

U.S. Customs and Border Protection

General Notices

GENERAL NOTICE

COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 3 2008)

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 March 2008. The last notice was published in the CUSTOMS BULLETIN on February 27, 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: April 8, 2008

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

CBP IPR RECORDATION - MARCH 2008

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricting
TMK 08-00041	3/6/2008	5/6/2017	J&ANS DOLCE & GABBANA AND DESIGN	GADO S.A R.L.	No
TMK 08-00040	3/6/2008	11/25/2016	DOLCE & GABBANA	GADO S.A R.L.	No
TMK 08-00042	3/6/2008	12/29/2012	DOLCE & GABBANA	GADO S.A R.L.	No
TMK 08-00043	3/6/2008	9/16/2017	D&G DOLCE & GABBANA	GADO S.A R.L.	No
TMK 08-00044	3/6/2008	7/23/2012	D&G DOLCE GABBANA	GADO S.A R.L.	No
TMK 08-00045	3/13/2008	4/9/2012	CLASSIC POPS AND DESIGN	MOHAMMED YUSUF JAMAL	No
TMK 95-00376	3/25/2008	8/26/2016	REVO	LUXOTTICA S.R.L.	No
TMK 95-00534	3/25/2008	1/30/2018	TOYOTA	TOYOTA JIDOSHKA KABUSHIKI KAISHA	No
TMK 98-00171	3/25/2008	9/30/2017	FORD	FORD MOTOR COMPANY	No
TMK 98-00054	3/25/2008	1/10/2018	GIORGIO ARMANI	G.A. MODEFINE S.A.	No
TMK 99-00599	3/25/2008	7/22/2017	JEAN-PAUL GAULTIER	BEAUTE' PRESTIGE INTERNATIONAL	No
TMK 99-00600	3/25/2008	7/15/2017	JEAN-PAUL GAULTIER	BEAUTE' PRESTIGE INTERNATIONAL	No
TMK 99-00601	3/25/2008	7/8/2017	JEAN-PAUL GAULTIER	BEAUTE' PRESTIGE INTERNATIONAL	No
TMK 99-00602	3/25/2008	3/24/2018	L'EAU D'ISSEY (DESIGN)	BEAUTE' PRESTIGE INTERNATIONAL	No
TMK 99-00603	3/25/2008	1/27/2018	L'EAU D'ISSEY POUR HOMME (DESIGN)	BEAUTE' PRESTIGE INTERNATIONAL	No
TMK 99-00605	3/25/2008	1/27/2018	L'EAU D'ISSEY (DESIGN)	BEAUTE' PRESTIGE INTERNATIONAL	No
TMK 99-00524	3/25/2008	2/7/2018	REDSKINS	PRO FOOTBALL, INC.	No
TMK 99-00528	3/25/2008	9/26/2017	THE REDSKINS (STYLIZED)	PRO FOOTBALL, INC.	No
TMK 05-01039	3/25/2008	4/7/2018	TAURUS	FORD MOTOR COMPANY	No
TMK 05-01045	3/25/2008	10/3/2017	RANGER	FORD MOTOR COMPANY	No
TMK 01-00257	3/25/2008	6/21/2018	KRACKEL AND DESIGN	HERSHEY CHOCOLATE & CONFECTIONER CORPORATION	No
TMK 01-00258	3/25/2008	6/21/2018	MR. GOODBAR AND DESIGN	HERSHEY CHOCOLATE & CONFECTIONER	No
TMK 02-00113	3/25/2008	4/21/2018	MIAMI HEAT AND DESIGN	MIAMI HEAT LIMITED PARTNERSHIP	No
TMK 02-00115	3/25/2008	12/16/2017	MINNESOTA TIMBERWOLVES AND DESIGN	MINNESOTA TIMBERWOLVES BASKETBAL	No
TMK 02-00122	3/25/2008	1/20/2018	UTAH JAZZ AND DESIGN	JAZZ BASKETBALL INVESTORS, INC.	No
TMK 02-00262	3/25/2008	4/19/2018	CSA	CANADIAN STANDARDS ASSOCIATION	No
TMK 02-00046	3/25/2008	3/1/2018	ACQUSTIMASS	BOSE CORPORATION	No
TMK 01-00579	3/25/2008	12/15/2017	NORVASC	Pfizer Inc.	No
TMK 02-00676	3/25/2008	12/9/2017	LEAPFROG	LEAPFROG ENTERPRISES, INC.	No
TMK 02-00850	3/25/2008	2/26/2012	MILWAUKEE BREWERS AND DESIGN)	MILWAUKEE BREWERS BASEBALL CLUB	No
TMK 04-00078	3/25/2008	8/13/2012	ROCA	STUDIO IP HOLDINGS LLC.	No

