

Bureau of Customs and Border Protection

CBP Decisions

(CBP Dec. 05–28)

FOREIGN CURRENCIES

VARIANCES FROM QUARTERLY RATES FOR JULY, 2005

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, and reflect variances of 5 per centum or more from the quarterly rates published in CBP Decision 05–25 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Holiday(s): July 4, 2005

There were no variances from the quarterly rates for July 2005.

Dated: August 1, 2005

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

(CBP Dec. 05–29)

FOREIGN CURRENCIES

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

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

Holiday(s): July 4, 2005

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

European Union euro:

July 01, 2005	1.195700
July 02, 2005	1.195700
July 03, 2005	1.195700
July 04, 2005	1.195700
July 05, 2005	1.191700
July 06, 2005	1.191800
July 07, 2005	1.192800
July 08, 2005	1.193400
July 09, 2005	1.193400
July 10, 2005	1.193400
July 11, 2005	1.206600
July 12, 2005	1.220000
July 13, 2005	1.209000
July 14, 2005	1.208900
July 15, 2005	1.203700
July 16, 2005	1.203700
July 17, 2005	1.203700
July 18, 2005	1.207700
July 19, 2005	1.200100
July 20, 2005	1.204600
July 21, 2005	1.211300
July 22, 2005	1.207900
July 23, 2005	1.207900
July 24, 2005	1.207900
July 25, 2005	1.205400
July 26, 2005	1.200700
July 27, 2005	1.204800
July 28, 2005	1.212100
July 29, 2005	1.212900
July 30, 2005	1.212900
July 31, 2005	1.212900

South Korea won:

July 01, 2005	0.000968
July 02, 2005	0.000968
July 03, 2005	0.000968
July 04, 2005	0.000968
July 05, 2005	0.000952
July 06, 2005	0.000954
July 07, 2005	0.000951
July 08, 2005	0.000949
July 09, 2005	0.000949
July 10, 2005	0.000949
July 11, 2005	0.000961
July 12, 2005	0.000966
July 13, 2005	0.000962
July 14, 2005	0.000969
July 15, 2005	0.000963
July 16, 2005	0.000963
July 17, 2005	0.000963
July 18, 2005	0.000969
July 19, 2005	0.000958
July 20, 2005	0.000958

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

South Korea won: (continued):

July 21, 2005	0.000966
July 22, 2005	0.000982
July 23, 2005	0.000982
July 24, 2005	0.000982
July 25, 2005	0.000977
July 26, 2005	0.000971
July 27, 2005	0.000972
July 28, 2005	0.000973
July 29, 2005	0.000974
July 30, 2005	0.000974
July 31, 2005	0.000974

Taiwan N.T. dollar:

July 01, 2005	0.031606
July 02, 2005	0.031606
July 03, 2005	0.031606
July 04, 2005	0.031606
July 05, 2005	0.031299
July 06, 2005	0.031368
July 07, 2005	0.031240
July 08, 2005	0.031182
July 09, 2005	0.031182
July 10, 2005	0.031182
July 11, 2005	0.031319
July 12, 2005	0.031427
July 13, 2005	0.031368
July 14, 2005	0.031319
July 15, 2005	0.031299
July 16, 2005	0.031299
July 17, 2005	0.031299
July 18, 2005	0.031377
July 19, 2005	0.031250
July 20, 2005	0.031358
July 21, 2005	0.031309
July 22, 2005	0.031636
July 23, 2005	0.031636
July 24, 2005	0.031636
July 25, 2005	0.031526
July 26, 2005	0.031309
July 27, 2005	0.031338
July 28, 2005	0.031397
July 29, 2005	0.031328
July 30, 2005	0.031328
July 31, 2005	0.031328

Dated: August 1, 2005

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

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

(No. 6 2005)

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

SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of June 2005. The last notice was published in the CUSTOMS BULLETIN on June 29, 2005.

