Bureau of Customs and Border Protection

General Notices

COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 4 2004)

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 April 2004. The last notice was published in the CUSTOMS BULLETIN on May 5, 2004.

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: George Frederick McCray, Esq., Chief, Intellectual Property Rights Branch, (202) 572–8710.

Dated: June 4, 2004.

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

05/04/2004 U.S. CUSTOMS SERVICE PAGE 1
09:09:06 IPR RECORDATIONS ADDED IN APRIL 2004 DETAIL

REC NUMBER	EFF DT	EXP DT	NAME OF COP, TMK, TNM OR MSK	OWNER NAME	RES
COP0400047	20040402	20240402	MY SCENE BARBIE	MATTEL, INC.	N
COP0400048	20040402	20240402	HIBISCUS KEIKI LEI #82020	TRADE WEST, INC.	N
COP0400049	20040406	20240406	PRECIOUS FEET	HARITAGE HOUSE'76, INC.	N
COP0400050	20040407	20240407	YASMIN DOLL CONFIGURATION, ACCESSORIES AND PACKAGING	MGA ENTERTAINMENT INC.	N
COP0400051	20040407	20240407	JADE DOLL CONFIGURATION, ACCESSORIES AND PACKAGING	MGA ENTERTAINMENT INC.	N
COP0400052	20040407	20240407	SASHA DOLL CONFIGURATION, ACCESSORIES AND PACKAGING	MGA ENTERTAINMENT	N
COP0400053	20040407	20240407	CLOE DOLL CONFIGURATION, ACCESSORIES AND PACKAGING	MGA ENTERTAINMENT INC.	N
COP0400054	20040407	20240407	BRATZ BOYZ DOLL SCULPTURE (MALE)	MGA ENTERTAINMENT INC.	N
COP0400055	20040407	20240407	BRATZ DOLL SCULPTURE (FEMALE)	MGA ENTERTAINMENT INC.	N
COP0400056	20040412	20240412	GUAMI	CRAZY SHIRTS, INC.	N
SUBTOTAL RECORDATION TYPE			10		
TMK0400266	20040405	20140405	ITALIA D'ORO	BOYD COFFEE COMPANY	N
TMK0400267	20040405	20091102	MILLION STARS	DANZIGER "DAN" FLOWER FARM	N
TMK0400268	20040405	20120115	VIP+	TIMBERCO, INC.	N
TMK0400269	20040406	20100313	DKNY	GABRIELLE STUDIO, INC.	N
TMK0400270	20040406	20120716	DKNY	GABRIELLE STUDIO, INC.	N
TMK0400271	20040406	20060220	DKNY	GABRIELLE STUDIO, INC.	N
TMK0400272	20040406	20131130	BJC	CANON KABUSHIKI KAISHA	N