CBP IPR RECORDATION - MARCH 2008

TMK 08-00089	3/25/2008	7/14/2013	MISS DIOR	PARFUMS CHRISTIAN DIOR	No
TMK 04-01084	3/25/2008	3/17/2018	LINKSYS	CISCO TECHNOLOGY, INC.	No
COP 08-00015	3/25/2008	3/25/2028	BVLGARI EYEWEAR-2007 OPTICAL AND SUNGLASSES UPDATE 1	BULGARI SPA	No
COP 08-00016	3/25/2008	3/25/2028	AQUA POUR HOMME MARINE	BULGARI SPA	No
TMK 88-00294	3/25/2008	12/15/2017	TEENAGE MUTANT NINJA TURTLES	MIRAGE STUDIOS, INC.	No
TMK 89-00229	3/25/2008	1/5/2019	SUNKIST	SUNKIST GROWERS, INC.	No
TMK 92-00131	3/25/2008	2/23/2018	LOS ANGELES LAKERS & DESIGN	LOS ANGELES LAKERS, INC.	No
TMK 07-00123	3/25/2008	12/13/2017	THINSULATE	3M COMPANY	No
TMK 08-00046	3/25/2008	10/14/2012	BEST FOODS	UNILEVER SUPPLY CHAIN, INC.	No
TMK 08-00090	3/25/2008	10/30/2013	PROMISE	UNILEVER SUPPLY CHAIN, INC.	No
TMK 08-00091	3/25/2008	9/4/2012	LAWRY'S	UNILEVER SUPPLY CHAIN, INC.	No
TMK 07-00630	3/25/2008	8/20/2018	SOLO	SOLO INCORPORATED	No
TMK 08-00133	3/25/2008	6/6/2017	TAKES	HERSHEY CHOCOLATE & CONFECTIONERY CORPORATION	No
TMK 08-00047	3/25/2008	6/13/2016	POISON	PARFUMS CHRISTIAN DIOR CORPORATION	No
COP 08-00017	3/25/2008	3/25/2028	"JAM WITH ME" GUITAR AUDIO TRACKS (M2_GT1, M2_GT2, M2_GT3A, M2_GT4, M3_LIK1, M3_LIK2, M3_LIK3, M3_LIK4, M3_LIK5, M3_LIK6, M3_LIK7, M3_LIK8, M3_LOOP)	PARFUMS CHRISTIAN DIOR CORPORATION FRANCE KIDDESIGNS, INC.	No
TMK 08-00048	3/25/2008	3/25/2017	BENSON & HEDGES	PHILIP MORRIS USA INC.	Yes
TMK 08-00134	3/25/2008	10/24/2016	SWITCH PITCH	CHARLES HOBERMAN	No
COP 08-00018	3/25/2008	3/25/2028	SWITCH-PITCH BOY.	HOBERMAN DESIGN, INC.	No
TMK 08-00092	3/25/2008	5/16/2016	NISMO	NISSAN JIDOSHKA KABUSHIKI KAISHA	No
COP 08-00006	3/25/2008	3/25/2028	CARTOON NETWORK STYLE GUIDE (DOMESTIC 2007)	THE CARTOON NETWORK, INC.	No
TMK 08-00094	3/25/2008	7/7/2012	MINI-CIRCUITS	SCIENTIFIC COMPONENTS CORPORATION	No
COP 08-00007	3/25/2008	3/25/2028	BVLGARI EYEWEAR : 2007 SUNGLASS COLLECTION	BULGARI SPA (EMPLOYER FOR HIRE OF PAOLO BULGARI)	No
TMK 08-00049	3/25/2008	8/26/2013	DIORSKIN	PARFUMS CHRISTIAN DIOR	No
TMK 08-00093	3/25/2008	12/27/2015	EYE FLY	PARFUMS GIVENCHY	No
TMK 08-00050	3/25/2008	11/24/2012	GIVENCHY	PARFUMS GIVENCHY S.A.	No
TMK 08-00051	3/25/2008	11/28/2016	FAHRENHEIT DIOR	PARFUMS CHRISTIAN DIOR CORPORATION FRANCE	No
TMK 08-00095	3/25/2008	7/13/2011	DIOR ESSENCE	PARFUMS CHRISTIAN DIOR, S.A.	No
TMK 08-00096	3/25/2008	7/19/2010	DIORISSIMO	PARFUMS CHRISTIAN DIOR SA	No
TMK 08-00098	3/25/2008	8/26/2013	L'INSTANT DE GUERLAIN	GUERLAIN S.A.	No
TMK 08-00097	3/25/2008	7/27/2014	DIOR ADDICT	PARFUMS CHRISTIAN DIOR, S.A.	No
COP 08-00008	3/25/2008	3/25/2028	SIERRA SLATE/DURASTONE	CONGOLEUM CORPORATION	No
COP 08-00009	3/25/2008	3/25/2028	MARCELLINA/DURASTONE	CONGOLEUM CORPORATION	No

CBP IPR RECORDATION - MARCH 2008

COP 08-00010	3/25/2008	3/25/2008	3/25/2028	PACIFIC MARBLE/DURACERAMIC	CONGOLEUM CORPORATION	No
COP 08-00011	3/25/2008	3/25/2008	3/25/2028	JASPER MARBLE/DURACERAMIC	CONGOLEUM CORPORATION	No
COP 08-00012	3/25/2008	3/25/2008	3/25/2028	MERCER TILE/DURACERAMIC	CONGOLEUM CORPORATION	No
COP 08-00013	3/25/2008	3/25/2008	3/25/2028	MOROCCO/DURACERAMIC	CONGOLEUM CORPORATION	No
TMK 08-00099	3/25/2008	3/25/2008	1/4/2015	XTERRA AND DESIGN	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00052	3/25/2008	3/25/2008	1/25/2015	FERRARI	FERRARI S.P.A.	No
TMK 08-00053	3/25/2008	3/25/2008	1/14/2009	DESIGN ONLY	FERRARI S.P.A.	No
TMK 08-00054	3/25/2008	3/25/2008	1/15/2018	EL AL AND DESIGN	EL AL ISRAEL AIRLINES, LTD	No
TMK 08-00100	3/25/2008	3/25/2008	10/2/2017	PHOENIX	LIFELOC TECHNOLOGIES, INC.	No
TMK 08-00055	3/25/2008	3/25/2008	8/15/2015	PEARL JAM	PEARL JAM GENERAL PARTNERSHIP, COMPOSED OF STONE GOSSARD, MIKE MC CREADY, EDDIE VEDDER, & JEFF AMENT	No
TMK 08-00162	3/25/2008	3/25/2008	1/30/2016	PEARL JAM	PEARL JAM GENERAL PARTNERSHIP, COMPOSED OF STONE GOSSARD, MIKE MC CREADY, EDDIE VEDDER, & JEFF AMENT	No
TMK 08-00056	3/25/2008	3/25/2008	3/26/2012	BUILD-A-BEAR WORKSHOP	BUILD-A-BEAR RETAIL MANAGEMENT, INC.	No
TMK 08-00057	3/25/2008	3/25/2008	4/25/2016	MISS DIOR CHERIE	PARFUMS CHRISTIAN DIOR CORPORATION FRANCE	No
TMK 08-00101	3/25/2008	3/25/2008	7/30/2012	WHERE BEST FRIENDS ARE MADE	BUILD-A-BEAR RETAIL MANAGEMENT, INC.	No
COP 08-00014	3/25/2008	3/25/2008	3/25/2028	BLV POUR HOMME	BULGARI SPA	No
TMK 08-00058	3/25/2008	3/25/2008	10/1/2012	HIGHER	PARFUMS CHRISTIAN DIOR, S.A.	No
TMK 08-00059	3/25/2008	3/25/2008	7/23/2012	BUILD-A-BEAR WORKSHOP	BUILD-A-BEAR RETAIL MANAGEMENT, INC.	No
TMK 08-00102	3/25/2008	3/25/2008	1/23/2014	DIORELLA	PARFUMS CHRISTIAN DIOR, S.A.	No
TMK 08-00060	3/25/2008	3/25/2008	11/17/2012	MINI-CIRCUITS AND DESIGN	SCIENTIFIC COMPONENTS CORPORATION	No
TMK 08-00161	3/25/2008	3/25/2008	10/14/2013	SD (STYLIZED)	SD-3C, LLC	No
TMK 08-00103	3/25/2008	3/25/2008	8/28/2011	V VOGUE	LUXOTTICA GROUP S.P.A.	No
TMK 08-00061	3/25/2008	3/25/2008	4/25/2010	HUMULIN	ELI LILLY AND COMPANY	No
TMK 08-00104	3/25/2008	3/25/2008	6/23/2012	PERSOL	LUXOTTICA S.R.L.	No
TMK 08-00062	3/25/2008	3/25/2008	9/28/2009	TAG HEUER	TAG HEUER S.A.	No
TMK 08-00105	3/25/2008	3/25/2008	2/26/2014	ADOLPH'S	UNILEVER SUPPLY CHAIN, INC.	No
TMK 08-00107	3/25/2008	3/25/2008	6/8/2011	PERSOL	LUXOTTICA S.R.L.	No
TMK 08-00106	3/25/2008	3/25/2008	8/23/2009	HELLMANN'S	UNILEVER SUPPLY CHAIN, INC.	No
TMK 08-00063	3/25/2008	3/25/2008	3/18/2013	XTERRA	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00064	3/25/2008	3/25/2008	6/18/2012	XTERRA	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00065	3/25/2008	3/25/2008	9/27/2015	XTRONIC CVT	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00108	3/25/2008	3/25/2008	6/12/2014	COUNTRY CROCK	UNILEVER SUPPLY CHAIN, INC.	No
TMK 08-00111	3/25/2008	3/25/2008	10/28/2017	VENEZIA	LANE BRYANT, PURCHASING CORPORATION	No

