

■ a. Part II, Section 5, under the heading “Exceptions,” subsection 4(i) is revised;

■ b. Part III, Section 6, under the heading “Net Cost Method Required in Certain Circumstances,” subsection (6)(d)(iv) is amended by removing “subheading 8469.11” and adding in its place “heading 8469”;

■ c. Part VI, Section 16, under the heading “Exceptions for Certain Goods,” subsection (3) is revised;

■ d. In Schedule IV:

■ i. Remove the listing “8407.34.05, 8407.34.15 and 8407.34.25” and add in its place the listing “8407.34.05, 8407.34.14, 8407.34.18 and 8407.34.25”;

■ ii. Remove the listing “8407.34.35, 8407.34.45 and 8407.34.55” and add in its place the listing “8407.34.35, 8407.34.44, 8407.34.48 and 8407.34.55”;

■ iii. Remove the listing “8519.93” and add in its place the listing “ex 8519.81”;

■ iv. Remove the listing “8708.29.10”;

■ v. Remove the listing “8708.29.20” and add in its place the listing “8708.29.21 and 8708.29.25”;

■ vi. Remove the listing “8708.39” and add in its place the listing “8708.30”;

■ vii. Remove the listing “8708.60”;

■ viii. Add in numerical order the listing “8708.95”;

■ ix. Remove the listing “8708.99.09, 8708.99.34 and 8708.99.61”;

■ x. Remove the listing “8708.99.12, 8708.99.37 and 8708.99.64”;

■ xi. Remove the listing “8708.99.15, 8708.99.40 and 8708.99.67” and add in its place the listing “8708.99.16, 8708.99.41 and 8708.99.68”;

■ xii. Remove the listing “8708.99.18, 8708.99.43 and 8708.99.70”;

■ xiii. Remove the listing “8708.99.21, 8708.99.46 and 8708.99.73”;

■ xiv. Remove the listing “8708.99.24, 8708.99.49 and 8708.99.80; and

■ xv. Add in numerical order the listing “8708.99.23, 8708.99.48 and 8708.99.81”.

The revisions read as follows:

Appendix to Part 181—Rules of Origin Regulations

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PART II

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SECTION 5. DE MINIMIS

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Exceptions

(4) * * *

(i) a non-originating material that is used in the production of any non-portable gas stoves or ranges of subheading 7321.11 or 7321.19, subheadings 8415.10, 8415.20 through 8415.83, 8418.10 through 8418.21, household type refrigerators, other than electrical absorption type of subheading 8418.29, subheadings 8418.30 through 8418.40, 8421.12, 8422.11, 8450.11 through 8450.20 and 8451.21 through 8451.29 and tariff items 8479.89.55 (trash compactors) and 8516.60.40 (electric stoves or ranges);

* * * * *

PART VI

SECTION 16. TRANSSHIPMENT

* * * * *

Exceptions for Certain Goods

(3) Subsection (1) does not apply with respect to:

(a) a “smart card” of subheading 8523.52, containing a single integrated circuit, where any further production or other operation that that good undergoes outside the territories of the NAFTA countries does not result in a change in the tariff classification of the good to any other subheading;

(b) a good of any of subheadings 8541.10 through 8541.60 or subheadings 8542.31 through 8542.39, where any further production or other operation that that good undergoes outside the territories of the NAFTA countries does not result in a change in the tariff classification of the good to a subheading outside subheadings 8541.10 through 8542.90;

(c) an electronic microassembly of subheading 8543.70, where any further production or other operation that that good undergoes outside the territories of the NAFTA countries does not result in a change in the tariff classification of the good to any other subheading; or

(d) an electronic microassembly of subheading 8548.90, where any further production or other operation that that good undergoes out-

side the territories of the NAFTA countries does not result in a change in the tariff classification of the good to any other subheading.

* * * * *

Dated: May 5, 2015.

R. GIL KERLIKOWSKA,
Commissioner.

TIMOTHY E. SKUD,
Deputy Assistant Secretary of the Treasury.

[Published in the Federal Register, May 11, 2015 (80 FR 26828)]

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**THE U.S. CUSTOMS AND BORDER PROTECTION AIRPORT
AND SEAPORT INSPECTIONS USER FEE ADVISORY
COMMITTEE (UFAC)**

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

ACTION: Committee Management; Notice of Federal Advisory Public Committee Meeting.

SUMMARY: The U.S. Customs and Border Protection Airport and Seaport Inspections User Fee Advisory Committee (UFAC) will meet on Tuesday, June 2, 2015, in Washington, DC. The meeting will be open to the public.

DATES: The UFAC will meet on Tuesday, June 2, 2015, from 1:00 p.m. to 2:30 p.m. EST. Please note that the meeting is scheduled for one and a half hours and that the meeting may close early if the committee completes its business.

Pre-Registration: Meeting participants may attend either in person or via webinar after pre-registering using a method indicated below:

—For members of the public who plan to attend the meeting in person, please register either online at https://apps.cbp.gov/te_reg/index.asp?w=43, by email to tradeevents@dhs.gov; or by fax to (202) 325-4290 by 5:00 p.m. EST on May 29, 2015.

—For members of the public who plan to participate via webinar, please register online at https://apps.cbp.gov/te_reg/index.asp?w=44, by 5:00 p.m. EST on May 29, 2015.

Feel free to share this information with other interested members of your organization or association.

Members of the public who are pre-registered and later require cancellation, please do so in advance of the meeting by accessing one (1) of the following links: https://apps.cbp.gov/te_reg/

cancel.asp?w=43 to cancel an in person registration, or *https://apps.cbp.gov/te_reg/cancel.asp?w=44* to cancel a webinar registration.

ADDRESSES: The meeting will be held at the U.S. International Trade Commission, 500 E Street SW., Courtroom A, Washington, DC 20436.

All visitors to the International Trade Commission Building must show a state-issued ID or Passport to proceed through the security checkpoint for admittance to the building. There will be signage posted directing visitors to the location of Courtroom A.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection at (202) 344-1661 as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the committee prior to the formulation of recommendations as listed in the “Agenda” section below.

Comments must be submitted in writing no later than May 25, 2015, and must be identified by Docket No. USCBP-2015-0020, and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* Tradeevents@dhs.gov. Include the docket number in the subject line of the message.
- *Fax:* (202) 325-4290.
- *Mail:* Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229.

Instructions: All submissions received must include the words “Department of Homeland Security” and the docket number for this action. Comments received will be posted without alteration at <http://www.regulations.gov>, including any personal information provided. Do not submit personal information to this docket.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and search for Docket Number USCBP-2015-0020. To submit a comment, *see* the link on the Regulations.gov Web site for “How do I submit a comment?” located on the right hand side of the main site page.

There will be two (2) public comment periods held during the meeting on June 2, 2015. Speakers are requested to limit their comments to two (2) minutes or less to facilitate greater participation.

Contact the individual listed below to register as a speaker. Please note that the public comment periods for speakers may end before the times indicated on the schedule that is posted on the CBP Web page, <http://www.cbp.gov/trade/stakeholder-engagement/user-fee-advisory-committee>.

FOR FURTHER INFORMATION CONTACT: Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229; telephone (202) 344-1440; facsimile (202) 325-4290.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (5 U.S.C. Appendix), the Department of Homeland Security (DHS) hereby announces the meeting of the U.S. Customs and Border Protection Airport and Seaport Inspections User Fee Advisory Committee (UFAC). The UFAC is tasked with providing advice to the Secretary of Homeland Security (DHS) through the Commissioner of U.S. Customs and Border Protection (CBP) on matters related to the performance of airport and seaport inspections coinciding with the assessment of an agriculture, customs, or immigration user fee. The UFAC meeting will be held on the date and time specified above.

Agenda

The UFAC will meet to discuss and report the work completed by the Financial Assessment and Options Subcommittee and the Processes Subcommittee:

1. The Financial Assessment and Options Subcommittee will discuss an overview of current worldwide user fees being paid by industry, and mapping how industry collects and transmits user fees to U.S. Customs and Border Protection (CBP).
2. The Processes Subcommittee will discuss developing advice that would enhance U.S. Customs and Border Protection (CBP) operational efficiencies.

Dated: May 8, 2015.

MARIA LUISA BOYCE,
*Senior Advisor for
Private Sector Engagement,
Office of Trade Relations, U.S. Customs and
Border Protection.*

GENERAL NOTICE**19 CFR PART 177****MODIFICATION OF ONE RULING LETTER AND
REVOCATION OF TREATMENT RELATING TO THE
CLASSIFICATION OF A COMPUTER HEADSET**

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

ACTION: Modification of ruling letter and revocation of treatment relating to the classification of a computer headset.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625 (c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that CBP is modifying one ruling letter concerning the classification of a computer headset 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. 49, No. 10, on March 11, 2015. CBP received one comment in response to this notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after July 27, 2015.

FOR FURTHER INFORMATION CONTACT: Tamar Anolic, Tariff Classification and Marking Branch: (202) 325–0036.

SUPPLEMENTARY INFORMATION:**Background**

On December 8, 1993, Title VI (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057) (hereinafter “Title VI”), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are “informed compliance” and “shared responsibility.” These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade commu-

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

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), notice proposing to modify New York Ruling Letter (NY) G82341, dated October 18, 2000, was published on March 11, 2015, in Volume 49, Number 10, of the Customs Bulletin. CBP received one comment in response to this notice.

Although in this notice CBP is specifically referring to NY G82341, this notice covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing data bases for rulings in addition to the one identified. No further rulings have been found. This notice will cover any rulings on this merchandise that may exist but have not been specifically identified. Any party who has received an interpretive ruling or decision (i.e., ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice, should have advised CBP during the notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. 1625(c)(2)), as amended by section 623 of Title VI, 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 notice period. An importer's failure to have advised 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 his agents for importations of merchandise subsequent to this notice.

Pursuant to 19 U.S.C. 1625(c)(1), CBP is modifying NY G82341 in order to reflect the proper classification of this merchandise pursuant to the analysis set forth in Headquarters Ruling Letter ("HQ") H035752, set forth as an attachment to this document. Additionally, pursuant to 19 U.S.C. § 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

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

Dated: May 4, 2015

GREG CONNOR
for
MYLES B. HARMON,
Director
Commercial and Trade Facilitation Division

HQ H035752

May 4, 2015

CLA-2 OT:RR:CTF:TCM HQ H035752 TNA**CATEGORY:** Classification**TARIFF NO.:** 8518.30.20

MR. THOMAS W. PHALEN, V.P.

PLANTRONICS

345 ENCINAL STREET

P.O. BOX 635

SANTA CRUZ, CA 95060

RE: Modification of NY G82341; Classification of a computer headset

DEAR MR. PHALEN:

This letter is in reference to New York Ruling Letter (“NY”) G82341, issued to Plantronics on October 18, 2000, concerning the tariff classification of a computer headset.¹ There, U.S. Customs and Border Protection (“CBP”) classified the merchandise under subheading 8473.30.50, Harmonized Tariff Schedule of the United States (“HTSUS”), as “Parts and accessories (other than covers, carrying cases and the like) suitable for use solely or principally with machines of headings 8469 to 8472: Parts and accessories of the machines of heading 8471: Not incorporating a cathode ray tube: Other.”² We have reviewed this ruling and found it to be partly in error. For the reasons set forth below, we hereby modify NY G82341.

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 proposing to modify NY G82341 was published on March 11, 2015, in Vol. 49, No. 10, of the Customs Bulletin. CBP received one comment in response to this notice, which is addressed in the ruling.

FACTS:

The subject merchandise consists of the Plantronics DSP-100 Computer Headset. The DSP-1 00 is a stereo headband digital headset with an adjustable headband and a boom mounted directional electret condenser microphone (ECM). It also contains a single cable that is attached to the lower side of the capsule portion. The opposite end of the cable contains a USB port that allows the user to plug the headset into a PC.

The headset also contains an inline control module integrated into the cable. The module has switches for speaker volume control and microphone mute, allowing users to increase or decrease the volume and turn off the microphone. The module utilizes three separate chipsets: a streaming controller which pulls the audio information from the USB bus and puts it back again; CODEC, which takes audio data and converts it from an analog stream to a digital one, and vice-versa; and a dedicated audio Digital Signal Processor (“DSP”) to modify the signal.

¹ NY 082341 classified both a computer headset and CD-ROM software. Only the classification of the headset is at issue here.

² We note that subheading 8473.30.50, HTSUS, which appeared in the 2000 tariff schedule, is now subheading 8473.30.51 of the 2015 HTSUS. As a result, we will consider subheading 8473.30.51, HTSUS, in this ruling.

The headset also comes with a clothing clip that is integrated into the inline control module. This clip may be used to secure the cable to the user's clothing, thereby removing most of the cable weight and improving the stability of the headset.

ISSUE:

Whether a computer headset is classified in heading 8473, HTSUS, as a part or accessory of an automatic data processing machine, or in heading 8518, HTSUS, as headphones.

LAW AND ANALYSIS:

Classification under the Harmonized Tariff Schedule of the United States (HTSUS) is made in accordance with the General Rules of Interpretation (GRI). 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 GRI may then be applied.

The HTSUS provisions under consideration are as follows:

- | | |
|------|--|
| 8473 | Parts and accessories (other than covers, carrying cases and the like) suitable for use solely or principally with machines of headings 8469 to 8472: |
| 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: |

Note 2 to Section XVI, HTSUS, of which headings 8473 and 8518, HTSUS, are components, provides, in pertinent part, that:

Subject to note 1 to this section, note 1 to chapter 84 and to note 1 to chapter 85, parts of machines (not being parts of the articles of heading 8484, 8544, 8545, 8546 or 8547) are to be classified according to the following rules:

- (a) Parts which are goods included in any of the headings of chapter 84 or 85 (other than headings 8409, 8431, 8448, 8466, 8473, 8487, 8503, 8522, 8529, 8538 and 8548) are in all cases to be classified in their respective headings;

Additional U.S. Rule of Interpretation 1 states, in pertinent part, that:

In the absence of special language or context which otherwise requires—

...