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

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

Dated: July 30, 2005

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

REC NUMBER	EFF DT	EXP DT	NAME OF COP, TMK, TMM OR MSK	OWNER NAME	RES
COP0500082	20050616	20150616	MARIO PARTY 5	NINTEENDO OF AMERICA	N
COP0500083	20050617	20250617	SWEET & SOUR SHRIMP	CONTESSA FOOD PRODUCTS INC.	N
COP0500084	20050617	20250617	STIR-FRY INTERNATIONAL VEGGIE	CONTESSA FOOD PRODUCTS INC.	N
COP0500085	20050617	20250617	STIR-FRY SHRIMP	CONTESSA FOOD PRODUCTS INC.	N
COP0500086	20050617	20250617	SHRIMP SCAMPI	CONTESSA FOOD PRODUCTS INC.	N
COP0500087	20050617	20250617	SHRIMP PRIMAVERA	CONTESSA FOOD PRODUCTS INC.	N
COP0500088	20050617	20250617	SHRIMP MEDITERRANEAN	CONTESSA FOOD PRODUCTS INC.	N
COP0500089	20050617	20250617	STIR-FRY CHICKEN	CONTESSA FOOD PRODUCTS INC.	N
COP0500090	20050617	20250617	MICROSOFT WINDOWS XP PROFESSIONAL	MICROSOFT CORPORATION	N
COP0500091	20050620	20250620	G MULLTY	CIELO CREATIONS, INC.	N
SUBTOTAL RECORDATION TYPE 10					
TMK0500533	20050602	20130603	DESIGN ONLY	MICROSOFT CORPORATION	N
TMK0500534	20050602	20130624	XBOX	GEORGIA INSTITUTE OF TECHNOLOGY	N
TMK0500535	20050602	20140731	YELLOW JACKETS	AWING CORPORATION	N
TMK0500536	20050607	20130720	LUNGFUNG (CN CHINESE CHARACTERS)	CHANA ENTERPRISES, INC.	N
TMK0500537	20050608	20121210	WELBOW & DESIGN (SQUARE PARTIALLY SHADED)	CHANG MIAN CHANG, PETER	N
TMK0500538	20050608	20130728	RECHA	CHB INC.	N
TMK0500539	20050608	20021223	RECTANGLE LINED FOR THE COLORS GREEN & GOLD	MISS ELAINE, INC.	N
TMK0500540	20050608	20131125	COLLETTE BY MISS ELAINE	MISS ELAINE, INC.	N
TMK0500541	20050608	20131125	SOFTKNIT	MISS ELAINE, INC.	N
TMK0500542	20050608	20151217	ENCHANTMATES	MISS ELAINE, INC.	N
TMK0500543	20050608	20121029	COLLETTE WOMAN BY MISS ELAINE	MISS ELAINE, INC.	N
TMK0500544	20050608	20090907	SILKYKNIT	MISS ELAINE, INC.	N
TMK0500545	20050608	20120924	SATIN SULTRESS	MISS ELAINE, INC.	N
TMK0500546	20050608	20060511	MISS ELAINE	MISS ELAINE, INC.	N
TMK0500547	20050608	20120107	MISS ELAINE AT HOME	MISS ELAINE, INC.	N
TMK0500548	20050608	20130312	MISS ELAINE	MISS ELAINE, INC.	N
TMK0500549	20050608	20151024	ME	MISS ELAINE, INC.	N
TMK0500550	20050608	20070224	CUDDLEKNIT	MISS ELAINE, INC.	N
TMK0500551	20050608	20080117	HEAVENLY BODIES	MISS ELAINE, INC.	N
TMK0500552	20050613	20141004	ZYTNIA	STAMSKI DISTRIBUTING CO., INC.	N
TMK0500553	20050613	20150224	CC MONOGRAM IN A CIRCLE	CHANEL, INC.	N
TMK0500554	20050613	20080512	SAILING BOAT BRAND	GUANGDONG CEREALS & OILS IMPORT	N
TMK0500555	20050614	20150418	DESIGN (HELMET)	PDB SPORTS LTD.	N
TMK0500556	20050614	20150822	TIGER WITH DESIGN	CHENG TUNG HANG INDUSTRIAL CO.	N
TMK0500557	20050614	20140413	WU FU YUAN	WALONG MARKETING, INC.	N
TMK0500558	20050614	20060604	COMRADE WITH DESIGN	MASTER SAUCE CO., LTD.	N
TMK0500559	20050614	20150905	AMERICAN EAGLE OUTFITTERS	RETAIL ROYALTY COMPANY	N
TMK0500560	20050614	20120219	RUBBA DUCKS (STYLIZED)	BOLDT ENTERTAINMENT INC.	N
TMK0500561	20050614	20130211	RUBBA DUCKS	BOLDT ENTERTAINMENT INC.	N
TMK0500562	20050616	20150412	CITIZENS OF HUMANITY	D.A.D.S. DENIM, INC.	N
TMK0500563	20050616	20150302	HORSeshOE DEVICE (STYLIZED)	ETIENNE ALIGNER, INC.	N
TMK0500564	20050617	20141130	AMERICAN EAGLE OUTFITTERS	RETAIL ROYALTY COMPANY	N
TMK0500565	20050620	20150225	AMERICAN EAGLE OUTFITTERS	RETAIL ROYALTY COMPANY	N
TMK0500566	20050620	20150225	DESIGN ONLY (THREE RING DESIGN)	MONTLANI SMPLO, CHBN	N
TMK0500567	20050620	20131105	XBOX	MICROSOFT CORPORATION	N
TMK0500568	20050620	20150419	NFL AND DESIGN	NATIONAL FOOTBALL LEAGUE	N

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IPR RECORDATIONS ADDED IN JUNE 2005

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DETAIL

REC NUMBER	EFF DT	EXP DT	NAME OF COP, TMK, TMM OR MSK	OWNER NAME	RES
TMK0500569	20050620	20061119	HDCC AND DESIGN	MICROSOFT CORPORATION	N

SUBTOTAL RECORDATION TYPE 37

TOTAL RECORDATIONS ADDED THIS MONTH 47

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

(No. 7 2005)

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

SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of July 2005. The last notice was published in the CUSTOMS BULLETIN on June 29, 2005.

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

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

Dated: August 10, 2005

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

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

08/01/2005
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REC NUMBER	EFF DT	EXP DT	NAME OF COP., TMK, TMM OR MSK	OWNER NAME	RES
COP0500092	20050707	20250707	BVLGARI 2004 OPHTHALMIC COLLECTION & SUNGLASS UPDATE	BULGARI S.P.A.	N
COP0500093	20050707	20250707	BVLGARI 2003 OPHTHALMIC COLLECTION & SUNGLASS UPDATE	BULGARI S.P.A.	N
COP0500094	20050711	20250711	MICROSOFT OFFICE PROFESSIONAL EDITION 2003	MICROSOFT CORPORATION	N
COP0500095	20050725	20250725	TOY LEAF BLOWER	LANARD TOYS LTD.	N
COP0500096	20050725	20250725	THE LEGEND OF ZELDA THE WIND MAKER	LANARD TOYS LTD.	N
COP0500097	20050725	20250725	THE LEGEND OF ZELDA THE WIND MAKER	LANARD TOYS LTD.	N
SUBTOTAL RECORDATION TYPE 6					
TKM0500070	20050706	20141130	3.5	AUTOMOTIVE RACING PRODUCTS INC.	N
TKM0500071	20050706	20140706	PS 2 PLAYSTATION 2	KABUSHIKI KAISHA SONY COMPUTER	N
TKM0500072	20050706	20130506	PLAYSTATION 2	KABUSHIKI KAISHA SONY COMPUTER	N
TKM0500073	20050707	20060625	230	HAYNES INTERNATIONAL INC.	N
TKM0500074	20050711	20090114	ANT FARM	UNCLE MILTON INDUSTRIES, INC.	N
TKM0500075	20050711	20131111	AL-FAKHER	HAMADE, MADINE	N
TKM0500076	20050711	20091121	DESIGN ONLY	NEW LINE PRODUCTIONS, INC.	N
TKM0500077	20050711	20110807	NIFE	SAFT AKTIEBOLAG	N
TKM0500078	20050711	20140208	HDCD	SAFT AKTIEBOLAG	N
TKM0500079	20050711	20150409	CHANEL & CC MONOGRAM WITH CIRCLE	CHICAGOSEF CORPORATION	N
TKM0500080	20050711	20150216	CASH MASK	CHICAGOSEF CORPORATION	N
TKM0500081	20050711	20120114	THE TMBERLAND	LOPNEY INC.	N
TKM0500082	20050711	20090116	NIFE AND SMOOSH DESIGN	LOPNEY INC.	N
TKM0500083	20050711	20150124	JUST DO IT	LOPNEY INC.	N
TKM0500084	20050711	20150305	SMOOSH DESIGN	LOPNEY INC.	N
TKM0500085	20050711	20120917	TOHMY	CANON KABUSHIKI KAISHA	N
TKM0500086	20050712	20120917	TOHMY HILFIGER	THE TMBERLAND COMPANY	N
TKM0500087	20050712	20071007	TOHMY HILFIGER	UNCLE MILTON INDUSTRIES, INC.	N
TKM0500088	20050712	20130107	FLAG	NIKE, INC.	N
TKM0500089	20050712	20070520	TYLER WENTWORTH	NIKE, INC.	N
TKM0500090	20050712	20110330	SMARTCARTON AND DESIGN	NIKE, INC.	N
TKM0500091	20050712	20140525	EVERFRESH PACKAGING AND DESIGN	NIKE, INC.	N
TKM0500092	20050712	20140323	EVERFRESH	NIKE, INC.	N
TKM0500093	20050712	20140302	SUPER BOWL	NIKE, INC.	N
TKM0500094	20050712	20150524	CONVERSE ALL STAR CHUCK TAYLOR ANKLE PATCH	NIKE, INC.	N
TKM0500095	20050721	20150207	CONVERSE	NIKE, INC.	N
TKM0500096	20050721	20141220	STAR & CHEVRON DESIGN ON SHOE	NIKE, INC.	N
TKM0500097	20050721	20061123	STAR & STAR DESIGN	NIKE, INC.	N
TKM0500098	20050721	20141220	ONE STAR & STAR DESIGN	NIKE, INC.	N
TKM0500099	20050725	20150517	TYLIE	NIKE, INC.	N
TKM0500600	20050725	20150124	LV MONOGRAM	NIKE, INC.	N
TKM0500601	20050725	20060114	ST-EVE	NIKE, INC.	N
TKM0500602	20050725	20140615	FAST ASLEEP	NIKE, INC.	N
TKM0500603	20050725	20121022	ESCADA	NIKE, INC.	N
TKM0500604	20050725	20130302	THREE INTERLOCKING HORSESHOES IN A TRIANGLE W/ARIAT	NIKE, INC.	N
TKM0500605	20050725	20051121	THREE INTERLOCKING HORSESHOES IN A TRIANGLE W/ARIAT	NIKE, INC.	N
TKM0500606	20050725	20110911	THREE INTERLOCKING HORSESHOES IN A TRIANGLE W/ARIAT	NIKE, INC.	N
TKM0500607	20050725	20140622	THREE AND DESIGN	NIKE, INC.	N
TKM0500608	20050725	20140622	WINGS	NIKE, INC.	N
TKM0500609	20050725	20060518	GREY FLANNEL	NIKE, INC.	N