CBP IPR RECORDATION - MARCH 2008

TMK 08-00109	3/25/2008	6/12/2017	XBOX 360	MICROSOFT CORPORATION	No
TMK 08-00110	3/25/2008	4/22/2017	NISSAN	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00112	3/25/2008	4/22/2017	NISSAN	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00119	3/25/2008	3/4/2013	THE ENGINEERS OF LUXURY	DR. ING. H.C.F. PORSCHE AKTIENGESELLSCHAFT	No
TMK 08-00120	3/25/2008	3/25/2013	THE ENGINEERS OF LUXURY	DR. ING. H.C.F. PORSCHE AKTIENGESELLSCHAFT	No
TMK 08-00121	3/25/2008	2/25/2013	THE ENGINEERS OF LUXURY	DR. ING. H.C.F. PORSCHE AKTIENGESELLSCHAFT	No
TMK 08-00122	3/25/2008	4/8/2013	THE ENGINEERS OF LUXURY	DR. ING. H.C.F. PORSCHE AKTIENGESELLSCHAFT	No
TMK 08-00123	3/25/2008	7/6/2014	ROADSTER	DR. ING. H.C.F. PORSCHE AKTIENGESELLSCHAFT	No
TMK 08-00127	3/25/2008	2/20/2017	DUCAL	ALIMENTOS KERN DE GUATEMALA, S.A.	No
TMK 08-00126	3/25/2008	7/22/2017	SPEEDSTER	DR. ING. H.C.F. PORSCHE AKTIENGESELLSCHAFT	No
TMK 08-00124	3/25/2008	3/17/2008	SPEEDSTER	DR. ING. H.C.F. PORSCHE AKTIENGESELLSCHAFT	No
TMK 08-00113	3/25/2008	8/3/2014	V	NOKIA CORPORATION	No
TMK 08-00066	3/25/2008	3/11/2017	NISSAN	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00114	3/25/2008	9/6/2015	NISMO	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00116	3/25/2008	4/25/2009	NISMO	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00115	3/25/2008	11/6/2011	XTERRA	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00117	3/25/2008	5/8/2010	Z	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00125	3/25/2008	7/19/2015	NISSAN	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00118	3/25/2008	2/24/2014	VERTU	NOKIA CORPORATION	No
TMK 08-00128	3/25/2008	7/5/2015	NISSAN	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00130	3/25/2008	9/21/2013	QUEST TRAC	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00159	3/25/2008	9/20/2015	NISMO	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00160	3/25/2008	2/7/2015	PATROL	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00158	3/25/2008	12/24/2011	PM30	NISSAN JIDOSHA KABUSHIKI KAISHA	No
TMK 08-00131	3/25/2008	7/20/2014	VERTU	NOKIA CORPORATION	No
TMK 08-00129	3/25/2008	3/8/2015	2 GLOBES (DEVICEMARK)	FEDERATION INTERNATIONALE DE FOOTBALL ASSOCIATION	No
TMK 08-00067	3/25/2008	11/15/2015	WEBKINZ	GANZ	No
TMK 08-00135	3/25/2008	12/4/2017	DESIGN ONLY	JACKSONVILLE JAGUARS, LTD.	No
TMK 08-00136	3/25/2008	1/14/2013	KROGER	THE KROGER CO. OF MICHIGAN	No
COP 08-00005	3/25/2008	3/25/2028	TOKIDOKI FOR LESPORTSAC SPRING 2007 LOVE	TOKIDOKI, LLC	No
TMK 08-00137	3/25/2008	9/12/2010	SD (STYLIZED)	SD-3C, LLC	No
TMK 08-00138	3/25/2008	12/24/2012	KROGER	THE KROGER CO. OF MICHIGAN	No
TMK 08-00140	3/25/2008	8/16/2016	KROGER	THE KROGER CO. OF MICHIGAN	No
TMK 08-00139	3/25/2008	7/14/2017	KONICA	KONICA MINOLTA HOLDINGS, INC.	No

