

U.S. Customs and Border Protection

General Notices

COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 12 2007)

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


SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of December 2007. The last notice was published in the CUSTOMS BULLETIN on December 26, 2007.

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

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

Dated: January 08, 2008

GEORGE MCCRAY, Esq.,
Chief,
Intellectual Property Rights Branch.



CPB IPR RECORDATION -DECEMBER 2007

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	GM Restrictive
TMK 07-01198	12/3/2007	3/16/2014	FRANCESCA ROMANA	FRANCESCA ROMANA BIDUTERIAS LTDA.	No
TMK 07-01196	12/3/2007	8/21/2017	PROUD TO BE INDIAN	ERICA KLEIN	No
TMK 07-01197	12/3/2007	4/3/2017	THE EXECUTIONER	OSCAR JOSEPH BRUNNER, III	No
TMK 07-01226	12/3/2007	7/29/2017	MAGNA-LATCH	D&D GROUP PTY LTD	No
TMK 07-01227	12/3/2007	8/21/2017	BONE ROCK	JUSTIN SMITH	No
TMK 07-01200	12/3/2007	9/18/2017	VIP CUSTOMER FOR LIFE	F&I INSTITUTE OF AMERICA	No
TMK 07-01201	12/3/2007	7/12/2015	VQ RADIO CONTROL MODEL	PHAN, DUNG V AN	No
TMK 07-01199	12/3/2007	8/17/2014	VENEERWARE	BAMBU, LLC	No
COP 07-00341	12/3/2007	12/3/2027	MAGIC BULLET RETAIL BOX	HOMELAND HOUSEWARES, LLC	No
COP 07-00340	12/3/2007	12/3/2027	MAGIC BULLET : 10 SECOND RECIPES AND USER GUIDE	HOMELAND HOUSEWARES, LLC	No
TMK 07-01202	12/3/2007	12/19/2016	TWIN DRAFT GUARD	HAMPTON DIRECT, INC	No
TMK 07-01225	12/3/2007	11/28/2016	SONIC BLADE	SONIC INNOVATIONS, INC	No
TMK 07-01228	12/3/2007	4/18/2010	ANULL	KAIRA DISTRICT CO-OPERATIVE MILK PRODUCERS UNION LTD.	No
TMK 07-01195	12/3/2007	8/7/2017	AUTHENTIC CASTIZO	RUBEN DE LEON ARIZPE	No
COP 07-00342	12/3/2007	12/3/2027	MAGIC BULLET TO GO RECIPE HANDBOOK & USER GUIDE	HOMELAND HOUSEWARES, LLC	No
TMK 07-01222	12/3/2007	11/6/2017	ULTRA CHI	FAROUIK SYSTEMS, INC.	No
TMK 07-01219	12/3/2007	12/17/2012	MEZA	G&G SPECIALTY FOODS, INC.	No
TMK 07-01223	12/3/2007	12/12/2015	MEZA AND DESIGN	G&G SPECIALTY FOODS, INC.	No
TMK 07-01217	12/3/2007	11/6/2017	APANI	APANI NETWORKS	No
TMK 07-01220	12/3/2007	7/24/2017	EPIFORCE	APANI NETWORKS, A CALIFORNIA CORPORATION	No
TMK 07-01224	12/3/2007	12/5/2016	DESIGN ONLY	OFFICINE PANERAI N.Y.	No
TMK 07-01218	12/3/2007	11/13/2017	STRETCH-A-MINUTE	MICHAEL FLUEGGE	No
TMK 07-01208	12/3/2007	11/21/2015	2005X	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01210	12/3/2007	11/6/2017	AVOTERRA	INDEX FRESH, INC.	No
TMK 07-01209	12/3/2007	12/11/2011	DESERT RUNNER	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01212	12/3/2007	7/30/2012	G35	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01214	12/3/2007	10/31/2015	I30	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01207	12/3/2007	9/2/2013	M45	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01211	12/3/2007	11/29/2013	V-SHAPED DESIGN	MINE SAFETY APPLIANCES COMPANY	No
TMK 07-01213	12/3/2007	9/20/2017	AVOCAL	INDEX FRESH, INC	No
TMK 07-01204	12/3/2007	1/21/2017	T (STYLIZED)	KABUSHIKI KAISHA TOSHIBA T/A TOSHIBA CORPORATION	No
TMK 07-01216	12/3/2007	7/16/2016	INDEX FRESH OF CALIFORNIA	INDEX FRESH, INC.	No
TMK 07-01203	12/3/2007	10/27/2012	DURASTEEL	NISSAN JIDOSHA KABUSHIKI KAISHA	No

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TMK 07-01221	12/3/2007	11/20/2017	BRISAS	BDRSCO, INC.	No
TMK 07-01215	12/3/2007	11/13/2017	STRAP TAINERS	EUREKA ROAD, LLC	No
TMK 07-01205	12/3/2007	8/28/2016	REFRIGWEAR	SUREFIRE, INC.	No
TMK 07-01206	12/3/2007	2/4/2013	SURE FIRE	COOGI PARTNERS, LLC.	No
TMK 93-00737	12/6/2007	8/9/2008	COOGI	PRESTIGE AUTOTECH CORPORATION	No
TMK 04-00191	12/6/2007	9/23/2017	PCW AND DESIGN	J. STRICLAND & CO.	No
TMK 07-01230	12/6/2007	10/6/2013	SULFUR 8	TUMI, INC.	No
TMK 07-01229	12/6/2007	3/12/2017	TUMI	PRECISION TRANSDUCER SYSTEM	No
COP 07-00343	12/6/2007	12/6/2027	COMILATION OF DIVINCI INNOVATIVE SOUND AND BASS ADVERTISEMENTS AND COMMERCIAL PACKAGING		No
TMK 07-01241	12/10/2007	6/27/2010	CASA GRANDE	AGENCIA MAPERO, S.A.	No
COP 07-00344	12/10/2007	12/10/2027	MSD IGNITION WIRING DIAGRAMS AND TECH INOTIES	AUTOTRONIC CONTROLS CORPORATION	No
TMK 07-01232	12/10/2007	2/6/2017	BIOMEDA	CNDR HOLDINGS/MARIA GARCIA	No
TMK 07-01235	12/10/2007	10/30/2017	GENETIX	MERRICK INDUSTRIES, INC.	No
TMK 07-01231	12/10/2007	5/1/2017	SAN ANTONIO SPIURS	SAN ANTONIO SPIURS, LLC	No
TMK 07-01236	12/10/2007	7/10/2017	CHARLOTTE BOBCATS	BOBCATS BASKETBALL, LLC	No
TMK 07-01238	12/10/2007	9/26/2016	REFRIGWEAR & DESIGN	REFRIGWEAR, INC.	No
TMK 07-01237	12/10/2007	7/25/2016	SWEETFACE	SWEETFACE FASHION, LLC	No
TMK 07-01243	12/10/2007	11/20/2017	ULTRA CHI	FAROUK SYSTEMS, INC.	No
TMK 07-01234	12/10/2007	4/29/2013	CHASER	INNOVATION VENTURES LLC DBA LIVING ESSENTIALS LTD	No
TMK 07-01240	12/10/2007	5/14/2012	CLEAN CUT	CIMINO BROTHERS PRODUCE	No
TMK 07-01242	12/10/2007	8/31/2014	CUBE	NISSAN IDOSHKA KABUSHIKI KAISHA	No
TMK 07-01233	12/10/2007	6/27/2010	A (STYLIZED)	AZTECH ENGINEERING, INC.	No
TMK 07-01239	12/10/2007	11/27/2017	HARMSCO	HARMSCO, INC.	No
TMK 04-01082	12/11/2007	11/25/2017	DESIGN OF BRIDGE	CISCO TECHNOLOGY, INC.	No
TMK 07-01244	12/11/2007	3/27/2017	DESIGN ONLY	MAN CHONG LOONG FOOD COMPANY LIMITED	No
TMK 07-01249	12/11/2007	3/28/2016	MISCELLANEOUS DESIGN	S. TOUS, S.L.	No
TMK 07-01247	12/11/2007	2/28/2010	DESIGN ONLY	S. TOUS, S.L.	No
TMK 07-01246	12/11/2007	1/5/2009	TOUS	S. TOUS, S.L.	No
TMK 07-01245	12/11/2007	4/12/2015	TOUS	S. TOUS, S.L.	No
TMK 07-01248	12/11/2007	1/6/2014	DESIGN ONLY	S. TOUS, S.L.	No
TMK 97-00727	12/12/2007	7/18/2017	TASTER'S CHOICE	SOCIETE DES PRODUITS NESTLE S.A.	No
TMK 06-00462	12/12/2007	11/25/2013	SEIKO	SEIKO HOLDINGS KABUSHIKI KAISHA T/A	No
TMK 98-00482	12/12/2007	6/25/2017	MIL0	SEIKO HOLDINGS CORPORATION	No
TMK 98-00410	12/12/2007	7/8/2017	GUESS	SOCIETE DES PRODUITS NESTLE S.A.	No
TMK 98-00540	12/12/2007	10/14/2017	ROBERN	GUESS? INC.	No
				ROBERN, INC.	No

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TMK 06-00503	12/12/2007	5/19/2008	SEIKO CLEANCUT	SEIKO HOLDINGS KABUSHIKI KAISHA T/A	No
TMK 06-00622	12/12/2007	6/21/2015	SPORT-TECH	SEIKO HOLDINGS CORPORATION	No
TMK 93-00885	12/12/2007	10/3/2017	GODIVA	SEIKO HOLDINGS CORPORATION	No
TMK 93-00886	12/12/2007	3/23/2013	GODIVA	GODIVA BRANDS, INC.	No
TMK 93-00887	12/12/2007	9/5/2017	LLADRO	GODIVA BRANDS, INC.	No
TMK 06-00507	12/12/2007	1/20/2014	S-YARD	LLADRO USA, INC.	No
TMK 99-00069	12/12/2007	7/29/2017	MISCELLANEOUS STAR DESIGN	SEIKO HOLDINGS KABUSHIKI KAISHA T/A	No
TMK 95-00398	12/12/2007	11/17/2017	CONFIGURATION OF A TAG	SEIKO HOLDINGS CORPORATION	Yes
TMK 95-00439	12/12/2007	8/8/2009	MOSSIMO	HOUSTON MCLEANE COMPANY INC.	No
TMK 06-00356	12/12/2007	5/15/2010	CHOPARD	ALLFLEX USA INC.	No
TMK 95-00048	12/12/2007	12/22/2017	ALL-WEATHER LEATHER	MOSSIMO HOLDINGS LLC	Yes
TMK 97-00699	12/12/2007	9/2/2017	20TH CENTURY FOX HOME ENTERTAINMENT AND DESIGN	CHOPARD USA LTD.	No
TMK 07-01304	12/12/2007	9/27/2015	THE FUTURE OF FLUORESCENT LIGHTING	DOONEY & BOURKE, INC.	No
TMK 07-01306	12/12/2007	8/15/2016	OUT-DURABLE	TWENTIETH CENTURY FOX FILM CORPORATION	No
TMK 07-01305	12/12/2007	1/29/2012	WATERBETTER AND DESIGN	AXIS TECHNOLOGY INC	No
TMK 98-00152	12/12/2007	10/29/2017	COUGAR	HOMSPICE DECOR, LLC	No
TMK 98-00177	12/12/2007	8/19/2017	FORD (SCRIPT IN OVAL)	HARSCO, INC	No
TMK 98-00015	12/12/2007	7/16/2017	BARBANCOURT	FORD MOTOR COMPANY	No
TMK 98-00181	12/12/2007	11/13/2017	FORD MOTOR COMPANY (STYLIZED)	FORD MOTOR COMPANY	No
TMK 98-00191	12/12/2007	10/22/2017	MODEL TT	FORD MOTOR COMPANY	No
TMK 98-00192	12/12/2007	9/9/2017	MONDEO	FORD MOTOR COMPANY	No
TMK 98-00210	12/12/2007	4/29/2017	V8 DESIGN #7	FORD MOTOR COMPANY	No
TMK 98-00252	12/12/2007	10/14/2017	WOMEN'S BOTTLE DEVICE	NICHE MARKETING GROUP INC	Yes
TMK 96-00146	12/12/2007	12/29/2017	ECU	EAST CAROLINA UNIVERSITY	Yes
TMK 07-01307	12/12/2007	5/1/2017	HOUSTON ROCKETS	ROCKET BALL, LTD.	No
TMK 07-01308	12/12/2007	5/2/2009	240SX	MISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01312	12/12/2007	7/10/2017	MYSTERIOSO	CONNECTICUT VALLEY TOBACCONIST LLC	No
TMK 99-00721	12/12/2007	3/1/2008	S-STAR-STARTER LOGO	NIKE, INC.	No
TMK 07-01310	12/12/2007	6/27/2011	PRINCE ALBERT (STYLIZED)	JMTM INC.	No
TMK 07-01309	12/12/2007	3/11/2013	V VANDERBILT	VANDERBILT UNIVERSITY	No
TMK 07-01311	12/12/2007	8/15/2016	VOX	VOX R&D LIMITED	No
TMK 00-00224	12/12/2007	9/8/2017	T (STYLIZED)	BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM	Yes
TMK 00-00225	12/12/2007	9/8/2017	CONFIGURATION OF A BULL HEAD	BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM	Yes
TMK 00-00228	12/12/2007	12/23/2017	KENTUCKY WILDCATS	UNIVERSITY OF KENTUCKY	Yes

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TMK ID	Application Date	Registration Date	Class	Applicant	IPR Type	Yes
TMK 00-00235	12/12/2007	7/22/2017	N	BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA	Yes	
TMK 00-00242	12/12/2007	11/4/2017	UNIVERSITY OF KENTUCKY	Yes		
TMK 06-00331	12/12/2007	8/30/2017	MUSIC MAN AND DESIGN	No		
TMK 00-00183	12/12/2007	10/11/2008	STARTER	No		
TMK 01-00001	12/12/2007	11/18/2017	MODERN LAMP DESIGN	No		
TMK 01-00002	12/12/2007	12/16/2007	LAVA	No		
TMK 00-00370	12/12/2007	10/6/2009	SEIKO	No		
TMK 00-00372	12/12/2007	6/18/2016	SEIKO	No		
TMK 00-00373	12/12/2007	11/18/2016	SEIKO	No		
TMK 00-00374	12/12/2007	11/8/2008	SEIKO	No		
TMK 00-00376	12/12/2007	7/21/2008	SEIKO	No		
TMK 00-00380	12/12/2007	5/26/2008	SEIKO	No		
TMK 00-00381	12/12/2007	11/28/2015	SEIKO	No		
TMK 01-00029	12/12/2007	8/26/2017	DOUGHBOY	No		
TMK 00-00385	12/12/2007	12/21/2016	PULSAR	No		
TMK 00-00386	12/12/2007	12/9/2007	JAZZ (STYLIZED)	No		
TMK 00-00533	12/12/2007	1/16/2016	S & DESIGN	No		
TMK 00-00387	12/12/2007	1/16/2016	S-YARD	No		
TMK 00-00388	12/12/2007	12/8/2008	SEIKO	No		
TMK 06-00365	12/12/2007	2/7/2015	CHOPARD	No		
TMK 06-00569	12/12/2007	11/16/2011	PULSAR	No		
TMK 01-00504	12/12/2007	3/16/2011	SEIKO	No		
TMK 01-00505	12/12/2007	3/10/2011	LORUS	No		
TMK 06-00636	12/12/2007	9/30/2017	SENFINA	No		
TMK 06-00637	12/12/2007	5/10/2015	VIDAN	No		