REC NUMBER	EFF DT	EXP DT	NAME OF COP., TMK, TMM OR MSK	OWNER NAME	RES
TMK0500610	20050725	20051017	CASUAL DESIGN	ELIZABETH ARDEN, INC.	N
TMK0500611	20050725	20070603	PS	ELIZABETH ARDEN, INC.	N
TMK0500612	20050725	20100227	TRUE LOVE	ELIZABETH ARDEN, INC.	N
TMK0500613	20050725	20060423	FLAMELESS FINISH	FD MANAGEMENT, INC.	N
TMK0500614	20050725	20150326	COLOR INTRIGUE	ELIZABETH ARDEN, INC.	N
TMK0500615	20050725	20141005	MINI	BAYERISCHE MOTOREN MERKE AKTIENS	N
TMK0500616	20050725	20140323	MINI AND DESIGN	BAYERISCHE MOTOREN MERKE AKTIENS	N
TMK0500617	20050725	20140210	MINI AND DESIGN	BAYERISCHE MOTOREN MERKE AKTIENS	N
TMK0500618	20050725	20130902	MINI	BAYERISCHE MOTOREN MERKE AKTIENS	N
TMK0500619	20050725	20130805	MINI COOPER	CHARGERS FOOTBALL COMPANY LLC	N
TMK0500620	20050725	20100815	MINI DESIGN (CHARGERS LIGHTING BOLT)	MINNESOTA VIKINGS FOOTBALL CLUB	N
TMK0500621	20050725	20150531	MINNESOTA VIKINGS	MINNESOTA VIKINGS FOOTBALL CLUB	N
TMK0500622	20050725	20150507	TORONTO RAPTOYS AND DESIGN	ROCKET BALL LTD.	N
TMK0500623	20050725	20150308	HOUSTON ROCKETS AND DESIGN	MINNESOTA VIKINGS FOOTBALL CLUB	N
TMK0500624	20050725	20150308	CLEVELAND CAVALIERS AND DESIGN	MINNESOTA VIKINGS FOOTBALL CLUB	N
TMK0500625	20050725	20150201	CLEVELAND CAVALIERS AND DESIGN	MINNESOTA VIKINGS FOOTBALL CLUB	N
TMK0500626	20050725	20150713	HORITOS	MINNESOTA VIKINGS FOOTBALL CLUB	N
TMK0500627	20050725	20140621	HEWLETT PACKARD	CAVS/GUND ARENA CO	N
TMK0500628	20050725	20110731	HP INVENT (DESIGN)	HEWLETT PACKARD DEVELOPMENT CO.	N
TMK0500629	20050725	20110731	SULTAN DESIGN	HEWLETT PACKARD DEVELOPMENT CO.	N
TMK0500630	20050726	20080217	SULTAN	HEWLETT PACKARD DEVELOPMENT CO.	N
TMK0500631	20050726	20071011	PACIFIC	HEWLETT PACKARD DEVELOPMENT CO.	N
TMK0500632	20050726	20071109	CORTIZONE.10	HEWLETT PACKARD DEVELOPMENT CO.	N
TMK0500633	20050726	20131109	DRYVAP	HEWLETT PACKARD DEVELOPMENT CO.	N
TMK0500634	20050726	20150201	TIGER DESIGN	HEWLETT PACKARD DEVELOPMENT CO.	N
TMK0500635	20050726	20130413	PEAS & CARROTS	HEWLETT PACKARD DEVELOPMENT CO.	N
TMK0500636	20050726	20140831	TRANSFORMING TRANSFUSION MEDICINE	HEWLETT PACKARD DEVELOPMENT CO.	N
TMK0500637	20050726	20140120	SHEERCOVER AND DESIGN	HEWLETT PACKARD DEVELOPMENT CO.	N
TMK0500638	20050726	20140316	DESIGN ONLY	HEWLETT PACKARD DEVELOPMENT CO.	N
TMK0500639	20050726	20140518	SHEER COVER	HEWLETT PACKARD DEVELOPMENT CO.	N
TMK0500640	20050726	20130624	SHEER COVER	HEWLETT PACKARD DEVELOPMENT CO.	N
TMK0500641	20050726	20140511	MEANINGFUL BEAUTY	HEWLETT PACKARD DEVELOPMENT CO.	N
TMK0500642	20050726	20090412	3D'S	SYRIAN BAKERY COMPANY INC.	N
TMK0500643	20050726	20090412	CHEE.TOS	SOUTHERLAND'S INC.	N
TMK0500644	20050726	20130702	CHEETOS LOGO - NO. 3	PFIZER INC.	N
TMK0500645	20050726	20100125	CHESTER CHEETAH	HORIZON TECHNOLOGY	N
TMK0500646	20050726	20070512	CHESTER CHEETAH CHARACTER	DETROIT TIGERS INC.	N
TMK0500647	20050726	20071020	CHURRUMAIS	ST. EVE INTERNATIONAL INC.	N
TMK0500648	20050726	20071215	CRACKER JACK	ZYMEQUEST, INC.	N
TMK0500649	20050726	20090412	CRACKER JACK	GUTHY-RENKER CORPORATION	N
TMK0500650	20050726	20090412	CRUJITOS	GUTHY-RENKER CORPORATION	N
TMK0500651	20050726	20090216	GLOBAL ORGANICS, LTD.	SEBAGH, JEAN LOUIS	N
TMK0500652	20050726	20130408	LAY'S (1995 LOGO)	FRITO-LAY NORTH AMERICA, INC.	N
TMK0500653	20050726	20110112	DESIGN ONLY	FRITO-LAY NORTH AMERICA, INC.	N
TMK0500654	20050726	20070922	RUFFLES	FRITO-LAY NORTH AMERICA, INC.	N
TMK0500655	20050726	20060705	RUFFLES (STYLIZED)	FRITO-LAY NORTH AMERICA, INC.	N
TMK0500656	20050726	20131116	SABRITAS	FRITO-LAY NORTH AMERICA, INC.	N
TMK0500657	20050726	20090412	SABRITAS	FRITO-LAY NORTH AMERICA, INC.	N
TMK0500658	20050726	20130902	SABRITAS	FRITO-LAY NORTH AMERICA, INC.	N