TMK0400273	20040406	20070204	PROCLEAR	COOPERVISION TECHNOLOGY, INC.	N
TMK0400274	20040406	20070624	WOOLFELT	NATIONAL NONWOVENS INC.	N
TMK0400275	20040406	20131123	PILSNER URQUELL	PLZENSKY PRAZDROJ, A.S.	N
TMK0400276	20040406	20131111	IDATECH	IDATECH, LLC	N
TMK0400277	20040406	20100125	GOLF DIGEST	ADVANCE MAGAZINE PUBLISHERS, INC	N
TMK0400278	20040406	20070331	VISAGE	VISAGE, INC.	N
TMK0400279	20040406	20090626	WALTHER	UMAREX SPORTWAFFEN GMBH & CO. KG	N
TMK0400280	20040406	20130606	WALTHER IN A BOW	UMAREX SPORTWAFFEN GMBH & CO. KG	N
TMK0400281	20040406	20050829	PPK/S	UMAREX SPORTWAFFEN GMBH & CO. KG	N
TMK0400282	20040406	20050719	PPK	UMAREX SPORTWAFFEN GMBH & CO. KG	N
TMK0400283	20040406	20050822	TPH	UMAREX SPORTWAFFEN GMBH & CO. KG	N
TMK0400284	20040406	20060416	PP	UMAREX SPORTWAFFEN GMBH & CO. KG	N
TMK0400285	20040407	20131202	BRATZ	MGA ENTERTAINMENT, INC.	N
TMK0400286	20040407	20131028	MAX	BROOKSTONE COMPANY, INC.	N
TMK0400287	20040407	20130207	BRISTOL CREAM	ALLIED DOMECQ SPIRITS & WINE LTD	N
TMK0400288	20040407	20100111	CELEBREX	G.D. SEARLE LLC.	N
TMK0400289	20040407	20130123	ABERCROMBIE & FITCH	A & F TRADEMARK, INC.	N
TMK0400290	20040407	20130708	M4	COLT DEFENSE LLC.	N
TMK0400291	20040408	20050919	CORNERSTONE CELLARS	CORNERSTONE CELLARS, INC.	N
TMK0400292	20040408	20140124	RUBIK'S CUBE DESIGN	SEVEN TOWNS LTD.	N
TMK0400293	20040408	20130828	DESIGN (DOUGHBOY)	THE PILLSBURY COMPANY	N
TMK0400294	20040409	20130405	DON PEDRO	ALLIED DOMECQ ESPANA, S.A.	N
TMK0400295	20040409	20110903	VENERABLE	ALLIED DOMECQ ESPANA, S.A.	N
TMK0400296	20040412	20120609	BLUE CROSS	BLUE CROSS AND BLUE SHIELD ASSOC	N
TMK0400297	20040412	20110122	BLUE CROSS	BLUE CROSS AND BLUE SHIELD ASSOC	N
TMK0400298	20040412	20070127	BLUE CROSS	BLUE CROSS AND BLUE SHIELD ASSOC	N
TMK0400299	20040412	20081025	BLUE SHIELD	BLUE CROSS AND BLUE SHIELD ASSOC	N
TMK0400300	20040412	20060803	BLUE SHIELD	BLUE CROSS AND BLUE SHIELD ASSOC	N
TMK0400301	20040412	20070512	BLUE SHIELD	BLUE CROSS AND BLUE SHIELD ASSOC	N