- (c) a provision for parts of an article covers products solely or principally used as a part of such articles but a provision for “parts” or “parts and accessories” shall not prevail over a specific provision for such part or accessory

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the Harmonized System. While not legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the Harmonized System and are generally

indicative of the proper interpretation of these headings. See T.D. 89–80, 54 Fed. Reg. 35127 (Aug. 23, 1989).

The EN to heading 84.73 provides, in pertinent part, the following:

Subject to the general provisions regarding the classification of parts (See the General Explanatory Note to Section XVI) this covers parts and accessories suitable for use **solely or principally** with the machines of **headings 84.69 to 84.72**.

The accessories covered by this heading are interchangeable parts or devices designed to adapt a machine for a particular operation, or to perform a particular service relative to the main function of the machine, or to increase its range of operations.

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) ...

(C) HEADPHONES AND EARPHONES, WHETHER OR NOT COMBINED WITH A MICROPHONE, AND SETS CONSISTING OF A MICROPHONE AND ONE OR MORE LOUSPEAKERS

Headphones and earphones are electroacoustic receivers used to produce low-intensity sound signals. Like loudspeakers, described above, they transform an electrical effect into an acoustic effect; the means used are the same in both cases, the only difference being in the powers involved.

The heading covers ... headphones and earphones for plugging into radio or television receivers, sound reproducing apparatus or automatic data processing machines.

NY G82341 classified the subject headphones in heading 8473, HTSUS, which provides for “Parts and accessories (other than covers, carrying cases and the like) suitable for use solely or principally with machines of headings 8469 to 8472.” However, Note 2(a) to Section XVI, HTSUS, states that “parts of machines ... which are goods included in any of the headings of chapter 84 or 85 (other than headings 8409, 8431, 8448, 8466, 8473, 8487, 8503, 8522, 8529, 8538 and 8548) are in all cases to be classified in their respective headings.” As a result, before analyzing heading 8473, HTSUS, we first examine whether the subject headphones can be classified as articles of any of the headings of Chapters 84 and 85, HTSUS.

Headphones are provided for *eo nomine* in heading 8518, HTSUS. An *eo nomine* provision is one that describes a commodity by a specific name, usually one well known to commerce. *The Pomeroy Collection v. United States*, 559 F. Supp. 2d 1374; 30 Int'l Trade Rep. (BNA) 1712; 2008 Ct. Intl. Trade LEXIS 60; SLIP OP. 2008–57; *Clarendon Marketing, Inc. v. United States*, 21 C.I.T. 59; 955 F. Supp. 1501; 19 Int'l Trade Rep. (BNA) 1142; 1997 Ct. Intl. Trade LEXIS 22. In addition, “an *eo nomine* designation, with no terms of limitation, will ordinarily include all forms of the named article.” *Carl Zeiss, Inc. v. United States*, 195 F.3d 1375 (Fed. Cir. 1999); *Pomeroy*, 559 F. Supp. 2d 1374; *Clarendon Marketing*, 21 C.I.T. 59.

Similarly, heading 8518, HTSUS, provides for headphones of all kinds, even if they are presented separately, and regardless of the particular purpose for which they are designed. *See* EN 85.18. Heading 8518, HTSUS, also specifically covers headphones and earphones for use with computers. *See* EN 85.18. Lastly, it covers merchandise that functions by way of converting electrical signals into acoustic signals. *See* EN 85.18.

In the present case, the subject merchandise consists of headphones. They are used to produce sound signals and function by way of transforming an electrical signal—such as the one coming from a computer—into an acoustic signal, such as the signal that a consumer hears when using the product. Thus, the subject merchandise is described exactly by the terms of heading 8518, HTSUS, and is therefore classified there. This conclusion is consistent with prior CBP rulings that classify similar merchandise in heading 8518, HTSUS. *See, e.g.* NYK80015, dated November 5, 2003 (classifying a headset used exclusively with a personal computer in heading 8518, HTSUS); NY N060177, dated June 2, 2009 (classifying a headset that is connected to a computer via a USB connection in heading 8518, HTSUS); NY N099135, dated April 9, 2010 (classifying a gaming headset used with personal computers in heading 8518, HTSUS).

Lastly, we note that because heading 8518, HTSUS, is a specific provision that describes the subject merchandise, it prevails over a parts provision such as heading 8473, HTSUS. As a result, the subject merchandise is classified in heading 8518, HTSUS, and a substantive discussion of the applicability of heading 8473, HTSUS, to the subject merchandise is unwarranted. *See* Note 2(a) to Section XVI, HTSUS; *see also* Additional U.S. Rule of Interpretation 1(c).

CBP received one comment from the importer to whom NY G82341 was issued. There, the importer states that the primary purpose of a computer headset such as the subject merchandise is to be an end point device that optimizes signals from an automatic data processing machine, to transmit, receive and convert signals to establish a communication link for the end user. The importer states that this headset converts digital to analogue signal and vice versa and are purchased for the sole purpose of being used with an automatic data processing machine. As a result, the importer argues that the subject merchandise should be classified in subheading 8517.62.00, HTSUS, which provides for “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): Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus.”

Citing GRI 3(b), the importer argues that the subject merchandise is a composite good whose primary component is the integrated chip, which contains the ability to convert digital signals to analogue signals and vice versa; echo cancellation; and the memory/ firmware to perform the necessary behaviors for the voice-over internet protocol communication. The importer argues that this is the primary reason why consumers purchase computer

headsets specifically manufactured specifically for VoiP calls rather than only purchasing headphones without the integrated chip functionality. Furthermore, citing Note 3 to Section XVI, HTSUS, the importer argues that the computer headset is a composite machine consists of two machines—a data converter and speakers combined with a microphone—whose alternative functions are each described under different subheadings. The importer argues that the subject merchandise’s primary function is the conversation of analogue to digital signals, and that the headset’s other functions only serve to enhance the conversion function. The importer notes that EN 85.17(G)(5) specifically references codecs, which the subject merchandise contains, and which is the essential component of this computer headset. Lastly, the importer argues that subheading 8517.62.00, HTSUS, for which it now argues, was not a part of the nomenclature in 2000, when NY G82341 was issued, and that is why this classification was not chosen when the ruling was issued.

In response, we note that classifying the subject computer headset as a composite machine under Note 3 to Section XVI, HTSUS, as the importer suggests, means classifying it according to a single function among many. By contrast, classifying the subject merchandise as headphones of heading 8518, HTSUS, describes the whole product, including all of its functions. Furthermore, the importer’s description of the subject merchandise as being used exclusively with an automatic data processing machine also speaks in favor of its classification in heading 8518, HTSUS, as discussed above. Lastly, because classification here is determined under GRI 1, we do not reach the importer’s GRI 3(b) argument.

HOLDING:

Under the authority of GRI 1 and Note 2(a) to Section XVI, HTSUS, the subject DSP-100 Computer Headset is classified in heading 8518, HTSUS. It is specifically provided for in subheading 8518.30.20, HTSUS, which provides for “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: Headphones and earphones, whether or not combined with a microphone, and sets consisting of a microphone and one or more loudspeakers: Other.” The column one general rate of duty is 4.9% *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 on the internet at www.usitc.gov/tata/hts/.

EFFECT ON OTHER RULINGS:

NY G82341, dated October 18, 2000, is hereby MODIFIED.

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

Sincerely,

GREG CONNOR

for

MYLES, B. HARMON,

Director

Commercial and Trade Facilitation Division

GENERAL NOTICE**19 CFR PART 177****PROPOSED MODIFICATION OF TWO RULING LETTER
AND REVOCATION OF TREATMENT RELATING TO THE
TARIFF CLASSIFICATION OF CERTAIN BLIND RIVET
NUTS**

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

ACTION: Notice of proposed modification of a ruling letter and revocation of treatment concerning the tariff classification of certain blind rivet nuts.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930, (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that CBP intends to modify two ruling letters pertaining to the tariff classification of certain steel blind rivet nuts under the Harmonized Tariff Schedule of the United States (HTSUS). CBP also proposes to revoke any treatment previously accorded by it to substantially identical transactions. Comments are invited on the correctness of the proposed action.

DATES: Comments must be received on or before June 26, 2015.

ADDRESSES: Written comments are to be addressed to U.S. Customs and Border Protection, Office of Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325–0118.

FOR FURTHER INFORMATION CONTACT: Emily Beline, Tariff Classification and Marking Branch, Regulations and Rulings, Office of International Trade, (202) 325–7799.

SUPPLEMENTARY INFORMATION:**Background**

On December 8, 1993, Title VI, (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), (Title VI), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended and related laws. Two new concepts which emerge from the law are

“informed compliance” and “shared responsibility.” These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community’s responsibilities and rights under the customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S. C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930, as amended (19 U.S.C. 1625(c)(1)), this notice advises interested parties that CBP intends to modify two ruling letter pertaining to the tariff classification of steel blind rivet nuts. Although in this notice CBP is specifically referring to New York Ruling Letter (NY) H88897, dated March 5, 2002, (Attachment A), and NY M82161, dated April 19, 2006 (Attachment B) this notice 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 ones identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should advise CBP during this notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930, as amended (19 U.S.C. 1625(c)(2)), CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. This treatment may, among other reasons, be the result of the importer’s reliance on a ruling issued to a third party, CBP personnel applying a ruling of a third party to importations of the same or similar merchandise, or the importer’s or CBP’s previous interpretation of the HTSUS. 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 notice of this proposed action.

In NY H88897, CBP classified a steel blind rivet nut under subheading 7318.19.00, HTSUS, which provides for “Screws, bolts, nuts, coach screws, screw hooks, rivets, cotters, cotter pins, washers (including spring washers) and similar articles, of iron or steel: threaded articles: other.” Similarly, in NY M82161, CBP also classified a steel blind rivet nut (CAL series), in subheading 7318.19.00, HTSUS, as “other” than a nut.

It is now CBP’s position that steel blind rivet nuts are “nuts” for classification purposes, and are properly classified under subheading 7318.16.00, HTSUS, as “Screws, bolts, nuts, coach screws, screw hooks, rivets, cotters, cotter pins, washers (including spring washers) and similar articles, of iron or steel: threaded articles: nuts.” The remainder of both rulings, specifically regarding blind rivet studs and threaded brass inserts, respectively, remains intact.

Pursuant to 19 U.S.C. 1625(c)(1), CBP intends to modify NY H88897, and NY M82161, and any other ruling not specifically identified in order to reflect the proper classification of the merchandise pursuant to the analysis set forth in Headquarters Ruling (HQ) H195840, (Attachment C). Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Before taking this action, we will give consideration to any written comments timely received.

Dated: May 5 2015

ALLYSON MATTANAH
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

Attachments

[ATTACHMENT A]

NY H88897

March 5, 2002

CLA-2-73:RR:NC:1:118 H88897

CATEGORY: Classification

TARIFF NO.: 7318.19.0000; 7616.10.7030;

7616.10.9030; 7318.15.5060

Ms. ELLEN R. SCHWARTZ

T.H. WEISS INC.

440 McCLELLAN HWY.

E. BOSTON, MA 02128

RE: The tariff classification of blind rivet nuts and blind rivet studs from France.

DEAR Ms. SCHWARTZ:

In your letter dated February 5, 2002, on behalf of your client Bollhoff Rivnut Inc., located in Portsmouth, NH, you requested a tariff classification ruling.

You have described your items as blind rivet nuts and blind rivet studs. The nuts will be made of steel and aluminum. The studs will be made of steel. The diameters of these fasteners come in various metric sizes (mm). You state that all of these items are threaded and intended for fastening and securing sheet metal and plastic materials.

The applicable subheading for the steel blind rivet nuts will be 7318.19.0000, Harmonized Tariff Schedule of the United States (HTS), which provides for screws, bolts, nuts, coach screws, screw hooks, rivets, cotters, cotter pins, washers (including spring washers) and similar articles, of iron or steel: threaded articles: other. The duty rate will be 5.7% ad valorem.

The applicable subheading for the aluminum blind rivet nuts over 6 mm in diameter will be 7616.10.7030, HTS, which provides for other articles of aluminum: nails, tacks, staples (other than those of heading 8305), screws, bolts, nuts, screw hooks, rivets, cotter pins, washers and similar articles: other: having shanks, threads or holes over 6 mm in diameter. The rate of duty will be 5.5% ad valorem.

The applicable subheading for the aluminum blind rivet nuts 6 mm in diameter and under will be 7616.10.9030, HTS, which provides for other articles of aluminum: nails, tacks, staples (other than those of heading 8305), screws, bolts, nuts, screw hooks, rivets, cotter pins, washers and similar articles: other: other. The rate of duty will be 6% ad valorem.

The applicable subheading for the steel blind rivet studs will be 7318.15.5060, HTS, which provides for screws, bolts, nuts, coach screws, screw hooks, rivets, cotters, cotter pins, washers (including spring washers) and similar articles, of iron or steel: threaded articles: other screws and bolts, whether or not with their nuts or washers: studs: other. The duty rate will be free.

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 Kathy Campanelli at 646-733-3021.

Sincerely,

ROBERT B. SWIERUPSKI

Director,

National Commodity Specialist Division

[ATTACHMENT B]

NY M82161

April 19, 2006

CLA-2-73:RR:NC:N1:118 M82161

CATEGORY: Classification

TARIFF NO.: 7318.19.0000; 7415.39.0000

MS. MONICA CANTU
UPS TRADE MANAGEMENT SERVICES, INC.
12380 MORRIS ROAD
ALPHARETTA, GA 30005

RE: The tariff classification of steel rivet nuts and threaded brass inserts from Taiwan and steel blind bolts from China.