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TMK 06-00638	12/12/2007	10/21/2013	ALBA	SEIKO HOLDINGS KABUSHIKI KAISHA T/A	No
TMK 06-00639	12/12/2007	12/10/2012	SHAVY	SEIKO HOLDINGS CORPORATION	No
TMK 01-00237	12/12/2007	4/22/2017	LEARNING LINKS	SEIKO HOLDINGS KABUSHIKI KAISHA T/A	No
TMK 02-00246	12/12/2007	9/9/2017	INFANRIX	SEIKO HOLDINGS CORPORATION	No
TMK 02-00043	12/12/2007	5/7/2017	PETTINICCHIO	SMITHKLINE BEECHAM P.L.C.	No
TMK 02-00050	12/12/2007	5/13/2017	LEGO AND DESIGN	CASEFICIO PASQUALE PETTINICCHIO S.R.L.	No
TMK 02-00060	12/12/2007	6/30/2011	SEIKO (STYLIZED LETTERING)	KIRKBI AG	No
TMK 03-00110	12/12/2007	8/26/2017	KIOTI AND DESIGN	SEIKO HOLDINGS KABUSHIKI KAISHA T/A	No
TMK 03-00119	12/12/2007	11/3/2012	SEIKO	SEIKO HOLDINGS CORPORATION	No
TMK 03-00494	12/12/2007	6/3/2017	KABOOMI	ACTIVISION PUBLISHING INC.	No
TMK 03-00416	12/12/2007	9/24/2012	STORM & DESIGN	RIRI GROUP SA	No
TMK 03-00361	12/12/2007	1/18/2013	LORUS	SEIKO HOLDINGS KABUSHIKI KAISHA T/A	No
TMK 03-00837	12/12/2007	2/25/2013	VOLCOM	SEIKO HOLDINGS CORPORATION	No
TMK 03-00839	12/12/2007	3/26/2012	STONE DESIGN	VOLCOM, INC.	No
TMK 03-00751	12/12/2007	1/29/2012	VOLCOM	VOLCOM, INC.	No
TMK 03-00811	12/12/2007	11/25/2017	QUEST	WYETH HOLDINGS CORPORATION	No
TMK 04-00954	12/12/2007	10/14/2017	DESIGN ONLY	SEIZERGUES - PIERRE ANDRE	No
TMK 05-00649	12/12/2007	10/29/2017	CHESTER CHEETAH CHARACTER	FRITO-LAY NORTH AMERICA, INC.	No
TMK 05-00661	12/12/2007	11/26/2018	CRACKER JACK	FRITO-LAY NORTH AMERICA, INC.	No
TMK 05-00423	12/12/2007	8/29/2018	TOSTITOS	FRITO-LAY NORTH AMERICA, INC.	No
TMK 05-00518	12/12/2007	7/23/2017	TESTED XX	CASEMARK, INC.	No
TMK 06-00752	12/12/2007	5/6/2013	CHOPARD GENEVE & DESIGN	CHOPARD USA LTD.	No
TMK 06-00764	12/12/2007	7/28/2018	BIRDHOUSE	BLITZ DISTRIBUTION INC.	No
TMK 06-00897	12/12/2007	4/4/2016	EXELIGHT	SEIKO HOLDINGS KABUSHIKI KAISHA T/A	No
TMK 07-01299	12/12/2007	8/20/2017	QQ	SEIKO HOLDINGS CORPORATION	No
TMK 07-01301	12/12/2007	3/17/2017	GUESS	SQUARE D COMPANY	No
TMK 07-01300	12/12/2007	5/7/2012	ELANTEC	GUESS? IP HOLDER L.P.	No
TMK 07-01297	12/12/2007	4/3/2017	M	ELANTEC SEMICONDUCTOR, INC., A SUBSIDIARY OF INTERSIL CORPORATION	No
TMK 07-01313	12/12/2007	2/19/2012	MILRS	GUESS? INC.	No
TMK 07-01296	12/12/2007	10/23/2017	PALM ISLAND	LOCKHEED MARTIN CORPORATION	No
TMK 07-01302	12/12/2007	12/17/2012	ENNOTION	BDSRCO, INC.	No
TMK 07-01298	12/12/2007	7/11/2010	IMEMS	GEORGIA-PACIFIC CONSUMER PRODUCTS LP	No
TMK 07-01335	12/12/2007	4/4/2009	BMB	ANALOG DEVICES, INC.	No
TMK 07-01301	12/12/2007	10/1/2016	BOCA CLASSICS	KABUSHIKI KAISHA BMB	No
				BDSRCO, INC.	No

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TMK 07-01314	12/12/2007	12/12/2007	6/29/2009	JAZZ	STAWSKI DISTRIBUTING CO., INC.	No
TMK 07-01334	12/12/2007	12/12/2007	11/4/2013	VANDERBILT	VANDERBILT UNIVERSITY	No
TMK 07-01339	12/12/2007	12/12/2007	1/11/2012	BRUSH T. AND DESIGN	BONFIT AMERICA, INC.	No
TMK 07-01345	12/12/2007	12/12/2007	3/13/2017	LICOTA	LICOTA INTERNATIONAL CO., LTD.	No
TMK 07-01333	12/12/2007	12/12/2007	5/18/2014	FEYA AND DESIGN	FEYA COSMETICS, LLC	No
TMK 07-01318	12/12/2007	12/12/2007	11/22/2015	NICKEL PLUS	NIPAN LLC	No
TMK 07-01319	12/12/2007	12/12/2007	5/6/2017	WEINBACH	GENEVA INTERNATIONAL CORPORATION	No
TMK 07-01330	12/12/2007	12/12/2007	4/24/2017	MARCELLO C.	MATTHIAS H. VAN DOORN	No
TMK 07-01336	12/12/2007	12/12/2007	3/13/2017	LICOTA	LICOTA INTERNATIONAL CO., LTD.	No
TMK 07-01332	12/12/2007	12/12/2007	4/11/2017	DESIGN ONLY	A.T.X. INTERNATIONAL, INC.	No
TMK 07-01315	12/12/2007	12/12/2007	7/25/2016	KWON	SCHRAMM SPORT GMBH KWON-KAMPFSPORTAUSSTATTUNG	No
TMK 07-01331	12/12/2007	12/12/2007	7/25/2016	DEBRO	DEBRO LICENSING, LLC	No
COP 07-00347	12/12/2007	12/12/2007	12/12/2027	UNIVERSAL : NO. 1	CRYE ASSOCIATES	No
TMK 07-01316	12/12/2007	12/12/2007	5/11/2017	METRO METALS	COLORSCIENCE, INC.	No
TMK 07-01317	12/12/2007	12/12/2007	9/23/2016	KOON CHUN SAUCE FACTORY	KOON CHUN HING KEE SOY & SAUCE FACTORY LIMITED	No
TMK 07-01328	12/12/2007	12/12/2007	11/28/2016	BOTTLE DESIGN	FASHION SPIRITS, LLP	No
TMK 07-01295	12/12/2007	12/12/2007	1/9/2017	SCANTY	SBH INTIMATES, INC.	No
TMK 07-01303	12/12/2007	12/12/2007	12/28/2014	R. WITH DESIGN	STUDIO IP HOLDINGS	No
TMK 07-01346	12/12/2007	12/12/2007	8/29/2013	KLOSTER ANDECHS	ANDECHS TRADING COMPANY	No
TMK 07-01294	12/12/2007	12/12/2007	4/2/2015	GOLDEN RING	LEUPOLD & STEVENS, INC.	No
TMK 07-01293	12/12/2007	12/12/2007	8/10/2013	KLOSTER ANDECHS	ANDECHS TRADING COMPANY	No
TMK 07-01320	12/12/2007	12/12/2007	11/21/2016	UNICINE	MAYATEX, INC.	No
COP 07-00349	12/12/2007	12/12/2007	12/12/2027	COROMADO	MAYATEX, INC.	No
COP 07-00348	12/12/2007	12/12/2007	12/12/2027	COMTOWN	MAYATEX, INC.	No
COP 07-00346	12/12/2007	12/12/2007	12/12/2027	R. BAR. 8. 36X34 SADDLE BLANKET	MAYATEX, INC.	No
TMK 07-01292	12/12/2007	12/12/2007	10/27/2012	BLANGPAIN (STYLIZED)	BLANGPAIN S.A.	No
COP 07-00345	12/12/2007	12/12/2007	12/12/2027	FIVE RIVERS	MAYATEX, INC.	No
TMK 07-01324	12/12/2007	12/12/2007	4/3/2017	GOSEND	LEAL VINEYARDS, INC. DBA LEAL ESTATE VINEYARDS	No
TMK 07-01323	12/12/2007	12/12/2007	7/26/2015	PAIN PA YA	PAIN PA YA LTDA CORPORATION	No
TMK 07-01337	12/12/2007	12/12/2007	10/31/2016	IRONMIND	IRONMIND ENTERPRISES, INC.	No
TMK 07-01340	12/12/2007	12/12/2007	11/26/2016	LEGALE	DIML MARKETING GROUP, LTD	No
TMK 07-01338	12/12/2007	12/12/2007	4/24/2017	SHOGUN	SHIN NIHON KOSAN, INC.	No
TMK 07-01322	12/12/2007	12/12/2007	2/6/2017	ETERNITY	CLARK-CLAUDON VINEYARDS, LLC	No
TMK 07-01342	12/12/2007	12/12/2007	12/24/2016	DESIGN ONLY	ETC. WORLDWIDE, INC.	No
TMK 07-01344	12/12/2007	12/12/2007	2/3/2014	TWILL TWENTY TWO	DEREK ANDREW, INC.	No
TMK 07-01329	12/12/2007	12/12/2007	1/23/2017	DESIGN ONLY	DEREK ANDREW, INC.	No
TMK 07-01343	12/12/2007	12/12/2007	3/11/2013	DESIGN ONLY	VALLEYBROOK INTERNATIONAL VENTURES INC.	No
TMK 07-01327	12/12/2007	12/12/2007	2/6/2017	CHESTER'S	CHESTER'S INTERNATIONAL, LLC	No

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TMK 07-01341	12/12/2007	7/11/2016	ADPRISM	ADPRISM, INC.	No
TMK 07-01321	12/12/2007	9/10/2012	LINEN NATURALS	THE ALHORN COMPANY, INC. DBA BOXERBRAND	No
TMK 07-01325	12/12/2007	10/3/2016	DESIGN ONLY (LIPSTICK CONTAINER)	LISA FRANK, INC.	No
TMK 07-01326	12/12/2007	10/4/2012	ANDECHS	ANDECHS TRADING COMPANY	No
TMK 07-01291	12/12/2007	6/22/2013	MARINEX	SAINT-GOBAIN VIDROS S.A.	No
TMK 07-01347	12/12/2007	5/17/2017	CONFIGURATION OF A CAN OPENER	SWING-A-WAY PRODUCTS, LLC	No
TMK 07-01353	12/12/2007	5/15/2017	STRIP GRIP	BEARDEN OIL COMPANY, INC.	Yes
TMK 07-01348	12/12/2007	10/1/2012	LIBERATOR	ONEUP INNOVATIONS, LLC	No
TMK 07-01352	12/12/2007	5/1/2017	S SONIK DATA AND DESIGN	J&E MEDIA, INC.	No
TMK 07-01351	12/12/2007	11/1/2015	LITTLE FLAGGER AND DESIGN	MARYLIN MILLIS	No
TMK 07-01287	12/12/2007	7/3/2011	MAINLAND	NEW ZEALAND MILK BRANDS LIMITED	No
TMK 07-01349	12/12/2007	5/23/2016	PURE FORM CONCEPT	U.S. STANDARD ENTERPRISES CORP.	No
TMK 07-01290	12/12/2007	5/15/2017	NORDISKA SINCE 1926 AND DESIGN	GENEVA INTERNATIONAL CORPORATION	No
TMK 07-01288	12/12/2007	3/18/2013	VOSS	VOSS OF NORWAY ASA	No
TMK 07-01289	12/12/2007	3/28/2016	VOSS ARTESIAN WATER FROM NORWAY	VOSS OF NORWAY ASA	No
TMK 07-01286	12/12/2007	12/21/2013	ANCHOR	NEW ZEALAND MILK BRANDS LTD.	No
TMK 07-01285	12/12/2007	6/2/2012	EMILIO PUCCI	EMILIO PUCCI S.R.L.	No
TMK 07-01350	12/12/2007	6/26/2017	SOLACE	MARK MCGLOTHLIN	No
TMK 07-01284	12/12/2007	7/10/2017	RALLY HO!	MINDZONE PUBLISHING, INC.	No
TMK 07-01269	12/12/2007	3/31/2012	VALENTI FRANCO	OLEM SHOE CORP.	No
TMK 07-01263	12/12/2007	10/24/2016	L'OR DE VIE	PARFUMS CHRISTIAN DIOR CORPORATION FRANCE	No
TMK 07-01266	12/12/2007	9/25/2017	DIOR	PARFUMS CHRISTIAN DIOR CORPORATION FRANCE	No
TMK 07-01267	12/12/2007	9/22/2012	AMARIGE	PARFUMS GIVENCHY CORPORATION FRANCE	No
TMK 07-01265	12/12/2007	8/24/2016	SHALIMAR	GUERLAIN, INC.	No
TMK 07-01262	12/12/2007	12/22/2012	TERRACOTTA	GUERLAIN S.A.	No
TMK 07-01264	12/12/2007	1/15/2012	DIVINORA	GUERLAIN S.A.	No
TMK 07-01283	12/12/2007	9/10/2012	FLOWERYKENZO	KENZO CORPORATION	No
TMK 07-01281	12/12/2007	2/16/2012	PIERRE DUMAS	OLEM SHOE, CORP.	No
TMK 07-01280	12/12/2007	11/5/2015	LIZ OLEMBERG	OLEM SHOE, CORP.	No
TMK 07-01279	12/12/2007	12/11/2010	CLAYTON MARCUS	CLAYTON-MARCUS COMPANY, INC.	No
TMK 07-01276	12/12/2007	5/10/2015	VIVIR DE LUCIA MENDEZ	LUCIA MENDEZ HOLDINGS, LLC.	No
TMK 07-01259	12/12/2007	6/9/2011	GIORGIO ARMANI	GA MODERNE SA CORPORATION	No
TMK 07-01278	12/12/2007	12/4/2011	GRANDLITE	GRANDLITE INTERNATIONAL	No
TMK 07-01271	12/12/2007	9/18/2011	II WITH DESIGN	PARFUMS GIVENCHY S.A. FRANCE	No
TMK 07-01255	12/12/2007	8/15/2016	INSOLENCE	GUERLAIN S.A.	No

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TMK 07-01256	12/12/2007	12/31/2011	LES METEORITES	GUERLAIN, INC.	No
TMK 07-01277	12/12/2007	1/8/2015	KENZO CORPORATION	KENZO CORPORATION	No
TMK 07-01257	12/12/2007	4/16/2015	GG	GUERLAIN, INC.	No
TMK 07-01258	12/12/2007	8/15/2016	ORCHIDEE IMPERIALE	GUERLAIN S.A.	No
TMK 07-01270	12/12/2007	3/29/2014	MAKE UP FOR EVER WITH DESIGN	MAKE UP FOR EVER PLC	No
TMK 07-01282	12/12/2007	5/7/2016	ONLY	ONLY IN USA, INC.	No
TMK 07-01268	12/12/2007	11/13/2017	KEEPER SEALOCK	E. J. BROOKS COMPANY	No
TMK 07-01260	12/12/2007	11/20/2017	ERINT3	BELL LITHO, INC.	No
TMK 07-01254	12/12/2007	7/12/2015	DIOKSHOW	PARFUMS CHRISTIAN DIOR CORPORATION	No
TMK 07-01253	12/12/2007	6/19/2017	CAPTURE TOTALE	FRANCE	No
TMK 07-01261	12/12/2007	5/23/2009	G GIVENCHY	PARFUMS CHRISTIAN DIOR CORPORATION	No
TMK 07-01252	12/12/2007	10/24/2016	VERY IRRESISTIBLE GIVENCHY	PARFUMS GIVENCHY S.A. CORPORATION	No
TMK 07-01251	12/12/2007	12/30/2014	GUERLAIN	FRANCE	No
TMK 07-01273	12/12/2007	6/20/2016	KENZOAMOUR	GUERLAIN, INC.	No
TMK 07-01274	12/12/2007	12/2/2017	CHROME HEARTS	KENZO S.A.	No
TMK 07-01272	12/12/2007	6/30/2014	BARCELONA	CHROME HEARTS LLC	No
TMK 07-01275	12/12/2007	2/13/2017	CHILL	KNOLL, INC.	No
TMK 07-01250	12/12/2007	10/12/2014	CAPTURE R60/80	CHILL STUDIO, INC.	No
TMK 07-01365	12/14/2007	3/14/2016	NBAC	PARFUMS CHRISTIAN DIOR CORPORATION	No
TMK 07-01366	12/14/2007	2/26/2012	SKX	FRANCE	No
COP 07-00361	12/14/2007	12/14/2027	BYZANTINE ALHAMBRA COLLECTION	NORTH BALTIMORE AQUATIC CLUB, INC.	No
TMK 07-01367	12/14/2007	12/10/2012	CHI	SKECHERS USA, INC. II	No
COP 07-00371	12/14/2007	12/14/2027	BURGUNDY BEEF-STEW--RED THEME	VAN CLEEF & ARPELS LOGISTICS, SA	No
TMK 07-01373	12/14/2007	5/15/2017	RESVERA RESERVE	FAROUK SYSTEMS, INC.	No
COP 07-00367	12/14/2007	12/14/2027	UNCOOKED HEADLESS SHELL-CUT SHRIMP	CONTESSA PREMIUM FOODS, INC.	No
COP 07-00368	12/14/2007	12/14/2027	CMS TABLE FOR TWO ASIAN DINNER	CONTESSA PREMIUM FOODS, INC.	No
COP 07-00369	12/14/2007	12/14/2027	SESAME CHICKEN--RED THEME	CONTESSA PREMIUM FOODS, INC.	No
COP 07-00370	12/14/2007	12/14/2027	PAELLA SPOON	CONTESSA PREMIUM FOODS, INC.	No
COP 07-00376	12/14/2007	12/14/2027	JIBBITZ ANTIQUE TRAIN	JIBBITZ, LLC	No
TMK 07-01370	12/14/2007	2/22/2015	MATRIX	TOROSTEK HOLDINGS, LTD.	No
TMK 07-01369	12/14/2007	9/4/2009	LUNA DE MIEL	GAUGHEN HOLDINGS LLC	No
TMK 07-01372	12/14/2007	12/16/2017	CAPTAINS OF CRUSH	IRONMIND ENTERPRISES, INC.	No