REC NUMBER	EFF DT	EXP DT	NAME OF COP, TMK, TNM OR MSK	OWNER NAME	RES
TMK0400302	20040412	20130925	DESIGN ONLY	BLUE CROSS AND BLUE SHIELD ASSOC	N
TMK0400303	20040412	20060518	DESIGN ONLY	BLUE CROSS AND BLUE SHIELD ASSOC	N
TMK0400304	20040412	20061230	DESIGN ONLY	BLUE CROSS AND BLUE SHIELD ASSOC	N
TMK0400305	20040412	20070113	DESIGN ONLY	BLUE CROSS AND BLUE SHIELD ASSOC	N
TMK0400306	20040412	20140315	DESIGN ONLY	BLUE CROSS AND BLUE SHIELD ASSOC	N
TMK0400307	20040412	20120707	DESIGN ONLY	BLUE CROSS AND BLUE SHIELD ASSOC	N
TMK0400308	20040412	20120729	DESIGN ONLY	BLUE CROSS AND BLUE SHIELD ASSOC	N
TMK0400309	20040412	20121124	DESIGN ONLY	BLUE CROSS AND BLUE SHIELD ASSOC	N
TMK0400310	20040412	20110529	JACK SPADE WARREN STREET NEW YORK	KATE SPADE, LLC	N
TMK0400311	20040412	20120611	JACK SPADE	KATE SPADE, LLC	N
TMK0400312	20040412	20120611	KATE SPADE	KATE SPADE, LLC	N
TMK0400313	20040412	20130610	KATE SPADE	KATE SPADE, LLC	N
TMK0400314	20040412	20130923	KS	KATE SPADE, LLC	N
TMK0400315	20040412	20130923	DESIGN ONLY	KATE SPADE, LLC	N
TMK0400316	20040412	20131221	91A	HEWLETT-PACKARD DEVELOPMENT CO.	N
TMK0400317	20040412	20131228	98A	HEWLETT-PACKARD DEVELOPMENT CO.	N
TMK0400318	20040412	20131228	75A	HEWLETT-PACKARD DEVELOPMENT CO.	N
TMK0400319	20040412	20131228	95A	HEWLETT-PACKARD DEVELOPMENT CO.	N
TMK0400320	20040412	20140210	BOB'S STEAK & CHOP HOUSE	SILVEROAK HOLDINGS, LTD.	N
TMK0400321	20040412	20120709	0	LGH-III, LLC	N
TMK0400322	20040412	20110814	DESIGN ONLY	ONLY THE BEST, INC.	N
TMK0400323	20040412	20130218	PROSPECT 1870	LOUIS DE WET TRUST	N
TMK0400324	20040413	20140807	SABRITONES	FRITO-LAY NORTH AMERICA, INC.	N
TMK0400325	20040413	20131220	STANT	STANT MANUFACTURING, INC.	N
TMK0400326	20040413	20100912	QUALITY DIGITAL DEVICES...TODAY	QINTAR TECHNOLOGIES, INC.	N
TMK0400327	20040413	20140120	HUGLU	INVESTMENT DEVELOPMENT CORP.	N
TMK0400328	20040413	20130617	ARMSCO LOGO	INVESTMENT DEVELOPMENT CORP.	N
TMK0400329	20040413	20140120	HUGLU LOGO	INVESTMENT DEVELOPMENT CORP.	N
TMK0400330	20040413	20130107	DESIGN OF THREE TREE VINES	ALLIED DOMECQ ESPANA S.A.	N
TMK0400331	20040413	20101110	CARLOS I	ALLIED DOMECQ ESPANA S.A.	N
TMK0400332	20040416	20090509	POLAR ICE	CORBY DISTRILLERIES LIMITED	N
TMK0400333	20040416	20090502	POLAR ICE AND BEAR DESIGN	CORBY DISTRILLERIES LIMITED	N
TMK0400334	20040416	20130826	WAGAN WITH DESIGN	HONOR INTERNATIONAL LTD.	N
TMK0400335	20040416	20100711	TARYN ROSE	TARYN ROSE INTERNATIONAL LLC.	N
TMK0400336	20040416	20130121	DESIGN MARK	ANDERL, RALPH	N
TMK0400337	20040416	20110116	VIS	VIS RACING SPORTS INC.	N
TMK0400338	20040421	20131012	BIG DOG SPORTSWEAR	BIG DOG HOLDING, INC.	N
TMK0400339	20040421	20081210	CASUAL CORNER	RETAIL BRAND ALLIANCE, INC.	N
TMK0400340	20040421	20121213	WILDROOT	THE STEPHAN CO.	N
TMK0400341	20040421	20140828	AGORAL	WARNER-LAMBERT COMPANY LLC.	N
TMK0400342	20040421	20080407	P99	CARL WALTHER GMBH	N
TMK0400343	20040422	20130708	JUNGLE RUNNER SOLE (SHOE DESIGN)	WOLVERINE OUTDOORS INC.	N
TMK0400344	20040422	20131007	M CIRCLE DESIGN	WOLVERINE OUTDOORS INC.	N
TMK0400345	20040422	20100606	CRYOLABEL	ELECTRONIC IMAGING MATERIALS INC	N
TMK0400346	20040422	20140417	TOYOTA	TOYOTA MOTOR CORPORATION	N