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

08/01/2005
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REC NUMBER	EFF DT	EXP DT	NAME OF COP., TMK, TMM OR MSK	OWNER NAME	RES
TKM0500659	20050726	20121009	SABRITAS	FRITO-LAY NORTH AMERICA, INC.	N
TKM0500660	20050726	20091012	SMILING FACE DEVICE (SLANTED) - NOS. 2	FRITO-LAY NORTH AMERICA, INC.	N
TKM0500661	20050726	20080829	TOSTITOS	FRITO-LAY NORTH AMERICA, INC.	N
TKM0500662	20050726	20100811	TOSTITOS	FRITO-LAY NORTH AMERICA, INC.	N
TKM0500663	20050726	20090412	3D'S	FRITO-LAY NORTH AMERICA, INC.	N
TKM0500664	20050727	20111224	T & CO.	TIFFANY (NJ) INC.	N
TKM0500665	20050727	20150618	TIC TAC AND DESIGN	FERRERO S.P.A.	N
TKM0500666	20050727	20141012	COLOR WHITE WOODWORKING/METAL MACHINES	WHM TOOL GROUP INC.	N
TKM0500667	20050727	20150409	CARTIER	CARTIER INTERNATIONAL B.V.	N
TKM0500668	20050727	20150419	SUPER 45	TRUCK-LITE CO., INC.	N
TKM0500669	20050727	20060625	FUN POPS AND DESIGN	ADAMS & BROOKS INC.	N
TKM0500670	20050727	20060625	FUN POPS	ADAMS & BROOKS INC.	N
TKM0500671	20050727	20141122	PINTUCO	CAMPANIA PINTUCO S.A.	N
TKM0500672	20050727	20091121	BALLQUE & DESIGN	SPORTSCUBES LLP.	N
TKM0500673	20050727	20100627	POURFORM HD0	AINSMORTH LUMBER CO., LTD.	N
TKM0500674	20050727	20141129	BUGABOO	COLUMBIA SPORTSWEAR NORTH AMERICA	N
TKM0500675	20050727	20151008	IONATE	GILBORN PET SPECIALTIES LLC.	N
TKM0500676	20050727	20080810	ACIFIC MATTRESS AND OVAL MOUNTAIN LOGO	STRONG ARTS LLC	N
TKM0500677	20050727	20080810	STECDA	STRONG ARTS LLC	N
TKM0500678	20050727	20080239	STEELE DAN	STEELE, DAN, INC.	N
TKM0500679	20050727	20080239	STEELE DAN	STEELE, DAN, INC.	N
TKM0500680	20050727	20150611	ROTTLE DEVICE (NFSB)	BULGARI S.P.A.	N
TKM0500681	20050728	20100516	555	SANKET INDUSTRY CO., LTD.	N
TKM0500682	20050728	20150418	PLANET HOLLYWOOD (SERVICE MARK)	PLANET HOLLYWOOD (REGION IV) INC	N
TKM0500683	20050728	20150214	RUBESCO	CANTINE LUNGAROTTI S.R.L.	N
TKM0500684	20050728	20140810	DESIGN ONLY	INTERNATIONAL PACKAGING COMPANY	N
TKM0500685	20050728	20140824	SARA LAWRENCE COLLEGE	SARAG LAWRENCE COLLECT	N
TKM0500686	20050728	20091031	CORTIZONE.5	PFIZER INC.	N
TKM0500687	20050728	20130321	NEOSPORIN	WARNER-LAMBERT COMPANY LLC	N
TKM0500688	20050728	20070429	PARKARD	PACKARD MOTOR CAR COMPANY	N
TKM0500689	20050728	20100627	POURFORM HD0	AINSMORTH LUMBER CO. LTD.	N
TKM0500690	20050728	20090829	POURFORM	AINSMORTH LUMBER CO. LTD.	N
TKM0500691	20050728	20140112	DESIGN ONLY	AINSMORTH LUMBER CO. LTD.	N
TKM0500692	20050728	20140127	T DESIGN	ROGERS BLUE JAYS BASEBALL	N
TKM0500693	20050728	20100106	H AND DESIGN	HOUSTON MCLANE COMPANY, INC.	N
TKM0500694	20050728	20140830	POCKET ETCH A SKETCH	THE OHIO ART COMPANY	N
TKM0500695	20050728	20130607	BURBERRYS PLAID DESIGN	BURBERRY LIMITED	N
TKM0500696	20050728	20140920	BURBERRYS DESIGN	BURBERRY LIMITED	N
TKM0500697	20050728	20081231	EQUESTRIAN KNIGHT DESIGN	BURBERRY LIMITED	N
TKM0500698	20050728	20090107	EQUESTRIAN KNIGHT DESIGN	BURBERRY LIMITED	N
TKM0500699	20050728	20111127	EQUESTRIAN KNIGHT DESIGN	BURBERRY LIMITED	N
TKM0500700	20050728	20140817	BURBERRY	BURBERRY LIMITED	N
TKM0500701	20050728	20090806	BURBERRY	BURBERRY LIMITED	N
TKM0500702	20050728	20101113	EQUESTRIAN KNIGHT DESIGN	BURBERRY LIMITED	N
TKM0500703	20050729	20130422	ELLE	MACHETTE FILIPACCHI PRESSE	N