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COP 07-00372	12/14/2007	12/14/2007	12/14/2007	JIMPER	CMS TABLE FOR TWO EUROPEAN (FRENCH)	CONTESSA PREMIUM FOODS, INC.	No
COP 07-00374	12/14/2007	12/14/2007	12/14/2007	ROSO ON GRILL		CONTESSA PREMIUM FOODS, INC.	No
COP 07-00373	12/14/2007	12/14/2007	12/14/2007	CONFERENCE SCENE		CONTESSA PREMIUM FOODS, INC.	No
COP 07-00366	12/14/2007	12/14/2007	12/14/2007	CHICKEN & BEEF BOWLS		CONTESSA PREMIUM FOODS, INC.	No
COP 07-00375	12/14/2007	12/14/2007	12/14/2007	SKIER		JIBBITZ, LLC	No
TMK 07-01371	12/14/2007	10/10/2016	12/14/2007	SHIMMY SHAPES		NANCY MENDEL	No
COP 07-00362	12/14/2007	12/14/2007	12/14/2007	JIBBITZ CHEF HAT		JIBBITZ, LLC	No
COP 07-00363	12/14/2007	12/14/2007	12/14/2007	JIBBITZ CHERRY		JIBBITZ, LLC	No
COP 07-00365	12/14/2007	12/14/2007	12/14/2007	ALLIGATOR		JIBBITZ, LLC	No
COP 07-00384	12/14/2007	12/14/2007	12/14/2007	JIBBITZ PILGRIM HAT		JIBBITZ, LLC	No
COP 07-00225	12/14/2007	12/14/2007	12/14/2007	JIBBITZ SILLY FACES FEMALE EARS		JIBBITZ, LLC	No
COP 07-00355	12/14/2007	12/14/2007	12/14/2007	SNOWFLAKE C		JIBBITZ, LLC	No
COP 07-00357	12/14/2007	12/14/2007	12/14/2007	SNOWFLAKE D		JIBBITZ, LLC	No
COP 07-00358	12/14/2007	12/14/2007	12/14/2007	SNOW FLAKE F		JIBBITZ, LLC	No
COP 07-00359	12/14/2007	12/14/2007	12/14/2007	JIBBITZ VIRGO		JIBBITZ, LLC	No
COP 07-00360	12/14/2007	12/14/2007	12/14/2007	JIBBITZ RED HAT WITH 3 DAISIES		JIBBITZ, LLC	No
COP 07-00356	12/14/2007	12/14/2007	12/14/2007	JIBBITZ LIGHT BLUE ROCKET		JIBBITZ, LLC	No
COP 07-00351	12/14/2007	12/14/2007	12/14/2007	JIBBITZ BLUE ROCKET		JIBBITZ, LLC	No
COP 07-00350	12/14/2007	12/14/2007	12/14/2007	JIBBITZ SAGITTARIUS		JIBBITZ, LLC	No
COP 07-00352	12/14/2007	12/14/2007	12/14/2007	CAT		JIBBITZ, LLC	No
COP 07-00353	12/14/2007	12/14/2007	12/14/2007	PINK SCISSORS		JIBBITZ, LLC	No
COP 07-00354	12/14/2007	12/14/2007	12/14/2007	JIBBITZ SCORPIO		JIBBITZ, LLC	No
TMK 07-01361	12/14/2007	7/13/2009	5 LLIGHTS			SKECHERS U.S.A., INC. II	No
TMK 07-01362	12/14/2007	5/18/2009	SLIGHTS			SKECHERS U.S.A., INC. II	No
TMK 07-01363	12/14/2007	12/2/2007	STICKY PAWS			BUDDYKAT, INC.	No
TMK 07-01364	12/14/2007	2/13/2017	LUCKY 13			KLOETZLY, BOBBY	No
TMK 07-01359	12/14/2007	8/30/2014	SKECHERS			SKECHERS U.S.A., INC. II	No
TMK 07-01360	12/14/2007	10/17/2021	S			SKECHERS U.S.A., INC. II	No
TMK 07-01354	12/14/2007	1/4/2015	S			SKECHERS U.S.A., INC. II	No
TMK 07-01355	12/14/2007	6/26/2017	CALLI GEAR			SKECHERS U.S.A., INC. II	No
TMK 07-01356	12/14/2007	9/25/2017	SUPER Z			SKECHERS U.S.A., INC. II	No
TMK 07-01357	12/14/2007	7/24/2017	SOHO LAB			SKECHERS U.S.A., INC. II	No
TMK 07-01358	12/14/2007	7/20/2014	MARK MASON			SKECHERS U.S.A., INC. II	No
TMK 07-01368	12/14/2007	10/30/2017	ADVANCE CURE			GLOBAL FINISHING SOLUTIONS L.L.C.	No
TMK 07-01377	12/20/2007	9/20/2015	QLOGIC WITH DESIGN			QLOGIC CORPORATION	No
TMK 07-01374	12/20/2007	1/1/2012	SCOTTY CAMERON			SCOTTY CAMERON GOLF DESIGN, INC.	No
TMK 07-01378	12/20/2007	7/9/2016	BODY BAR			BODY BAR SYSTEMS CORPORATION	No
COP 07-00377	12/20/2007	12/20/2007	JIBBITZ LOVE			JIBBITZ, LLC	No
COP 07-00378	12/20/2007	12/20/2007	JIBBITZ BLOND MERMAID			JIBBITZ, LLC	No
TMK 07-01380	12/20/2007	3/9/2009	DESIGN ONLY			STAWSKI DISTRIBUTING CO., INC.	No

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TMK 07-01423	12/20/2007	4/25/2012	PIA DI FRANCO	LEE ALD, TZU-AN CHEN, SUSAN GONG	No
TMK 07-01379	12/20/2007	7/8/2017	DESIGN	PHILLIPS SCREW COMPANY	No
TMK 07-01418	12/20/2007	2/21/2016	SOYRICH YEO'S AND DESIGN	YEO HIAP SEING LIMITED	No
TMK 07-01427	12/20/2007	9/19/2016	RICA	BALLESTER HERMANOS, INC.	No
COP 07-00420	12/20/2007	12/20/2027	APACHE : NO. 2.	MAVATEX	No
TMK 07-01417	12/20/2007	11/30/2012	TRANSTEC (STYLIZED)	FREUDENBERG-NOK GENERAL PARTNERSHIP	No
TMK 07-01415	12/20/2007	9/26/2016	SUITE TOUCH	1888 MILLS, LLC	No
TMK 07-01420	12/20/2007	9/14/2013	LA SONORA DINAMITA	DISCOS FUENTES EDMUSICA, S.A.	No
TMK 07-01416	12/20/2007	4/11/2016	NECKTLANARDS	GERARDO PINEDA	No
TMK 07-01432	12/20/2007	3/8/2015	TWISTED HEART	DREK ANDREW INC.	No
TMK 07-01387	12/20/2007	1/12/2011	LEUPOLD	LEUPOLD & STEVENS, INC.	No
COP 07-00379	12/20/2007	12/20/2027	JIBBITZ BRACES SMILE	JIBBITZ, LLC	No
COP 07-00386	12/20/2007	12/20/2027	JIBBITZ CANCER	JIBBITZ, LLC	No
TMK 07-01413	12/20/2007	11/8/2015	DYECAST D	ARMANDO M. SIERRA	No
TMK 07-01412	12/20/2007	11/1/2015	ALL SEASON FEEDERS	ALL SEASON FEEDERS	No
TMK 07-01381	12/20/2007	2/14/2016	VILLABATE	VILLABATE BAKERY & PASTERY SHOP, INC.	No
COP 07-00380	12/20/2007	12/20/2027	CANDY CANE	JIBBITZ, LLC	No
TMK 07-01384	12/20/2007	6/4/2016	MAGNA-LATCH	D&D GROUP PTY LTD	No
COP 07-00381	12/20/2007	12/20/2027	MOSSY OAK OBSESSION	HAAS OUTDOORS, INC.	No
COP 07-00385	12/20/2007	12/20/2027	MOSSY OAK BRUSH	HAAS OUTDOORS, INC.	No
COP 07-00421	12/20/2007	12/20/2027	SHADOW GRASS	HAAS OUTDOORS, INC.	No
TMK 07-01382	12/20/2007	10/17/2016	MANZANITA SOL	THE CONCENTRATE MANUFACTURING COMPANY OF IRELAND	No
TMK 07-01419	12/20/2007	11/24/2008	STACKER 3	N.V.E., INC.	No
COP 07-00382	12/20/2007	12/20/2027	JIBBITZ AQUARIUS	JIBBITZ, LLC	No
COP 07-00383	12/20/2007	12/20/2027	JIBBITZ ARIES	JIBBITZ, LLC	No
TMK 07-01383	12/20/2007	3/8/2015	DESIGN ONLY	BANNER CORPORATION	No
TMK 07-01421	12/20/2007	2/24/2014	FARMEX	ORIENT FISHERIES INC.	No
TMK 07-01386	12/20/2007	4/9/2016	MARC JACOBS	MARC JACOBS TRADEMARKS LLC	No
TMK 07-01385	12/20/2007	3/18/2017	MARC JACOBS	MARC JACOBS TRADEMARKS LLC	No
TMK 07-01388	12/20/2007	10/30/2011	JUST PROTEIN	IRONMIND ENTERPRISES, INC.	No
COP 07-00384	12/20/2007	12/20/2027	JIBBITZ BRUNETTE MERMAID	JIBBITZ, LLC	No
COP 07-00387	12/20/2007	12/20/2027	VEGGIE CONVEYER BELT	CONTESSA PREMIUM FOODS, INC.	No
COP 07-00388	12/20/2007	12/20/2027	VEGGIE LINE WORKER	CONTESSA PREMIUM FOODS, INC.	No
TMK 07-01410	12/20/2007	5/19/2012	EMILIO PUCCI	EMILIO PUCCI S.R.L. (ITALY CORPORATION)	No
COP 07-00389	12/20/2007	12/20/2027	ASIAN FACE	JIBBITZ, LLC	No
COP 07-00412	12/20/2007	12/20/2027	JIBBITZ GLOW SKELETON RIBS	JIBBITZ, LLC	No
COP 07-00416	12/20/2007	12/20/2027	JIBBITZ SKELETON GLOW/DARK RIGHT ARM	JIBBITZ, LLC	No

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COP 07-00419	12/20/2007	12/20/2027	RED AND WHITE SURFBOARD WITH ASIAN CHARACTER.	JIBBITZ, LLC	No
COP 07-00418	12/20/2007	12/20/2027	JIBBITZ SKELETON GLOW HEAD	JIBBITZ, LLC	No
COP 07-00407	12/20/2007	12/20/2027	JIBBITZ MIENORAH	JIBBITZ, LLC	No
COP 07-00413	12/20/2007	12/20/2027	GUY ON SURFBOARD	JIBBITZ, LLC	No
COP 07-00390	12/20/2007	12/20/2027	ELEPHANT	JIBBITZ, LLC	No
COP 07-00399	12/20/2007	12/20/2027	JIBBITZ FIRE RESCUE	JIBBITZ, LLC	No
COP 07-00391	12/20/2007	12/20/2027	JIBBITZ FOX	JIBBITZ, LLC	No
COP 07-00406	12/20/2007	12/20/2027	JIBBITZ GEMINI	JIBBITZ, LLC	No
COP 07-00405	12/20/2007	12/20/2027	JIBBITZ GYMAST	JIBBITZ, LLC	No
COP 07-00392	12/20/2007	12/20/2027	PINK MIRROR AND COMB	JIBBITZ, LLC	No
COP 07-00403	12/20/2007	12/20/2027	JIBBITZ HANG TEN.	JIBBITZ, LLC	No
COP 07-00400	12/20/2007	12/20/2027	JIBBITZ CROWN	JIBBITZ, LLC	No
COP 07-00394	12/20/2007	12/20/2027	DUCK	JIBBITZ, LLC	No
COP 07-00395	12/20/2007	12/20/2027	JIBBITZ DRAGON	JIBBITZ, LLC	No
COP 07-00393	12/20/2007	12/20/2027	ELF.	JIBBITZ, LLC	No
COP 07-00396	12/20/2007	12/20/2027	CHRISTMAS TREE	JIBBITZ, LLC	No
COP 07-00397	12/20/2007	12/20/2027	JIBBITZ COMEDY & TRAGEDY	JIBBITZ, LLC	No
COP 07-00404	12/20/2007	12/20/2027	GECKO.	JIBBITZ, LLC	No
COP 07-00411	12/20/2007	12/20/2027	JIBBITZ HEART WITH WINGS	JIBBITZ, INC	No
COP 07-00398	12/20/2007	12/20/2027	JIBBITZ HERMIT CRAB	JIBBITZ, LLC	No
COP 07-00402	12/20/2007	12/20/2027	FLAMINGO	JIBBITZ, LLC	No
COP 07-00408	12/20/2007	12/20/2027	JIBBITZ KILLER WHALE	JIBBITZ, LLC	No
COP 07-00401	12/20/2007	12/20/2027	JIBBITZ PINK CROC	JIBBITZ, LLC	No
COP 07-00409	12/20/2007	12/20/2027	JIBBITZ TURTLE	JIBBITZ, LLC	No
TMK 07-01404	12/20/2007	5/8/2017	ZT	KAI U.S.A. LTD., DBA KERSHAW KNIVES	No
COP 07-00414	12/20/2007	12/20/2027	PALM FRONDS	PARAMOUNT INTERNATIONAL EXPORT, LTD.	No
COP 07-00410	12/20/2007	12/20/2027	JIBBITZ RED ROCKET	JIBBITZ, LLC	No
COP 07-00417	12/20/2007	12/20/2027	RED HIBISCUS FLOWER	PARAMOUNT INTERNATIONAL EXPORT, LTD.	No
COP 07-00415	12/20/2007	12/20/2027	PEACO	PRETTY UGLY, LLC, ACSUN-MIN KIM & FADDEN/FORVAITH COMPANY	No
TMK 07-01411	12/20/2007	10/5/2012	AL MAR	TROPICANA PRODUCTS, INC.	No
TMK 07-01405	12/20/2007	7/10/2016	TROPICANA	CINCINNATI BENGALS, INC.	No
TMK 07-01406	12/20/2007	11/13/2017	DESIGN ONLY (TIGER HEAD)	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01395	12/20/2007	12/24/2011	G20	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01396	12/20/2007	4/12/2015	MAXIMA	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01398	12/20/2007	10/19/2014	OX56	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01397	12/20/2007	10/18/2008	SENTRA	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01399	12/20/2007	6/13/2016	TIDA	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01401	12/20/2007	9/13/2015	NISSMO	NISSAN JIDOSHA KABUSHIKI KAISHA	No

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TMK 07-01400	12/20/2007	4/25/2016	NISMO		NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01402	12/20/2007	12/21/2013	ABSOLUT		V&S VIN & SPRIT AKTIEBOLAG (PUBL)	No
TMK 07-01403	12/20/2007	3/6/2015	FRONTIER		NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01407	12/20/2007	5/26/2008	NFINITI		NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01408	12/20/2007	10/23/2017	SEA KOVE		LAMONICA FINE FOODS, LLC	No
TMK 07-01489	12/20/2007	4/23/2016	SUAVE & DESIGN		UNILEVER SUPPLY CHAIN, INC.	No
TMK 07-01425	12/20/2007	4/16/2015	QUAKER		THE QUAKER OATS COMPANY	No
TMK 07-01426	12/20/2007	4/25/2016	NISMO		NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01424	12/20/2007	5/20/2017	NISSAN		NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01389	12/20/2007	12/29/2012	KING CAB		NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01392	12/20/2007	3/2/2014	NISSAN		NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01389	12/20/2007	7/15/2017	OX4		NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01394	12/20/2007	9/25/2017	PERFECT PUSHUP		PT METRICS, LLC	No
TMK 07-01393	12/20/2007	12/24/2011	Q45		NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01414	12/20/2007	11/13/2017	LAMONICA QUALITY IS A FAMILY		LAMONICA FINE FOODS, LLC	No
TMK 07-01391	12/20/2007	4/27/2014	TEANA		NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 07-01376	12/20/2007	5/30/2017	BOSE		BOSE CORPORATION	No
TMK 07-01375	12/20/2007	10/19/2014	NFINITI		NISSAN JIDOSHA KABUSHIKI KAISHA	No

Total Records: 400
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GENERAL NOTICE

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

(No. 1 2008)

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

SUMMARY: Presented herein are the copyrights, trademarks, and trade names reported with U.S. Customs and Border Protection during the month of January 2008. The last notice was published in the CUSTOMS BULLETIN on December 26, 2007.