CBP IPR RECORDATION - MARCH 2008

TMK 08-00141	3/25/2008	2/25/2013	THE ENGINEERS OF LUXURY	DR. ING. H.C.F. PORSCHE AKTIENGESELLSCHAFT	No
TMK 08-00068	3/25/2008	2/13/2017	LIL' KINZ	GANZ	No
TMK 08-00069	3/25/2008	5/9/2016	SD SECURE DIGITAL (STYLIZED)	SD-3C, LLC	No
TMK 08-00142	3/25/2008	5/2/2016	DE BEERS	DE BEERS LV TRADE MARK LIMITED CORPORATION	No
TMK 08-00143	3/25/2008	1/3/2010	SAMSARA	GUERLAIN, INC.	No
TMK 08-00144	3/25/2008	4/20/2014	HABIT ROUGE	GUERLAIN S.A.	No
TMK 08-00070	3/25/2008	1/7/2013	BLACKBERRY	RESEARCH IN MOTION LIMITED	No
TMK 08-00071	3/25/2008	1/21/2013	BLACKBERRY AND DESIGN	RESEARCH IN MOTION LIMITED	No
TMK 08-00076	3/25/2008	1/15/2018	MUNCHUK	MINTEODO OF AMERICA INC.	No
COP 08-00019	3/25/2008	3/25/2028	TRAVERTINE/DURACERAMIC	CONGOLEUM CORPORATION	No
TMK 08-00075	3/25/2008	4/20/2014	RESEARCH IN MOTION	RESEARCH IN MOTION LIMITED	No
TMK 08-00145	3/25/2008	11/21/2012	NINA RICCI	PARFUMS NINA RICCI, S.A.	No
TMK 08-00074	3/25/2008	5/25/2014	BLACKBERRY	RESEARCH IN MOTION LIMITED	No
TMK 08-00073	3/25/2008	6/25/2016	RIM	RESEARCH IN MOTION LIMITED	No
TMK 08-00072	3/25/2008	3/28/2016	SURETYPE	RESEARCH IN MOTION LIMITED	No
TMK 08-00157	3/25/2008	4/21/2018	CRYSTAL	RESEARCH IN MOTION LIMITED	No
TMK 08-00077	3/25/2008	9/27/2015	RIM	RESEARCH IN MOTION LIMITED	No
TMK 08-00079	3/25/2008	5/18/2014	BLACKBERRY ENTERPRISE EDITION	RESEARCH IN MOTION LIMITED	No
TMK 08-00080	3/25/2008	6/20/2010	ALWAYS ON, ALWAYS CONNECTED	RESEARCH IN MOTION LIMITED	No
TMK 08-00078	3/25/2008	8/11/2010	PACO RABANNE	PACO RABANNE PARFUMS	No
TMK 08-00146	3/25/2008	5/9/2016	AS	ARIZONA BOARD OF REGENTS, FOR AND ON BEHALF OF ARIZONA STATE UNIVERSITY	No
TMK 08-00149	3/25/2008	3/21/2017	LIPTON	UNILEVER SUPPLY CHAIN, INC.	No
TMK 08-00081	3/25/2008	2/11/2017	RESEARCH IN MOTION	RESEARCH IN MOTION LIMITED	No
TMK 08-00083	3/25/2008	3/16/2014	RIM	RESEARCH IN MOTION LIMITED	No
TMK 08-00148	3/25/2008	7/28/2017	GRINNING DEVIL WITH HORNS, POINTED TAIL, HOLDING A PITCHFORK	ARIZONA BOARD OF REGENTS, FOR AND ON BEHALF OF ARIZONA STATE UNIVERSITY	No
TMK 08-00147	3/25/2008	5/12/2017	ARIZONA STATE	ARIZONA BOARD OF REGENTS, FOR AND ON BEHALF OF ARIZONA STATE UNIVERSITY	No
TMK 08-00082	3/25/2008	12/4/2017	MASSAGENT.COM	MASSACHUSETTS ASSOCIATION OF INSURANCE AGENTS	No
TMK 08-00151	3/25/2008	5/27/2009	RAGU	UNILEVER SUPPLY CHAIN, INC.	No
TMK 08-00156	3/25/2008	8/25/2008	ORGANZA	PARFUMS GIVENCHY	No
TMK 08-00150	3/25/2008	6/23/2017	XERYUS	PARFUMS GIVENCHY CORPORATION	No
TMK 08-00155	3/25/2008	12/19/2017	ANGE OU DEMON	PARFUMS GIVENCHY S.A.	No
TMK 08-00084	3/25/2008	2/13/2011	HOT COUTURE	PARFUMS GIVENCHY	No
TMK 08-00152	3/25/2008	9/6/2015	FRED	FRED PARIS CORPORATION FRANCE	No

CBP IPR RECORDATION - MARCH 2008

TMK 08-00153	3/25/2008	11/20/2017	WASHINGTON STATE VISITORS' GUIDE	WASHINGTON STATE HOTEL & LODGING ASSOCIATION	Yes
TMK 08-00085	3/25/2008	5/24/2015	CLEAROUNDS	CLEAROUNDS COMMUNICATIONS, INC.	No
TMK 08-00154	3/25/2008	1/1/2018	GLUCOSCAR & DESIGN	GLUCOSCAR INTERNATIONAL PTE LTD	No
TMK 08-00086	3/25/2008	1/7/2013	BLACKBERRY	RESEARCH IN MOTION LIMITED	No
TMK 08-00088	3/25/2008	5/25/2014	BLACKBERRY AND DESIGN	RESEARCH IN MOTION LIMITED	No
TMK 08-00087	3/25/2008	11/7/2010	DESIGN ONLY	RESEARCH IN MOTION LIMITED	No
TMK 08-00174	3/28/2008	10/3/2011	MAZOLA	ACH FOOD COMPANIES, INC.	No
TMK 04-00360	3/28/2008	10/20/2008	CLOSE UP & DESIGN	CHURCH & DWIGHT COMPANY	Yes
TMK 08-00173	3/28/2008	3/14/2016	TWO CROSSED ARROWS	APPLE INC.	No
TMK 08-00171	3/28/2008	1/8/2018	DESIGN ONLY	APPLE INC.	No
TMK 08-00172	3/28/2008	5/13/2013	DESIGN ONLY	APPLE INC.	No
TMK 08-00169	3/28/2008	1/2/2017	IPOD NANO	APPLE INC.	No
TMK 08-00170	3/28/2008	5/9/2016	IPOD	APPLE INC.	No
TMK 08-00175	3/28/2008	12/24/2012	PURALIN	APOTHECUS PHARMACEUTICAL CORP.	No
COP 08-00021	3/28/2008	3/28/2028	MICROSOFT OFFICE ULTIMATE, 2007	MICROSOFT CORPORATION	No
COP 08-00020	3/28/2008	3/28/2028	WINDOWS VISTA ULTIMATE	MICROSOFT CORPORATION	No
TMK 08-00167	3/28/2008	5/30/2016	BLACKBERRY CONNECTION	RESEARCH IN MOTION LIMITED	No
TMK 08-00166	3/28/2008	6/13/2016	BLACKBERRY	RESEARCH IN MOTION LIMITED	No
TMK 08-00168	3/28/2008	8/2/2015	CENTRINO	INTEL CORPORATION	No
TMK 08-00165	3/28/2008	4/17/2017	INTEL VITV	INTEL CORPORATION	No
TMK 08-00164	3/28/2008	12/4/2017	INTEL CORE	INTEL CORPORATION	No
TMK 08-00163	3/28/2008	5/3/2014	PENTIUM	INTEL CORPORATION	No

Total Records: 184
Date as of: 4/8/2008

**Announcement of Program Pilot: International Registered
Traveler (IRT)**

Docket No. USCBP-2006-0037

AGENCY: Customs and Border Protection; Department of Homeland Security.