SUBTOTAL RECORDATION TYPE 134

TOTAL RECORDATIONS ADDED THIS MONTH 140

Notice of Cancellation of Customs Broker License Due to Death of the License Holder

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

ACTION: General Notice

SUMMARY: Notice is hereby given that, pursuant to Title 19 of the Code of Federal Regulations § 111.51(a), the following individual Customs broker licenses and any and all permits have been cancelled due to the death of the broker:

<u>Name</u>	<u>License #</u>	<u>Port Name</u>
Rufus B. Lee	2825	Mobile
Walter M. Cline	06284	Tampa
Peter D. Alberdi	06272	Tampa

DATED: August 12, 2005

JAYSON P. AHERN,
*Assistant Commissioner,
Office of Field Operations.*

[Published in the Federal Register, August 18, 2005 (70 FR 48575)]

Notice of Cancellation of Customs Broker License

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

ACTION: General Notice

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 USC 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker licenses are cancelled without prejudice.

<u>Name</u>	<u>License #</u>	<u>Issuing Port</u>
Open Harbor, Inc.	21902	San Francisco
Associated Customhouse Brokers, Inc.	9706	Tampa
World Broker Puerto Rico, Inc.	21326	San Juan
Sig M. Glukstad, Inc. dba Miami International Forwarders	6090	Miami

DATED: August 12, 2005

JAYSON P. AHERN,
*Assistant Commissioner,
Office of Field Operations.*

[Published in the Federal Register, August 18, 2005 (70 FR 48575)]

DEPARTMENT OF HOMELAND SECURITY,
OFFICE OF THE COMMISSIONER OF CUSTOMS.
Washington, DC, August 17, 2005

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

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

19 CFR PART 177

PROPOSED MODIFICATION OF RULING LETTER AND REVOCATION OF TREATMENT RELATING TO THE TARIFF CLASSIFICATION OF CERTAIN GLOVES WITH COATED OVERLAYS

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

ACTION: Notice of proposed modification of a tariff classification ruling letter and revocation of treatment relating to the classification of certain gloves.

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 modify one ruling letter relating to the tariff classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of certain gloves with coated overlays. Similarly, CBP proposes to revoke any treatment previously accorded by it to substantially identical transactions. Comments are invited on the correctness of the intended actions.

DATE: Comments must be received on or before September 30, 2005.

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 Avenue, N.W., Mint Annex, Washington, D.C. 20229. Submitted com-

ments 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: Brian Barulich, Tariff Classification and Marking Branch, at (202) 572-8883.

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 modify one ruling letter relating to the tariff classification of certain gloves with coated overlays. Although in this notice CBP is specifically referring to the modification of New York Ruling Letter (NY) L81297, dated January 11, 2005 (Attachment A), this notice covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (*i.e.*, ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice, should advise CBP during this notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. 1625 (c)(2)), as amended by section 623 of Title VI, CBP in-

tends to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved with substantially identical transactions should advise CBP during this notice period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY L81297, CBP classified three styles of gloves made in China. One of the styles, style #1510 or the "contractor's glove," was classified in subheading 6116.93.9400, HTSUS, which provides for: "Gloves, mittens and mitts, knitted or crocheted: Other: Of synthetic fibers: Other: Other: With fourchettes."

However, based on our review of the ruling and a sample of the article, we now believe that style #1510 is classified in subheading 6116.10.7520, HTSUS, which provides for: "Gloves, mittens and mitts, knitted or crocheted: Impregnated, coated or covered with plastics or rubber: Other: With fourchettes: Containing 50 percent or more by weight of cotton, man-made fibers or other textile fibers, or any combination thereof, Subject to man-made fiber restraints."

Pursuant to 19 U.S.C. 1625(c)(1), CBP intends to modify NY L81297 and any other ruling not specifically identified that is contrary to the determination set forth in this notice to reflect the proper classification of the merchandise pursuant to the analysis set forth in proposed Headquarters Ruling Letter (HQ) 967658 (Attachment B). Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions that are contrary to the determination set forth in this notice. Before taking this action, consideration will be given to any written comments timely received.

DATED: August 11, 2005

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

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,

NY L81297

January 11, 2005

CLA-2-61:RR:NC:TAB:354 L81297

CATEGORY: Classification

TARIFF NO.: 6116.10.7520, 6116.93.9400

MR. STEPHEN M. ZELMAN
STEPHEN M. ZELMAN & ASSOCIATES
888 Seventh Avenue, Suite 4500
New York, N.Y. 10106

RE: The tariff classification of gloves from China.

DEAR MR. ZELMAN:

In your letter dated December 15, 2004, written on behalf of your client, Magla Worldwide, Ltd., you requested a tariff classification ruling. The samples have been destroyed during our analysis.

You have submitted samples for three styles of gloves. You state that style #1320 will be sold as a garden glove. It is unlined with knit nylon spandex fourchettes, without cuffs and features a side zipper closure. The palm side is made up of a coated knit nylon material that features overlays on the thumb tip, fingertips on both the palm and backside, and on a portion of the palm and fingers on the palm side. These overlays are also considered "coated fabrics," but the fabric used in their construction is other than knit material. You state that the plastic coating found on all areas of this glove is not of cellular plastic. The back side of the glove is made of a knit polyester fabric that features a minor amount of plastic designs adhered to the knuckles and in the center area. You state that this glove is over 50% by weight of man-made fibers.