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

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

Dated: February 07, 2008

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



CBP IPR RECORDATION - JANUARY 2008

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Trm	Owner Name	GM Restrict
TMK 01-00386	1/8/2008	12/13/2017	CHANEL	CHANEL, INC.	No
TMK 88-00293	1/8/2008	11/17/2017	TEENAGE MUTANT NINJA TURTLES	MIRAGE STUDIOS, INC.	No
TMK 07-00558	1/8/2008	5/27/2017	PYRAMID	WYETH	No
TMK 08-00010	1/8/2008	5/10/2015	FAMILY360	LEADERWORKS, INC.	No
COP 08-00002	1/8/2008	1/8/2028	HISPANIC FAMILY	CONTESSA PREMIUM FOODS, INC.	No
TMK 08-00009	1/8/2008	4/26/2008	NAKED JUICE	CHIQUITA BRANDS, INC	No
COP 08-00003	1/8/2008	1/8/2028	LIFE'S LESSONS POETRY.	DELOSE MINOR	No
TMK 08-00011	1/8/2008	11/13/2017	PRONACTIA	GLAXO GROUP LIMITED	No
TMK 08-00007	1/8/2008	7/2/2016	MRS. FIELDS AND DESIGN	THE MRS. FIELDS' BRAND, INC.	No
TMK 08-00008	1/8/2008	11/1/2013	MRS. FIELDS COOKIES AND DESIGN	THE MRS. FIELDS' BRAND, INC.	No
TMK 08-00003	1/8/2008	3/8/2015	BONIVA	ROCHE THERAPEUTICS INC.	No
TMK 08-00004	1/8/2008	9/5/2010	PROPEL	STOKELY-VAN CAMP, INC.	No
TMK 08-00005	1/8/2008	11/20/2017	CHIEFS	KANSAS CITY CHIEFS FOOTBALL CLUB, INC.	No
TMK 08-00006	1/8/2008	11/27/2017	LIONS	DETROIT LIONS, INC.	No
COP 08-00001	1/8/2008	1/8/2028	NINTENDO DS BOOT CODE	NINTENDO OF AMERICA, INC.	No
TMK 08-00012	1/8/2008	11/6/2017	ALTABAX	GLAXO GROUP LIMITED	No
TMK 08-00002	1/8/2008	10/18/2015	CERVARIX	GLAXOSMITHKLINE BIOLOGICALS, S.A.	No
TMK 08-00013	1/8/2008	10/18/2015	ROCA WEAR	STUDIO IP HOLDINGS LLC	No
TMK 08-00001	1/8/2008	10/23/2017	NISSAN GTR	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00014	1/8/2008	11/30/2009	ORRHOLITE	O2 PARTNERS, LLC	No
TMK 08-00015	1/17/2008	8/12/2016	TOSHIBA	KABUSHIKI KAISHA TOSHIBA, TRADING AS TOSHIBA CORPORATION	No
TMK 08-00028	1/17/2008	11/27/2017	WHEN THE USUAL IS NOT GOOD ENOUGH	DYNAMIC WILL SERVICES CORPORATION	No
TMK 08-00026	1/17/2008	10/24/2010	GC FUJI II	TRADEMARK HOLDINGS OF ILLINOIS LLC	No
TMK 08-00027	1/17/2008	12/12/2010	GC FUJI II LC	TRADEMARK HOLDINGS OF ILLINOIS LLC	No
TMK 08-00018	1/17/2008	8/20/2016	GC FUJI LINING	TRADEMARK HOLDINGS OF ILLINOIS LLC	No
TMK 08-00019	1/17/2008	8/4/2011	EXAFLEX	TRADEMARK HOLDINGS OF ILLINOIS LLC	No
TMK 08-00023	1/17/2008	1/12/2013	GC AND DESIGN	TRADEMARK HOLDINGS OF ILLINOIS LLC	No
TMK 08-00022	1/17/2008	7/6/2013	GC AND DESIGN	TRADEMARK HOLDINGS OF ILLINOIS LLC	No

CBP IPR RECORDATION - JANUARY 2008

TMK 08-00020	1/17/2008	1/5/2013	GC AND DESIGN	TRADEMARK HOLDINGS OF ILLINOIS LLC	No
TMK 08-00024	1/17/2008	11/27/2017	DYNAMIC MILL SERVICES	DYNAMIC MILL SERVICES CORPORATION	No
TMK 08-00016	1/17/2008	11/20/2009	CANNON AND DESIGN	OFFICIAL PILLOWTEX LLC	No
TMK 08-00021	1/17/2008	7/9/2015	MIRACLE MIX	TRADEMARK HOLDINGS OF ILLINOIS LLC	No
TMK 08-00025	1/17/2008	11/27/2017	DMS	DYNAMIC MILL SERVICES CORPORATION	No
TMK 08-00017	1/17/2008	1/2/2017	FIELDCREST	OFFICIAL PILLOWTEX LLC	No
TMK 08-00031	1/25/2008	3/11/2013	WMS GAMING	WMS GAMING INC.	No
TMK 08-00029	1/25/2008	4/11/2010	WMS GAMING	WMS GAMING INC.	No
TMK 08-00030	1/25/2008	8/31/2014	BLUEBIRD	WMS GAMING INC.	No

Total Records: 37
Date as of: 2/4/2008

**ACCREDITATION AND APPROVAL OF INSPECTORATE
AMERICA CORPORATION, AS A COMMERCIAL GAUGER
AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Inspectorate America Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Inspectorate America Corporation, 2 Williams Street, Chelsea, MA 02150, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svsc/commercial_gaugers/

DATES: The accreditation and approval of Inspectorate America Corporation, as commercial gauger and laboratory became effective on July 24, 2007. The next triennial inspection date will be scheduled for July 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 11, 2008 (73 FR 7752)]

ACCREDITATION AND APPROVAL OF SGS NORTH AMERICA, INC., AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, SGS North America, Inc., 1201 W. 8th at Georgia Ave., Deer Park, TX 77536, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of SGS North America, Inc., as commercial gauger and laboratory became effective on May 02, 2007. The next triennial inspection date will be scheduled for May 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

**APPROVAL OF SGS NORTH AMERICA, INC., AS A
COMMERCIAL GAUGER**

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

ACTION: Notice of approval of SGS North America, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, SGS North America, Inc., 2301 Brazosport Blvd., Suite A 915, Freeport, TX 77541, has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquires regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The approval of SGS North America, Inc., as commercial gauger became effective on May 18, 2007. The next triennial inspection date will be scheduled for May 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 12, 2008 (73 FR 8053)]

**APPROVAL OF INSPECTORATE AMERICA CORPORATION,
AS A COMMERCIAL GAUGER**

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

ACTION: Notice of approval of Inspectorate America Corporation, as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, Inspectorate America Corporation, 3306 Loop 197 North, Texas City, TX 77590, has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquires regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The approval of Inspectorate America Corporation, as commercial gauger became effective on March 15, 2007. The next triennial inspection date will be scheduled for March 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 12, 2008 (73 FR 8052)]



**ACCREDITATION AND APPROVAL OF SAYBOLT LP, AS A
COMMERCIAL GAUGER AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Saybolt LP, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Saybolt LP, 4871 Sunrise Dr., suite102, Martinez, CA 94553, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of Saybolt LP, as commercial gauger and laboratory became effective on March 06, 2007. The next triennial inspection date will be scheduled for March 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 12, 2008 (73 FR 8052)]



ACCREDITATION AND APPROVAL OF NMC GLOBAL CORPORATION, AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of NMC Global Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, NMC Global Corporation, 326 23rd St., Kenner, LA 70062, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/


DATES: The accreditation and approval of NMC Global Corporation, as commercial gauger and laboratory became effective on May 01, 2007. The next triennial inspection date will be scheduled for May 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 12, 2008 (73 FR 8052)]



ACCREDITATION AND APPROVAL OF INTERTEK USA, INC., AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Intertek USA, Inc., 16640 B Jacintoport Blvd., Houston (Channelview), TX 77015, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on May 21, 2007. The next triennial inspection date will be scheduled for May 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 12, 2008 (73 FR 8051)]



ACCREDITATION AND APPROVAL OF INSPECTORATE AMERICA CORPORATION, AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of Inspectorate America Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Inspectorate America Corporation, 6175 Hwy 347, Beaumont, TX 77705, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of Inspectorate America Corporation, as commercial gauger and laboratory became effective on May 16, 2007. The next triennial inspection date will be scheduled for May 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 12, 2008 (73 FR 8051)]



**ACCREDITATION AND APPROVAL OF INSPECTORATE
AMERICA CORPORATION, AS A COMMERCIAL GAUGER
AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Inspectorate America Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Inspectorate America Corporation, 1150–80 Sylvan Street, Linden, NJ 07036, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of Inspectorate America Corporation, as commercial gauger and laboratory became effective on March 28, 2007. The next triennial inspection date will be scheduled for March 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 12, 2008 (73 FR 8051)]



**ACCREDITATION AND APPROVAL OF CHEM COAST, INC.,
AS A COMMERCIAL GAUGER AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Chem Coast, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Chem Coast, Inc., 11820 North H Street, Laporte, TX 77571, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/


DATES: The accreditation and approval of Chem Coast, Inc., as commercial gauger and laboratory became effective on March 19, 2007. The next triennial inspection date will be scheduled for March 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 12, 2008 (73 FR 8050)]



**ACCREDITATION AND APPROVAL OF CAMIN CARGO
CONTROL, INC., AS A COMMERCIAL GAUGER AND
LABORATORY**

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

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Camin Cargo Control, Inc., 1550 Industrial Park Drive, Nederland, TX 77627, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of Camin Cargo Control, Inc., as commercial gauger and laboratory became effective on March 12, 2007. The next triennial inspection date will be scheduled for March 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 12, 2008 (73 FR 8050)]



ACCREDITATION AND APPROVAL OF CAMIN CARGO CONTROL, INC., AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Camin Cargo Control, Inc., 230 Marion Ave., Linden, NJ 07036, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/


DATES: The accreditation and approval of Camin Cargo Control, Inc., as commercial gauger and laboratory became effective on May 03, 2007. The next triennial inspection date will be scheduled for May 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 12, 2008 (73 FR 8050)]



**ACCREDITATION AND APPROVAL OF SGS NORTH
AMERICA, INC., AS A COMMERCIAL GAUGER AND
LABORATORY**

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

ACTION: Notice of accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, SGS North America, Inc., 99 Castle Coakley, Christiansted, St. Croix, VI 00820, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of SGS North America, Inc., as commercial gauger and laboratory became effective on July 19, 2007. The next triennial inspection date will be scheduled for July 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 12, 2008 (73 FR 8049)]



ACCREDITATION AND APPROVAL OF INTERTEK USA, INC., AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Intertek USA, Inc., 725 Oakridge Dr., Romeoville, IL 60446, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on August 10, 2007. The next triennial inspection date will be scheduled for August 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 12, 2008 (73 FR 8049)]



**ACCREDITATION AND APPROVAL OF INSPECTORATE
AMERICA CORPORATION, AS A COMMERCIAL GAUGER
AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Inspectorate America Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Inspectorate America Corporation, 37 Panagrossi Circle, East Haven, CT 06512, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of Inspectorate America Corporation, as commercial gauger and laboratory became effective on July 25, 2007. The next triennial inspection date will be scheduled for July 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 12, 2008 (73 FR 8049)]



**ACCREDITATION AND APPROVAL OF INSPECTORATE
AMERICA CORPORATION, AS A COMMERCIAL GAUGER
AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Inspectorate America Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Inspectorate America Corporation, 1404 Joliet Road, Suite G, Romeoville, IL 60446, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of Inspectorate America Corporation, as commercial gauger and laboratory became effective on August 08, 2007. The next triennial inspection date will be scheduled for August 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 12, 2008 (73 FR 8048)]



**ACCREDITATION AND APPROVAL OF SGS NORTH
AMERICA, INC., AS A COMMERCIAL GAUGER AND
LABORATORY**

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

ACTION: Notice of accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, SGS North America, Inc., 2 Avenue J, Bayonne, NJ 07002, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of SGS North America, Inc., as commercial gauger and laboratory became effective on September 20, 2007. The next triennial inspection date will be scheduled for September 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 12, 2008 (73 FR 8048)]



Docket No. USCBP-2008-0002

**Notice of the Meeting of the U.S. Customs and Border
Protection Airport and Seaport Inspections User Fee
Advisory Committee**

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

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The U.S. Customs and Border Protection (“CBP”) Airport and Seaport Inspections User Fee Advisory Committee (“Advisory Committee”) will meet in open session. The meeting will be open to the public.

DATE: Wednesday, March 5, 2008, 12:00 p.m. to 4:00 p.m. Please note that the meeting may close early if all business is finished.

ADDRESSES: The meeting will be held at Conference Room B 1.5-25, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Washington, DC. Written material, comments, requests to make oral presentations, and requests to have a copy of your material distributed to each member of the committee prior to the meeting should reach the contact person at the address below by Wednesday, February 27, 2008. Comments must be identified by USCBP-2008-0002 and may be submitted by one of the following methods:

• **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

• **E-mail:** CBP.Userfeeadvisorycommittee@dhs.gov. Include the docket number in the subject line of the message.

• **Facsimile:** (202) 344-1818.

• **Mail:** Ms. Lauren I. Pearce, Office of Finance, U.S. Customs and Border Protection, Department of Homeland Security, 1300 Pennsylvania Avenue, NW., Suite 4.5A, 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.

Docket: For access to the docket to read background documents or comments received by the Advisory Committee go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Ms. Lauren I. Pearce, Office of Finance, U.S. Customs and Border Protection, Department of Homeland Security, 1300 Pennsylvania Avenue,

NW., Suite 4.5A, Washington, DC 20229; telephone number: 202-344-3393; facsimile: 202-344-1818; e-mail: CBP.Userfeeadvisorycommittee@dhs.gov.

SUPPLEMENTARY INFORMATION:

Pursuant to the Federal Advisory Committee Act (5 U.S.C., app.), DHS hereby announces the meeting of the U.S. Customs and Border Protection Airport and Seaport Inspections User Fee Advisory Committee (hereinafter, "Advisory Committee"). This Advisory Committee was established pursuant to section 286(k) of the Immigration and Nationality Act (INA), codified at title 8 U.S.C. 1356(k), which references the Federal Advisory Committee Act (5 U.S.C., app.). With the merger of the Immigration and Naturalization Service into the Department of Homeland Security, the Advisory Committee's responsibilities were transferred from the Attorney General to the Commissioner of CBP pursuant to section 1512(d) of the Homeland Security Act of 2002. The Advisory Committee held its first meeting under the direction of CBP on October 22, 2003 (see 68 FR 56301, September 30, 2003). Among other things, this Advisory Committee advises the Department of Homeland Security via the Commissioner of CBP on issues related to the performance of airport and seaport inspections involving agriculture, customs, or immigration based concerns. This advice includes, but is not limited to, issues such as the time period during which such services should be performed and the proper number and deployment of inspection officers. Additionally, this advice includes the level and the appropriateness of the following fees assessed for CBP services: the immigration user fee pursuant to 8 U.S.C. 1356(d), the customs inspection user fee pursuant to 19 U.S.C. 58c(a)(5), and the agriculture inspection user fee pursuant to 21 U.S.C. 136a.

The sixth meeting of the Advisory Committee will be held at the date, time and location specified above. A tentative agenda for the meeting is set forth below.

This meeting is open to the public. Public participation in the deliberations is welcome; however, please note that matters outside of the scope of this committee will not be discussed. Please note that the meeting may close early if all business is finished.

All visitors to the Ronald Reagan Building will have to show a picture ID in order to be admitted into the building. Since seating is limited, all persons attending this event must provide notice, preferably by close of business Wednesday, February 27, 2008, to Ms. Lauren I. Pearce, Office of Finance, U.S. Customs and Border Protection, Department of Homeland Security, 1300 Pennsylvania Avenue, NW., Suite 4.5A, Washington, DC 20229; telephone number: 202-344-3393; facsimile: 202-344-1818; email: CBP.Userfeeadvisorycommittee@dhs.gov.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms.

Lauren I. Pearce as soon as possible.

Tentative Agenda

1. Introduction of Committee members and CBP Personnel.
2. Report of activities since last meeting of June 6, 2007.
3. Discussion of the Electronic Travel Authorization and Model Airports Legislation.
4. Discussion of United States Passenger Accelerated Services System (US PASS).
5. Discussion of the Workload Staffing Model.
6. Overview and discussion of CBP's budget.
7. Discussion of Reimbursable Overtime.
8. Discussion of specific concerns and questions of Committee members.
9. Agree on consensus recommendations on the issues discussed.
10. Discussion of Committee administrative issues and scheduling of next meeting.
11. Adjourn.

Dated: February 11, 2008

ELAINE KILLORAN,
*Acting Assistant Commissioner,
Office of Finance,
U.S. Customs and Border Protection.*

[Published in the Federal Register, February 14, 2008 (73 FR 8709)]

**NOTICE OF ISSUANCE OF FINAL DETERMINATION
CONCERNING MULTIFUNCTIONAL MACHINES**

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that the U.S. Customs and Border Protection (CBP) has issued a final determination concerning the country of origin of certain multifunctional machines which may be offered to the United States Government under an undesignated government procurement contract. CBP has concluded that, based upon the facts presented, certain goods imported into Japan are substantially transformed in Japan such that Japan is the

country of origin of the finished multifunctional machines for government procurement purposes.