SUBTOTAL RECORDATION TYPE 81

TOTAL RECORDATIONS ADDED THIS MONTH 91

COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 5 2004)

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 May 2004. The last notice was published in the CUSTOMS BULLETIN on May 5, 2004.

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: George Frederick McCray, Esq., Chief, Intellectual Property Rights Branch, (202) 572–8710.

Dated: June 8, 2004.

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

REC NUMBER	EFF DT	EXP DT	NAME OF COP, TMK, TNM OR MSK	OWNER NAME	RES
COP0400057	20040506	20240506	SPIDER MAN 2 STYLE GUIDE	SONY PICTURES ENTERTAINMENT INC.	N
COP0400058	20040517	20240517	ABC ANIMAL TRAIN	POCKETS OF LEARNING, LLC	N
COP0400059	20040519	20240519	RAIDMAX SCORPIO	RAIDTRONICS INC.	N
COP0400060	20040526	20230526	BVLGARI CATALOG SPRING/SUMMER 2003 LEATHER COLLECTION	BULGAN S.P.A.	N
SUBTOTAL RECORDATION TYPE			4		
TMK0400347	20040503	20131202	GOLDEN MOUNTAIN WITH DESIGN	EASTLAND FOOD CORPORATION	N
TMK0400348	20040503	20111218	NEXXUS (STYLIZED LETTERING)	NEXXUS PRODUCTS COMPANY	N
TMK0400349	20040503	20110417	NEXXUS	NEXXUS PRODUCTS COMPANY	N
TMK0400350	20040503	20130520	SUPERIOR WITH DESIGN	SUPERIOR TRADING COMPANY	N
TMK0400351	20040503	20140203	SOUNDPRO	QUEST TECHNOLOGIES, INC.	N
TMK0400352	20040503	20140120	WORKPLACE	WORKPLACE SYSTEMS INC.	N
TMK0400353	20040503	20050611	PRO SEAL AND DESIGN	PACER TECHNOLOGY	N
TMK0400354	20040503	20090221	PRO SEAL	PACER TECHNOLOGY	N
TMK0400355	20040503	20131007	RUNNING MAN DESIGN	WOLVERINE OUTDOORS, INC.	N
TMK0400356	20040503	20101121	STEP INTO A LEGEND	WOLVERINE WORLD WIDE INC.	N
TMK0400357	20040505	20120510	PEPSODENT	CHURCH & DWIGHT COMPANY	N
TMK0400358	20040505	20060823	CLOSE UP	CHESEBROUGH-POND'S USA INC.	N
TMK0400359	20040505	20061108	CLOSE-UP	CHESEBROUGH-POND'S INC.	N
TMK0400360	20040505	20081020	CLOSE UP & DESIGN	CHESEBROUGH-POND'S INC.	N
TMK0400361	20040505	20130928	LV LOGO	LOUIS VUITTON MALLETIER	N
TMK0400362	20040505	20130511	LV MONOGRAM	LOUIS VUITTON MALLETIER	N
TMK0400363	20040505	20131227	MB (STYLIZED)	MILWAUKEE BREWERS BASEBALL CLUB	N
TMK0400364	20040505	20060123	MARQUIS	WATERFORD CRYSTAL LIMITED	N
TMK0400365	20040505	20130130	WATERFORD	WATERFORD WEDGWOOD PLC	N
TMK0400366	20040505	20130723	I.P.S. (STYLIZED)	IPS CORPORATION	N
TMK0400367	20040505	20130624	DH7	AMEGNIZIN, LOUIS	N
TMK0400368	20040507	20131014	S&W	SMITH & WESSON CORPORATION	N
TMK0400369	20040518	20110815	MONET	L.C. LICENSING, INC.	N
TMK0400370	20040518	20120625	MONET MODERN MEETS CLASSIC	L.C. LICENSING, INC.	N
TMK0400371	20040518	20100919	JUICY JEANS	L.C. LICENSING, INC.	N
TMK0400372	20040518	20091012	JUICY	L.C. LICENSING, INC.	N
TMK0400373	20040518	20120509	JUICY COUTURE	L.C. LICENSING, INC.	N
TMK0400374	20040518	20140207	M&M'S	MARS, INCORPORATED	N
TMK0400375	20040518	20120813	DESIGN ONLY	BUILD-A-BEAR WORKSHOP, INC.	N
TMK0400376	20040518	20140208	DESIGN ONLY	SALVATORE FERRAGAMO ITALIA S.P.A	N
TMK0400377	20040518	20130819	EL PINARENO (STYLIZED)	TROPICAL TOBACCO, INC.	N
TMK0400378	20040518	20140316	DESIGN ONLY	COACH	N
TMK0400379	20040518	20071223	SUPRACOR	SUPRACOR, INC.	N
TMK0400380	20040518	20120121	SUPRACOR	SUPRACOR, INC.	N
TMK0400381	20040518	20090509	CAVS & DESIGN	GUND BUSINESS ENTERPRISES, INC.	N
TMK0400382	20040525	20130922	CHRISTIAN DIOR	CHRISTIAN DIOR COUTURE, S.A.	N
TMK0400383	20040525	20130302	MISCELLANEOUS DESIGN	GARRETT ELECTRONICS INC.	N
TMK0400384	20040525	20131125	FLIP-N-DIP	TOPPS COMPANY INC.	N
TMK0400385	20040525	20120630	ENCOUNTER	VICTORIA'S SECRET BEAUTY	N
TMK0400386	20040525	20061105	1ST CLASS	PREMIER MANUFACTURING INC.	N
TMK0400387	20040526	20070304	LICKY LOGO DESIGN	JOE BOXER COMPANY LLC.	N
TMK0400388	20040526	20060701	JOE BOXER	JOE BOXER COMPANY LLC.	N