You state that style #1420 will be sold as a mechanic's glove. It is unlined, with knit nylon spandex fourchettes, without cuffs and contains a hook and loop closure on the backside wrist. The palm side is made up of a coated knit nylon material that features overlays on the thumb tips, fingertips on both the palm and backside, and on the palm and fingers of the palm side. A second set of overlays is also featured on portions of the palm, base of the thumb, thumb tip, and fingertips of both the palm and backside of the glove. All overlays are made up of a coated fabric, with the fabric being other than knit material. You state that the plastic coating found on this glove is not cellular. The backside of this glove is made of a knit polyester fabric that is overlaid with some plastic designs on the back of the fingers and in the center area. You state that the glove is over 50% by weight of man-made fibers.

You state that style #1510 will be sold as a contractor's glove. It is unlined, with woven nylon spandex fourchettes, without cuffs and features a hook and loop closure on the backside wrist. The palm side is made up of knit nylon spandex, which has coated knit overlays on the palm side and palm side of the fingers and thumb. The thumb tip, and fingertips on both the palm and backsides also feature an additional set of overlays made up of a coated knit material. The backside is made of a knit polyester fabric with a few plastic designs running down the back of the knuckle area and backs of the

fingers. A "sweat wipe" made of cotton terry material makes up the backside at the base of the thumb. A plastic overlay is also featured on the backside bearing the trademark/trade name of the licensor.

We agree with your suggested classification of 6116.10.7520, HTS, for styles #1320 and #1420 since the essential character of these gloves is imparted by the coated knit material of the palm side which, based on a cursory examination, we believe contains 50% or more by weight of man-made fibers. Since the material that makes up the palm side of style #1510 is not a coated fabric for tariff purposes, we do not agree with your suggested classification of 6116.10.7520, HTS.

The applicable subheading for styles #1320 and #1420 will be 6116.10.7520, Harmonized Tariff Schedule of the United States (HTS), which provides for gloves, mittens and mitts, knitted or crocheted: impregnated, coated or covered with plastics or rubber: other: with fourchettes: containing 50% or more by weight of cotton, man-made fibers or other textile fibers, or any combination thereof . . . subject to man-made fiber restraints. The rate of duty will be 13.2% ad valorem.

The applicable subheading for style #1510 will be 6116.93.9400, HTS, which provides for gloves, mittens and mitts, knitted or crocheted: other: of synthetic fibers: other: with fourchettes. The rate of duty will be 18.6% ad valorem.

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

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Deborah Marinucci at 646-733-3054.

ROBERT B. SWIERUPSKI,
Director,
National Commodity Specialist Division.

[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,

HQ 967658
CLA-2 RR:CTF:TCM 967658 BtB
CATEGORY: Classification
TARIFF NO.: 6116.10.7520

STEPHEN M. ZELMAN, ESQ.
STEPHEN M. ZELMAN & ASSOCIATES
888 Seventh Avenue, Suite 4500
New York, N.Y. 10106

Re: Classification of gloves from China; NY L81297 modified

DEAR MR. ZELMAN:

This is in response to your letter dated February 25, 2005, on behalf of your client, Magla Worldwide, Ltd./Magla Products LLC, requesting reconsideration of one of the classifications set forth in New York Ruling Letter (NY) L81297, dated January 11, 2005.

In NY L81297, the Bureau of Customs and Border Protection (CBP) classified three styles of gloves made in China (style #1320 or the "garden glove," style #1420 or the "mechanic's glove," and style #1510 or the "contractor's glove"). CBP classified style #1320 and style #1420 in subheading 6116.10.7520, Harmonized Tariff Schedule of the United States Annotated (HTSUSA), which provides for: "Gloves, mittens and mitts, knitted or crocheted: Impregnated, coated or covered with plastics or rubber: Other: With fourchettes: Containing 50 percent or more by weight of cotton, man-made fibers or other textile fibers, or any combination thereof, Subject to man-made fiber restraints." However, CBP classified style #1510 in subheading 6116.93.9400, HTSUSA, which provides for: "Gloves, mittens and mitts, knitted or crocheted: Other: Of synthetic fibers: Other: Other: With fourchettes."

In the ruling, the palm side of each of the three styles was held to impart essential character to their respective gloves, and the gloves were classified pursuant to GRI 3(b), explained further below. CBP classified style #1510 differently than style #1320 and style #1420 because, while coated knit material covered the entire palm side of style #1320 and style #1420, it did not cover the entire palm side of style #1510. As a result, the palm side of style #1510 was held not to be a coated fabric for tariff purposes and the glove was therefore not classified as a coated glove.

In your letter dated February 25, 2005, you request reconsideration of the classification set forth for style #1510. Per your request, we have reviewed NY L81297 and have determined that the classification set forth for style #1510 is incorrect. Therefore, this ruling modifies NY L81297.

The sample of style #1510, along with the other glove samples that you submitted, will be returned to you under separate cover.

FACTS:

In NY L81297, CBP describes style #1510, the contractor's glove:

It is unlined, with woven nylon spandex fourchettes, without cuffs and features a hook and loop closure on the backside wrist. The palm side is

made up of knit nylon spandex, which has coated knit overlays on the palm side and palm side of the fingers and thumb. The thumb tip, and fingertips on both the palm and backsides also feature an additional set of overlays made up of a coated knit material. The backside is made of a knit polyester fabric with a few plastic designs running down the back of the knuckle area and backs of the fingers. A “sweat wipe” made of cotton terry material makes up the backside at the base of the thumb. A plastic overlay is also featured on the backside bearing the trademark/trade name of the licensor.

While not stated in NY L81297, the coated knit overlays (on the palm side and the palm side of the fingers and thumb) cover over 90 percent of the surface area of that side of style #1510. The areas not covered by overlays appear to have been left uncovered to give the palm side more flexibility, thereby enabling the wearer to grasp and grip articles easier. The “plastic designs” on the backside of the glove are also small overlays. Most of these small overlays are in the shape of small arrows, extending from the top of the fingers to the knuckles.