DEAR MS. CANTU:

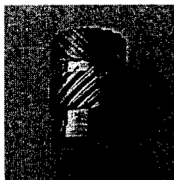
In your letter, dated March 31, 2006, on behalf of your client, Sherex Fastening Solutions, LLC, Lancaster, NY, you requested a tariff classification ruling. We are returning the samples and enclosed product literature as you have requested.

The merchandise pictured here is described as follows:

- (1) blind rivet nuts (CAL series)
 - steel and stainless steel
 - sizes range from 6/32" to 3/8" — 16 and M4 to M10
 - internally threaded
 - installs from one side
 - screw or bolt installs into blind rivet nut

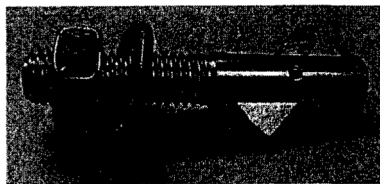


- (2) threaded brass inserts for plastics (B1U series)
 - internally threaded
 - self aligning lead in insures accurate installation
 - designed for use in straight holes
 - opposing diagonal knurls facilitate torque resistance
 - installed ultrasonically or with heat
 - undercuts for maximizing tensile strength



(3) blind bolt (BBS series)

- high tensile or stainless steel
- used in high performance fixing applications when access is restricted
- used for scaffolding and holding critical masonry



The applicable subheading for the steel blind rivet nuts (item 1) and steel blind bolts (item 3), will be 7318.19.0000, Harmonized Tariff Schedule of the United States (HTSUS), which provides for screws, bolts, nuts, coach screws, screw hooks, rivets, cotters, cotter pins, washers (including spring washers) and similar articles, of iron or steel: threaded articles: other. The rate of duty will be 5.7% ad valorem.

The applicable subheading for the threaded brass inserts (item 2) will be 7415.39.0000, HTSUS, which provides for nails, tacks, drawing pins, staples (other than those of heading 8305) and similar articles, of copper or of iron or steel with heads of copper; screws, bolts, nuts, screw hooks, rivets, cotters, cotter pins, washers (including spring washers) and similar articles, of copper: other threaded articles: other. The rate of duty will be 3% 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 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 CFR).

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 Kathy Campanelli at 646-733-3021.

Sincerely,

ROBERT B. SWIERUPSKI

Director,

National Commodity Specialist Division

[ATTACHMENT C]

HQ H195840
CLA-2 OT: RR: CTF: TCM: H195840 ERB
CATEGORY: Classification
TARIFF NO.: 7318.16.00

Ms. MONICA CANTU
UPS TRADE MANAGEMENT SERVICES, INC.
12380 MORRIS ROAD
ALPHARETTA, GA 30005

MR. BRUCE THELEN
DICKINSON WRIGHT PLLC
500 WOODWARD AVENUE, SUITE 4000
DETROIT, MI 48226-3425

RE: Modification of NY H888897; Modification of NY M82161; Tariff classification of steel blind rivet nuts

DEAR MR. THELEN AND MS. CANTU:

U.S. Customs and Border Protection (CBP) issued New York Ruling (NY) H88897 on March 5, 2002 to BollhoffRivnut Inc. (Bollhoff). NY H88897 pertains to the tariff classification under the Harmonized Tariff Schedule of the United States (HTSUS), of three models of blind rivet nuts and blind rivet studs. NY M82161 was issued April 19, 2006 UPS Trade Management Services, Inc. on behalf of its client, Sherex Fastening Solutions, LLC (Sherex). NY M82161 also regarded the tariff classification of a steel blind rivet nut from Sherex's CAL series. We have since reviewed NY H88897 and NY M82161 and find them to be in error with respect to the classification of the steel blind rivet nuts, which are described in detail herein. The remainder of NY H88897 regarding steel blind rivet studs, and NY M82161, regarding the threaded brass inserts, remains intact.

FACTS:

In NY H88897, dated March 5, 2002, CBP stated the following:

You have described your items as blind rivet nuts and blind rivet studs. The nuts will be made of steel and aluminum.... The diameters of these fasteners come in various metric sizes (mm). You state that all these items are threaded and intended for fastening and security sheet metal and plastic materials.

The applicable subheading for the steel blind rivet nuts will be 7318.19.0000, Harmonized Tariff Schedule of the United States (HTS), which provides for screws, bolts, nuts, coach screws, screw hooks, rivets, cotters, cotter pins, washers (including spring washers) and similar articles, of iron or steel: threaded articles: other. The duty rate will be 5.7% ad valorem.

On November 22, 2011, Bollhoff submitted to this office a request for reconsideration and modification of NY H88897, stating that the steel blind rivet nuts should be classified in subheading 7318.16.00, HTSUS, which

provides for “Screws, bolts, nuts, coach screws, screw hooks, rivets, cotters, cotter pins, washers (including spring washers) and similar articles, of iron or steel: threaded articles: nuts.”

On November 19, 2012, Bollhoff provided a supplement to its request for reconsideration and modification of NY H88897. The supplement included seven exhibits of industry standards, as well as a letter from the Industrial Fasteners Institute (Exhibit 1, dated November 2, 2012, authored by Joe Greenslade, Director of Engineering Technology). This information was factored into the analysis herein.

In NY M82161, dated April 19, 2006, CBP stated the following:

The merchandise pictured here is described as follows:

[b]lind rivet nuts (CAL series) steel and stainless steel sizes range from 6/31” to 3/8”-16 and M4 to M10 internally threaded installs from one side screw or bolt installs into blind rivet nut threaded brass inserts for plastics (B1U series) internally threaded self aligning lead in insures [sic] accurate installation designed for use in straight holes opposing diagonal knurls facilitate torque resistance installed ultrasonically or with heat undercuts for maximizing tensile strength blind bolt (BBS series) high tensile or stainless steel used in high performance fixing applications when access is restricted used for scaffolding and holding critical masonry.

The applicable subheading for the steel blind rivet nuts (item 1) and steel blind bolts (item 3), will be 7318.19.0000, Harmonized Tariff Schedule of the United States (HTSUS), which provides for screws, bolts, nuts, coach screws, screw hooks, rivets, cotters, cotter pins, washers (including spring washers) and similar articles, of iron or steel: threaded articles: other. The rate of duty will be 5.7% ad valorem.

ISSUE:

Whether a threaded article which is used to fasten a bolt, is used as a nut, but is riveted into place is considered a “nut” for tariff classification purposes, under subheading 7318.16.00, HTSUS, or whether it is classified as “other” than a nut, under subheading 7318.19.00, HTSUS.

LAW AND ANALYSIS:

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRI). 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 may then be applied.

The HTSUS subheading provisions under consideration in this case are as follows:

7318 Screws, bolts, nuts, coach screws, screw hooks, rivets, cotters, cotter pins, washers (including spring washers) and similar articles, of iron or steel:

Threaded articles:

7318.16.00	Nuts
7318.19.00	Other

Because the instant classification analysis occurs beyond the four-digit heading level, GRI 6 is implicated. GRI 6 states:

For legal purposes, the classification of goods in the subheading of a heading shall be determined according to the terms of those subheadings and any related subheading notes, and *mutatis mutandis* to the above rules, on the understanding that only subheadings at the same level are comparable. For the purposes of this rule, the relative section, chapter, and subchapter notes also apply, unless the context otherwise requires.

Subheading 7318.16.00, HTSUS, which provides for “nuts” is an *eo nomine* provision. “An *eo nomine* designation with no terms of limitation, will ordinarily include all forms of the named article.” *Carl Zeiss, Inc. v. United States*, 195 F.3d 1375, 1379 (Fed. Cir. 1999) (quoting *Hayes-Sammons Chern. Co. v. United States*, 55 C.C.P.A. 69, 75 (1968)). That said, “[w]hen an object “is in character or function something other than as described by a specific statutory provision—either more limited or more diversified—and the difference is significant, it cannot find classification within such [*eo nomine*] provision.” *Casio, Inc. v. United States*, 73 F.3d 1095, 1097 (Fed. Cir. 1996), citing *Robert Bosch Corp. v. United States*, 63 Cust. Ct. 96, 103–04, Cust. Dec. 3881 (1969). Therefore, CBP must first define what a “nut” is for tariff classification purposes. Then, CBP will determine whether the subject rivet nut’s characteristics render it more diverse than the intended scope for “nuts” of subheading 7318.16.00, HTSUS.

The term “nut” is not defined by the tariff. The courts have held that in determining the proper meaning of a tariff provision, “the correct meaning of the term is its common commercial meaning.” *Arko Foods Int’l, Inc. v. United States*, 654 F.3d 1361, 1364 (Fed. Cir. 2011). To determine the common commercial meaning Customs may rely upon “its own understanding of terms used, and may consult standard lexicographic and scientific authorities.” *Airflow Tech., Inc. v. United States*, 524 F.3d 1287, 1291 (Fed. Cir. 2008).

The Explanatory Notes of the Harmonized Commodity Description and Coding System (ENs) provide commentary on the scope of each heading of the Harmonized System¹. Classification at the heading level is not in dispute here, however, the ENs are germane as regards what a “nut” is, since it is listed at the heading and subheading level. The EN to 73.18 states, in relevant part:

(A) SCREWS, BOLTS AND NUTS

Nuts are metal pieces designed to hold the corresponding bolts in place. They are usually tapped throughout but are sometimes blind. The head-

¹ In understanding the language of the HTSUS, the 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, provides 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, 35128 (August 23, 1989).

ing includes wing nuts, butterfly nuts, etc. Lock nuts (usually thinner and castellated) are sometimes used with bolts.

The scope of the subheadings under heading 7318, HTSUS, has been the subject of many rulings issued by this office, as well as an “*Informed Compliance Publication*” entitled, “*What Every Member of the Trade Community Should Know About: Fasteners of Heading 7318*”, which was published in April 2012. Therein, “nuts” are defined as “internally threaded fasteners designed to hold the corresponding bolt in place.” *Id* at page 12.

Myriad commercial standards exist regarding what constitutes a nut. The American National Standards Institute (ANSI) is a private, non-profit organization that oversees the development of voluntary consensus standards. It also accredits standards developed by other standards organizations. Relevant here is the standard created by the American Society of Mechanical Engineers (ASME), endorsed by ANSI. ANSI/ASME’s *GLOSSARY OF TERMS FOR MECHANICAL FASTENERS* (ASME 818.12–2012), subsection 3.2.1.1. defines a nut as: “a perforated block having an internal or female screw thread, designed to assemble with an external or male screw thread, such as those on a bolt or other threaded part. Its intended function is fastening, adjusting transmitting motion, or transmitting power with a large mechanical advantage and nonreversible motion.”² Section 3.2.1 which regards Nuts as a whole, then goes on to list more than 40 types of nuts of widely varying sizes, dimensions, and features, which make the nut suitable for different usages.³

Thus, in reading the above collectively, a nut is defined broadly as a type of fastener which is internally threaded and often but not always used opposite a mating bolt which fastens the materials together. This describes the subject rivet nuts as they are internally threaded fasteners, installed into a parent material for the attachment of a mating part with a screw. Specifically, the subject rivet nuts are riveted within sheet metals or plastic material as assembly components to provide an internal thread length and prevent the rotation of that thread while a bolt or screw is rotated into the thread. In other words, it clamps multiple assembly components together when tapped threads are not possible due to small wall thickness or hollow components.

As mentioned, the subject rivet nuts have characteristics uncommon in nuts. They differ from the common hexagon nut, in that common hex nuts are generally torqued to turn it onto a stationary bolt, screw, or other threaded fastener. Here, the subject rivet nuts are installed onto a tool mandrel, placed in the hole, and the user pulls the tool trigger and the tool mandrel retracts causing the unthreaded exterior shank of the rivet nut to expand behind the parent material, riveting it into place. That said, the article will still be given its claimed *eo nomine* classification notwithstanding the existence of this additional feature, because it does not transform the character of the article as a “nut.” This is consistent with previous CBP rulings regarding nuts with some additional characteristics still being classified as “nuts” under the tariff.

² GLOSSARY OF TERMS FOR MECHANICAL FASTENERS, ASME B18.12–2012 [Revision of ASME B18.12–2001], Section 3.2 Internally Threaded Products, Subsection 3.2.1. Nuts.

³ To name a few nuts: barrel nuts, butterfly nut, cap nut, flange nut, hexagon nut, jam nut, plate nut, sleeve nut, square nut, tee nut, wing nut, weld nut.

See NY N167096, dated June 7, 2011 (classifying 3/8 hex flange nuts in subheading 7318.16.00, HTSUS); NY 844719, dated September 13, 1989 (classifying four articles in subheading 7318.16.00, HTSUS: first, a floating plate nut, described as a steel threaded nut element combined with a steel base. The base has two rivet holes which enable it to be fixed in place to loosely hold the nut element in place. Second, an A.R.E. nut, consisting of a steel threaded nut element combined with a steel base with a ribbed annular neck. Third, a dome nut, and fourth a nonfloating, multi-component nut); *and* NY N192135, dated November 23, 2011 (classifying a steel fastener called a Round Rivet Nut, in subheading 7318.16.00, HTSUS). *See also* Headquarters Ruling (HQ) 959570, dated December 20, 1996 (where CBP stated, “the inner cap nut functions not only to secure a truck or trailer’s inner wheel onto a stud by means of its internal thread, but also to serve as a base onto which the outer wheel is mounted and secured by a lug nut tightening onto its external thread. This is a significant additional function not associated with nuts of subheading 7318.16.00, HTSUS,” citing NY 829971, dated June 7, 1998).

HOLDING:

By application of GRI 1, the subject rivet nuts are specifically provided for in subheading 7318.16.00, HTSUS, which provides for, “screws, bolts, nuts, coach screws, screw hooks, rivets, cotters, cotter pins, washers (including spring washers) and similar articles, of iron or steel: threaded articles: nuts.” 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 H88897 and NY M82161, are hereby MODIFIED, as regards the tariff classification of the steel blind rivet nuts.