REC NUMBER	EFF DT	EXP DT	NAME OF COP, TMK, TNM OR MSK	OWNER NAME	RES
TMK0400389	20040526	20140806	SUPERIOR AND DESIGN	CHUNG INCORPORATED	N
TMK0400390	20040526	20131216	DESIGN	OVERSEAS FACTOR CORPORATION	N
TMK0400391	20040526	20070610	KATE SPADE (STYLIZED LETTERING)	KATE SPADE LLC.	N
TMK0400392	20040526	20070624	KATE SPADE AND DESIGN	KATE SPADE LLC.	N
TMK0400393	20040526	20070527	KATE SPADE	KATE SPADE LLC.	N
TMK0400394	20040526	20140515	COAD	NORAC INC.	N
TMK0400395	20040526	20130318	CASK 232	ANGUILLA RUMS LIMITED	N
TMK0400396	20040526	20070624	CASK 232	ANGUILLA RUMS LIMITED	N
TMK0400397	20040526	20131207	PATRON	CARIBBEAN DISTILLERS CORPORATION	N
TMK0400398	20040526	20080331	PATRON BOTTLE SHAPE	CARIBBEAN DISTILLERS CORPORATION	N
TMK0400399	20040526	20060123	PATRON OX CAFE (STYLIZED LETTERING)	CARIBBEAN DISTILLERS CORPORATION	N
TMK0400400	20040526	20041122	CITRONGE (STYLIZED LETTERING)	CARIBBEAN DISTILLERS CORPORATION	N
TMK0400401	20040526	20120609	PATRON BOTTON DESIGN	CARIBBEAN DISTILLERS CORPORATION	N
TMK0400402	20040526	20060730	BEE DESIGN	CARIBBEAN DISTILLERS CORPORATION	N
TMK0400403	20040526	20110821	PLANTERS GOLD RUM PYRATE RESERVE BOTTLE	ANGUILLA RUMS LIMITED	N
TMK0400404	20040526	20130617	PYRAT	ANGUILLA RUMS LIMITED	N
TMK0400405	20040526	20070429	PYRAT RUM	ANGUILLA RUMS LIMITED	N
TMK0400406	20040526	20100912	PYRAT RUM CASK 232 & BOTTLE DESIGN	ANGUILLA RUMS LIMITED	N
TMK0400407	20040526	20100912	PYRAT RUM CASK 232 & BOTTLE DESIGN	ANGUILLA RUMS LIMITED	N
TMK0400408	20040527	20100327	SHEET SUPENDERS WITH DESIGN	MARIA T. THORNHILL	N
TMK0400409	20040527	20110804	CRISTAL CHAMPAGNE	CHAMPAGNE LOUIS ROEDERER	N
TMK0400410	20040527	20080527	CRISTAL CHAMPAGNE & DESIGN	CHAMPAGNE LOUIS ROEDERER	N

SUBTOTAL RECORDATION TYPE 64

TOTAL RECORDATIONS ADDED THIS MONTH 68

Notice of Cancellation of Customs Broker Permit

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 local permits are canceled without prejudice.

Name	Permit #	Issuing Port
Pro-Log Services, Inc.	5301–010	Houston
Ernesto Bustamante		
Dba Associate Brokerage	26–03–AQG	Nogales
Alba F. Ibarrola	26–02–AND	Nogales
Capin Brokerage Inc.		
Dba Capin Vyborny	26–016	Nogales
Robert E. Finley	19–03–H28	Mobile
Air Express International	3024	San Francisco
Burlington Air Express	6963–P	San Francisco
Columbia Shipping Inc. (SFO)	12259–P	San Francisco
Pacific Freight		
Group International	A –827	San Francisco
John L. Brun	4346	San Francisco
Darrel J. Sekin & Co.	6375	San Francisco
Fracht FWO Inc.	11887–P	San Francisco
"K" Air Brokerage, Inc.	9610–P	San Francisco
Kinetsu Intermodal (USA)	9849 (SF)	San Francisco
George W. Martin	10854	San Francisco
SBA Consolidators, Inc.	6622	San Francisco
Dateline Forwarding Services Inc.		San Francisco
Migeul Ramon Padilla		
Dba MR Padilla Co.		San Francisco
Sherri Linden		San Francisco
Dale Melford Aldeous Zerda		San Francisco
Howard Harty, Inc.		San Francisco
West Coast Customs		
Brokers (Los Angeles)		San Francisco
Allan T. Low		San Francisco
Diamond International		San Francisco
Frank Cadenhead		San Francisco
MSAS Cargo International Inc.		San Francisco
Richard G. Dumont & Associates		San Francisco
SH Brogan Consulting Inc.		San Francisco

Name	Permit #	Issuing Port
Surface Freight Corp.		San Francisco
Vital Int'l Freight Services, Inc.		San Francisco

DATED: June 1, 2004

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

[Published in the Federal Register, June 10, 2004 (69 FR 32604)]

Retraction of Revocation Notice

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

ACTION: General Notice

SUMMARY: The following Customs and Border Protection National Permits were erroneously included in a list of revocations. See, Notice of Cancellation of Customs Broker Permit, dated May 4, 2004 (69 FR 24656).

Name	Permit No.
D. J. Powers Company, Inc.	99–00012
Florence S. Hillman dba Hillman International Services	99–00580
Rotra Brokerage Services Inc.	99–00162
John S. James Company	99–00155
Page International	99–00285
Cargo Brokers International, Inc.	99–00449
Jay A. Mittleman	99–00123

The above-identified National Permits remain valid.