In your letter dated February 25, 2005, you assert that style #1510 is properly classified in subheading 6116.10.7520, HTSUSA, because the coated knit overlays on the palm side impart essential character to the glove.

ISSUE:

What is the classification of style #1510?

LAW AND ANALYSIS:

Classification under the HTSUSA is made in accordance with the General Rules of Interpretation (GRI). GRI 1 provides, in part, that classification decisions are to be “determined according to the terms of the headings and any relative section or chapter notes.” If the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied, in order.

The Harmonized Commodity Description and Coding System Explanatory Notes (EN) constitute the official interpretation of the Harmonized System at the international level (for the 4 digit headings and the 6 digit subheadings) and facilitate classification under the HTSUSA by offering guidance in understanding the scope of the headings and GRI. While neither legally binding nor dispositive of classification issues, the EN provide commentary on the scope of each heading of the HTSUSA and are generally indicative of the proper interpretation of the headings. See T.D. 89-80, 54 Fed. Reg. 35127-28 (Aug. 23, 1989).

General EN to Chapter 61 states that where the presence of parts or accessories, such as woven fabrics, furskin, feathers, leather, plastics or metal, constitutes more than mere trimming on goods classified in Chapter 61, the articles are classified in accordance with the relative Chapter Notes . . . , or failing that, according to the General Interpretative Rules.

As the overlays on the palm side of style #1510 comprise over 90 percent of the surface area of that side, we do not regard them as “mere trimming.” Therefore, pursuant to the General EN cited above, the glove is classified in accordance with the General Interpretative Rules, as there are no relative Chapter Notes.

Style #1510 cannot be classified solely on the basis GRI 1 because the style is a composite good consisting of different materials classifiable in dif-

ferent headings and no single heading provides for it. Consequently, the remaining GRI are applied, in order. GRI 2(a) relates to articles presented unassembled or disassembled and, as style #1510 is imported in finished condition, GRI 2(a) is not applicable in this case. As a result, GRI 2(b) is applied. GRI 2(b), in pertinent part, states that: “[t]he classification of goods consisting of more than one material or substance shall be according to the principles of rule 3.” Moving to rule 3, GRI 3(a) states that “[t]he heading which provides the most specific description shall be preferred to headings providing a more general description. However, when two or more headings each refer to part only of the materials . . . contained in . . . composite goods . . . , those headings are to be regarded as equally specific in relation to those goods, even if one of them gives a more complete or precise description of the goods.” As GRI 3(a) fails to determine the classification, GRI 3(b) is applied. GRI 3(b) states, in relevant part, that: “composite goods consisting of different materials . . . which cannot be classified by reference to 3(a), shall be classified as if they consisted of the material or component which gives them their essential character, insofar as this criterion is applicable.”

EN VIII to GRI 3(b) provides the following guidance in regard to identifying the essential character of composite goods consisting of different materials:

The factor which determines essential character will vary as between different kinds of goods. It may, for example, be determined by the nature of the material or component, its bulk, quantity, weight or value, or by the role of a constituent material in relation to the use of the goods.

When classifying gloves consisting of different materials pursuant to GRI 3(b), CBP reviews each of the factors set forth in the above EN. Generally, the materials on a glove’s palm side (from fingertips to wrist) will be given greater consideration than those on the backside, as these materials are usually integral to a glove’s functionality and use. In the instant case, the coated knit overlays on style #1510 predominate on the palm side and make the glove especially suited for its use as a contractor’s glove. It is the palm side overlays that protect the hand and allow the wearer to grasp and grip articles easier. Without these overlays, the glove could not effectively function as a contractor’s, or work glove, as it would offer only negligible protection and no assistance in gripping or grasping. Without the overlays, its palm side’s knit nylon spandex base would likely snag, pull and/or rip in work environments.

Given that the coated knit overlays on the palm side of the glove cover over 90 percent of the surface area of that side and provide the glove with its key attributes, we find these coated overlays to be the material which gives style #1510 its essential character.

HOLDING:

Style #1510, also identified as the contractor’s glove, is classified in sub-heading 6116.10.7520, HTSUSA, which provides for: “Gloves, mittens and mitts, knitted or crocheted: Impregnated, coated or covered with plastics or rubber: Other: With fourchettes: Containing 50 percent or more by weight of cotton, man-made fibers or other textile fibers, or any combination thereof, Subject to man-made fiber restraints.” The applicable column one, general duty rate for the merchandise under the 2005 HTSUSA is 13.2% *ad valorem*. The textile category is 631.

Quota/visa requirements are no longer applicable for merchandise which is the product of World Trade Organization (WTO) member countries. The textile category number above applies to merchandise produced in non-WTO member countries. Quota and visa requirements are the result of international agreements that are subject to frequent renegotiations and changes. To obtain the most current information on quota and visa requirements applicable to this merchandise, we suggest you check, close to the time of shipment, the "Textile Status Report for Absolute Quotas" which is available on our web site at www.cbp.gov. For current information regarding possible textile safeguard actions on goods from China and related issues, we refer you to the web site of the Office of Textiles and Apparel of the Department of Commerce at otexa.ita.doc.gov.

EFFECT ON OTHER RULINGS:

NY L81297, dated January 11, 2005, is hereby modified.

MYLES B. HARMON,
Director,

Commercial Trade and Facilitation Division.

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MODIFICATION OF RULING LETTER AND REVOCATION OF TREATMENT RELATING TO THE TARIFF CLASSIFICATION OF CERTAIN RAYON FILAMENT YARN

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

ACTION: Notice of modification of a tariff classification ruling letter and revocation of treatment relating to the classification of certain rayon filament yarn.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is modifying one ruling letter relating to the tariff classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of certain rayon filament yarn. Similarly, CBP is revoking any treatment previously accorded by it to substantially identical transactions. Notice proposing these actions and inviting comments on their correctness was published in the *Customs Bulletin*, Volume 39, Number 29, on July 13, 2005. No comments were received in response to this notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after October 30, 2005.

FOR FURTHER INFORMATION CONTACT: Brian Barulich, Tariff Classification and Marking Branch, at (202) 572-8883.