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

GENERAL NOTICE**19 CFR PART 177****PROPOSED REVOCATION OF A RULING LETTER,
MODIFICATION OF TWO RULING LETTERS AND
REVOCATION OF TREATMENT RELATING TO
CLASSIFICATION OF CYCLOSPORINE, CAS #59865-13-3**

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

ACTION: Notice of proposed revocation of a ruling letter, modification of two ruling letters, and revocation of treatment related to the classification of Cyclosporine, CAS #59865-13-3.

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 Customs and Border Protection (“CPB”) is proposing to revoke a ruling concerning the classification of Cyclosporine, CAS #59865-13-3, under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CPB is proposing to revoke any treatment previously accorded by CPB to substantially identical transactions. Comments are invited on the correctness of the proposed actions.

DATES: Comments must be received on or before June 26, 2015.

ADDRESSES: Written comments are to be addressed to U.S. Customs and Border Protection, Office of International Trade—Regulation and Rulings, Attn: Trade and Commercial Regulations Branch, 90 K Street, N.E., 10th Floor, Washington D.C. 20229-1177. Submitted comments may be inspected at the above address 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: Allyson Mattanah, Tariff Classification and Marking Branch (202) 325-0029.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, Title VI (CBP Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057) (hereinafter “Title VI”), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are **“informed compliance”** and **“shared responsibility.”** These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community’s responsibilities and rights under the customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. §1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and 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 section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625 (c)(1)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that CBP proposes to revoke a ruling and to modify two rulings pertaining to the classification of cyclosporine (CAS 59865–13–3). Although in this notice CBP is specifically referring to New York Ruling Letter (NY) G81655, dated January 24, 2001 (Attachment “A”), NY 801521, dated October 13, 1994 (Attachment “B”) and NY 801775, dated October 25, 1994 (Attachment “C”), this notice covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing data bases for rulings in addition to the ones identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice, should advise CBP during this notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. 1625(c)(2)), as amended by section 623 of Title VI, 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 his agents for importations of merchandise subsequent to this notice.

In the 1994 rulings, CBP classified the product in subheading 2941.90.10, HTSUS, which provides for: "Antibiotics: Other: Natural: Other." In the 2001 ruling, CBP classified cyclosporine under subheading 2933.90.90 (now 2933.99.90), which provides for: "[H]eterocyclic compounds with nitrogen hetero-atom(s) only: Other: Other: Other: Drugs." We have determined that these three rulings are in error with respect to the classification of cyclosporine and that NY R04986, dated October 10, 2006 provides the correct classification for the merchandise in subheading 2933.79.85, HTSUS, which provides for: "Heterocyclic compounds with nitrogen hetero-atom(s) only: Lactams: Other lactams: Other: Other." Therefore, this ruling revokes NY G81655, and modifies NY 801521 and NY 801775 with respect to classification of cyclosporine (CAS 59865-13-3).

Pursuant to 19 U.S.C. 1625(c)(1), CBP is proposing to revoke NY G81655, and to modify NY 801521 and NY 801775 with respect to classification of cyclosporine (CAS 59865-13-3), and any other ruling not specifically identified, to reflect the proper classification of the merchandise pursuant to the analysis set forth in Proposed Headquarters Ruling Letter H192519. (Attachment "D"). 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: May 5, 2015

GREG CONNOR
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

Attachments

[ATTACHMENT A]

NY G81655

January 24, 2001

CLA-2-29:RR:NC:2:238 G81655

CATEGORY: Classification

TARIFF NO.: 2933.90.9000

MR. JOSEPH J. CHIVINI
AUSTIN CHEMICAL COMPANY, INC.
1565 BARCLAY BOULEVARD
BUFFALO GROVE, IL 60089

RE: The tariff classification of Cyclosporine USP (CAS-59865-13-3), imported in bulk form, from China

DEAR MR. CHIVINI:

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

We regret the delay in responding.

Cyclosporine is a cyclic peptide, consisting of 11 amino acids, produced as a metabolite by the fungus, *Beauveria nivea*. It is indicated for use as an immunosuppressant agent for the prevention of organ rejection in kidney, liver, and heart allogeneic transplants (i.e., transplants involving individuals who are antigenically distinct). We note that the International Nonproprietary Name (INN) for Cyclosporine is "Ciclosporin," which is listed in Table 1 of the Pharmaceutical Appendix to the Tariff Schedule.

A report issued to this office by the U.S. Customs laboratory in New York notes the lack of any evidence in the scientific literature indicating Cyclosporine's ability to kill other microorganisms or inhibit their growth. Accordingly, pursuant to *Lanza, Inc. v. U.S.* [46 F.3d 1098 (Fed. Cir. 1995)] and the Explanatory Notes to heading 2941, HTS, it is our determination that Cyclosporine is precluded from classification as an antibiotic, for tariff purposes.

The applicable subheading for Cyclosporine USP, imported in bulk form, will be 2933.90.9000, Harmonized Tariff Schedule of the United States (HTS), which provides for "[H]eterocyclic compounds with nitrogen hetero-atom(s) only: Other: Other: Other: Drugs." Pursuant to General Note 13, HTS, the rate of duty will be free. This merchandise may be subject to the requirements of the Federal Food, Drug, and Cosmetic Act, which is administered by the U.S. Food and Drug Administration. You may contact them at 5600 Fishers Lane, Rockville, Maryland 20857, telephone number 301-443-1544.

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 Harvey Kuperstein at 212-637-7068.

Sincerely,

ROBERT B. SWIERUPSKI

Director,

National Commodity Specialist Division

[ATTACHMENT B]

October 13, 1994

CLA-2-29:S:N:N7:238 801521

CATEGORY: Classification

TARIFF NO.: 2941.90.1050; 2912.49.2000

MS. JOAN VON DOEHREN
INTERCHEM CORPORATION
120 RT. 17 NORTH, SUITE 115
PARAMUS, NJ 07652

RE: The tariff classification of Cyclosporine (CAS Reg. No. 59865-13-3), in bulk form, from Finland, and 2,3-Dihydroxybenzaldehyde (CAS Reg. No. 24677-78-9), in bulk form, from France

DEAR MS. VON DOEHREN:

In your letter dated August 18, 1994, you requested a tariff classification ruling.

Cyclosporine is an antibiotic which is used as an immunosuppressive drug. 2,3-Dihydroxybenzaldehyde is described by you as being used as an "intermediate" in the manufacture of a pharmaceutical product. The applicable subheading for Cyclosporine, in bulk form, will be 2941.90.1050, Harmonized Tariff Schedule of the United States (HTS), which provides for: "Antibiotics: Other: Natural: Other." The rate of duty will be 1.8 percent ad valorem. The applicable subheading for 2,3-Dihydroxybenzaldehyde, in bulk form, will be 2912.49.2000, HTS, which provides for: "Aldehyde-ethers, aldehydephenols and aldehydes with other oxygen function: Other: Aromatic: Other." The rate of duty will be 11.9 percent ad valorem.

Cyclosporine may be subject to the regulations of the Food and Drug Administration. You may contact them at 5600 Fishers Lane, Rockville, Maryland 20857, telephone number (301) 443-6553.

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

A copy of this ruling letter should be attached to the entry documents filed at the time this merchandise is imported. If the documents have been filed without a copy, this ruling should be brought to the attention of the Customs officer handling the transaction.

Sincerely,

JEAN F. MAGUIRE
Area Director
New York Seaport

[ATTACHMENT C]

October 25, 1994

CLA-2-29:S:N:N7:238 801775

CATEGORY: Classification

TARIFF NO.: 2933.40.2700; 2922.30.2500;
2941.90.1 050; 2934.90.2500

MS. KRISTINE A. SEARING
VINCHEM INC.
354 MAIN STREET P.O. BOX 639
CHATHAM, NJ 07928

RE: The tariff classification of Atracurium Besylate (CAS No. 64228-81-5); Bupropion Hydrochloride (CAS No. 31677-93-7); Cyclosporin A (CAS No. 59865-13-3); and Etodolac (CAS No. 41340-25-4), all in bulk form, from Italy

DEAR MS. SEARING:

In your letter dated August 26, 1994, you requested a tariff classification ruling.

Atracurium Besylate is a skeletal-muscle-relaxant drug; Bupropion Hydrochloride is an antidepressant drug; Cyclosporin A, which is now designated as Cyclosporine, is an antibiotic which is used as an immunosuppressant drug; and Etodolac is an antiinflammatory drug.

The applicable subheadings and rates of duty for the above-described products, under the Harmonized Tariff Schedule of the United States (HTS), will be as follows:

PRODUCT HTS DUTY RATE

Atracurium Besylate 2933.40.2700 8.1 percent ad valorem

Bupropion Hydrochloride 2922.30.2500 13.5 percent ad valorem

Cyclosporin A 2941.90.1050 1.8 percent ad valorem

Etodolac 2934.90.2500 6.9 percent ad valorem This merchandise may be subject to the regulations of the Food and Drug Administration. You may contact them at 5600 Fishers Lane, Rockville, Maryland 20857, telephone number (301) 443-6553.

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

A copy of this ruling letter should be attached to the entry documents filed at the time this merchandise is imported. If the documents have been filed without a copy, this ruling should be brought to the attention of the Customs officer handling the transaction.

Sincerely,

JEAN F. MAGUIRE
Area Director
New York Seaport

[ATTACHMENT D]

HQ H192519
CLA-2 OT:RR:CTF:TCM H192519 ARM
CATEGORY: Classification
TARIFF NO.: 2933.79.85

MR. JOSEPH J. CHIVINI
AUSTIN CHEMICAL COMPANY, INC.
1565 BARCLAY BOULEVARD
BUFFALO GROVE, IL 60089

RE: Revocation of NY G81655 and modification of NY 801521 and NY 801775; Cyclosporine, CAS #59865-13-3

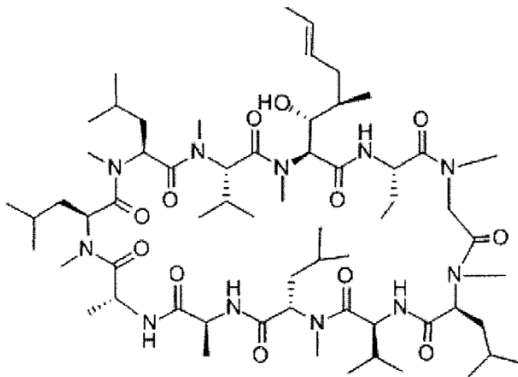
DEAR MR. CHIVINI:

This is to inform you that Customs & Border Protection (CBP) has reconsidered New York Ruling letter NY G81655, dated January 24, 2001, regarding the classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of cyclosporine (CAS 59865-13-3). CBP classified cyclosporine under subheading 2933.90.90 (now 2933.99.90), which provides for: “[H]eterocyclic compounds with nitrogen hetero-atom(s) only: Other: Other: Other: Drugs.” We have also reconsidered (NY) 801521, dated October, 13, 1994, NY 801775, dated October 25, 1994, where we classified the product in subheading 2941.90.10, HTSUS, which provides for: “Antibiotics: Other: Natural: Other.”

We have determined that these three rulings are in error with respect to the classification of cyclosporine and that NY R04986, dated October 10, 2006 provides the correct classification for the merchandise in subheading 2933.79.85, HTSUS, which provides for: “Heterocyclic compounds with nitrogen hetero-atom(s) only: Lactams: Other lactams: Other: Other.” Therefore, this ruling revokes NY G81655, and modifies NY 801521 and NY 801775 with respect to classification of cyclosporine (CAS 59865-13-3).

FACTS:

Cyclosporine, CAS #59865-13-3, is also known as Cyclosporine A and has the chemical formula C₆₂H₁₁₁N₁₁O₁₂, and the chemical structure printed below:



In NY G81655, we stated the following:

Cyclosporine is a cyclic peptide, consisting of 11 amino acids, produced as a metabolite by the fungus, *Beauveria nivea*. It is indicated for use as an immunosuppressant agent for the prevention of organ rejection in kidney, liver, and heart allogeneic transplants (i.e., transplants involving individuals who are antigenically distinct). We note that the International Nonproprietary Name (INN) for Cyclosporine is “Ciclosporin,” which is listed in Table 1 of the Pharmaceutical Appendix to the Tariff Schedule.

A report issued to this office by the U.S. Customs laboratory in New York notes the lack of any evidence in the scientific literature indicating Cyclosporine’s ability to kill other microorganisms or inhibit their growth.

CBP Laboratory Report No. NY20111634S, dated October 7, 2011, a supplement to the report referred to in NY G81655, states, in pertinent part, the following: “In our opinion, Cyclosporine is a Lactam ...”

In both NY 801521 and NY 801775 we described cyclosporine as “an antibiotic which is used as an immunosuppressive drug.”

ISSUE:

Whether cyclosporine is classifiable as an antibiotic of heading 2941, and if not, whether when classified by structure, it is a lactam of subheading 2933.79.85.

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) and, in the absence of special language or context which requires otherwise, by the Additional U.S. Rules of Interpretation. The GRIs and the Additional U.S. Rules of Interpretation are part of the HTSUS and are to be considered statutory provisions of law for all purposes.

GRI 1 requires that classification be determined first according to the terms of the headings of the tariff schedule and any relative section or chapter notes and, unless otherwise required, according to the remaining GRIs taken in order. GRI 6 requires that the classification of goods in the subheadings of headings shall be determined according to the terms of those subheadings, any related subheading notes and *mutatis mutandis*, to the GRIs 1 through 5.