DATED: June 2, 2004

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

[Published in the Federal Register, June 10, 2004 (69 FR 32604)]

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 license is canceled without prejudice.

Name	**License #**	**Issuing Port**
Secure Custom Brokers, Inc.	09213	New York

DATED: June 2, 2004

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

[Published in the Federal Register, June 10, 2004 (69 FR 32605)]

DEPARTMENT OF HOMELAND SECURITY,
OFFICE OF THE COMMISSIONER OF CUSTOMS.
Washington, DC, June 9, 2004,

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,
Acting Assistant Commissioner,
Office of Regulations and Rulings.

PROPOSED REVOCATION OF RULING LETTER AND REVOCATION OF TREATMENT RELATING TO THE CLASSIFICATION OF PORTABLE LOCKING GUN CASES

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

ACTION: Notice of proposed revocation of a tariff classification ruling letter and revocation of any treatment relating to the classification of portable locking gun cases.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that Customs and Border Protection (CBP) intends to revoke one ruling letter relating to the tariff classification under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA), of portable locking gun cases. Similarly, CBP proposes to revoke any treatment previously accorded by it to substantially identical merchandise

DATE: Comments must be received on or before July 23, 2004.

ADDRESS: Written comments (preferably in triplicate) are to be addressed to U.S. Customs and Border Protection, Office of Regulations and Rulings, Attention: Regulations Branch, 1300 Pennsylvania Avenue N.W., Washington, D.C. 20229. Submitted comments may be inspected at U.S. Customs and Border Protection, 799 9th Street, N.W., Washington, D.C., during regular business hours. Ar-

rangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572–8768.

FOR FURTHER INFORMATION CONTACT: Ann Segura Minardi, Textiles Branch, (202) 572–8822.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, Title VI (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057) (hereinafter "Title VI"), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended and related laws. Two new concepts which emerge from the law are "**informed compliance**" and "**shared responsibility**." These concepts are premised on the idea that in order to maximize voluntary compliance with CBP laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community's responsibilities and rights under the 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. section 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that CBP intends to revoke one ruling letter pertaining to the tariff classification of portable locking gun cases. Although in this notice, CBP is specifically referring to the revocation of New York Ruling Letter (NY) G89340 dated April 2, 2001, (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 intends to revoke any treatment previously accorded by CBP to sub-

stantially identical transactions. This treatment may, among other reasons, be the result of the importer's reliance on a ruling issued to a third party, CBP personnel applying a ruling of a third party to importations of the same or similar merchandise, or the importer's or CBP's previous interpretation of the HTSUSA. Any person involved in substantially identical transactions should advise CBP during this notice period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY G89340, CBP ruled that item numbers SGS–1124R and SGS–1125R were classifiable in subheading 7616.99.5090, HTSUSA, which provides for "Other articles of aluminum: Other: Other: Other, Other: Other: Other". Since the issuance of this ruling, CBP has reviewed the classification of these items and has determined that the cited ruling is in error. We have determined that the subject gun cases, identified as item numbers SGS–1124R and SGS–1125R, should be classified in subheading 4202.99.9000, HTSUSA, which provides for "Trunks, suitcases, vanity cases, attache cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers; traveling bags, insulated food or beverage bags, toiletry bags, knapsacks and backpacks, handbags, shopping bags, wallets, purses, map cases, cigarette cases, tobacco pouches, tool bags, sports bags, bottle cases, jewelry boxes, powder cases, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanized fiber or paperboard, or wholly or mainly covered with such materials or with paper: Other: Other: Other", which accurately describes the merchandise. Heading 4202, HTSUSA, has *eo nomine* provided for "gun cases" which, in this instance, would include all forms of the article because there are no terms of limitation associated with this exemplar. Furthermore, the 42.02 EN notes that the containers of this heading may be rigid or with a rigid foundation and since "gun cases" are included in the first part of the heading, before the semi-colon, they may be of any material.

Pursuant to 19 U.S.C. 1625(c)(1), CBP intends to revoke NY G89340 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) 967109 (Attachment B). Additionally, pursuant to 19 U.S.C. 1625(c)(2), Customs intends to revoke any treatment previously accorded by CBP to substantially identical transactions that are contrary to the determina-

tion set forth in this notice. Before taking this action, consideration will be given to any written comments timely received.

Dated: June 2, 2004

Greg Deutsch for MYLES B. HARMON,
Director,
Commercial Rulings Division.