ACTION: General notice; request for comments.

SUMMARY: This notice announces a pilot international registered traveler program, referred to as International Registered Traveler (IRT) that will be operated by Customs and Border Protection (CBP) to allow for the expedited clearance of pre-approved low-risk air travelers into the United States. This pilot will initially be conducted at the John F. Kennedy International Airport, Jamaica, New York; the George Bush Intercontinental Airport, Houston, Texas; and the Washington Dulles International Airport, Sterling, Virginia, and may expand to other locations as announced. This notice invites public comments concerning any aspect of the pilot of this international registered traveler program, informs interested members of the public of the eligibility requirements for voluntary participation in the pilot, and describes the basis on which CBP will select participants for the pilot.

DATES: Applications to be initial participants in the pilot should be submitted May 12, 2008. The pilot will commence June 10, 2008. Applications to participate in the pilot will be accepted throughout the duration of the pilot. The pilot is expected to continue for at least six months. The time frame of the pilot will vary, depending on the progress of an evaluation of the pilot that will be conducted by CBP.

ADDRESSES: You may submit comments, identified by "USCBP-2006-0037," by one of the following methods:

- * Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- * Mail: Border Security Regulations Branch, Regulations and Rulings, Office of International Trade, Customs and Border Protection, 1300 Pennsylvania Avenue, NW. (Mint Annex), Washington, DC 20229.

Instructions: All submissions received must include the agency name, document title, and docket number (USCBP-2006-0037) for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Docket: For access to the docket to read background documents or comments received go to <http://www.regulations.gov>. Sub-

mitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Office of Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 799 9th Street, NW, 5th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572-8768.

Applications for the IRT pilot are available through the Global On-Line Enrollment System (GOES) at www.cbp.gov. Applications must be completed and submitted electronically.

FOR FURTHER INFORMATION CONTACT: Fiorella Michelucci, Office of Field Operations, (202) 344-2564 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Customs and Border Protection (CBP) is announcing in this notice that it will be conducting an international registered traveler pilot for a new passenger processing system called International Registered Traveler (IRT). CBP will be evaluating the IRT program during this pilot with the ultimate goal to implement a single, integrated passenger processing system that will expedite the movement of low-risk, frequent international air travelers by providing an expedited inspection process for pre-approved, pre-screened “trusted” travelers. By implementing this initiative, CBP would facilitate the movement of people more efficiently, thereby accomplishing CBP’s strategic goal of facilitating legitimate trade and travel while securing the homeland.

The Commissioner of CBP is delegated authority in 19 CFR 101.9 to conduct voluntary test/pilot programs to evaluate the effectiveness of new technology or operational procedures regarding the processing of passengers, vessels or merchandise. Title 8 U.S.C., Section 1365b requires that the Department of Homeland Security (DHS) operate a biometric entry and exit system and that it integrate registered traveler programs into this system. This provision also requires, in subsection (k)(3), that the Secretary establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and lawful permanent residents who enter and exit the United States.¹ Subsection (k)(3)(B) authorizes the Secretary to impose a fee for the program and to modify such fee “from time to time.” The provision requires

¹CBP has other programs that expedite the travel of previously screened and known travelers across the borders of the United States (i.e., Free and Secure Trade (FAST), Secure Electronic Network for Travelers Rapid Inspection (SENTRI), and NEXUS). The agency also calls these programs “trusted traveler programs.”

that the fee may not exceed the aggregate costs associated with the program and shall be credited to DHS to carry out the program.

DHS is coordinating multiple tests of electronic identity verification systems, including the US-VISIT program and the Registered Traveler program of the Transportation Security Administration (TSA). The results of these various programs will be considered in coordination with those other components and agencies within DHS.

I. Description of IRT Pilot Program

Overview

The IRT pilot project will allow pilot participants expedited entry into the United States at any of its three locations, John F. Kennedy International Airport, Jamaica, New York (JFK); the George Bush Intercontinental Airport, Houston, Texas (IAH); and the Washington Dulles International Airport, Sterling, Virginia (IAD), and a limited number of future airports as announced in further **Federal Register** notices, by using automated kiosks located in the Federal Inspection Services (FIS) area of each airport. IRT uses fingerprint biometrics technology to verify a participant's identity and confirm his or her status as a participant.

After arriving at the FIS area, the participant will proceed directly to the IRT kiosk. A sticker affixed to the participant's passport at the time of acceptance in IRT will provide visual identification that the individual can be referred to the kiosk. IRT participants need not wait in the regular passport control primary inspection lines.

Operations

After arriving at the kiosk, the participant will activate the system by inserting into the document reader either a machine-readable passport or a machine-readable U.S. permanent resident card. On-screen instructions will guide the participant to provide fingerprints electronically. These fingerprints will be compared with the fingerprint biometrics on file to validate identity and confirm that the individual is a member of the program. Participants will also be prompted to look at the camera for a digital photograph.

When the procedures at the kiosk have been successfully completed, which will also involve responding to several customs declaration questions by use of a touch-screen, the participant will be issued a transaction receipt. This receipt must be provided along with the passport or permanent resident card to the CBP Officer at the exit control area who will examine and inspect these documents. CBP Officers stationed in booths next to the kiosk lanes will also oversee activities at the kiosk.

Declarations

When using the IRT kiosks, IRT participants will be required to declare all articles being brought into the U.S. pursuant to 19 CFR 148.11.

If IRT participants declare any of the following, the kiosk will redirect the user to the head of the line at the nearest, open passport control, primary inspection station:

- a) Commercial merchandise or commercial samples, or items that exceed the applicable personal exemption amount;
- b) More than \$10,000 in currency or other monetary instruments (checks, money orders, etc.), or foreign equivalent in any form; or
- c) Restricted/prohibited goods, such as agricultural products, firearms, mace, pepper spray, endangered animals, birds, narcotics, fireworks, Cuban goods, and plants.

Moreover, IRT participants may be subject to further examination and inspection as determined by CBP Officers at any time during the arrival process.