The HTSUS provisions under consideration are the following:

2933: Heterocyclic compounds with nitrogen hetero-atom(s) only:

Lactams:

2933.79 Other Lactams:

Other:

2933.79.85 Other

Other:

2933.99 Other:

Other:

cyclosporine, it is a “heterocyclic compound with nitrogen hetero-atom(s) only,” properly classified in heading 2933, HTSUS. Furthermore, in accordance with the CBP Laboratory Report, Cyclosporine is a lactam of subheading 2933.79, HTSUS, because the molecules contain one or more amide functions in a ring.

HOLDING:

Cyclosporine, CAS #59865-13-3, is classified in heading 2933, HTSUS. Specifically, the merchandise is classified in subheading 2933.79.85, HTSUS, which provides for: “Heterocyclic compounds with nitrogen hetero-atom(s) only: Lactams: Other lactams: Other: Other.” The column one, general rate of duty is free.

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

EFFECT ON OTHER RULINGS:

NY G81655 is revoked and NY 801521 and 801775 are modified.

Sincerely,

MYLES B. HARMON,

Director

Commercial Rulings Division

cc: Ms. Joan von Doehren
Interchem Corporation
120 Rt. 17 North, Suite 115
Paramus, NJ 07652

Ms. Iliana Fuller
Allergan, Inc.
2525 Dupont Drive
P.O. Box 19534
Irvine, CA 92623-9534

GENERAL NOTICE**19 CFR PART 177****REVOCACTION OF TWO RULING LETTERS AND
REVOCACTION OF TREATMENT RELATING TO THE
TARIFF CLASSIFICATION OF “TAPEFFITI”**

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

ACTION: Notice of revocation of two ruling letters and revocation of treatment concerning the tariff classification of “Tapeffiti,” pressure sensitive plastic tape.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930, (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that CBP is revoking two ruling letters pertaining to the tariff classification of “Tapeffiti,” pressure sensitive plastic tape, under the Harmonized Tariff Schedule of the United States (HTSUS). CBP is also revoking any treatment previously accorded by it to substantially identical transactions. Notice of the proposed revocation was published on March 4, 2015, in Volume 49, Number 9, of the Customs Bulletin. No comments were received in response to the proposed notice.

EFFECTIVE DATE: This revocation is effective for merchandise entered or withdrawn from warehouse for consumption on or after July 27, 2015.

FOR FURTHER INFORMATION CONTACT: Emily Beline, Tariff Classification and Marking Branch, Regulations and Rulings, Office of International Trade, (202) 325–7799.

SUPPLEMENTARY INFORMATION:**Background**

On December 8, 1993, Title VI, (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), (Title VI), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended and related laws. Two new concepts which emerge from the law are “informed compliance” and “shared responsibility.” These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community

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

Pursuant to section 625(c)(1), Tariff Act of 1930, as amended (19 U.S.C. 1625(c)(1)), of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), a notice was published in the *Customs Bulletin*, Volume 49, Number 9, on March 4, 2015, 2015, proposing to revoke two New York Ruling Letters (NY) NY N239592, dated April 9, 2013, and NY N246346, dated September 20, 2013, and proposing to revoke any treatment accorded to substantially identical transaction. No comments were received in response to the proposed action.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930, as amended (19 U.S.C. 1625(c)(2)), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should have advised CBP during this notice period. An importer's 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 his agents for importations of merchandise subsequent to this notice

In NY N239592, CBP classified Fashion Angels' "Tapeffiti" product, Item #11728, under subheading 4908.10.00, HTSUS, which provides for Transfers (decalcomanias): Transfers (decalcomanias), vitrifiable. And in NY N246346, CBP classified the same product, "Tapeffiti," Item # 11728, under subheading 3919.10.20, HTSUS, which provides for self-adhesive plates, sheets, film, foil, tape, strip and other flat shapes, of plastics...in rolls of a width not exceeding 20 cm ... other. It is now CBP's position that the original classification (found in NY N239592) was in error, and the subsequent ruling, (NY N246346) was not issued pursuant to Customs Regulations regarding modification or revocation of interpretive rulings, found in 19 CFR § 177.12. Therefore, CBP is revoking NY N239592 and NY N246346 as it pertains to the classification of the "Tapeffiti" product.

Pursuant to 19 U.S.C. 1625(c)(1), CBP is revoking NY N239592 and NY N246346 and any other ruling not specifically identified in order to reflect the proper classification of the merchandise pursuant to the analysis set forth in Headquarters Ruling (HQ) H250628, (Attachment B). 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: May 4, 2015

ALLYSON MATTANAH

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

Attachments

HQ H250628

May 4, 2015

CLA-20T:RR:CTF:TCM: H250628ERB**CATEGORY:** Classification**TARIFF NO.:** 3919.10.20

MR. ERIC WILSON
GODFREY KAHN S.C.
ONE EAST MAIN STREET, SUITE 500
P.O. BOX 2719
MADISON, WI 53701-2719

RE: Revocation of NY N239592 and N246346; Tariff classification of Fashion Angels "Tapeffiti," (Item #11728)

DEAR MR. WILSON:

U.S. Customs and Border Protection (CBP) issued your client, M&G Partners, LLP d/b/a Fashion Angels Enterprises (Fashion Angels), New York Ruling Letter (NY) N239592, dated April 9, 2013, in response to your client's binding ruling request, dated March 5, 2013. The request concerned the tariff classification of the "Tapeffiti" product, (Item #11728). Subsequent to the issuance of NY N239592, CBP became aware of errors in the product description in Fashion Angels' ruling request submission. CBP issued NY N246346, dated September 20, 2013 as a correction. Pursuant to 19 C.F.R. §1625(c) and 19 C.F.R. § 177.12(b), Customs is to follow a notice and comment procedure if conflicting or inconsistent rulings exist. We have reviewed NY N239592, and find it to be in error with respect to the classification of the Tapeffiti, which is described in detail herein, and in conflict with NY N246346. As such, we are revoking NY N239592 and NY N246346, pursuant to the reasoning contained herein.

Pursuant to Section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by Section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that CBP is revoking two rulings concerning the classification of Fashion Angels' "Tapeffiti" (Item #11728), under the HTSUS. Similarly, CBP is revoking any treatment previously accorded by it to substantially identical transactions. Notice of the proposed revocation was published March 4, 2015, Volume 49, Number 9, of the *Customs Bulletin*. No comments were received in response to the proposed notice.

FACTS:

NY N239592, dated April 9, 2013 stated the following regarding the subject merchandise:

The sample submitted, "Tapeffiti", consists of six plastic dispensers with decal tape measuring approximately 9 feet each and packaged together for retail sale. Tapeffiti is a decorative decal tape designed for children that comes with a variety of repetitive printed images including pandas, gems, stars, daisies, robots, dolls, cupcakes, candies, zebras and cheetahs. Tapeffiti can be used to decorate scrapbooks, notebooks, folders, bracelets, headbands, sketchbooks, portfolios, journals, picture frames and tote bags. The sample will be retained for training purposes.

The applicable subheading for the “Tapeffiti”, will be 4908.10.0000, Harmonized Tariff Schedule of the United States (HTSUS), which provides for Transfers (decalcomanias): Transfers (decalcomanias), vitrifiable. The rate of duty will be Free.

NY N246346, dated September 20, 2013, stated the following:

This replaces Ruling Number N239592, dated April 9, 2013, which contained an error in the product description. The merchandise was described as decal tape when it is actually pressure sensitive plastic tape. A complete corrected ruling follows.

The sample submitted with your request consists of six plastic dispensers on a retail card, each dispenser containing approximately 9 feet of decorative pressure sensitive plastic tape. This tape, marked as “Tapeffiti” is printed with repetitive images such as pandas, ... and candies. It is marketed for use to decorate scrapbooks, ... and tote bags. The sample will be retained for training purposes.

The Tapeffiti tape does not contain printed images that will be transferred to another surface, leaving a plastic or other backing behind. The Tapeffiti consists of pressure sensitive plastic tape printed with decorative images that remain on the tape. The tape is designed to be cut into sections and the entire decorative tape segment is applied to another product to decorate that product. Legal Note 2 of Section VII of the HTSUS states, “Except for the goods of heading 3918 or 3919, plastics, rubber and articles thereof, printed with motifs, characters or pictorial representations, which are not merely incidental to the primary use of the goods, fall in chapter 49.” Since the pressure sensitive tape is provided for in heading 3919, it remains classified in heading 3919 rather than in chapter 49 even when printed and even when the printing is not merely incidental to the primary function of the goods.

Fashion Angels argues that the subject merchandise was classified correctly in the original ruling, NY N239592.

ISSUE:

Whether the subject Tapeffiti is classified as self-adhesive tape of heading 3919, HTSUS, or as a transfer of heading 4908, HTSUS.

LAW AND ANALYSIS:

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRI). 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 may then be applied.

The HTSUS provisions under consideration in this case are as follows:

3919	Self-adhesive plates, sheets, film, foil, tape, strip and other flat shapes, of plastics, whether or not in rolls:
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4908 Transfers (decalcomanias):

Legal Note 2 to Section VII, which covers Chapter 39, states the following:

2. Except for the goods of heading 3918 or 3919, plastics, rubber and articles thereof, printed with motifs, characters or pictorial representations, which are not merely incidental to the primary use of the goods, fall in chapter 49.

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 Harmonized System. The ENs, although not dispositive or legally binding, provides 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, 35128 (August 23, 1989).

The EN 39.19 provides the following:

This heading covers all self-adhesive flat shapes of plastics, whether or not in rolls, other than floor, wall or ceiling covers of heading 39.18. The heading is, however, limited to flat shapes which are pressure sensitive, i.e., which at room temperature, without wetting or other addition, are permanently tacky (on one or both sides) and which firmly adhere to a variety of dissimilar surfaces upon mere contact, without the need for more than finger or hand pressure.

It should be noted that this heading includes articles printed with motifs, characters or pictorial representations, which are not merely incidental to the primary use of the goods (see Note 2 to Section VII)

The General EN to chapter 49 states, in relevant part, the following:

Goods of heading 39.18, 39.19, 48.14 or 48.21 are also **excluded** from this chapter, even if they are printed with motifs, characters or pictorial representations, which are not merely incidental to the primary use of the goods.

It continues:

In addition to the more common forms of printed products ... this Chapter covers such articles as: printed transfers (decalcomanias); ...

The EN 49.08 provides the following:

Transfers (decalcomanias) consist of pictures, designs or lettering in single or multiple colours, lithographed or otherwise printed on absorbent, lightweight paper (or sometimes thin transparent sheeting of plastics), coated with a preparation, such as of starch and gum, to receive the imprint which is itself coated with an adhesive. This paper is often backed with a supporting paper of heavier quality. The designs are sometimes printed against a background of metal leaf.

When the printed paper is moistened and applied with slight pressure to a permanent surface (e.g., glass, pottery, wood, metal, stone or paper), the coating printed with the picture, etc., is transferred to the permanent surface.

Transfers may be used for decoration or utility purposes, e.g., for decorating pottery or glass, or for marking various articles such as vehicles, machines and instruments.

Transfers produced and supplied mainly for the amusement of children are also covered by this heading, as are also articles such as embroidery or hosier transfers which consist of papers on which designs are outlined in pigment which is transferred, usually to a textile surface, by pressure with a heated smoothing iron.

Therefore, if the Tapeffiti product meets the terms of heading 3919, HTSUS, it is excluded from classification in chapter 49.

Tapeffiti, is a roll of self-adhesive plastic strip, printed on one side with repetitive images including depictions of animals, such as pandas, or patterns, such as houndstooth. The opposite side is permanently tacky and is thus capable of being stuck to various surfaces at room temperature. A user will unroll the plastic strip and cut it to a desired length. The user needs no more than finger pressure to adhere the tape onto a surface as decoration, without any additional method of transfer (e.g. water or heat). Further, the image is never transferred from the tape to a surface because there is no temporary backing material as the image is permanently fixed on the tape. If the tape is removed, the image is also removed because it is part of the tape. It therefore meets the terms of heading 3919, HTSUS, explained in the ENs to 39.19, and thus is excluded from classification in chapter 49, under the general EN to that chapter.

If *arguendo*, the merchandise is not excluded from classification in Chapter 49, it still does not meet the terms of heading 4908, HTSUS. In Headquarters Ruling (HQ) 965703, dated August 13, 2002, CBP cited the Merriam-Webster's Collegiate Dictionary, 10th Ed. which defined "decalcomania" as: the art or process of transferring pictures and designs from specially prepared paper (as to glass)." There, in classifying temporary tattoos, CBP ruled that a product that transfers an image with moisture and pressure from paper to skin is classified in heading 4908, HTSUS, as a "decal." *See also*, NY 884872, dated April 22, 1993 (classifying temporary tattoos, where the user places the picture face down on skin, rubs firmly with damp cloth or sponge, and peels away the backing paper after the image as been transferred onto the surface and off of the backing paper, as a "decal" under heading 4908, HTSUS); *and see*, HQ 961550, dated July 17, 2001, where CBP cited The Dictionary of Paper, 5th Edition, edited by Michael Kouris (1996), which defines decalcomania and decalcomania paper as follows:

A process of transferring printed designs to porcelain, wood, glass, marble, etc. It consists usually in gumming the paper or other film bearing the colored picture onto the object and them [sic] removing the paper with warm water, the colored picture remaining.