DATE: The final determination was issued on January 4, 2008. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR § 177.22(d), may seek judicial review of this final determination within 30 days of [publication in the *Federal Register*], 2007.

FOR FURTHER INFORMATION CONTACT: Gerry O'Brien, Valuation and Special Programs Branch, Regulations and Rulings, Office of International Trade (202-572-8792).

SUPPLEMENTARY INFORMATION: Notice is hereby given that on January 4, 2008, pursuant to subpart B of part 177, Customs Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of certain multifunctional machines which may be offered to the United States Government under an undesignated government procurement contract. This final determination, in HQ H018467, was issued at the request of Panasonic Corporation of North America under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511-18).

In the final determination, CBP concluded that, based upon the facts presented, certain goods imported into Japan are substantially transformed in Japan such that Japan is the country of origin of the finished multifunctional machines for government procurement purposes.

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

Dated: January 4, 2008

SANDRA L. BELL,
Executive Director,
Office of Regulations and Rulings,
Office of International Trade.

Attachment

DEPARTMENT OF HOMELAND SECURITY.
U.S. CUSTOMS AND BORDER PROTECTION,

HQ H018467

January 4, 2008

MAR-2-05 OT:RR:CTF:VS H018467 GOB

CATEGORY: Marking

MADELINE B. KUFLIK, ESQ.
ASSISTANT GENERAL COUNSEL
PANASONIC CORPORATION OF NORTH AMERICA
One Panasonic Way, 3B-6
Secaucus, NJ 07094

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. § 2511); Subpart B, Part 177, CBP Regulations; Country of Origin of Multifunctional Machines

DEAR MS. KUFLIK:

This is in response to your letter of October 5, 2007, requesting a final determination on behalf of Panasonic Corporation of North America (“PNA”), pursuant to subpart B of Part 177, Customs and Border Protection (“CBP”) Regulations (19 CFR § 177.21 *et seq.*). Under these regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government. In response to our request, you provided additional information with your correspondence of November 7, 2007 and December 5, 2007.

This final determination concerns the country of origin of certain color digital multifunctional machines. We note that PNA is a party-at-interest within the meaning of 19 CFR § 177.22(d)(1) and is entitled to request this final determination.

FACTS:

You describe the pertinent facts as follows. The product at issue is a full-color digital multifunctional machine which can scan, copy, and print. The machine has the following functions: up to 26 ppm color printing; 600 dpi x 600 dpi scanning resolution; 1200 dpi x 1200 dpi printing resolution; high-speed image editing; high speed image compression; network function; automatic duplex scanning; automatic duplex printing; paper ejection; and direct printing function from SD card and PC card. The machine is sold under model number DP-C354.

You state that the multifunctional machine consists of the following units:

1. automatic document feeder unit – takes several pages and feeds the paper one page at a time into the scanner.
2. scanner unit – consists of CCD board, lens, lamp, mirror, drive motor, detection sensor, scanner controlling board, image signal conversion board and SD (secure digital) memory board.
3. operation panel unit – consists of tilt mechanism, 7.8 inch LCD, 23 operation buttons, 14 LED, five printing boards, and backup battery.
4. feed unit – consists of feeding roller, pick up roller, pick up solenoid,

paper detection sensor, paper passage sensor and electromagnetic timing clutch.

5. manual paper feed unit – for use with special paper; consists of feeding roller, pick up roller, pick up solenoid, paper detection sensor, paper passage sensor and electromagnetic timing clutch.

6. lift-up motor unit – consists of driving motor, paper detection sensor and pick-up sensor.

7. automatic document transferring unit – feeds the printing paper to the toner transferring unit; consists of driving motor, cooling fan, paper passage sensor, paper ejection roller, transferring roller, switching solenoid, electromagnetic clutch, jam-proof door and pinch roller.

8. induction heating fuser unit – fuses the toner on paper by the induction heating method; consists of induction heating coil, fusing belt, heating roller, fusing roller and pressure roller.

9. induction heating power supply unit – supplies power to the induction fuser unit.

10. transcription unit – transcribes the unit on the printing paper; consists of bias roller and OPC (organic photo conductor) drum unit.

11. OPC drum unit – this unit is charged with electricity and the laser beam sweeps across it to make the electrostatic latent image; consists of cleaning blade, cleaning roller and OPC drum.

12. developing unit – transfers the toner to the charged part of the OPC drum; consists of concentration sensor, magnet roller, developer, doctor blade and screw.

13. laser scanning unit – irradiates the laser beam on the OPC drum to make the surface potential; consists of lens, mirrors, polygon motor and fan.

14. motor drive board – controls the driving of the motors.

15. automatic duplex unit board – controls the paper detection sensor and paper passage sensor.

16. high-voltage power supply board – controls the high-voltage power supply.

17. low-voltage power supply board – controls the low-voltage power supply.

18. main drive unit – controls the transcription unit, OPC drum and developing units.

19. subassembly units – there are five different types of simple units which consist of two to five parts.

20. system control board - This board, which acts as the central control system, has a central processing unit (CPU) and 512 MB of memory. It performs “image processing” which is the editing, color tuning, enlarging, reducing and manipulating of the image data to fit the image quality which is designated by the user for the copy output or the print output. Image data is the data which is scanned by the scanner. The user controls the multifunctional printer by touching the operational panel and sending the data from the PC. The system control board processes the data from the operation panel and PC and sends the processed command to the other boards that control the function which meets the user’s intention. The three other boards which receive data from the system control board are the scanner unit, the operation panel unit and the engine control board. The system control board is the core part of this product. It mea-

asures approximately 244 mm long and 330 mm wide and it contains approximately 2750 parts.

21. engine control board - This board controls the machinery parts that feed the recording papers. The machinery parts controlled by the engine control board are the feed unit, manual paper feed unit, lift up motor unit, automatic document feeding unit and main drive unit. The board also controls the units that print the image to the recording papers such as the induction heating fuser unit, transcription unit, OPC drum unit, developing unit and laser scanning unit. This board is approximately 244 mm long and 187 mm wide and consists of approximately 1610 parts.

In your submission of December 5, 2007, you state that “[t]he system control board can be compared to the brain of a human being as it is responsible for coordinating all of the activity of the machine and controlling all of the following important functions of the machine.” These functions include: all image processing functions (*e.g.*, where the toner is to be applied and the temperature of the toner); enlargement and reduction functions; all functions which are available from the control panel (*e.g.*, choices of multiple copies, double-sided copies, etc.); color image tuning (adding or subtracting color); user interface control (control panel and touch screen operations); and “rastering” of the printed data (the process of taking data sent by a computer’s printer driver and converting it so that it can be understood by the engine control board to put the image on paper).

In the same submission, you state that “[t]he engine control board can be analogized to the nervous system of a human being. It carries out the commands of the brain, or in this case the system control board.” The engine control board controls the functions relating to the feed of paper, including the paper feed units, the manual feed units, the automatic document feeder unit, the paper lift-up motors, and the main drive unit motor. The engine control board also controls the following units with respect to the printing process: the laser unit, which exposes the photo-receptor to create the copy; the photo-conductor unit; the transfer belt units; the developing units, which contain the toners which are applied to the photo-conductors and transfer unit; and the fixing unit, which makes the toner permanent on the paper.

PNA’s request involves two manufacturing scenarios. In the first scenario, there are three countries in which manufacturing occurs; in the second scenario, there are two countries in which manufacturing occurs.

First Scenario – Manufacturing in China, the Philippines, and Japan

The following seven units are manufactured in China from components produced in various countries: automatic document feeder unit; scanner unit; operation panel unit; feed unit; manual paper feed unit; lift up motor unit; and subassembly units. After these components are manufactured in China, they are sent to the factory in the Philippines.

The following eleven units are manufactured in the Philippines from components produced in various countries: automatic document transferring unit; induction heating fuser unit; induction heating power supply unit; transcription unit; developing unit; laser scanning unit; main drive unit; motor drive board; high voltage power supply board; low voltage power supply board; and automatic duplex unit board. The components manufactured in China and those manufactured in the Philippines are assembled into one main body in the Philippines. That body is sent to the factory in Japan.

The following work is performed in Japan. The OPC drum unit and the toner reservoir are manufactured. The system control board and the engine control board, which are manufactured in Japan, are mounted and inspected. Approximately 1,600 electronic parts and 500 electronic parts are mounted on the back of the system control board and the engine control board, respectively, by three large mounting machines. The boards are then inspected. At that point, about 1,100 electronic parts and 1,000 electronic parts are mounted on the front sides of the system control board and the engine control board, respectively. The boards are then inspected again. Workers then mount 19 parts on the system control board and 40 parts on the engine control board by hand soldering. The boards are then inspected again.

You state that the workers involved in the mounting and soldering of the parts should be highly skilled because the parts are mounted densely in view of the large number of parts and the fact that each electronic part is microminiaturized. After the mounting process is completed, the boards are inspected as to functionality by special measurement equipment. This inspection takes approximately 10 to 20 minutes per board.

At this point in the process, the OPC drum unit, the toner reservoir, the system control board and the engine control board are incorporated into the main body which was assembled in the Philippines. The next step is the installation of firmware into the system control board and the engine control board. You state that the firmware in the system control board controls the user interface, imaging, and memories; the firmware in the engine control board controls machinery. You state that the firmware, which is developed in Japan, is similar to the application software of a personal computer.

The process concludes with the inspection of the completed product and adjustments to the concentration in the toner, print position, print color, and print quality. These adjustments are necessary for accurate printing.

Second Scenario – Manufacturing in the Philippines and Japan

The following 18 units are manufactured in the Philippines from components produced in various countries: automatic document feeder unit; scanner unit; operation panel unit; feed unit; manual paper feed unit; lift up motor unit; subassembly units; automatic document transferring unit; induction heating fuser unit; induction heating power supply unit; transcription unit; developing unit; laser scanning unit; main drive unit; motor drive board; high voltage power supply board; low voltage power supply board; and automatic duplex unit board. These components are assembled into one main body in the Philippines. That body is sent to the factory in Japan.

The manufacturing process in Japan in this scenario is the same as the process described in the first scenario.

The second scenario differs from the first scenario in that no units are manufactured in China in the second scenario. The 18 units manufactured in the Philippines in the second scenario include the 11 units manufactured there in the first scenario and the seven units manufactured in China in the first scenario.

ISSUE:

What is the country of origin of the subject color digital multifunction machines for the purpose of U.S. Government procurement?

LAW AND ANALYSIS:

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

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

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

See also, 19 CFR § 177.22(a).

In determining whether the combining of parts or materials constitutes a substantial transformation, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *Belcrest Linens v. United States*, 573 F. Supp. 1149 (Ct. Int'l Trade 1983), *aff'd*, 741 F.2d 1368 (Fed. Cir. 1984). Assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation. *See*, C.S.D. 80–111, C.S.D. 85–25, C.S.D. 89–110, C.S.D. 89–118, C.S.D. 90–51, and C.S.D. 90–97. If the manufacturing or combining process is a minor one which leaves the identity of the article intact, a substantial transformation has not occurred. *Uniroyal, Inc. v. United States*, 3 CIT 220, 542 F. Supp. 1026 (1982), *aff'd* 702 F. 2d 1022 (Fed. Cir. 1983). In C.S.D. 85–25, 19 Cust. Bull. 844 (1985), CBP held that for purposes of the Generalized System of Preferences (“GSP”), the assembly of a large number of fabricated components onto a printed circuit board in a process involving a considerable amount of time and skill resulted in a substantial transformation. In that case, in excess of 50 discrete fabricated components (such as resistors, capacitors, diodes, integrated circuits, sockets, and connectors) were assembled. Whether an operation is complex and meaningful depends on the nature of the operation, including the number of components assembled, number of different operations, time, skill level required, attention to detail, quality control, the value added to the article, and the overall employment generated by the manufacturing process.

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. The country of origin of the item’s components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, factors such as the resources expended on product design and development, extent and nature of post-assembly inspection and testing procedures, and worker skill required during the actual manufacturing process may be relevant when determining

whether a substantial transformation has occurred. No one factor is determinative.

In HQ 735315, dated April 10, 1995, CBP stated:

We agree . . . that the assembly of the various components into the optics module shell, mainly the PWBs which are manufactured in the U.S., constitutes a substantial transformation. . . . [W]e find that the manufacture of the PWBs and their subsequent installation into the shells constitutes a complex and meaningful assembly pursuant to C.S.D. 85–25. Although the imported shells consist of important components, such as the sampling device, furnace, light bulbs, and mirrors/optics, the PWBs give the optics module the ability to function and analyze. . . .

In HQ 561734, dated March 22, 2001, CBP determined that certain multifunctional machines (printer, copier, and facsimile) assembled in Japan were a product of Japan for purposes of government procurement. The machines were comprised of 227 parts (108 parts obtained from Japan, 92 from Thailand, three from China, and 24 from other countries) and eight subassemblies, each of which was assembled in Japan. It was further noted that the scanner unit (one of the eight subassemblies assembled in Japan) was characterized as “the heart of the machine.”

In HQ 562936, dated March 17, 2004, CBP found that a multifunctional machine (printer, copier, scanner, facsimile) was a product of Japan for the purpose of U.S. government procurement. CBP noted that a substantial portion of the machine’s components and assemblies were of Japanese origin. The requester had described certain of these components as the “most complex,” “key,” and “essential.” CBP recognized that, in addition to the Japanese subassemblies, certain critical Japanese-origin parts were incorporated into the Chinese subassemblies. CBP found that the processing that occurred in Japan was complex and meaningful, required the assembly of a large number of components, and resulted in a new and distinct article of commerce that possessed a new name, character, and use.

Based upon the facts which you present, we note that operations are performed in three countries in the first scenario and two countries in the second scenario. In situations like these, no one country imparts the dominant portion of the work conducted. Nonetheless, based upon the applicable legal standard, we determine that, with respect to each of the two scenarios, the goods imported into Japan are substantially transformed in Japan such that Japan is the country of origin of the multifunctional machines (model number DP-C354) for government procurement purposes. In making this determination, we give substantial weight to the fact that the system control board, the engine control board, and the firmware are manufactured in Japan. Based upon the facts presented, these components are of utmost importance to the functionality of the completed good. We also find that the operations performed in Japan are meaningful and relatively complex and result in an article of commerce which possesses a new name, character, and use. Therefore, as Japan is the final country of production and a substantial amount of work is performed there, we find that the country of origin in both scenarios is Japan.

HOLDING:

With respect to each of the two scenarios, the goods imported into Japan are substantially transformed in Japan such that Japan is the country of origin of the multifunctional machines (model number DP-C354) for government procurement purposes.

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

SANDRA L. BELL
Executive Director,
Office of Regulations and Rulings,
Office of International Trade.

[Published in the Federal Register, February 13, 2008 (73 FR 8335)]

**NOTICE OF ISSUANCE OF FINAL DETERMINATION
CONCERNING STANDARD AND ROLLED-EDGE BALL
SEALS**

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that the Bureau of Customs and Border Protection (CBP) has issued a final determination concerning the country of origin of two types of ball seals to be offered to the United States Government under an undesignated government procurement contract. Based on the facts presented, CBP has concluded that the operations performed in China do not result in a substantial transformation of the U.S. components. Therefore, the assembled ball seals will not be considered to be products of China.

DATE: The final determination was issued on February 6, 2008. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within 30 days of February 13, 2008.

FOR FURTHER INFORMATION CONTACT: Holly Files, Valuation and Special Programs Branch, Regulations and Rulings, Office of International Trade (202-572-8740).

SUPPLEMENTARY INFORMATION: Notice is hereby given that on February 6, 2008, pursuant to subpart B of part 177, Customs Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of two types of ball seals to be offered to the United States Government under an undesignated government procurement contract. The CBP ruling number is H021398. This final determination was issued at the request of Brammall, Inc. d/b/a/ TydenBrammall (“TydenBrammall”) under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. §§ 2511–18).

The final determination concluded that, based upon the facts presented, the simple assembly in China of three major U.S.-origin components with two minor Chinese-origin components does not result in a substantial transformation of the U.S.-origin components. Therefore, the assembled ball seals will not be considered to be products of China for purposes of U.S. Government procurement.

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

Dated: February 6, 2008

MYLES B. HARMON,
Acting Executive Director,
Office of Regulations and Rulings,
Office of International Trade.

Attachment

DEPARTMENT OF HOMELAND SECURITY.
U.S. CUSTOMS AND BORDER PROTECTION,

HQ H021398
February 6, 2008
MAR-2-05 OT:RR:CTF:VS H021398 HEF
CATEGORY: Marking

MS. LINDA M. WEINBERG
BARNES & THORNBURG LLP
Suite 900
750 17th Street, N.W.
Washington, DC 20006

RE: U.S. Government Procurement; Final Determination; country of origin of ball seals; substantial transformation; 19 C.F.R. Part 177

DEAR MS. WEINBERG:

This is in response to your letter dated December 21, 2007, requesting a final determination on behalf of Brammall, Inc. d/b/a TydenBrammall (“TydenBrammall”), pursuant to subpart B of Part 177, Customs and Border Protection (“CBP”) Regulations (19 C.F.R. § 177.21 *et seq.*). Under these regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations on whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of certain ball seals. We note that TydenBrammall is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination. Samples of the ball seals, at various stages of the manufacturing process, were also submitted with your request. In preparing this final determination, consideration was given to your supplemental submission dated January 9, 2008.