II. Pilot Program Eligibility Criteria

Participation in the IRT pilot is voluntary. Only U.S. citizens, U.S. nationals, and U.S. lawful permanent residents (LPRs) will be considered for participation at the launch of this pilot. CBP is working with other countries to eventually recognize comparable programs operated by these countries so that non-U.S. citizens and other foreign nationals that are participants in those programs will be eligible for participation in IRT. As these agreements on mutual recognition are finalized, CBP will expand its eligibility criteria, and will announce any expansions of these criteria during the pilot program by publication in the **Federal Register**.

No person, however, will be eligible for this pilot if he or she loses LPR status or is inadmissible to the United States under the immigration laws, if he or she has ever been convicted of a criminal offense, or if he or she has ever been found in violation of the customs or immigration laws of the United States, or of any criminal law. Additionally, no person will be eligible if CBP or DHS determines that he or she presents a potential risk for terrorism, criminality or smuggling, or if CBP or DHS can not sufficiently determine that an applicant meets the above criteria for participation in the pilot.

Children 14 years of age and older, but under the age of 18, must have the consent of a parent or legal guardian to participate in the pilot. Children under the age of 14 are not eligible to participate in the pilot.

All participants must possess a Machine Readable Passport or Permanent Resident Card (if applicable). Machine-readable passports include two optical-character, typeface lines at the bottom of the biographic page of the passport that help to quickly read the biographical information on the passport.

III. Pilot Program Application and Selection Process

The application for the IRT pilot is available on-line through the Global On-Line Enrollment System (GOES) at www.cbp.gov. The application is to be completed and submitted electronically through GOES. Other application options, such as paper applications or the opportunity to provide enrollment data via private sector entities will be considered in future announcements.

The on-line application for IRT collects information similar to that collected by applications for CBP's other trusted traveler programs (e.g., NEXUS, Secure Electronic Network for Travelers Rapid Inspection (SENTRI) and Free and Secure Trade (FAST)). The information collected through the on-line application is deposited into the Global Enrollment System (GES), as the system of record for CBP trusted traveler programs. The personal information provided by the applicants, including the fingerprint biometrics taken at the time of the personal interview, may be shared with other government and law enforcement agencies in accordance with applicable laws and regulations. The personal information that is collected through GOES is maintained in a Privacy Act system of records (GES) that was last published in the **Federal Register** on April 21, 2006 (71 FR 20708). CBP has also published two Privacy Impact Assessments that cover this pilot on the DHS Privacy Office Website, www.dhs.gov/privacy [GES, GOES]. In addition, an update addressing on-line functionality of the enrollment process was posted to the DHS Privacy Office website on November 1, 2006. Applicant biometrics (fingerprints, photographs) are stored in the DHS Automated Biometric Identification System (IDENT). The IDENT Privacy Act System of Records notice was last published on June 5, 2007 (72 FR 31080).

A non-refundable, fee in the amount of \$100 will be charged to each applicant at the time of application submission to the pilot program. The \$100 fee paid by applicants to the pilot will cover the benefits of participation for the duration of the pilot. The fee is to be paid to CBP at the time of application through the Federal Government's on-line payment system, Pay.gov. Pay.gov is a system by which parties can make secure electronic payments to many Federal Government agencies. Should the IRT program become permanent, other payment alternatives may be made available.

There are three steps to the application process before an individual can become a participant in the pilot program. In the first step, applicants must complete and submit the pilot program application on-line through GOES and submit payment of the \$100 fee through Pay.gov. Applicants will be provided with a GOES on-line account in order to assist them and permit CBP to communicate with the applicant during the application process. In the second step, CBP Officers will review the applicant's information for processing to ensure that the applicant is in compliance with United

States customs and immigration laws and regulations. Criminal and antiterrorism government databases will also be checked. Foreign government databases and sources may also be used as permitted by relevant U.S. laws and regulations, and to the extent applicable, arrangements with foreign governments.

Applicants meeting the eligibility criteria will be notified by e-mail to an e-mail address provided at the time of the application and a message in their GOES account that they can schedule an interview at an Enrollment Center using the GOES link to the on-line scheduling feature. The applicant will choose an Enrollment Center at JFK, Houston or Dulles Airport to initiate the third phase of the application process. As operation of the program expands, CBP will announce future enrollment locations. Contact information for the three current Enrollment Centers (also available at www.cbp.gov), is as follows:

John F. Kennedy International Airport:

U.S. Customs and Border Protection
JFK International Airport
Terminal 4, Second Floor
Jamaica, NY 11430
Telephone: (718) 553-1237
Fax: (718) 553-1783

George Bush Intercontinental Airport:

U.S. Customs and Border Protection
Houston Intercontinental Airport
3870 North Terminal Road
Terminal E
Houston, TX 77032
Telephone: (281)-230-4672
Fax: (281) 230-4676

Washington Dulles International Airport:

U.S. Customs and Border Protection
Deferred Inspection Unit/Enrollment Center
Washington Dulles International Airport
22685 Holiday Park Drive Suite 15
Sterling, VA 20166
Telephone: (703) 661-7100
Fax: (703) 661-8394

At the Enrollment Center, CBP officers will review the provided information and conduct an interview of the applicant. Applicants must bring to the interview originals of the identification documentation they specified in their application to the Enrollment Center. Usually, this will be a United States Passport or Permanent Resident card. During this process, CBP officers will perform the follow-

ing procedures: verify identity and proof of U.S. citizenship, U.S. national or U.S. permanent resident status, as applicable; confirm the validity of travel documents; confirm the candidate meets eligibility requirements for membership; electronically capture a full set of 10 fingerprints to enroll the applicant; and conduct various checks, including a check for criminal records in law enforcement databases (which involves submission of the fingerprints to the Federal Bureau of Investigation (FBI)). Finally, CBP officers will also take a digital photograph of each applicant for the IRT membership database. Although an application can be made for a child (14 years of age or older) to travel with a non-custodial adult, provided that the required documentation is submitted, a child appearing at the Enrollment Center for processing must be accompanied by at least one custodial adult (parent or guardian). At the interview, the CBP officer may request appropriate documentary evidence of parental custody from the parent or guardian seeking to enroll the child in the IRT pilot.

After becoming a member of IRT, each participant will be screened against the relevant criminal and anti-terrorism government databases each time the IRT kiosk is used. Additionally, it is important to note that CBP will continue to conduct periodic checks for all enrolled members during the entire period of the pilot (and/or the permanent version of the program, at the point it becomes permanent), to ensure that CBP can quickly take action should new information be made available that would disqualify the participant.