CBP has also consistently classified products as decals of heading 4908, HTSUS, when the image is transferred to a surface via rubbing. In NY G86280, dated January 22, 2001, CBP classified a "Rub'n Wear Glitter Body Art Transfers" under heading 4908, HTSUS, wherein the directions instruct "users are to remove the release paper, place the printed side of the acetate onto the skin, and rub with a fingernail tip. This will cause the design to be transferred onto the skin. The resulting temporary tattoo can subsequently be removed with adhesive tape, baby oil or petroleum jelly." Finally, in NY K85599, dated May 7, 2004, CBP stated that a "Rub-Off Egg Tattoo" which instructed users to place a selected portion of the printed film on the surface of an [Easter] egg and rub it with a popsicle stick or other tool, whereupon the

image is transferred to an egg as decoration, was classified in heading 4908, HTSUS, as a decal. But a second item, “Fuzzy Stickers” made of flocked, pressure-sensitive vinyl film whereby the flocked vinyl shapes were meant to be peeled off their paper backing and applied to eggs as decoration, were classified in heading 3919, HTSUS, as a sticker. The subject merchandise does not allow for any transfer of its images. It does not use water or heat for its application. It does not have a temporary backing material. It is simply a plastic tape containing repetitive designs. Hence, it is properly classified under subheading 3919.90.50, HTSUS, which provides for, “self-adhesive sheets of plastics.”

Lastly, NY N032870, dated August 8, 2008, classifying decal transfer dispensers in heading 4908, HTSUS, is not relevant here. The instant merchandise is neither a dispenser, nor a decal transfer tool as explained above.

HOLDING

By application of GRI 1 the subject “Tapeffiti” Item #11728 is provided for in heading 3919, HTSUS. It is specifically provided for under subheading 3919.10.20, HTSUS, which provides for, “Self-adhesive plates, sheets, film, foil, tape, strip and other flat shapes, of plastics, whether or not in rolls: In rolls of a width not exceeding 20 cm: Other: Other.” The column one, general rate of duty is 5.8% *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 at www.usitc.gov

EFFECT ON OTHER RULINGS

NY N239592, dated April 9, 2013 and NY N246346, dated September 20, 2013, are hereby REVOKED.

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

ALLYSON MATTANAH
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

**PROPOSED REVOCATION OF A RULING LETTER AND
PROPOSED REVOCATION OF TREATMENT RELATING TO
THE COUNTRY OF ORIGIN MARKING OF TWO STYLES OF
WRISTWATCHES**

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

ACTION: Notice of proposed revocation of a ruling letter and proposed revocation of treatment relating to the country of origin marking of two styles of wristwatches.

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) proposes to revoke a ruling concerning the country of origin marking of two styles of wristwatches. Similarly, CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Comments are invited on the correctness of the proposed actions.

DATES: Comments must be received on or before June 26, 2015.

ADDRESSES: Written comments are to be addressed to the U.S. Customs and Border Protection, Office of International Trade, Regulations & Rulings, Attention: Trade and Commercial Regulations Branch, 90 K Street, N.E., 10th Floor, Washington, D.C. 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: Beth Jenior, Tariff Classification and Marking Branch, at (202) 325–0347.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 8, 1993, Title VI, (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057) (“Title VI”), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are “**informed compliance**” and “**shared responsibility**.” These concepts are premised on the idea that in order to maximize voluntary

compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations.

Accordingly, the law imposes a greater obligation on U.S. Customs and Border Protection (CBP) to provide the public with improved information concerning the trade community's responsibilities and rights under the customs and related laws. In addition, both the 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 section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that CBP is proposing to revoke a ruling letter pertaining to the country of origin marking of two styles of wristwatches. Although in this notice, CBP is specifically referring to Headquarters Ruling Letter (HQ) 562543, dated December 27, 2002, (Attachment A), this notice 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 notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. §1625(c)(2)), as amended by section 623 of Title VI, 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 HQ 562543, set forth as Attachment A to this document, CBP ruled that two styles of wristwatches should be marked with Japan as the country of origin. It is now CBP's opinion that the wristwatches should be marked with both Japan and China as the countries of origin.

Pursuant to 19 U.S.C. §1625(c)(1), CBP proposes to revoke HQ 562543 and to revoke or to modify any other ruling not specifically

identified, in order to reflect the country of origin marking analysis contained in the proposed Headquarters Ruling Letter (HQ) H234796, 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 comment timely received.

Dated: May 5, 2015

JACINTO JUAREZ

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

Attachments

[ATTACHMENT A]

HQ 562543

December 27, 2002

CLA-2 RR:CR:SM 562543 KSG**CATEGORY:** Marking

MARGARET L. THOMAS

FTZ FOREIGN TRADE ZONE OPERATING COMPANY OF TEXAS

P.O. BOX 613307

DALLAS, TEXAS 75261-3307

REFERENCE: Country of origin of dual function wristwatches; special marking requirements for watches

DEAR Ms. THOMAS:

This is in reference to your letter dated August 19, 2002, on behalf of Fossil Partners L.P., requesting a binding ruling on the country of origin of two styles of dual function wristwatches. You submitted a sample of each style for our examination.

FACTS:

Fossil Partners submitted two styles of dual function analog and digital wristwatches (Style AM3404 and JR8051). The time of day function of hours and minutes is determined by the quartz analog movement and displayed on a dial with the hour and minute hands. The digital portion of the movement shows the seconds by means of a liquid crystal display. The quartz analog movements are made in Japan. The digital movements are made in China. The various component parts are assembled in China into a wristwatch. The country of origin of the watch cases was not provided.

The samples are marked by means of a paper hang tag attached to the watch. The paper hang tag also has the logo, style number and the price on it. Style AM3404 is marked "Japan Movement Strap Made In China." Style JR8051 is marked "China Movement Strap Made In China." There is no country of origin marking on the case or watch face.

ISSUE:

What is the country of origin of certain dual function wristwatches?

LAW AND ANALYSIS:

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), provides that, unless excepted, every article of foreign origin imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit, in such a manner as to indicate to the ultimate purchaser in the United States the English name of the country of origin of the article. Congressional intent in enacting 19 U.S.C. 1304 was "that the ultimate purchaser should be able to know by an inspection of the marking on the imported goods the country of which the goods is the product. The evident purpose is to mark the goods so that at the time of purchase the ultimate purchaser may, by knowing where the goods were produced, be able to buy or refuse to buy them, if such marking should influence his will." *United States v. Friedlaender & Co.*, 27 C.C.P.A. 297, 302 (1940). Part 134 of the Customs Regulations implements the country of origin marking requirements and exceptions of 19 U.S.C. 1304.

Customs ruled in Headquarters Ruling Letter (HRL) 731546, dated October 27, 1988, that the country of origin of watches is the country of origin of the watch movements. In that case, the watch had only one movement, a quartz analog movement.

Note 3, Chapter 91, HTSUS, defines watch movements as “devices regulated by a balance wheel and hairspring, quartz crystal or any other system capable of determining intervals of time, with a display or a system to which a mechanical display can be incorporated. Such watch movements shall not exceed 12 mm in thickness and 50 mm in width, length or diameter.” Special marking requirements for watch movements and cases are set forth in U.S. Note 4, Chapter 91, HTSUS:

With the following exceptions, any movement or case provided for in this chapter, whether imported separately or attached to an article provided for in this chapter, shall not be permitted to be entered unless conspicuously and indelibly marked by cutting, die-sinking, engraving, stamping (including by [*4] means of indelible ink), or mold-marking (either indented or raised), as specified below. Movements with opto-electronic display only and cases designed for use therewith, whether entered as separate articles or as components of assembled watches or clocks, are excepted from the marking requirements set forth in this note. The special marking requirements are as follows: ...

(a) watch movements shall be marked on one or more of the bridges or top plates to show:

- (i) the name of the country of manufacture;
- (ii) the name of the manufacturer or purchaser; and
- (iii) in words, the number of jewels, if any, serving a mechanical purpose as frictional bearings.

(c) Watch cases shall be marked on the inside or outside of the back to show:

- (i) the name of the country of manufacture;
- (ii) the name of the manufacturer or purchaser.

In this case, the watches have two movements, a movement that determines the hours and minutes of day (the quartz analog movement) and a movement that determines the seconds (the LCD movement). Because showing the hours and minutes of the day is the essential function of the watches, we find that the country of origin of the quartz analog movement is considered the country of origin of the watch. Therefore, based on the facts presented, the country of origin of the watches in this case would be Japan.

With regard to the country of origin marking of the watches, Customs held in HRL 735297, dated January 26, 1994, which was addressed to Fossil, Inc., that a securely affixed hang tag could be used to satisfy the marking requirements of 19 U.S.C. 1304 but that the special marking requirements of watches set forth in the HTSUS could not be waived. Customs clearly stated in the ruling that Fossil Inc. would still have to satisfy the special marking requirements. U.S. Note 4, Chapter 91, HTSUS, specifically excludes movements with opto-electronic display only from the special marking requirements. The watches involved in this case do not have only opto-electronic movements. We concur with HRL 735297 that Fossil Inc. must satisfy the

special marking requirements set forth in Chapter 91, HTSUS. The quartz analog movements and watch cases must still comply with the special marking requirements.

HOLDING:

The country of origin of the watches, as described above, is determined by the country of origin of the watch movement that determines the hours and minutes of the day. Based on the facts presented, the country of origin of the sample watches would be Japan.

The watches subject to this ruling must comply with the special marking requirements set forth in U.S. Note 4, Chapter 91, HTSUS.

A copy of this ruling letter should be attached to the entry documents filed at the time this merchandise is entered. If the documents have been filed without a copy, this ruling should be brought to the attention of the Customs officer handling the transaction.

Sincerely,

MYLES B. HARMON,

Acting Director

Commercial Rulings Division

[ATTACHMENT B]

HQ H243796

CLA-2 OT:RR:CTF:TCM H243796 EGJ

Category: Marking

MARGARET L. THOMAS

FTZ FOREIGN TRADE ZONE OPERATING CO. OF TEXAS

P.O. BOX 613307

DALLAS, TX 75261-3307

Re: Revocation of HQ 562543; Country of origin marking for two styles of wristwatches

DEAR Ms. THOMAS:

This is in reference to Headquarters Ruling Letter (HQ) 562543, dated December 27, 2002, issued to you concerning the country of origin marking of two styles of wristwatches. You submitted the ruling request to U.S. Customs and Border Protection (CBP) on August 19, 2002, on behalf of Fossil Partners, LP.

In HQ 562543, CBP determined that the country of origin for both watches was Japan. We have reviewed HQ 562543 and find it to be in error. For the reasons set forth below, we hereby revoke HQ 562543.

FACTS:

The merchandise at issue is described in HQ 562543 as follows:

Fossil Partners submitted two styles of dual function analog and digital wristwatches (Style AM3404 and JR8051). The time of day function of hours and minutes is determined by the quartz analog movement and displayed on a dial with the hour and minute hands. The digital portion of the movement shows the seconds by means of a liquid crystal display. The quartz analog movements are made in Japan. The digital movements are made in China. The various component parts are assembled in China into a wristwatch. The country of origin of the watch cases was not provided.

The samples are marked by means of a paper hang tag attached to the watch. The paper hang tag also has the logo, style number and the price on it. Style AM3404 is marked "Japan Movement Strap Made In China." Style JR8051 is marked "China Movement Strap Made In China." There is no country of origin marking on the case or watch face.

ISSUE:

1. What is the country of origin of the two styles of wristwatches?
2. What is the proper country of origin marking for the two styles of wristwatches?

LAW AND ANALYSIS:

The marking statute, Section 304, Tariff Act of 1930, as amended (19 U.S.C. § 1304), provides that unless excepted, every article of foreign origin imported into the U.S. shall be marked in a conspicuous place as legibly, and perma-

nently as the nature of the article (or container) will permit, in such a manner as to indicate to the ultimate purchaser in the U.S. the English name of the country of origin of the article.

Part 134, Customs Regulations (19 CFR Part 134), implements the country of origin marking requirements and exceptions of 19 U.S.C. § 1304. Section 134.41(b), Customs Regulations (19 CFR § 134.41 (b)), mandates that the ultimate purchaser in the U.S. must be able to find the marking easily and read it without strain. In order to satisfy the requirements of 19 U.S.C § 1304, a watch must be legibly marked with the name of the country of manufacture of the watch movement in a conspicuous place.

For marking purposes under 19 U.S.C. § 1304, CBP has long held that the country of origin of a watch is the country of manufacture of the watch movement.¹ The term “watch movement,” is defined in Note 3 to Chapter 91 of the Harmonized Tariff Schedule of the United States (HTSUS), which provides as follows:

3. For the purposes of this chapter, the expression “*watch movements*” means devices regulated by a balance wheel and hairspring, quartz crystal or any other system capable of determining intervals of time, with a display or a system to which a mechanical display can be incorporated. Such watch movements shall not exceed 12 mm in thickness and 50 mm in width, length or diameter.

In this case, both styles of wristwatches have two movements: a movement that determines the hours and minutes of day (the quartz analog movement) and a movement that determines the seconds (the digital movement). The quartz analog movements are manufactured in Japan and the digital movements are manufactured in China. As the country of origin for wristwatches is the country of manufacture of the watch movement, the countries of origin for both wristwatches are Japan and China. *See* NY N237747, dated February 22, 2013 (a wristwatch with a quartz analog movement from Thailand and an opto-electronic movement from China had both Thailand and China as countries of origin).

The countries of origin for marking purposes are Japan and China. The wristwatches should be marked “Analog Movement-Japan” and “Digital Movement China”, or with similar words. In order to satisfy the requirements of 19 U.S.C § 1304, they must be legibly marked with the name of the country of manufacture of the watch movement in a conspicuous place. Marking with secure self-adhesive labels or with hangtags is acceptable, as long as the labels or hangtags will reach the ultimate purchaser of the watch. If paper sticker labels or hangtags are used, 19 C.F.R. § 134.44 provides they must be affixed in a conspicuous place and so securely that unless deliberately removed they will remain on the article while it is in storage or on display and until it is delivered to the ultimate purchaser.