Attachments

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
NY G89340
April 2, 2001
CLA–2–76:RR:NC:N1:113 G89340
CATEGORY: Classification
TARIFF NO.: 7616.99.5090

MS. KERRIE L. GOODYEAR
GLOBAL FAIRWAYS
6680 Brandt St., Ste. 100
Romulus, MI 48174

RE: The tariff classification of two gun safes from China

DEAR MS. GOODYEAR:

In your letter dated March 27, 2001, you requested a tariff classification ruling.

The merchandise is two styles of portable gun safe (item numbers SGS–1124R and SGS–1125R). Both are rectangular, foam-lined, aluminum cases with carry handles. Each case has 2 combination locks and 2 traditional locks. Item number SGS–1125R is a heavier model and features mylar wheels.

The applicable subheading for the gun safes will be 7616.99.5090, Harmonized Tariff Schedule of the United States (HTS), which provides for other articles of aluminum, other. The rate of duty will be 2.5 percent 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 James Smyth at 212–637–7008.

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

[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 967109
CLA–2 RR:CR:TE 967109 ASM
CATEGORY: Classification
TARIFF NO.: 4202.99.9000

MS. KERRIE L. GOODYEAR
GLOBAL FAIRWAYS
6680 Brandt St., Suite 100
Romulus, MI 48174

RE: Revocation of NY G89340; Classification of Portable Locking Gun Cases; Containers of Heading 4202, HTSUSA

DEAR MS. GOODYEAR:

This is in regard to the Customs and Border Protection (CBP) New York Ruling Letter (NY) G89340, issued to you on April 2, 2001. We have reviewed this ruling and determined that the classification provided for this merchandise is incorrect. This ruling revokes NY G89340 by providing the correct classification under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) for portable locking gun cases.

FACTS:

The merchandise involves two styles of portable gun cases (item numbers SGS–1124R; SGS–1125R). The article identified as item number SGS–1124R is a rectangular shape (outside dimensions — 16.5 x 8.5 x 9 inches) double pistol case, constructed of aluminum, which stores up to 4 pistols. The case features an ergonomic carrying handle, heavy-duty combination locks, and reinforced metal corners. The interior of the case includes impact resistant foam. The case is approved for airline travel and includes a zippered travel cover. The article identified as item number SGS–1125R is a rectangular shape (outside dimensions — 32 x 8.5 x 13.5 inches) double breakdown case constructed of aluminum which stores two break down shot guns. The case features mylar wheels built into the case for travel convenience, an ergonomic carrying handle, and an interior with impact resistant foam. The outside of the case has been reinforced with metal corners and is fitted with heavy-duty key locks and combination locks. The case has been approved for airline travel and includes a zippered travel cover.

In NY G89340, dated April 2, 2001, CBP found that item numbers SGS–1124R and SGS–1125R were classified in subheading 7616.99.5090, HTSUSA, which provides for "Other articles of aluminum: Other: Other: Other, Other: Other: Other".

ISSUE:

What is the proper classification for the merchandise?

LAW AND ANALYSIS:

Classification under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) is made in accordance with the General Rules of Interpretation (GRI). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative Section or Chapter Notes. In the event that the goods cannot be

classified solely on the basis of GRI 1, and if the heading and legal notes do not otherwise require, the remaining GRI may then be applied. The Harmonized Commodity Description and Coding System Explanatory Notes ("ENs") constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings. *See* T.D. 89–80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

Heading 4202, HTSUSA, is a two part heading which covers only the articles specifically named therein and similar containers. In this instance, we are concerned with the first portion of the heading which covers trunks, suitcases, vanity cases, attache cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers.

As noted above, "gun cases" is an *eo nomine* exemplar in heading 4202, HTSUSA. As such, "gun cases" is not a use provision because the term describes the merchandise by name, not by use. See Clarendon Marketing, Inc. v. United States, 144 F.3d 1464, 1467 (Fed. Cir. 1998); and Nidec Corp. v. United States, 68 F.3d 1333, 1336 (Fed. Cir. 1995). It is also important to note that "An eo nomine designation, with no terms of limitation, will ordinarily include all forms of the named article." Hayes-Sammons Co. v. United States, 55 C.C.P.A. 69, 75 (1968). Accordingly, a use limitation should not be read into an *eo nomine* provision unless the name itself inherently suggests a type of use. See Pistorino & Co. v. United States, 599 F.2d 444, 445 (CCPA 1979); United States v. Quon Quon Co., 46 C.C.P.A. 70, 72–73 (1959); F.W. Myers & Co. v. United States, 24 Cust. Ct. 178, 184–85, (1950).