The required immigration status and citizenship of participants must be valid at all times. Participants must possess required immigration and identity documents at all times during their travel, including at the time of arrival to participating airports.

IV. The Fee

In order to reimburse CBP for the application processing costs associated with this program, including the submission of applicant fingerprints to the FBI, Congress has, as noted, authorized the Secretary (of the Department of Homeland Security) to charge a fee for participation in the program. See 8 U.S.C. 1365b(k)(3)(B). On receipt of the fee, CBP will review the application and determine whether the applicant is eligible to participate in this voluntary program. Applicants who are enrolled as IRT participants will receive the benefit of expedited clearance through airports at which CBP is testing, or later establishes the IRT program.

1. Alternatives to Charging a Fee

The only alternative to charging a fee to cover CBP's application processing costs associated with the IRT program would be for the United States Government, and specifically CBP, to pay for the costs out of its general appropriated funds, without reimbursement. How-

ever, this course of action would be contrary to stated Congressional and Administration policy that a fee should be charged when a specific benefit is rendered. 31 U.S.C. 9701; Office of Management and Budget (OMB) Circular A-25, User Charges (Revised), section 6, 58 FR 38142 (July 15, 1993). Therefore, CBP has determined that charging a fee for the subject service is the only viable alternative.

2. Amount of the Fee

CBP has determined that \$100 is the amount necessary to recover the costs incurred by CBP for the processing of the application, including the submission of the applicant's fingerprints to the FBI, and other administrative costs of the program.

However, the program costs covered by this fee do not include inspection costs incurred by CBP each time an IRT participant enters the United States. Such costs are covered by the various inspection user fees already charged by CBP. See 8 U.S.C. 1356(d); 19 U.S.C. 58c(a)(5)(B).

The application processing costs covered by the fee are provided as follows:

Unit Cost of Processing An Application for IRT (5 Year Cycle))	
Application Process Elements	Unit Cost
Unit Cost FBI Fingerprints	\$17.25
Unit Cost of Vetting An Applicant	\$38.04
Unit Cost of Issuing Sticker	\$ 1.00
Unit Cost of Establishing, Operating, and Maintaining An Enrollment Center	\$32.53
Unit Cost of GES Servers, Storage, Enhancements and Upgrades	\$11.14
Grand Total Unit Cost of Processing An IRT Application	\$99.96
Notes for Table	
1. Position costs for application processing is calculated by multiplying .5 by the hourly rate of a Customs and Border Protection Officer (CBPO), (Total position cost = 144,000, including training, equipment and other costs). A 3.16% pay raise and benefits weighted average rate was applied.	
2. A 3% inflation rate adjustment was applied for all costs.	
3. GES is the acronym for CBP's Global Enrollment System. Application for the IRT pilot program will occur in the Global On-Line Enrollment System (GOES), which is part of GES. The GES is housed in the CBP Secure network.	

Unit Cost of Processing An Application for IRT (5 Year Cycle))	
Application Process Elements	Unit Cost
Other Assumptions	
CBPOs working on the enrollment centers will perform other functions when no application processing-related work exists.	
Unit cost is based on regular hours. Overtime is excluded.	
Total enrollees = 250,000 (This total would be reached in a five-year cycle).	

As can be seen in the above table, the total calculated costs to CBP, per applicant, equals the amount of \$99.96. To simplify accounting tasks for both applicants and CBP, and to allow for the possibility of small variations in the estimated costs compared to the actual costs, CBP is setting the cost per applicant at \$100. This fee will be non-refundable.

V. Redress

If an applicant is denied participation in the IRT pilot, a notice will be sent to his or her GOES account advising him or her of the denial, with instructions on how to proceed if the applicant wishes to seek additional information.

Even though an applicant has been accepted in the pilot program, he or she may later be suspended or removed from the pilot if CBP, at its sole discretion, determines that a participant has engaged in any misconduct under the IRT pilot; if the participant provided false information during the application and/or application process; if the participant fails to follow the terms and conditions of this notice and/or the requirements of the pilot; if the participant is convicted of a crime or otherwise no longer meets the qualification standards of the program; or if CBP determines that such action is necessary and appropriate. CBP will notify the participant of his or her suspension or removal from the pilot in writing, which will be effective immediately.

The applicant has three channels for redress: a) directly with the enrollment center; b) DHS Travelers Redress Inquiry Program (DHS TRIP); and c) the CBP Trusted Traveler Ombudsman.

a) Enrollment Center

A participant may contest his or her suspension or removal, in writing, to the Enrollment Center where the participant's interview was conducted. The enrollment center addresses are available at www.cbp.gov and are provided in this document. The participant's letter must be received by CBP within thirty (30) calendar days of the date provided as the date of suspension or removal. The appli-

cant should write on the envelope “Redress Request RE: IRT.” The letter should address the facts or conduct that resulted in the suspension or removal and why the participant believes the reason for the suspension or removal is invalid.

b) DHS TRIP

The individual may choose to initiate the redress process through the existing DHS TRIP process. DHS TRIP is a web-based customer service initiative developed as a voluntary program to provide a one-stop mechanism for individuals to request redress. DHS TRIP provides traveler redress intake and processing support while working with relevant DHS components to review and respond to requests for redress.

An individual seeking redress may obtain the necessary forms and information to initiate the process on the DHS TRIP Web site at <http://www.dhs.gov/trip> or by contacting DHS TRIP by mail. DHS TRIP will review all the documentation provided by the individual and share the redress request with any necessary agencies (including appropriate Federal law enforcement or intelligence agencies, if necessary) for resolution. DHS TRIP will correct any erroneous information and will inform the individual when the redress process has been completed.

c) Ombudsman

If participants feel the denial or revocation was based upon inaccurate information, they may contact the CBP Enrollment Center where their interview was conducted, or they may write to the CBP Trusted Traveler Ombudsman at:

U.S. Customs and Border Protection
300 Interstate Corporate Center
Suite 303
Williston, VT 05495
Attention: CBP Ombudsman

Contact with the Enrollment Centers, DHS TRIP or the Trusted Traveler Ombudsman should contain supporting information that can demonstrate that the denial or revocation was based on inaccurate information. CBP often relies on data from other agencies (e.g., Immigration and Customs Enforcement, FBI, Drug Enforcement Administration) and the denial or revocation may have been based upon those records. In order to view records that may be on file with another agency, the applicant will need to contact those agencies directly. The provisions allowing participants to seek redress concerning their suspension or removal from the program pilot do not create or confer any legal right, privilege or benefit, but is wholly discretionary on the part of CBP.