While the wristwatches must be conspicuously, legibly, and permanently marked in accordance with 19 U.S.C. § 1304, movements and cases must also

¹ See New York Ruling Letter (NY) N237747, dated February 22, 2013, HQ 734758, dated March 1, 1993, HQ 733533, dated August 3, 1990; *see also* “What Every Member of the Trade Community Should Know About: Classification and Marking of Watches and Clocks: An Informed Compliance Publication” U.S. Customs and Border Protection (Feb. 2012) available at http://www.cbp.gov/xp/cgov/trade/legal/informed_compliance_pubs/.

be marked in accordance with the special marking requirements set forth in Additional U.S. Note 4 to Chapter 91. Additional U.S. Note 1 (b) defines “cases” as follows:

1. For the purposes of this chapter:
 - b) The term “cases” embraces inner and outer cases, containers and housings for movements, together with parts or pieces, such as, but not limited to, rings, feet, posts, bases and outer frames, and any auxiliary or incidental features, which (with appropriate movements) serve to complete the watches, clocks, time switches and other apparatus provided for in this chapter.

Additional U.S. Note 4 to Chapter 91 provides, in pertinent part, as follows:

4. Special Marking Requirements: With the following exceptions, any movement or case provided for in this chapter, whether imported separately or attached to an article provided for in this chapter, shall not be permitted to be entered unless conspicuously and indelibly marked by cutting, die-sinking, engraving, stamping (including by means of indelible ink), or mold-marking (either indented or raised), as specified below. Movements with opto-electronic display only and cases designed for use therewith, whether entered as separate articles or as components of assembled watches or clocks, are excepted from the marking requirements set forth in this note. The special marking requirements are as follows:

(a) Watch movements shall be marked on one or more of the bridges or top plates to show:

- (i) the name of the country of manufacture;
- (ii) the name of the manufacturer or purchaser; and
- (iii) in words, the number of jewels, if any, serving a mechanical purpose as frictional bearings.

...

(c) Watch cases shall be marked on the inside or outside of the back to show:

- (i) the name of the country of manufacture; and
- (ii) the name of the manufacturer or purchaser.

Additional U.S. Note 4(a), HTSUS, requires that watch movements shall be marked on one or more of the bridges or top plates to show the name of the country of manufacture, the name of the manufacturer or purchaser; and, in words, the number of jewels, if any serving a mechanical purpose as frictional bearings. Additional U.S. Note 4(c), HTSUS, requires that watch cases shall be marked on the inside or outside of the back cover to show the name of the country of manufacture, and the name of the manufacturer or purchaser. The country of manufacture in these requirements refers to where the movements are manufactured rather than where the watch was made. The special marking must be accomplished by one of the methods specified in Chapter 91, Additional U.S. Note 4.

Both wristwatches contain two movements, a quartz analog movement and a digital movement. The special marking requirements of Chapter 91, Additional U.S. Note 4 of the HTSUS do not apply to the opto-electronic movement. Therefore, only the quartz analog movement and its case must be

marked in accordance with the special marking requirements set forth in Additional U.S. Note 4 to Chapter 91.

HOLDING:

Japan and China are the countries of origin for both wristwatches. Under 19 U.S.C. § 1304, each wristwatch must be marked conspicuously, legibly and permanently with these two countries of origin. Additionally, the quartz analog movement and its case must be marked according to the special requirements set forth in Additional U.S. Note 4 to Chapter 91, HTSUS.

EFFECT ON OTHER RULINGS:

HQ 562543, dated December 27, 2002, is hereby REVOKED.

Sincerely,

MYLES B. HARMON,

Director

Commercial Trade and Facilitation Division

**COPYRIGHT, TRADEMARK, AND TRADE NAME
RECORDATIONS****(No. 4 2015)**

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 April 2015. The last notice was published in the CUSTOMS BULLETIN April 29, 2015.

Corrections or updates may be sent to: Intellectual Property Rights Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street, NE., 10th Floor, Washington, D.C. 20229-1177.

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

Dated: May 5, 2015

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

CBP IPR RECORDATION — MAY 2015

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 15-00405	4/28/2015	7/15/2024	ELIZABETH MOTT	Elizabeth Mott LLC	No
TMK 15-00404	4/28/2015	12/20/2021	RANCOURT & CO. (STYLIZED)	Rancourt & Company Shoecrafters, Inc.	No
TMK 07-01296	4/28/2015	3/17/2023	ENMOTION	GEORGIA-PACIFIC CONSUMER PRODUCTS LP	No
TMK 12-01442	4/28/2015	10/12/2024	SATIN PAC	DIXIE CONSUMER PRODUCTS LLC	No
TMK 10-00835	4/28/2015	5/11/2023	EASYNAP	GEORGIA-PACIFIC CONSUMER PRODUCTS LP	No
TMK 15-00403	4/28/2015	7/15/2024	IT'S SO BIG	Elizabeth Mott LLC	No
COP 15-00084	4/28/2015	4/24/2035	DOODLES WireMan - 2.	Design Ideas, Ltd.	No
COP 15-00083	4/28/2015	8/20/2033	Jenna Haze with Fleshlight	Interactive Life Forms LLC	No
COP 15-00082	4/28/2015	4/24/2035	Jesse Jane with Fleshlight.	Interactive Life Forms LLC.	No
TMK 15-00402	4/28/2015	3/2/2025	VICTORIAN'S SECRET	Victoria's Secret Stores Brand Management, Inc.	No
TMK 11-01236	4/28/2015	7/2/2025	1.25 POINT (Stylized)	DRL ENTERPRISES, INC.	No
TMK 01-00519	4/28/2015	12/22/2017	ACUVUE	JOHNSON & JOHNSON	No
TMK 95-00517	4/28/2015	6/7/2025	STAR FOX	Nintendo of America Inc.	No
TMK 15-00401	4/28/2015	6/10/2025	amiibo	Nintendo of America Inc.	No
TMK 15-00400	4/28/2015	6/29/2021	TRUE BLUE POWER	Mid-Continent Instrument Co., Inc.	No
TMK 15-00899	4/28/2015	12/29/2019	TERRACOTTA EAU SOUS LE VENT GUERLAIN and Design	Guerlain S.A.	No

CBP IPR RECORDATION — MAY 2015

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 15-00398	4/28/2015	2/27/2023	Mid-Continent Instruments + Avionics (Stylized & Design)	Mid-Continent Instrument Co., Inc.	No
TMK 15-00397	4/28/2015	12/25/2022	FRIENDLY LITHIUM	Mid-Continent Instrument Co., Inc.	No
TMK 15-00396	4/28/2015	3/18/2023	SAM	Mid-Continent Instrument Co., Inc.	No
TMK 15-00395	4/28/2015	5/14/2022	LIFESAVER	Mid-Continent Instrument Company, Inc.	No
TMK 15-00394	4/28/2015	6/3/2019	ROUGE D'ENFER	Guerlain S.A.	No
TMK 15-00393	4/28/2015	2/3/2020	PLAY	LVMH FRAGRANCE BRANDS SOCIETE	No
TMK 05-00579	4/28/2015	7/9/2025	CHANEL & CC MONOGRAM WITH A CIRCLE	Chanel, Inc.	No
TMK 05-00900	4/28/2015	5/24/2025	CHANEL	CHANEL, INC.	No
TMK 15-00392	4/27/2015	2/18/2025	POLYWEB and Design	Derrick Corporation	No
TMK 15-00391	4/24/2015	2/24/2020	2 CLEAN TO BE TRUE (Stylized)	LVMH FRAGRANCE BRANDS	No
TMK 15-00390	4/24/2015	7/14/2019	PHOTOPEFEXION (Stylized)	LVMH FRAGRANCE BRANDS	No
TMK 15-00389	4/24/2015	11/13/2025	YSATIS	LVMH FRAGRANCE BRANDS	No
TMK 02-01048	4/22/2015	6/25/2025	WD-40	WD-40 MANUFACTURING COMPANY	No
TMK 08-00419	4/22/2015	8/22/2021	IL POGGIONE	PATERNO WINES INTERNATIONAL CORPORATION ILLINOIS 900 ARMOUR DRIVE LAKE BLUFF ILLINOIS 60044	No
TMK 05-00426	4/22/2015	7/25/2025	PROACTIV	GUTHY-RENKER LLC	No
TMK 93-00277	4/22/2015	8/12/2018	TAG HEUER & Design	LVMH SWISS MANUFACTURES SA	No

CBP IPR RECORDATION — MAY 2015

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 05-00160	4/22/2015	3/11/2025	OP (Stylized)	Icon DE Holdings LLC	No
TMK 06-00125	4/22/2015	7/2/2025	LEE KUM KEE	Lee Kum Kee Company Limited	No
TMK 14-00432	4/22/2015	4/13/2025	GRANNY GOOSE DESIGN	SNAK KING CORP.	No
TMK 15-00388	4/22/2015	7/30/2023	LORENA SARBU	LORENA SARBU, INC.	No
TMK 15-00387	4/21/2015	7/7/2025	SIGNPOST	GOLDSCHMIDT VINEYARDS, LLC	No
TMK 15-00386	4/21/2015	7/19/2024	ORTHAHEEL	VCG HOLDINGS LTD.	No
TMK 15-00385	4/21/2015	7/8/2024	VIONIC	VCG HOLDINGS LTD.	No
TMK 15-00384	4/21/2015	1/22/2024	VIONIC	VCG HOLDINGS LTD.	No
TMK 15-00383	4/21/2015	9/11/2023	VIONIC	VCG HOLDINGS LTD.	No
TMK 07-00984	4/21/2015	8/10/2015	SIXTH SENSE	MICHAEL-DAVID, LLC	No
TMK 15-00382	4/21/2015	11/18/2019	ORTHAHEEL	VCG HOLDINGS LTD.	No
TMK 07-00767	4/21/2015	6/21/2025	NEW ENGLAND PATRIOTS	NEW ENGLAND PATRIOT	No
TMK 11-00909	4/21/2015	5/14/2025	VALTrex	GLAXOSMITHKLINE LLC	No
TMK 11-00903	4/21/2015	12/23/2022	CLARE	CLARE, INC.	No
TMK 15-00381	4/21/2015	12/17/2023	PUROFINE	XIKAR, INC.	No
TMK 10-00317	4/21/2015	4/17/2025	RAFFAELLO	Soremartec S.A.	No
TMK 15-00380	4/21/2015	8/6/2018	HUMISTORE	XIKAR, INC.	No
TMK 15-00379	4/21/2015	11/12/2024	MADE HERE	1888 Mills, LLC	No
TMK 13-00412	4/21/2015	7/27/2025	SCHICK	EVEREADY BATTERY COMPANY, INC.	No
TMK 15-00378	4/21/2015	1/21/2025	Design (XI Cutter Teardrop Shape)	Xikar, Inc.	No

CBP IPR RECORDATION — MAY 2015

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 07-00761	4/21/2015	4/17/2025	ETIENNE AIGNERS HORSESHOE DESIGN	Etienne Aigner, Inc.	No
TMK 11-00458	4/20/2015	2/2/2024	ALL PRO	GILDAN USA INC.	No
TMK 11-00470	4/20/2015	6/4/2023	AURO	GILDAN USA INC.	No
TMK 08-00052	4/20/2015	4/25/2025	FERRARI	Ferrari S.p.A.	No
TMK 11-01258	4/20/2015	4/15/2025	SNAUSAGES	BIG HEART PET BRANDS	No
TMK 02-00834	4/20/2015	3/17/2017	Swoosh Design	Nike, Inc.	No
TMK 10-00891	4/20/2015	6/14/2025	20TH CENTURY FOX and Design	Twentieth Century Fox Film Corporation	No
TMK 15-00377	4/19/2015	1/22/2024	ELECTRO CABLES INC. & DESIGN	Electro Cables Inc.	No
TMK 15-00376	4/19/2015	7/18/2025	Kipling & Design	KIPLING APPAREL CORP.	No
TMK 15-00375	4/10/2015	6/24/2025	SURVIVOR FILTER	Zakaib Holdings Limited DBA Harriston Products	No
TMK 15-00374	4/19/2015	1/27/2019	XIKAR	XIKAR, INC.	No
TMK 15-00373	4/19/2015	3/14/2020	XI (stylized)	XIKAR, INC.	No
TMK 15-00372	4/19/2015	5/4/2016	WINGS	COVIDIEN LP	No
TMK 15-00371	4/19/2015	11/2/2018	WEARWELL	WEARWELL, INC.	No
TMK 15-00370	4/19/2015	1/10/2017	SIMPLICITY	COVIDIEN LP	No
TMK 15-00369	4/19/2015	7/10/2017	JEWELRY WITH PURPOSE	CRYSTAL LIFE TECHNOLOGY, INC.	No
TMK 15-00368	4/19/2015	10/23/2023	SIGMA SPA	Sigma Enterprises, LLC	No
TMK 15-00367	4/19/2015	6/11/2023	WAM	Westmoreland Advanced Materials, Inc.	No

CBP IPR RECORDATION — MAY 2015

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 15-00386	4/19/2015	10/1/2024	DESIGN ONLY The mark consists of stylized image of a bunny.	U.S. Discount Center Corporation DBA Tradex, Inc.	No
TMK 15-00365	4/19/2015	6/9/2020	FORTE	KIA MOTORS AMERICA, INC.	No
TMK 15-00314	4/19/2015	4/28/2015	test 005	(REGISTRANT) CUMBERLAND PACKING CORP. CORPORATION NEW YORK 2 CUMBERLAND ST. BROOKLYN NEW YORK 11205(LAST LISTED OWNER) CPC INTELLECTUAL PROPERTY, INC. CORPORATION NEW YORK 2 CUMBERLAND STREET BROOKLYN NEW YORK 11205	No
TMK 05-00581	4/17/2015	4/22/2025	CANON	Canon Kabushiki Kaisha	No
TMK 09-00180	4/14/2015	11/5/2023	SORENTO	KIA Motors Corporation	No
TMK 09-00076	4/14/2015	4/2/2021	RIO	KIA MOTORS CORPORATION	No
TMK 09-00023	4/14/2015	11/10/2019	SEDONA	KIA MOTORS CORPORATION	No
TMK 09-01242	4/14/2015	1/13/2023	KIA	KIA MOTORS CORPORATION	No
TMK 06-00478	4/14/2015	7/12/2025	Seahawk Head Logo	Football Northwest LLC	No
TMK 05-00186	4/14/2015	7/4/2025	NEW ORLEANS SAINTS	NEW ORLEANS LOUISIANA SAINTS, L.L.C.	No
TMK 04-00378	4/14/2015	6/16/2024	CC & Design	Coach Services, Inc.	No
TMK 05-00940	4/14/2015	4/11/2025	EXCEDE	ZOETIS P & U LLC	No