FACTS:

The products subject to this final determination are two types of ball seals known as the “Tyden Standard Ball Seal” and the “Tyden Rolled-Edge Ball Seal.” The ball seals are used to secure rail, container, and truck cargo shipments. The “ball” of a seal is comprised of metal top and bottom caps. A metal strap runs through the center of the ball and extends at length from the bottom cap. The metal strap may have a custom seal number embossed on it and/or a printed bar code. A die cut notch at the end of the metal strap is used to engage with two interlocking D-shaped rings, located inside the ball, to form a functional security lock. The ball itself is slotted to provide visible proof to the user that the seal is locked.

You advise that TydenBrammall uses identical materials and components in the manufacture of both the Tyden Standard Ball Seal and the Tyden Rolled-Edge Ball Seal. The manufacturing processes for the two products are also identical, with the exception that the Rolled-Edge Ball Seal requires the additional step of having its edges rolled under at the end of the U.S. processing. The ball seals are assembled from five components. You advise that the seals’ three major components are produced in the United States from U.S. materials. The other two components are sourced in China.

To produce the U.S.-origin components, TydenBrammall purchases rolls of coiled steel from a U.S. steel producer. You note that highly trained operators and maintenance die technicians load the steel coils onto two computer-controlled presses and dies at TydenBrammall's U.S. facility. The presses and dies are used to stamp the strap, ball seal top cap, and ball seal bottom cap from the coiled steel into specific sizes and subject to precise tolerances. You assert that the U.S.-origin components have no other use other than as components of the finished ball seals due to their specific shapes, sizes, and tolerances.

Next, the three U.S.-origin components are shipped to China for a simple assembly process. You state that in China, unskilled laborers manually assemble two Chinese-origin "D" shaped locking rings with the U.S.-origin strap. After the rings are attached to the strap, the top and bottom caps are manually attached using a small hand press that seals the caps together by slightly bending the top cap around the bottom cap.

The assembled ball seals are then returned to TydenBrammall's U.S. facility where they are stored until ordered by specific end-customers. When a customer places an order, assembled seals are removed from storage and placed on a machine that die cuts a notch into the "male" end of the strap. You explain that the notch, like the teeth on a key, makes the seal a functional security lock. You also advise that prior to the die cutting of the notch, the seal is not functional. The same machine used to die cut the notch also embosses and/or inkjet prints a unique serial number and/or bar code onto the strap of the seal. The operator of the machine then bundles the ball seals in sequential numbered order in groups of 100 seals.

ISSUE:

What is the country of origin of the assembled ball seals for purposes of U.S. Government procurement?

LAW AND ANALYSIS:

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

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

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

See also, 19 C.F.R. § 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with the Federal Procurement Regulations. See 19 C.F.R. § 177.21. In this regard, CBP recognizes that the Federal Procurement Regulations restrict the U.S. Government's purchase of products to

U.S.-made or designated country end products for acquisitions subject to the TAA. See 48 C.F.R. § 25.403(c)(1). The Federal Procurement Regulations define “U.S.-made end product” as:

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

48 C.F.R. § 25.003

In determining whether the combining of parts or materials constitutes a substantial transformation, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *Belcrest Linens v. United States*, 6 Ct. Int'l Trade 204, 573 F. Supp. 1149 (1983), *aff'd*, 741 F.2d 1368 (Fed. Cir. 1984). If the manufacturing or combining process is a minor one which leaves the identity of the imported article intact, a substantial transformation has not occurred. *Uniroyal, Inc. v. United States*, 3 Ct. Int'l Trade 220, 542 F. Supp. 1026 (1982). In *Uniroyal*, the court determined that a substantial transformation did not occur when an imported footwear upper, the essence of the finished article, was combined with a domestically produced outsole to form a shoe. See *id.* Assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation. See C.S.D. 80–111, C.S.D. 85–25, and C.S.D. 90–97.

In order to determine whether a substantial transformation occurs when components of various origins are assembled to form completed articles, CBP considers the totality of the circumstances and makes such decisions on a case-by-case basis. The country of origin of the article's components, the extent of the processing that occurs within a given country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, facts such as resources expended on product design and development, extent and nature of post-assembly inspection procedures, and worker skill required during the actual manufacturing process will be considered when analyzing whether a substantial transformation has occurred; however, no one such factor is determinative.

CBP has considered a number of different scenarios involving the assembly of locking apparatus. In Headquarters Ruling Letter (“HRL”) 734440, dated March 30, 1992, CBP found that a lock apparatus was substantially transformed in the United States as a result of combining it with pieces manufactured in the United States. In rendering the country of origin marking decision, CBP noted that the predominant expense of the assembled lock was from the parts produced in the United States, which required extensive manufacturing and development. By contrast, the imported piece was a generic mechanism that was inserted into the U.S. piece.

In another country of origin marking case, HRL 734923, dated May 14, 1993, CBP determined that imported components of a door lockset, the rosettes and parts of the latch, were substantially transformed when they were assembled together with significant U.S. components in the United States to make the finished door lockset. CBP found the manufacture of the rosettes in China to be relatively simple and that it did not require a great

deal of precision as compared to the manufacture of the other components in the United States, which required significant precision and substantial machinery and tooling.

In HRL 735133, dated May 5, 1994, CBP held that imported lock parts and assemblies were not substantially transformed when assembled in the United States with a U.S.-origin coverplate screw. CBP noted that most of the cost in making the finished lock was attributable to operations performed in Taiwan and that the production in the United States was a simple manual assembly operation of basically finished parts.

Most recently, in HRL W563587, dated February 8, 2007, CBP issued another government procurement final determination to TydenBrammall concerning bolt container seals and cable seals. In HRL W563587, CBP considered two different manufacturing scenarios for each of the two products: one where the seals were assembled in the United States from imported components and another where the seals were assembled in the United States from imported components and a U.S.-origin lock body. In each instance, the U.S. operations involved the simple assembly of only four or five parts. The production of the bolt container seal involved the assembly of four parts to form a lock body assembly and the packaging of the assembly with a finished bolt shank of Chinese-origin. CBP found that packaging the bolt shank with the assembly did not substantially transform the bolt shank. Thus, the bolt shank retained its Chinese origin under both manufacturing scenarios, and the country of origin of the lock body assembly was determined separately. Where the products were produced entirely from foreign components, CBP found the U.S. assembly operations insufficient to substantially transform the foreign components into products of the United States. After finding that the Chinese-origin lock bodies imparted the essential character of both the cable seal and the lock body assembly, CBP determined that their country of origin was China. Where U.S. lock bodies were used, CBP determined that the country of origin of the cable seal and the lock body assembly was the United States. In reaching this determination, CBP noted that the U.S.-origin parts and the U.S. labor accounted for most of the cost of making the seals.

In the instant case, the major components of the ball seals are stamped in the United States from U.S.-origin steel to precise sizes and tolerances by skilled technicians using relatively sophisticated machinery. Next, the three U.S.-origin components are shipped to China where unskilled workers perform a simple manual assembly of the three components with two minor Chinese-origin components. The seals are then returned to the United States where notches are die cut into the straps to make the products functional locking mechanisms. We find that the U.S.-origin components impart the essential character to the assembled seals. Based on our previous rulings and the facts presented in the instant case, we also find that the operations performed in China are not complex or meaningful. The Chinese operations are simple assembly operations that involve a small number of components and do not appear to require a considerable amount of time, skill, or attention to detail. As such, the assembled ball seals, upon importation to the United States, will not be considered to be products of China.

HOLDING:

Based on the facts provided, the U.S.-origin components impart the essential character to the assembled ball seals. The operations performed in China do not result in a substantial transformation of the U.S.-origin com-

ponents. As such, the assembled ball seals, upon importation to the United States, will not be considered to be products of China.

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

MYLES B. HARMON,
*Acting Executive Director,
Office of Regulations and Rulings,
Office of International Trade.*

[Published in the Federal Register, February 13, 2008 (73 FR 8339)]

APPROVAL OF ALTOL PETROLEUM PRODUCT SERVICE, AS A COMMERCIAL GAUGER

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

ACTION: Notice of approval of Altol Petroleum Product Service, as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, Altol Petroleum Product Service, Calle Gregorio Ledesma HN-55 Urb. Levittown, Toa Baja, PR 00949, has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquires regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The approval of Altol Petroleum Product Service, as commercial gauger became effective on July 16, 2007. The next triennial inspection date will be scheduled for July 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Ser-

vices, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 14, 2008 (73 FR 8708)]

ACCREDITATION AND APPROVAL OF AMSPEC SERVICES LLC, AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of Amspec Services LLC, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Amspec Services LLC, 1818 A Federal Road, Galena Park, TX 77015, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of Amspec Services LLC, as commercial gauger and laboratory became effective on April 10, 2007. The next triennial inspection date will be scheduled for April 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Ser-

vices, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 14, 2008 (73 FR 8707)]

ACCREDITATION AND APPROVAL OF SGS NORTH AMERICA, INC., AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, SGS North America, Inc., 16642A Jacintoport Blvd, Houston, TX 77015, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of SGS North America, Inc., as commercial gauger and laboratory became effective on May 17, 2007. The next triennial inspection date will be scheduled for May 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Ser-

vices, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 14, 2008 (73 FR 8708)]

**ACCREDITATION AND APPROVAL OF ROBINSON
INTERNATIONAL (USA) INC., AS A COMMERCIAL GAUGER
AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Robinson International (USA) Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Robinson International (USA) Inc., 4400 S. Wayside Drive, Suite 107, Houston, TX 77207, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/

DATES: The accreditation and approval of Robinson International (USA) Inc., as commercial gauger and laboratory became effective on May 09, 2007. The next triennial inspection date will be scheduled for May 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific

Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: January 31, 2008

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 14, 2008 (73 FR 8707)]

**NOTICE OF ISSUANCE OF FINAL DETERMINATION
CONCERNING MILITARY-GRADE FLASHLIGHT AND
REPLACEMENT PART**

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that the Bureau of Customs and Border Protection (CBP) has issued a final determination concerning the country of origin of certain military-grade flashlights and their replacement parts to be offered to the United States Government under an undesignated government procurement contract. Based on the facts presented, the final determination found that the United States is the country of origin of both the subject flashlights and their replacement parts for purposes of U.S. Government procurement.

DATE: The final determination was issued on February 5, 2008. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within 30 days of February 11, 2008.

FOR FURTHER INFORMATION CONTACT: Holly Files, Valuation and Special Programs Branch, Regulations and Rulings, Office of International Trade (202-572-8740).

SUPPLEMENTARY INFORMATION: Notice is hereby given that on February 5, 2008, pursuant to subpart B of part 177, Customs Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of certain military-grade flashlights and their replacement parts to be offered to the United States Government under an undesignated government procurement contract. The CBP ruling number is H017620. This final determination was issued at the request of Energizer Battery, Inc. under procedures set forth at 19 CFR part 177, subpart B, which imple-

ments Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. §§ 2511–18).

The final determination concluded that, based upon the facts presented, assembly in the United States of various foreign-origin components with a U.S.-origin light emitting diode (LED) substantially transforms both the subject flashlight and its replacement part into products of the United States. Therefore, the country of origin of both the military-grade flashlight and the replacement part is the United States for purposes of U.S. Government procurement.

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

Dated: February 5, 2008

MYLES B. HARMON,
Acting Executive Director,
Office of Regulations and Rulings,
Office of International Trade.

[Published in the Federal Register, February 11, 2008 (73 FR 7752)]

DEPARTMENT OF HOMELAND SECURITY,
U.S. CUSTOMS AND BORDER PROTECTION,

HQ H017620
February 5, 2008
MAR-02 OT:RR:CTF:VS H017620 HEF
CATEGORY: Marking

MR. STEVEN P. SONNENBERG
SONNENBERG & ANDERSON
300 South Wacker Drive, 12th Floor
Chicago, Illinois 60606

RE: U.S. Government Procurement; Final Determination; Country of origin of a flashlight and replacement part; 19 C.F.R. Part 177

DEAR MR. SONNENBERG:

This is in response to your letter dated September 13, 2007, requesting a final determination on behalf of Energizer Battery, Inc. (“Energizer”), pursuant to subpart B of Part 177, Customs and Border Protection (“CBP”) Regulations (19 C.F.R. § 177.21 *et seq.*). Under these regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (codified at 19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations on whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of

certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of a military-grade flashlight and replacement part. We note that Energizer is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination. Confidential treatment for certain business information identified in your request for a final determination will be extended in accordance with your request. Photographs of the flashlight and the replacement part, at various stages of manufacture, were submitted with your request.

FACTS:

You advise that Energizer intends to sell the subject flashlight to consumers and to the U.S. military. A subcomponent of the flashlight, the lens head subassembly, may be sold separately as a replacement part for the subject flashlights. You indicate that the flashlight has many features that render it suitable for military use. The flashlight provides long-lasting light emitting diode (“LED”) lighting and infrared lighting, the latter of which is invisible to the naked eye. It has a heavy-duty design and can withstand the impact of being dropped twenty or more feet. In addition, it can also be clipped to a standard issue military vest.

Both the subject military flashlight and the replacement lens head subassembly are manufactured in the United States from U.S. and foreign-origin components. The following operations occur within the United States:

Assembly of Lens Head Subassembly

1. The LED is manufactured to Energizer’s specifications by a third party in the United States.
2. The LED is mounted to a foreign-origin “hex board” by another third party in the United States and shipped to an Energizer facility in Vermont.
3. A foreign-origin, partially assembled half lens and separate printed circuit board (“PCB”) are imported to Energizer’s Vermont facility. At the facility, the LED/hex board subassembly is mounted to a heat sink on the half lens with the use of two small screws.
4. Wires are spot soldered to the positive and negative terminals of the LED.
5. The following foreign-origin components are assembled together: a lens reflector, lens, and rubber gasket.
6. The resulting subassembly from step 5 is attached to the LED and half lens to form the lens head subassembly that will be used either in the flashlight or sold separately as a replacement part.
7. The lens head subassembly’s wiring, soldering, and physical connections are inspected.

Assembly of the Flashlight

1. If the lens head subassembly described above will be incorporated into a finished flashlight, its wires are routed through a foreign-origin plastic body or case to corresponding battery contacts.
2. Foreign-origin gaskets are attached for weatherproofing.
3. The second half of the body or case is attached with six screws.
4. Final testing is performed, which includes the use of devices capable of perceiving infrared light.

You explain that all final products undergo testing of their white, red, blue and infrared lights by the use of an infrared detection device. Manufacturing and inspection staff at the Vermont facility will use troubleshooting skills to identify and, if possible, correct any mechanical or electronic deficiencies revealed by the testing. In addition, you state that Energizer has expended significant resources in connection with the design exploration, development, detailing, and modeling of this product in the United States.

ISSUE:

What are the countries of origin of the flashlight and the replacement part for purposes of U.S. Government procurement?

LAW AND ANALYSIS:

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

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

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

See also, 19 C.F.R. § 177.22(a).

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

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

48 C.F.R. § 25.003

Therefore, the question presented in this final determination is whether, as a result of the operations performed in the United States, the flashlight and replacement part are substantially transformed into products of the United States.

In determining whether the combining of parts or materials constitutes a substantial transformation, the determinative issue is the extent of the operations performed and whether the parts lose their identity and become an

integral part of the new article. *Belcrest Linens v. United States*, 6 Ct. Int'l Trade 204, 573 F. Supp. 1149 (1983), *aff'd*, 741 F.2d 1368 (Fed. Cir. 1984). If the manufacturing or combining process is a minor one that leaves the identity of the imported article intact, a substantial transformation has not occurred. *Uniroyal, Inc. v. United States*, 3 Ct. Int'l Trade 220, 542 F. Supp. 1026 (1982). Assembly operations that are minimal or simple, as opposed to complex or meaningful, generally will not result in a substantial transformation. See C.S.D. 80-111, C.S.D. 85-25, C.S.D. 89-110, C.S.D. 89-118, C.S.D. 90-51, and C.S.D. 90-97.

In order to determine whether a substantial transformation occurs when components of various origins are assembled to form completed articles, CBP considers the totality of the circumstances and makes such decisions on a case-by-case basis. The country of origin of the article's components, the extent of the processing that occurs within a given country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, facts such as resources expended on product design and development, the extent and nature of post-assembly inspection procedures, and the worker skill required during the actual manufacturing process will be considered when analyzing whether a substantial transformation has occurred; however, no one such factor is determinative.

You assert that the U.S.-origin LED imparts the essential character to the flashlight and the replacement lens head subassembly. In addition to having a high monetary value relative to the other components, it generates the primary light in both products. The LED is manufactured to Energizer's specifications in order to provide certain desirable characteristics regarding the light's color, intensity, durability, coverage, and efficiency. You also note that the foreign-origin reflector is engineered to maximize these particular characteristics.