None of these three options for redress will result in either the confirmation or denial of whether an individual is on the watch list, because this information is derived from classified and sensitive law enforcement and intelligence information. This policy protects the operational counterterrorism and intelligence collection objectives of the Federal Government, as well as the personal safety of those involved in counterterrorism investigations.

VI. FOIA

Any participant who has reason to believe his or her suspension or removal is based upon records maintained by CBP and wishes to view those records, should file a Freedom of Information Act (FOIA) request with the FOIA Division, Office of International Trade, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, N.W. (Mint Annex), Washington, DC 20229. Applicants should not use this address to seek redress or review of their application for this pilot. This address should only be used to obtain copies of the information CBP has on file, subject to applicable FOIA exemptions. If the record sought is owned by another State or local entity, the applicant must contact that entity directly for information.

VII. Pilot Evaluation Criteria

CBP will review all public comments received concerning any aspect of the pilot program or procedures, finalize procedures in light of those comments and CBP will evaluate the program by forming problem-solving teams and establishing baseline measures and evaluation methods and criteria. Evaluation of the pilot will begin upon the start of the pilot. The pilot is expected to continue for a minimum of six months. A review will be conducted at the end of a three-month period and at the six-month period, to include evaluation of the following: the number of participants; the number of instances and length of time that kiosks were out of service; the average length of time for person to successfully complete the kiosk process; the number of instances that approved user could not successfully complete the kiosk process; the average length of time for CBP to process applications; the percentage of denied applications; and the percentage of kiosk usage. This time frame is subject to change, however, depending on the progress of the ongoing evaluation. The pilot program may be extended, modified, or terminated depending on the results of the evaluation.

Date: April 7, 2008

W. RALPH BASHAM,
Commissioner,
Customs and Border Protection.

Modification and Extension of the Post-Entry Amendment Processing Test; Correction

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

ACTION: General notice; correction.

SUMMARY: On August 21, 2007, U.S. Customs and Border Protection (CBP) published a general notice in the **Federal Register** announcing a modification of the CBP post-entry amendment processing test and the discontinuance of the supplemental information letter (SIL) policy. This document corrects the previously published notice concerning its statement that timely filed individual amendment letters (now known as single post entry amendments (PEAs) or single PEAs) will be treated as protests under 19 U.S.C. 1514 where the entry summaries covered by the PEAs were liquidated without consideration of the requested amendment. In such circumstances, CBP may reliquidate the entry summaries under 19 U.S.C. 1501 based on the PEAs or the importer may file a protest in accordance with 19 U.S.C 1514. CBP will not treat single PEAs filed before liquidation as protests.

DATES: This correction of the previously published test modification as described in this document is effective on April 11, 2008.

ADDRESSES: Written comments regarding this correction and the previously published test modification referenced above should be addressed to Customs and Border Protection, Entry, Summary and Drawback Branch, Office of International Trade, ATTN: Post-Entry amendment, 1300 Pennsylvania Avenue, N.W., Room (L-4), Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Questions pertaining to any aspect of this notice, or the previously published notice referenced above, should be directed to Jennifer Dolan, Customs and Border Protection, Entry, Summary and Drawback Branch, Office of International Trade, at (202) 863-6538 or via email at Jennifer.Dolan@dhs.gov.

SUPPLEMENTARY INFORMATION:

On August 21, 2007, CBP published a general notice in the **Federal Register** (72 FR 46654) announcing a modification of the PEA test. The PEA test procedure allows test participants (importers) to amend entry summaries (not informal entries) prior to liquidation by

filing with CBP either a single PEA upon discovery of certain kinds of errors or a quarterly tracking report covering certain other errors that occurred during the quarter. The test modification, which became effective on September 20, 2007, concerned the timeliness of filing single PEAs. Prior to the modification, the test participant was required to file a single PEA promptly after discovery of a covered error and prior to the liquidation of the subject entry summary. The test procedure as modified requires that a single PEA be filed at least 20 days before the scheduled liquidation date of the subject entry summary.

The modification notice explained that an untimely filed single PEA would be rejected and a timely filed single PEA would be treated by CBP as a protest under 19 U.S.C. 1514 in any instance where the entry summaries are not unset or processed by the scheduled liquidation date and liquidation therefore occurs without benefit of the requested amendment.

Correction

Under 19 U.S.C. 1514, a protest must be filed within a certain period after, not before, certain specified CBP actions, one of which is liquidation of the entry summary. To treat a single PEA filed prior to the liquidation, as described above, as a protest of the liquidation is contrary to the terms of the statute. Therefore, this notice specifies that in the instance of such liquidation, performed without consideration of the PEA, CBP may reliquidate the entry summary voluntarily under 19 U.S.C. 1501 or the importer may file a protest under 19 U.S.C. 1514.

Dated: April 7, 2008

DANIEL BALDWIN,
Assistant Commissioner,
Office of International Trade.

[Published in the Federal Register, April 11, 2008 (73 FR 19865)]

DEPARTMENT OF HOMELAND SECURITY,
OFFICE OF THE COMMISSIONER OF CUSTOMS.

Washington, DC, April 9, 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 International Trade.*

19 CFR PART 177

**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 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”) is revoking 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. Notice proposing this action and inviting comments on their correctness was published in the *Customs Bulletin*, Volume 42, Number 42, February 27, 2008. No comments were received in response to this notice.

EFFECTIVE DATE: This revocation is June 22, 2008.

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, notice proposing the revocation of Headquarters Ruling Letter (“HQ”) H004175 dated December 8, 2006 was published in the *Customs Bulletin*, Volume 42, Number 10, February 27, 2008. No comments were received in response to this notice. As stated in the proposed notice, this revocation 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 have advised CBP during this notice period.

As mentioned above, no comments were received in response to the proposed notice. Accordingly, pursuant to 19 U.S.C. 1625(c)(1), CBP is revoking 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 shoreside employees for the purpose of observing vessel operations pursuant to the analysis set forth in proposed Headquarters Ruling Letter (“HQ”) H019524 which is set forth as an attachment to this document.

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

DATED: April 4, 2008

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

Attachment

DEPARTMENT OF HOMELAND SECURITY,
U.S. CUSTOMS AND BORDER PROTECTION,
HQ H019524
April 4, 2008
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 shoreside 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 shoreside 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 shoreside 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.

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

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 shoreside 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 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 shoreside 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, ownership 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).

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.

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.