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, notice proposing to modify New York Ruling Letter (NY) H86635 was published in the *Customs Bulletin*, Volume 39, Number 29, on July 13, 2005. No comments were received in response to this notice. As stated in the proposed notice, the modification will cover any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (*i.e.*, ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should have advised CBP during this notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (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 with 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 its

agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY H86635, CBP classified six types of rayon filament yarns from France. One of the yarns, identified in the ruling as #3 or "Ref. 12765/212765" was classified in subheading 5403.32.0000, HTSUSA, which provides for: "Artificial filament yarn (other than sewing thread), not put up for retail sale, including artificial monofilament of less than 67 decitex: Other yarn, single: Of viscose rayon, with a twist exceeding 120 turns/m." Based on our review of the ruling and the article's description, we now believe that the yarn identified as #3 or "Ref. 12765/212765" is classified in subheading 5403.39.0040, HTSUSA, as "Artificial filament yarn (other than sewing thread), not put up for retail sale, including artificial monofilament of less than 67 decitex: Other yarn, single: Other, Multifilament, with twist of 5 turns or more per meter."

Pursuant to 19 U.S.C. 1625(c)(1), CBP is modifying NY H86635 and any other ruling not specifically identified that is contrary to the determination set forth in this notice to reflect the proper classification of the merchandise pursuant to the analysis set forth in Headquarters Ruling Letter (HQ) 967717, which is set forth as 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 its publication in the *Customs Bulletin*.

DATED: August 16, 2005

William G. Rosoff for MYLES B. HARMON,
Director,
Commercial and Trade Facilitation Division.



Attachment

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,HQ 967717
August 16, 2005
CLA-2 RR:CR:TE 967717 BtB
CATEGORY: Classification
TARIFF NO.: 5403.39.0040MS. ELLEN A. DILAPI
GRUNFELD, DESIDERIO, LEBOWITZ, SILVERMAN & KLESTADT LLP
399 Park Ave. 25th Floor
New York, NY 10022-4877

Re: Classification of rayon filament yarns from France; NY H86635 Modified

DEAR MS. DILAPI:

On January 10, 2002, U.S. Customs and Border Protection (CBP) issued New York Ruling Letter (NY) H86635 to you on behalf of Jasco Fabrics, Inc. In NY H86635, CBP classified six types of rayon filament yarns from France (referred to as #'s 1-6) under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA).

Upon review of that ruling, we have found that the classification provided for one type of rayon filament yarn (#3) is incorrect. This ruling, Headquarters Ruling Letter (HQ) 967717, hereby modifies NY H86635 in regard to that type of rayon filament yarn. The classifications set forth in NY H86635 for the other types of yarns are correct and this ruling does not modify them.

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, 2186 (1993), notice of the proposed modification of NY H86635, as described below, was published in the *Customs Bulletin*, Volume 39, Number 29, on July 13, 2005. CBP received no comments during the notice and comment period that closed on August 12, 2005.

FACTS:

In NY H86635, rayon filament yarn #3 ("Yarn #3"), also identified as "Ref. 12765/212765" is described as: "100% Bemberg cuprammonium rayon; 110 decitex; 75 filament; twist of 1670 tpm."

In that ruling, CBP classified Yarn #3 in subheading 5403.32.0000, HTSUSA, which provides for: "Artificial filament yarn (other than sewing thread), not put up for retail sale, including artificial monofilament of less than 67 decitex: Other yarn, single: Of viscose rayon, with a twist exceeding 120 turns/m."

ISSUE:

Whether Yarn #3 is classified in subheading 5403.32.0000, HTSUSA, or in subheading 5403.39.0040, HTSUSA, as "Artificial filament yarn (other than sewing thread), not put up for retail sale, including artificial monofilament of less than 67 decitex: Other yarn, single: Other, Multifilament, with twist of 5 turns or more per meter."

LAW AND ANALYSIS:

Classification under the HTSUSA is made in accordance with the General Rules of Interpretation (GRI). GRI 1 provides, in part, that classification de-

cisions are to be “determined according to the terms of the headings and any relative section or chapter notes.” If the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied, in order.

The Harmonized Commodity Description and Coding System Explanatory Notes (EN) constitute the official interpretation of the Harmonized System at the international level (for the 4 digit headings and the 6 digit subheadings) and facilitate classification under the HTSUSA by offering guidance in understanding the scope of the headings and GRI. While neither legally binding nor dispositive of classification issues, the EN provide commentary on the scope of each heading of the HTSUSA and are generally indicative of the proper interpretation of the headings. See T.D. 89–80, 54 Fed. Reg. 35127–28 (Aug. 23, 1989).

The ENs to Chapter 54, in pertinent part, state that:

The main **artificial fibres** are :

(A) **Cellulosic fibres**, namely :

- (1) **Viscose rayon**, which is produced by treating cellulose (generally in the form of sulphite wood pulp) with sodium hydroxide; the resulting alkali-cellulose is then treated with carbon disulphide and transformed into sodium cellulose xanthate. The latter is in turn transformed into a thick solution known as viscose by dissolving it in dilute sodium hydroxide. After purification and maturing, the viscose is then extruded through spinnerets into a coagulating acid bath to form filaments of regenerated cellulose. **Viscose rayon** also covers modal fibres, which are produced from regenerated cellulose by a modified viscose process.
- (2) **Cuprammonium rayon (cupro)**, obtained by dissolving cellulose (generally in the form of linters or chemical wood pulp) in a cuprammonium solution; the resulting viscous solution is extruded into a bath where filaments of precipitated cellulose are formed.

As the ENs above illustrate, cuprammonium rayon varies from viscose rayon. In the case at hand, Yarn #3 is made of cuprammonium rayon, not viscose rayon. It should, therefore, not be classified as a yarn of viscose rayon, but should be classified in subheading 5403.39, HTSUSA, the provision covering cuprammonium rayon. As Yarn #3 has a twist of 5 turns or more per meter, it is classified in subheading 5403.39.0040, HTSUSA.

HOLDING:

Yarn #3, also identified as “Ref. 12765/212765,” is classified in subheading 5403.39.0040, HTSUSA, as “Artificial filament yarn (other than sewing thread), not put up for retail sale, including artificial monofilament of less than 67 decitex: Other yarn, single: Other, Multifilament, with twist of 5 turns or more per meter.” The applicable column one, general rate of duty for the merchandise under the 2005 HTSUSA is 8% *ad valorem*.

NY H86635, dated January 10, 2002, is hereby modified. In accordance with 19 U.S.C. 1625(c), this ruling will become effective 60 days after its publication in the *Customs Bulletin*.

William G. Rosoff for MYLES B. HARMON,
Director,
Commercial and Trade Facilitation Division.