You claim that as a result of the manufacturing, assembly, and testing processes performed in the United States, the foreign-origin components undergo a substantial transformation such that both the flashlight and the replacement lens head subassembly become products of the United States for purposes of U.S. Government procurement.

In Headquarters Ruling Letter ("HRL") 563236, dated July 6, 2005, CBP examined whether multi-line telephone sets assembled in Mexico from parts of Mexican and foreign origin were products of Mexico for purposes of U.S. Government procurement. Among the foreign components imported into Mexico for the assembly of the telephone sets were printed circuit assemblies ("PCAs") from Malaysia. The handsets, liquid crystal displays, microphone assemblies, and stands incorporated into the telephones were of Mexican origin. In reaching a determination that the telephone sets were products of Mexico, CBP noted that the telephone sets were comprised of certain essential parts (such as the handsets) that were of Mexican origin. Moreover, many of the components lacked any functionality prior to their assembly within the telephone set.

In HRL 962528, dated February 18, 2000, CBP considered the eligibility of a rechargeable power failure light for duty free treatment under the Generalized System of Preferences. In that case, the power failure light was assembled in Thailand from various Thai and foreign origin components, in-

cluding a PCB assembled in Thailand. CBP found that the process of assembling various components into a PCB resulted in a substantial transformation of the imported components. Moreover, CBP found that the assembly of the PCB with a bulb holder assembly, a plug blade assembly, and the upper and lower housing assemblies to make the finished power failure light substantially transformed the PCB.

Based on the totality of the circumstances and consistent with the CBP rulings cited above, we find that the various imported components (individual parts and subassemblies) are substantially transformed as a result of the operations performed in the United States to produce both the replacement lens head subassembly and the finished flashlight. Under each manufacturing scenario, the imported components lose their individual identities and become an integral part of a new article possessing a new name, character, and use. In support of this conclusion, we agree that the U.S.-origin LED imparts the essential character to both the replacement part and the finished product, as it generates the primary light of both products. We also recognize that Energizer has expended significant resources in connection with the design and development of the subject flashlight in the United States. Moreover, the U.S.-origin LED and the labor performed in the United States during the assembly and testing operations represent a majority of the costs associated with the production of both the replacement lens head subassembly and the finished flashlight.

HOLDING:

Based upon the specific facts of this case, we find that the imported components of the flashlight and replacement lens head subassembly are substantially transformed as a result of the described manufacturing operations performed in the United States. The country of origin of the flashlight and the replacement lens head subassembly is the United States.

MYLES B. HARMON,
Acting Executive Director,
Office of Regulations and Rulings,
Office of International Trade.

DEPARTMENT OF HOMELAND SECURITY,
OFFICE OF THE COMMISSIONER OF CUSTOMS.
Washington, DC, February 13, 2008

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

SANDRA L. BELL,
*Executive Director,
Regulations and Rulings Office of Trade.*

GENERAL NOTICE

19 CFR PART 177

PROPOSED REVOCATION OF RULING LETTER RELATING TO
THE APPLICATION OF THE COASTWISE LAWS TO CERTAIN
INDIVIDUALS THAT ARE TRANSPORTED BETWEEN
COASTWISE POINTS FOR THE PURPOSE OF OBSERVING
VESSEL OPERATIONS

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

ACTION: Notice of proposed revocation of a headquarters ruling letter relating to the application of the coastwise laws to certain individuals that are transported between coastwise points for the purpose of observing vessel operations.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. § 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (“CBP”) intends to revoke one ruling letter relating to the application of the coastwise laws to certain individuals that are transported between coastwise points for the purpose of observing vessel operations. Comments are invited on the correctness of the intended actions.

DATE: Comments must be received on or before March 28, 2008.

ADDRESS: Written comments are to be addressed to U.S. Customs and Border Protection, Office of Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 1300 Pennsylvania Av-

enue, N.W., Mint Annex, Washington, D.C. 20229. Submitted comments may be inspected at U.S. Customs and Border Protection, 799 9th Street, N.W., Washington, D.C., during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Joseph Clark of the Trade and Commercial Regulations Branch at (202) 572–8768.

FOR FURTHER INFORMATION CONTACT: L. LaToya Burley, Cargo Security, Carriers, and Immigration Branch, at (202) 572–8793.

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 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 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that CBP intends to revoke one ruling letter relating to the application of the coastwise laws to certain individuals that are transported between coastwise points for the purpose of observing vessel operations. Although in this notice CBP is specifically referring to the revocation of Headquarters Ruling Letter (“HQ”) H004175 dated December 8, 2006 (Attachment A), this notice covers any rulings raising this issue 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.*, ruling letter, internal advice

memorandum or decision or protest review decision) subject to this notice should advise CBP during this notice period.

In HQ H004175, CBP held that a vessel line's shore side employees, specifically, terminal operations managers, were not considered passengers within the meaning of 46 U.S.C. § 55103 and 19 C.F.R. § 4.50(b) and therefore, the coastwise transportation of those employees was not in violation of 19 U.S.C. § 55103. Based on our review of HQ H004175, CBP now recognizes that the foregoing holding in HQ H004175 is contrary to CBP decisions interpreting 19 U.S.C. § 55103.

Pursuant to 19 U.S.C. 1625(c)(1), CBP intends to revoke HQ H004175 and any other ruling not specifically identified that is contrary to the determination set forth in this notice to correctly reflect CBP's position regarding the coastwise transportation of vessel line shore side employees for the purpose of observing vessel operations pursuant to the analysis set forth in proposed Headquarters Ruling Letter ("HQ") H019524 (Attachment B). Before taking this action, consideration will be given to any written comments timely received.

DATED: February 12, 2008

JEREMY BASKIN,
Acting Director;
Border Security and Trade Facilitation Division.

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY,
U.S. CUSTOMS AND BORDER PROTECTION,
HQ H004175
December 8, 2006
VES-3-02-RR:BSTC:CCI H004175 GOB
CATEGORY: Carriers

BRIAN PEACHER
MEARSK LINE
2500 Navy Way
Terminal Island, CA 90731

RE: Coastwise Transportation; 46 U.S.C. § 55103; 19 CFR § 4.50(b)

DEAR MR. PEACHER:

This letter is in response to your letter of December 7, 2006, with respect to the coastwise transportation of two individuals, scheduled to commence on December 10, 2006. Our ruling is set forth below.

FACTS:

You request that two individuals be permitted to transit with the MV SEALAND INTREPID from Los Angeles to Oakland during the period of December 10, 2006 through December 12, 2006.

You provide the following information:

We are writing to request written permission for Maersk Line to have company employees ride our Maersk Line vessels coastwise . . . to develop better safety practices and business processes between APL Terminals (Maersk owned companies) and Maersk Line. To achieve this, the company requests that the APMT assistant terminal operations managers spend time aboard the vessels to understand what the vessel crew's responsibilities are once the cargo has loaded and is in route to the next port. Amongst the responsibilities that are to be learned . . . are:

1. Lashing gear checks and proper stowage of lashing gear.
2. Cargo stowage and vessel stability.
3. Hazardous and reefer management.
4. Reefer QRR (Quality Reefer Reporting).
5. Importance of schedule integrity for bunker efficiency.
6. Discharge and load operations from vessel vantage point.

The employees will discuss with crew the challenges the terminals face when loading and discharging cargo and hear the vessels concerns and recommendations. The goal is for the APL Terminal group to build a better relationship with our vessels which will in turn improve terminal efficiency and communications.

ISSUE:

Whether the individuals are "passengers" within the meaning of 46 U.S.C. § 55103 and 19 CFR § 4.50(b)?

LAW AND ANALYSIS:

Generally, the coastwise laws prohibit the transportation of passengers or merchandise between points in the United States embraced within the coastwise laws in any vessel other than a vessel built in, documented under the laws of, and owned by citizens of the United States. Such a vessel, after it has obtained a coastwise endorsement from the U.S. Coast Guard, is said to be "coastwise qualified."

The coastwise laws generally apply to points in the territorial sea, which is defined as the belt, three nautical miles wide, seaward of the territorial sea baseline, and to points located in internal waters, landward of the territorial sea baseline.

The coastwise law applicable to the carriage of passengers is found in 46 U.S.C. § 55103 (recodified by Pub. L. 109-304, enacted on October 6, 2006) and provides that:

- (a) In General. Except as otherwise provided in this chapter or chapter 121 of this title, a vessel may not transport passengers between ports or places in the United States to which the coastwise laws apply, either directly or via a foreign port, unless the vessel-
 - (1) is wholly owned by citizens of the United States for purposes of engaging in the coastwise traffic; and
 - (2) has been issued a certificate of documentation with a coastwise endorsement under chapter 121 or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement.

(b) Penalty. The penalty for violating subsection (a) is \$300 for each passenger transported and landed.

Section 4.50(b), Customs Regulations (19 CFR § 4.50(b)) provides as follows:

A passenger within the meaning of this part is any person carried on a vessel who is not connected with the operation of such vessel, her navigation, ownership, or business.

You state that the subject individuals will be on the voyage in order to develop better safety practices and business processes between APM Terminals (Maersk owned companies) and Maersk Line. In this context, and in accordance with previous Headquarters rulings, workmen, technicians, or observers transported by vessel between ports of the United States are not classified as “passengers” within the meaning of 46 U.S.C. § 55103 and 19 CFR § 4.50(b), if they are required to be on board to contribute to the accomplishment of the operation or navigation of the vessel during the voyage or are on board because of a necessary vessel ownership or business interest during the voyage. HQ 101699, of November 5, 1975; see also HQ 116721, of September 25, 2006, quoting HQ 101699.

Thus, in the present case, to the extent that the individuals would be engaged in any shipboard activities while traveling on the foreign vessel between coastwise ports, that would be “directly and substantially” related to the operation or business of the vessel itself, as would be the case under the facts herein submitted, such individuals would not be considered to be passengers (see HQ 116721, supra; and see HQ 116659, of May 19, 2006, referencing the “direct and substantial” test). See also, e.g., Customs telex 104712, of July 21, 1980, finding that repairmen were not passengers when carried aboard a foreign vessel between U.S. ports “for [the] purpose of repairing vessel en route between such ports.”

Upon consideration of this matter, we find that the subject individuals are not “passengers” within the meaning of 46 U.S.C. § 55103 and 19 CFR § 4.50(b). Therefore, the coastwise transportation of such individuals is not in violation of 46 U.S.C. § 55103.

HOLDING:

The subject individuals are not “passengers” within the meaning of 46 U.S.C. § 55103 and 19 CFR § 4.50(b). Therefore, the coastwise transportation of such individuals is not in violation of 46 U.S.C. § 55103.

GLEN E. VEREB,
Chief,

Cargo Security, Carriers and Immigration Branch.

[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY.
U.S. CUSTOMS AND BORDER PROTECTION,
HQ H019524
VES-3-15 OT:RR:BSTC:CCI H019524 LLB
Category: Carriers

MR. BRIAN PEACHER
MAERSK LINE
2500 Navy Way
Terminal Island, California 90731

RE: Coastwise transportation; 46 U.S.C. § 55103; 19 C.F.R. § 4.50(b); revocation of HQ H004175 (Dec. 8, 2006).

DEAR MR. PEACHER:

On December 8, 2006, U.S. Customs and Border Protection (“CBP”) issued Headquarters Ruling (“HQ”) H004175 to you. In HQ H004175, CBP held, the vessel line’s shore side employees, specifically, two terminal operations managers, were not passengers within the meaning of 46 U.S.C. § 55103 and 19 C.F.R. § 4.50(b), and therefore, their coastwise transportation was not in violation of 19 U.S.C. § 55103. We have recently recognized that the foregoing holding in HQ H004175 is contrary to CBP decisions which interpret 46 U.S.C. § 55103 and 19 C.F.R. § 4.50(b). Consequently, this ruling, HQ H019524, revokes HQ H004175, and provides a decision consistent with current CBP decisions.

FACTS

The pertinent facts you provided in H004175 are as follows.

We are writing to request written permission for Maersk Line to have company employees ride our Maersk Line vessels coastwise . . . *to develop better safety practices and business processes between APL Terminals (Maersk owned companies) and Maersk Line.* To achieve this, the company requests that the APMT assistant terminal operations managers spend time aboard the vessels *to understand what the vessel crew’s responsibilities are once the cargo has loaded and is in route to the next port.* Amongst the responsibilities that are to be learned . . . are:

1. Lashing gear checks and proper stowage of lashing gear.
2. Cargo stowage and vessel stability.
3. Hazardous and reefer management.
4. Reefer QRR (Quality Reefer Reporting).
5. Importance of schedule integrity for bunker efficiency.
6. Discharge and load operations from vessel vantage point.

The employees will discuss with crew the challenges the terminals face when loading and discharging cargo and hear the vessels concerns and recommendations. The goal is for the *APL Terminal group to build a better relationship with our vessels* which will in turn improve terminal efficiency and communications.

Under the foregoing scenario, CBP held in HQ H004175, that the foregoing shore side employees were not passengers within the meaning of 46 U.S.C. § 55103 and 19 C.F.R. § 4.50(b). As explained in the “Law and

Analysis” section of this ruling, this holding is inapposite to CBP decisions interpreting 46 U.S.C. § 55103 and 19 C.F.R. § 4.50(b).

ISSUE

Whether the shore side employees, e.g. terminal operations managers, described above are “passengers” within the meaning of 46 U.S.C. § 55103 and 19 C.F.R. § 4.50(b).

LAW AND ANALYSIS

Generally, the coastwise laws prohibit the transportation of passengers or merchandise between points in the United States embraced within the coastwise laws in any vessel other than a vessel built in, documented under the laws of, and owned by citizens of the United States. Such a vessel, after it has obtained a coastwise endorsement from the U.S. Coast Guard, is said to be “coastwise qualified.”

The coastwise laws generally apply to points in the territorial sea, which is defined as the belt, three nautical miles wide, seaward of the territorial sea baseline, and to points located in internal waters, landward of the territorial sea baseline. See 33 C.F.R. § 2.22(a)(2)(2007). The coastwise law applicable to the carriage of passengers is found in 46 U.S.C. § 55103¹ which provides:

(a) In General. Except as otherwise provided in this chapter or chapter 121 of this title, a vessel may not transport passengers between ports or places in the United States to which the coastwise laws apply, either directly or via a foreign port, unless the vessel-

- (1) is wholly owned by citizens of the United States for purposes of engaging in coastwise traffic;
- (2) has been issued a certificate of documentation with a coastwise endorsement under chapter 121 or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement.

(b) Penalty. The penalty for violating subsection (a) is \$300 for each passenger transported and landed.

The Customs and Border Protection (“CBP”) Regulations, promulgated under the authority of 46 U.S.C. § 55103, provide:

A passenger within the meaning of this part is any person carried on a vessel who is not connected with the operation of the vessel, her navigation, ownership, or business.

19 C.F.R. § 4.50(b).

The subject of this revocation is whether the terminal operations manager, a shore side employee, is considered a passenger, e.g. connected with the operation of the vessel, her navigation, ownership, or business, when transported between two coastwise points. CBP, in precise concert with the protectionist nature of 19 U.S.C. § 55103, imposed a circumscribed construction as to the meaning of the term “passenger” under the U.S. coastwise trade laws. Under this strict interpretation of the term “passenger,” persons transported on a vessel are considered passengers unless they

¹Recodified by Pub. L. 109–304, enacted on October 6, 2006.

are “directly and substantially” connected with the operation, navigation, ownership or business of *that vessel itself*. See Cust. Bull., Vol. 36, No. 23, p. 50 (June 5, 2002) (emphasis added).

Consistent with CBP’s interpretation of the term passenger in the foregoing June 5, 2002, notice, we have held that certain shore side employees transported for the purpose of observing or familiarizing themselves with onboard operations are passengers. In HQ H008510 (Mar. 22, 2007) and HQ H008513 (Mar. 23, 2007), CBP held that shipping agency trainees transported aboard a vessel “to observ[e] daily life on a vessel and gain[] better insight about what their colleagues [that] work[] on a vessel actually do” or “observe what goes on during a vessel’s voyage” were passengers within the meaning of 46 U.S.C. § 55103 insofar as the trainees were not “directly and substantially”² connected with the operation, navigation, ownership or business of the vessel itself.³ See also, e.g., HQ H010696 (May 9, 2007) and HQ H010662 (May 9, 2007) (shipping agencies’ human resources manager and ship broker’s trainee); HQ H013452 (June 29, 2007) (stevedore); HQ H013701 (July 10, 2007) (customer service auditors and sales representatives); H0118186 (Oct. 11, 2007) (shoreside operations assistant).