CBP IPR RECORDATION — MAY 2015

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 05-00563	4/14/2015	6/2/2025	A (STYLIZED, HORSESHOE DEVICE)	ETIENNE AIGNER, INC.	No
TMK 05-00258	4/14/2015	8/15/2025	L.S./M.F.T.	REYNOLDS INNOVATIONS INC.	No
TMK 15-00364	4/14/2015	8/26/2019	AVAGO TECHNOLOGIES	AVAGO TECHNOLOGIES GENERAL IP (SINGAPORE) PTE. LTD	No
TMK 15-00363	4/14/2015	4/20/2025	DNA	Evolv, LLC	No
TMK 15-00362	4/14/2015	10/13/2020	SOUL	KIA MOTORS AMERICA, INC.	No
TMK 15-00361	4/14/2015	10/28/2017	UNDERSCORE	J.C. PENNEY PRIVATE BRANDS, INC.	No
TMK 15-00360	4/14/2015	7/22/2018	WONDER TEE	DownEast Outfitters, Inc.	No
TMK 15-00359	4/14/2015	5/1/2021	MODBE SWIM	Downeast Outfitters, Inc.	No
TMK 15-00358	4/14/2015	1/13/2019	OKIE-DOKIE	J.C. PENNEY PRIVATE BRANDS, INC.	No
TMK 15-00357	4/14/2015	11/7/2017	DOWNEAST	Downeast Outfitters, Inc.	No
TMK 15-00356	4/14/2015	3/18/2018	DOWNEAST OUTFITTERS	DownEast Outfitters, Inc.	No
TMK 15-00355	4/14/2015	10/1/2024	DOWNEAST HOME & CLOTHING	DownEast Outfitters, Inc.	No
TMK 15-00354	4/14/2015	3/11/2018	DOWNEAST HOME	DownEast Outfitters, Inc.	No
TMK 15-00353	4/14/2015	3/11/2018	DOWNEAST BASICS	Downeast Outfitters, Inc.	No
TMK 15-00352	4/14/2015	8/28/2023	HIDDEN VISION	Mark Joseph Design LLC AKA Hidden Vision	No
TMK 15-00351	4/14/2015	12/23/2023	DESIGN ONLY (Official U.S. Air Force Symbol)	DEPARTMENT OF THE AIR FORCE AKA United States Air Force	No
TMK 15-00350	4/14/2015	5/18/2024	SHIMFAST	SHIMFAST,LLC	No

CBP IPR RECORDATION — MAY 2015

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 15-00349	4/14/2015	1/23/2023	PAUL MARTIN'S AMERICAN GRILL	F-PMAB, LLC	No
TMK 15-00348	4/14/2015	7/15/2018	PAUL MARTIN'S	F-PMAB, LLC	No
TMK 07-00795	4/13/2015	3/24/2025	CELINE (Stylized)	CELINE	No
COP 15-00081	4/13/2015	4/13/2035	POCKET HOSE packaging and Instruc-tions	Telebrands Corp.	No
TMK 15-00347	4/13/2015	6/24/2025	JERI-RIGG	Jerry Hill Innovations, Inc.	No
TMK 15-00346	4/13/2015	6/3/2025	SEASONAL & DELICIOUS	F-PMAB, LLC	No
TMK 15-00345	4/13/2015	5/4/2024	APMEX	APMEX, Inc.	No
TMK 15-00344	4/13/2015	7/23/2023	PENNY CANDY	DownEast Outfitters, Inc.	No
TMK 06-00874	4/13/2015	5/7/2025	PHILLIPS II	PHILLIPS SCREW COMPANY	No
TMK 07-01245	4/13/2015	7/12/2025	TOUS	S. TOUS, S.L.	No
TMK 07-00762	4/13/2015	2/23/2025	LOUIS VUITTON	Louis Vuitton Malletier	No
TMK 04-00942	4/13/2015	2/8/2025	PHOENIX SUNS AND DESIGN	Suns Legacy Partners	No
TMK 14-00651	4/8/2015	5/11/2025	GRANNY GOOSE and Design	SNAK KING CORP.	No
TMK 14-00667	4/8/2015	4/13/2025	GRANNY GOOSE	SNAK KING CORP.	No
TMK 15-00343	4/8/2015	9/17/2018	A	Avago Technologies General IP (Singapore) Pte. Ltd.	No
TMK 07-00783	4/8/2015	3/7/2025	LOUIS VUITTON	Louis Vuitton Malletier	No
TMK 07-00794	4/8/2015	3/7/2025	LV (Stylized)	Louis Vuitton Malletier	No
TMK 15-00342	4/8/2015	1/4/2022	GHOST FACE	Easter Unlimited, Inc.	No

CBP IPR RECORDATION — MAY 2015

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 15-00341	4/8/2015	12/3/2023	RELAX ALREADY	Stone Age Wellness LLC	No
TMK 15-00340	4/8/2015	1/21/2025	HYCURE	Hymed Group Corporation, The	No
TMK 04-00353	4/7/2015	9/11/2025	PRO SEAL and Design	PACER TECHNOLOGY CORPORATION	No
TMK 05-00951	4/7/2015	9/11/2025	GIANTS & BASEBALL DESIGN	SAN FRANCISCO BASEBALL	No
TMK 07-00750	4/7/2015	8/10/2025	SWISS ARMY	SWISS ARMY BRAND LTD.	No
TMK 05-00457	4/7/2015	4/10/2025	WINDOWS	MICROSOFT CORPORATION	No
TMK 15-00339	4/7/2015	11/30/2019	MINISPIN	EPPENDORF AG	No
TMK 07-00065	4/7/2015	12/28/2025	GE	General Electric Company	No
TMK 08-00566	4/7/2015	2/10/2022	PIC	MICROCHIP TECHNOLOGY INCORPORATED	No
TMK 15-00338	4/7/2015	1/27/2022	Miscellaneous (Wavy Lines) Design	PGI POLYMER, INC.	No
TMK 15-00337	4/7/2015	2/25/2025	Threeline Imports Inc., Threeline Chicken Mark	Threeline Imports, Inc.	No
TMK 15-00336	4/7/2015	7/29/2024	ECO-AIR	Niagara Bottling, LLC	No
TMK 15-00335	4/7/2015	7/1/2024	ECO-AIR PACKAGE	Niagara Bottling, LLC	No
TMK 15-00334	4/7/2015	4/20/2024	Longtail Monkey Design	KIPLING APPAREL CORP.	No
TMK 15-00333	4/7/2015	4/20/2024	3-D Monkey Design	KIPLING APPAREL CORP.	No
TMK 15-00332	4/7/2015	6/29/2025	TIGER SHARC and Design	Analog Devices, Inc.	No
TMK 08-00569	4/7/2015	10/27/2024	DSPIC	Microchip Technology Incorporated	No
TMK 02-00557	4/7/2015	7/4/2019	POLO	PRL USA Holdings, Inc.	No

CBP IPR RECORDATION — MAY 2015

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 15-00331	4/7/2015	2/4/2025	EL-WADY EL-GHIDID CO. AM	Ocean Queens International Inc.	No
TMK 15-00330	4/7/2015	4/6/2025	DESIGN ONLY	Ndoto Inc.	No
TMK 15-00329	4/7/2015	10/19/2015	ORGANIC PRAIRIE	OMC LLC	No
TMK 15-00328	4/7/2015	12/16/2024	ECO-AIR BOTTLE	Niagara Bottling, LLC	No
TMK 15-00327	4/6/2015	4/11/2022	GRABBER	GRABBER CONSTRUCTION PRODUCTS, INC.	No
TMK 08-00567	4/6/2015	9/3/2023	DSPIC	Microchip Technology Incorporated	No
TMK 15-00326	4/6/2015	10/25/2016	CUTIE PATOOTIE	CUTIE PATOOTIE CLOTHING, INC.	No
TMK 05-00849	4/6/2015	5/19/2025	DATA BANK	Casio Keisanki Kabushiki Kaisha d.b.a. Casio Computer Co., Ltd.	No
TMK 15-00325	4/6/2015	4/6/2025	DON'T ASK WHY	Retail Royalty Company	No
TMK 15-00324	4/6/2015	4/14/2024	NIAGARA	Niagara Bottling, LLC	No
TMK 15-00323	4/6/2015	4/30/2016	KIPLING and Longtail Monkey Design	KIPLING APPAREL CORP.	No
TMK 15-00322	4/6/2015	8/3/2025	KIPLING	KIPLING APPAREL CORP.	No
TMK 05-00847	4/6/2015	5/19/2025	TELEMEMO	Casio Keisanki Kabushiki Kaisha d.b.a. Casio Computer Co., Ltd.	No
TMK 04-00431	4/6/2015	9/14/2024	PLANET HOLLYWOOD and a STYLIZED GLOBE DESIGN	PLANET HOLLYWOOD (REGION IV), INC.	No
TMK 15-00321	4/6/2015	10/1/2024	KORA	u.s. Discount Center Corporation DBA Trade, Inc.	No

CBP IPR RECORDATION — MAY 2015

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 15-00320	4/6/2015	3/9/2025	EGO	Ethan Gas Oil, LLC	No
TMK 15-00319	4/6/2015	11/5/2024	Double Bull Design	Red Bull GmbH	No
TMK 15-00318	4/6/2015	3/2/2025	RED BULL	Red Bull GmbH	No
TMK 15-00317	4/6/2015	11/30/2020	MESSENGER	Herring, Frank C.	No
TMK 07-01092	4/6/2015	3/28/2025	GIORGIO ARMANI	GIORGIO ARMANI S.P.A., MILAN, SWISS BRANCH	No
TMK 15-00316	4/6/2015	7/8/2024	Southern Crossbow & Design	Sellmark Corporation	No
TMK 05-00757	4/6/2015	6/8/2025	19	TRUCK-LITE CO., LLC	No
TMK 15-00315	4/6/2015	2/18/2019	DESIGN ONLY-AN ILLUSTRATION DRAWING WITHOUT ANY WORDS/ LETTERS/NUMBERS	GRABBER CONSTRUCTION PRODUCTS, INC.	No

Total Records: 158

Date as of: 5/5/2015

AGENCY INFORMATION COLLECTION ACTIVITIES:**Passenger List/Crew List (CBP Form I-418)**

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

ACTION: 30-Day notice and request for comments; reinstatement of a previously approved collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Passenger List/Crew List (CBP Form I-418). CBP is proposing that this information collection be reinstated with a change to the burden hours. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before June 10, 2015 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, at 202-325-0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (80 FR 516) on January 6, 2015, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of

the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Passenger List/Crew List.

OMB Number: 1651-0103.

Form Number: Form I-418.

Abstract: CBP Form I-418 is prescribed by CBP, for use by masters, owners, or agents of vessels in complying with Sections 231 and 251 of the Immigration and Nationality Act (INA). This form is filled out upon arrival and departure of any person by commercial vessel at any port within the United States from any place outside the United States. The master or commanding officer of the vessel is responsible for providing CBP officers at the port of arrival and departure with lists or manifests of the persons on board such conveyances. CBP is currently working to allow for electronic submission of the information on CBP Form I-418. This form is provided for in 8 CFR 251.1, and 251.3. A copy of CBP Form I-418 can be found at <http://www.cbp.gov/sites/default/files/documents/CBP%20Form%20I-418.pdf>.

Current Actions: This submission is being made to reinstate this previously approved information collection with a change to the burden hours resulting from updated estimates of the number of I-418s filed. There are no changes to the information collected or to Form I-418.

Type of Review: Reinstatement (with change).

Affected Public: Businesses.

Estimated Number of Respondents: 48,000.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Hours: 48,000.

Dated: May 6, 2015.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.

AGENCY INFORMATION COLLECTION ACTIVITIES:**Application for Withdrawal of Bonded Stores for Fishing Vessels and Certificate of Use**

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

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

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Application for Withdrawal of Bonded Stores for Fishing Vessels and Certificate of Use (CBP Form 5125). CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before July 13, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of

information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Application for Withdrawal of Bonded Stores for Fishing Vessels and Certificate of Use.

OMB Number: 1651-0092.

Form Number: CBP Form 5125.

Abstract: CBP Form 5125, *Application for Withdrawal of Bonded Stores for Fishing Vessel and Certificate of Use*, is used to request the permission of the CBP port director for the withdrawal and lading of bonded merchandise (especially alcoholic beverages) for use on board fishing vessels involved in international trade. The applicant must certify on CBP Form 5125 that supplies on board were either consumed, or that all unused quantities remain on board and are adequately secured for use on the next voyage. CBP uses this form to collect information such as the name and identification number of the vessel, ports of departure and destination, and information about the crew members. The information collected on this form is authorized by Section 1309 and 1317 of the Tariff Act of 1930, and is provided for by 19 CFR 10.59(e) and 10.65, and 27 CFR 290. CBP Form 5125 is accessible at: <http://www.cbp.gov/sites/default/files/documents/CBP%20Form%205125.pdf>.

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).

Affected Public: Carriers.

Estimated Number of Respondents: 500.

Estimated Number of Total Annual Responses: 500.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 165.

Dated: May 6, 2015.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.