Similarly, in the present case, you propose to transport a terminal operations manager to “understand what the vessel crew’s responsibilities are once the cargo has loaded and is in route to the next port” and for “APL Terminal group to build a better relationship with [y]our vessels.” Although familiarizing a terminal operations manager with vessel operations may foster the business of the shipping company, it does not connect this individual directly and substantially with the business of the vessel *itself*. To the extent that the subject individual would not have been engaged in any shipboard activities while traveling on the foreign vessel between coastwise ports, that would be “directly and substantially” related to the operation, navigation, or business of the vessel itself, such individual would be considered a passenger within the meaning of 46 U.S.C. § 55103 and 19 C.F.R. § 4.50(b).

HOLDING

The terminal operations manager is a “passenger” within the meaning of 46 U.S.C. § 55103 and 19 C.F.R. § 4.50(b). Therefore, the coastwise transportation of that individual would be in violation of 46 U.S.C. § 55103.

EFFECT ON OTHER RULINGS

HQ H004175, dated December 8, 2006, is hereby revoked.

JEREMY BASKIN,
Acting Director,
Border Security and Trade Compliance Division.

²See HQ 116721, *supra*; and see HQ 116659 (May 19, 2006) (referencing the “direct and substantial” test).

³We note that rulings HQ H008510 and H008513 were issued to Maersk Deutschland and Maersk South Africa, respectively and may be obtained at www.cbp.gov.

GENERAL NOTICE

19 CFR PART 177

MODIFICATION OF RULING LETTER AND REVOCATION OF TREATMENT RELATING TO THE RATE OF DUTY AND COUNTRY OF ORIGIN MARKING OF A SUGAR AND GELATIN BLEND

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

ACTION: Notice of modification of a ruling letter and revocation of treatment relating to the tariff classification, rate of duty and country of origin marking of a sugar and gelatin blend.

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 the Bureau of Customs and Border Protection (“CBP”) is modifying a ruling letter pertaining to the tariff classification under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA), rate of duty, and country of origin, of a sugar and gelatin blend and is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin* on June 7, 2006. One comment was received in response to this notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after April 27, 2008.

FOR FURTHER INFORMATION CONTACT: Kelly Herman, Tariff Classification and Marking Branch, Commercial and Trade Facilitation Division, Regulations and Rulings, at (202) 572–8713.

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 CBP 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 CBP 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, a notice was published on June 7, 2006, in the *Customs Bulletin*, Vol. 40, No. 24, proposing to modify NY K80306, dated November 5, 2003. This ruling pertained to the tariff classification, rate of duty and country of origin marking of a sugar and gelatin blend. One comment was received in response to this notice.

As stated in the proposed notice, this modification will cover any rulings on this merchandise which 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 comment 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 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 their agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY K80306, dated November 5, 2003, CBP found that a sugar and gelatin blend was classified in subheading 2106.90.5870, HTSUSA, as "[f]ood preparations not elsewhere specified or included: [o]ther: [o]ther: [o]f gelatin: [o]ther: [c]ontaining sugar derived from sugar cane or sugar beets." NY K80306 found that the sugar and gelatin blend qualified under the North American Free Trade Agreement ("NAFTA") for a column one, special rate of duty. NY K80306 also determined that, pursuant to the NAFTA Marking Rules, the sugar and gelatin blend was a product of the United States and exempt from country of origin marking.

CBP has reviewed the matter and determined that although the classification and country of origin determinations were correct, the sugar and gelatin blend does not qualify for duty free treatment pursuant to NAFTA. Pursuant to a "substantial transformation" analy-

sis, the country of origin under Part 134 of the CBP Regulations (19 CFR Part 134) is the United States and the sugar and gelatin blend is exempt from country of origin marking.

Pursuant to 19 U.S.C. 1625(c)(1), CBP is modifying NY K80306, and any other ruling not specifically identified, to reflect the proper classification and country of origin marking of the merchandise pursuant to the analysis set forth in Headquarters Ruling Letter (HQ) W967896, as set forth in the Attachment to this document. Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

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

Dated: February 5, 2008

Gail A. Hamill, for MYLES B. HARMON,
Director,
Commercial and Trade Facilitation Division.

Attachment

DEPARTMENT OF HOMELAND SECURITY,
U.S. CUSTOMS AND BORDER PROTECTION,
HQ W967896
February 5, 2008
CLA-2 OT: RR:CTF:TCM W967896 KSH
CATEGORY: Classification
TARIFF NO.: 2106.90.5870

MS. SHIRLEY COFFIELD,
COFFIELDLAW
666 Eleventh Street, NW
Suite 315
Washington, D.C. 20001

RE: Modification of NY K80306; Sugar and Gelatin Blend

DEAR MS. COFFIELD:

This is in reference to New York Ruling Letter (NY) K80306, issued to you, on behalf of your client Streamline Foods, Inc., by Customs and Border Protection ("CBP"), on November 5, 2003. That ruling concerned the classification and duty rate under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) and country of origin of sugar and gelatin blended in a Foreign Trade Zone ("FTZ"). In NY K80306, we determined that the sugar and gelatin blended in a FTZ was entitled to a free rate of duty pursuant to the North American Free Trade Agreement ("NAFTA"). Further, NY K80306 determined that pursuant to the NAFTA country of origin marking rules, the country of origin of the sugar and gelatin blend was the United States. Therefore, the sugar and gelatin blend was exempt from country of origin marking. We have reviewed NY K80306 and determined

that the sugar and gelatin blend is not entitled to preferential tariff treatment under NAFTA and that the country of origin for marking purposes should not have been determined under the NAFTA marking rules. This ruling sets forth the correct classification and country of origin marking analysis for the sugar and gelatin blend.

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), a notice was published on June 7, 2006, in Vol. 40, No. 24 of the *Customs Bulletin*, proposing to modify NY K80306. One comment was received in response to this notice.

FACTS:

NY K80306 concerned a sugar and gelatin blend. The goods were described as a blend of 94% sugar and 6% gelatin. The sample of the product was of a fine granulation with the sugar and gelatin particles virtually indistinguishable. NY K80306 stated that the sugar used to create the blend would be imported from Brazil, Australia or another non-NAFTA country. You now report that sugar is no longer being imported from Australia, but is being imported directly from Costa Rica, Guatemala or other countries eligible for treatment under the Generalized System of Preferences (“GSP”) or the Caribbean Basin Economic Recovery Act (“CBERA”). In NY K80306, you indicated that the gelatin used to make the blend may be a product of the United States or Brazil.

The sugar and gelatin are imported directly into a FTZ in Toledo, Ohio, where they are blended. After leaving the FTZ, the sugar and gelatin blend is used by food processors, who will add flavoring, coloring, preservatives, salt, and sodium citrate to make a gelatin dessert mix for retail sale. The sugar and gelatin blend was classified in subheading 2106.90.5870, HTSUSA, which provides for “[f]ood preparations not elsewhere specified or included: [o]ther: [o]ther: [o]f gelatin: [o]ther: [c]ontaining sugar derived from sugar cane or sugar beets.”

NY K80306 also determined that the non-originating materials used to make the sugar and gelatin blend underwent a change in tariff classification provided under HTSUSA General Note 12(t)/21.14, and were entitled to a free rate of duty. NY K80306 used Part 102, CBP Regulations, (19 CFR Part 102) to apply the NAFTA marking rules to determine that the sugar and gelatin blend was not subject to country of origin marking requirements.

ISSUES:

What are the country of origin marking requirements of the sugar and gelatin blend upon leaving a Foreign Trade Zone?

LAW AND ANALYSIS:

The country of origin marking requirements for a “good of a NAFTA country” are determined in accordance with Annex 311 of the NAFTA, as implemented by section 207 of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat 2057) (December 8, 1993) and the appropriate CBP Regulations. The Marking Rules used for determining whether a good is a good of a NAFTA country are contained in Part 102, CBP Regulations. The marking requirements of these goods are set forth in Part 134, CBP Regulations.

NY K80306 involved sugar which could be a product of Brazil, Australia, or another non-NAFTA country and gelatin which could be a product of the

United States or Brazil. Your client is no longer importing sugar from Australia, only from Costa Rica, Guatemala or other GSP or CBERA eligible countries. The products are processed in a FTZ in Toledo, Ohio. In NY K80306, CBP used the NAFTA provisions to determine the country of origin and duty rate of the sugar and gelatin blend. However, since none of the sugar or gelatin is from Canada or Mexico, and the processing is performed in a FTZ in the United States, NAFTA is not applicable. Therefore, NY K80306 incorrectly applied a NAFTA analysis and must be modified.

One comment was received which believed that the NAFTA marking rules should still be applied in this instance. The commenter argues that whenever any production or processing occurs in North America the NAFTA marking rules should first be consulted to determine the country of origin of the article. Only after the analysis under NAFTA, if the article is determined not to be a good of a NAFTA country may the substantial transformation analysis be applied. We disagree. Since there are no materials from, nor any processing in, Canada or Mexico, the NAFTA marking rules of 19 CFR Part 102 do not apply. Further, pursuant to 19 U.S.C. § 3332(a)(2), the NAFTA tariff shift rules do not apply to a good produced in a foreign trade zone. Therefore, in this situation only the substantial transformation analysis is applicable.

The commenter is also concerned that this modification should not affect sugar and gelatin blends and other products which are made in Canada and Mexico and imported into the United States. Those facts would be significantly different from the instant facts and therefore any determination in that regard would require a separate analysis.

Section 304 of the Tariff Act of 1930 (19 U.S.C. §1304), provides that, unless excepted, every article of foreign origin imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or its container) will permit, in such a manner as to indicate to the ultimate purchaser in the United States the English name of the country of origin of the article. 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. Friedlander & Co.*, 27 C.C.P.A. 297 at 302 (1940).

Part 134, CBP Regulations (19 CFR Part 134), implements the country of origin marking requirements and the exceptions of 19 U.S.C. §1304. Section 134.1(b), CBP Regulations (19 CFR 134.1(b)), defines "country of origin" as the country of manufacture, production or growth of any article of foreign origin entering the United States. Further work or material added to an article in another country must effect a substantial transformation in order to render such other country the "country of origin" within the meaning of the marking laws and regulations. The case of *United States v. Gibson-Thomsen Co., Inc.*, 27 C.C.P.A. 267 (C.A.D. 98)(1940), provides that an article used in manufacture which results in an article having a name, character, or use differing from that of the constituent article will be considered substantially transformed and, as a result, the manufacturer or processor will be considered the ultimate purchaser of the constituent materials. In such circum-

stances, the imported article is excepted from marking and only the outermost container is required to be marked. *See*, 19 CFR 134.35(a).

In the instant situation, the foreign sugar is admitted into a FTZ where it is blended with either domestic or foreign gelatin. The ratio of the blend is 94 percent sugar and 6 percent gelatin and once blended, the sugar and gelatin particles are virtually indistinguishable. The Court of International Trade recently decided that the blending of sugar and gelatin together changed the character of the initial ingredients. *See Arbor Foods, Inc. v. United States*, Slip Op. 06-74 (CIT May 17, 2006). Although this decision only determined the classification of the 98% sugar and 2% gelatin blend, not the country of origin, it clearly stated that characteristics of the blend were different than that of the component parts. The court stated “that the characteristics of this blend impart it with a different functionality from that of pure sugar.” *Id.*, Slip Op. at 8. Therefore, the court determined that the blend was a different product, a food preparation. *See also*, HQ 559259 (December 6, 1995) and NY C81089 (December 2, 1997).

Since blending the sugar and the gelatin creates a new product, a food preparation, this satisfies the substantial transformation requirement of 19 CFR 134.35(a) of having a new “name, character or use”. Thus, since there is a substantial transformation of the component ingredients, the country of origin of the sugar and gelatin blend is the country where the blending process occurred. CBP previously issued you two rulings determining under the traditional substantial transformation analysis that the sugar and gelatin blend underwent a change in name, character or use and, therefore, was substantially transformed and the country of origin of the blend was the country where the blending process occurred. This was true even though the processing occurred in a FTZ. *See* NY L82489 (February 23, 2005) and NY L83843 (April 29, 2005). These rulings correctly used a “substantial transformation” analysis to determine that the classification of the sugar and gelatin blend was under subheading 2106.90.5870, HTSUSA, and the country of origin for marking purposes was the United States. Therefore, since in the instant case the sugar and gelatin are blended in the FTZ located in the United States, we find the instant sugar and gelatin are substantially transformed in the FTZ and the country of origin of the sugar and gelatin blend is the United States.

The court in *Arbor Foods* also addressed the issue of classification at the subheading level of heading 2106, HTSUSA. The court considered the percentage of gelatin in the blend and held that the need to add additional gelatin or other thickeners/stabilizers to make the final product determined that the essential character of the blend was as a sweetener. The court stated that “the need to add further gelatin to the majority of products demonstrates that the primary purpose of the blend is its sweetening function. . . . Furthermore, the undisputed facts also show that gelatin is not the ingredient of chief value and does not comprise the majority of the ingredients in the blend. . . . Accordingly, because the gelatin is not the essential ingredient, the ingredient of chief value, or the preponderant ingredient, the subject blend is not classifiable as a food preparation of gelatin.” *Arbor Foods*, Slip Op. at 14.

In the instant case, Streamline’s gelatin is at a significantly higher concentration, 6% compared to 2%, and there is no need to add additional gelatin to make the product a gelatin dessert. Therefore, we find that in the instant case, pursuant to the analysis of *Arbor Foods*, the gelatin is the

essential ingredient and the sugar and gelatin blend is classifiable in subheading 2106.90.5870, HTSUSA, as a food preparation of gelatin.

The statute governing the creation and operation of FTZ's is the Foreign Trade Zones Act of 1934, as amended (48 Stat. 998; 19 U.S.C. 81a through 81u). Under 19 U.S.C. 81c(a), foreign and domestic merchandise of every description (except prohibited merchandise) may be brought into a FTZ without being subject to the United States customs laws and may there be, among other things, stored, mixed with foreign or domestic merchandise, or otherwise manipulated and be exported, destroyed, or sent into the United States customs territory. When foreign merchandise is so sent from a FTZ into United States customs territory, it is subject to the United States laws and regulations affecting imported merchandise. Articles of the United States and articles previously imported on which duty and/or tax has been paid, or which have been admitted free of duty and tax, may be taken into a FTZ from the United States customs territory, placed under the supervision of the appropriate CBP officer, and, whether or not they have been combined with or made part of other articles while in the FTZ, be brought back thereto free of quotas, duty, or tax. If the identity of such articles (*i.e.*, the "domestic status" articles described in the preceding sentence) has been lost, articles not entitled to free entry by reason of noncompliance with the requirements under the authority of this provision are treated as foreign merchandise if they reenter the customs territory. The CBP Regulations issued under the authority of this statute are found in 19 CFR Part 146.

Section 146.65(a)(2) of the CBP Regulations covering nonprivileged foreign merchandise states:

Nonprivileged foreign merchandise provided for in this section will be subject to tariff classification in accordance with its character, condition and quantity as constructively transferred to Customs territory at the time the entry or entry summary is filed with Customs.

This allows an enterprise operating within the FTZ to take advantage of favorable differentials in the tariff schedules between the rates of duty for foreign materials used in the manufacturing process in the FTZ and the duty rates for the finished articles. See HQ 556976 (June 9, 1994) (citing *Armco Steel Corp. v. Stans*, 431 F.2d 779 (2nd Cir. 1970)). CBP has held that when a nonprivileged good is substantially transformed in an FTZ, it becomes a product of the United States. See HQ 735399 (December 22, 1993) and C.S.D. 81-44 (August 4, 1980). Further, that product upon withdrawal from the FTZ for consumption in the United States is subject to the rate of duty of the finished product. See HQ 560102 (June 17, 1997), and HQ 967222 (September 3, 2004).

In the instant case, as discussed above, the sugar and gelatin are substantially transformed by the processing in the FTZ. Therefore, the country of origin of the sugar/gelatin blend is the United States. Upon withdrawal from the FTZ, the sugar/gelatin blend is subject to the duty and quota provisions applicable to a sugar/gelatin blend which is a product of the United States. Therefore, the sugar and gelatin blend is classified in subheading 2106.90.5870, as "[f]ood preparations not elsewhere specified or included: [o]ther: [o]ther: [o]f gelatin: [o]ther: [c]ontaining sugar derived from sugar cane or sugar beets." The sugar and gelatin blend will be a good of the United States for duty, quota and country of origin marking purposes. As such the sugar/gelatin blend is exempt from country of origin marking.

HOLDING:

In accordance with the above discussion, the sugar and gelatin entered into a FTZ in nonprivileged status and then blended, upon withdrawal from the FTZ is classified under subheading 2106.90.5870, as “[f]ood preparations not elsewhere specified or included: [o]ther: [o]ther: [o]f gelatin: [o]ther: [c]ontaining sugar derived from sugar cane or sugar beets.” The sugar and gelatin blend will be a good of the United States and is exempt from country of origin marking. The 2006 column one general rate of duty is 4.8% *ad valorem*.

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

EFFECT ON OTHER RULINGS:

NY K80306, dated November 5, 2003, is **modified**. In accordance with 19 U.S.C. § 1625(c), this ruling will become effective sixty (60) days after publication in the *Customs Bulletin*.

Gail A. Hamill for MYLES B. HARMON,
Director,
Commercial and Trade Facilitation Division.