Heading 4202, HTSUSA, has *eo nomine* provided for "gun cases" which, in this instance, would include all forms of the article because there are no terms of limitation associated with this exemplar. Furthermore, the 42.02 EN notes that the containers of this heading may be rigid or with a rigid foundation and since "gun cases" are included in the first part of the heading, before the semi-colon, they may be of any material. See 42.02 EN.

In Totes, Inc. v. United States, 18 C.I.T. 919, 865 F. Supp. 867, 871 (1994), the Court of International Trade concluded that the "essential characteristics and purpose of the Heading 4202 exemplars are . . . to organize, store, protect and carry various items." In this instance, the subject case, unlike any of the exemplars in the EN to heading 3926, is intended to store, protect, organize and transport a gun either inside or outside the home.

We further note the following dictionary definition for "case" taken from the 1979 Webster's New Collegiate Dictionary, i.e., ". . . a box or receptacle for holding something . . .". Thus, a "case" could conceivably include any type of receptacle, stationary or portable, designed to hold something. In fact, the promotional literature for the subject gun cases (item numbers SGS–1124R and SGS–1125R) specifically promotes the portability features of these cases, *e.g.*, ergonomic carrying handle, zipper travel cover, approved for airline travel, mylar wheels built into the case (item number SGS–1125R).

In a recent CBP ruling, HQ 966544, dated March 2, 2004, it was held that a portable traveling gun case, featuring carrying handles, fitted key and combination locks, and approved for airline travel, was classifiable as a container of subheading 4202.99.9000, HTSUSA. We further note that CBP has

previously classified articles identified as gun cases in heading 4202, HTSUSA. NY G85641, dated February 12, 2001, involved the tariff classification of gun cases and a determination as to preferential treatment under the Caribbean Basin Economic Recovery Act (CBERA). In that ruling, the samples consisted of upper and lower shells of pressed wood formed to shape the main body of the case. The fur-lined interior was fitted to hold the gun/accessories by means of wood blocks and dividers. The samples submitted each had carrying handles and varying exteriors of textile and leather. With respect to the classification of all the textile covered cases (Style 1215, 1215DW, 1215D, and 1215E), CBP found that those gun cases were each classifiable in subheading 4202.92, HTSUSA. In NY K82654, dated February 5, 2004, a fitted gun case, with a carrying handle, manufactured of neoprene, and wholly covered on the exterior surface with polyester fabric, was deemed to be of a kind *eo nomine* provided for in heading 4202, HTSUSA.

In view of the foregoing, CBP has determined that item numbers SGS–1124R and SGS–1125R, are properly classified as gun cases in heading 4202, HTSUSA, and are *eo nomine* provided for in the exemplars for that heading.

HOLDING:

NY G89340, dated April 2, 2001, is hereby revoked.

The subject gun cases, identified as item numbers SGS–1124R and SGS–1125R, are classified in subheading 4202.99.9000, HTSUSA, which provides for "Trunks, suitcases, vanity cases, attache cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers; traveling bags, insulated food or beverage bags, toiletry bags, knapsacks and backpacks, handbags, shopping bags, wallets, purses, map cases, cigarette cases, tobacco pouches, tool bags, sports bags, bottle cases, jewelry boxes, powder cases, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanized fiber or paperboard, or wholly or mainly covered with such materials or with paper: Other: Other: Other." The general column one duty rate is 20% percent ad valorem.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

19 CFR PART 177

PROPOSED MODIFICATION OF RULING LETTER AND TREATMENT RELATING TO CLASSIFICATION OF A SECURITY INDICATOR ASSEMBLY

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

ACTION: Notice of proposed modification of a ruling letter and treatment relating to tariff classification of a security indicator assembly.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that Customs intends to modify a ruling letter pertaining to the tariff classification, under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA), of a security indicator assembly and to revoke any treatment previously accorded by Customs to substantially identical transactions. Comments are invited on the correctness of the proposed action.

DATE: Comments must be received on or before July 23, 2004.

ADDRESS: Written comments (preferably in triplicate) are to be addressed to U.S. Customs and Border Protection, Office of Regulations and Rulings, Attention: Regulations Branch, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229. Submitted comments may be inspected at U.S. Customs and Border Protection, 799 9th Street, NW, Washington, D.C., during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572–8768.

FOR FURTHER INFORMATION CONTACT: Keith Rudich, General Classification Branch, (202) 572–8782.

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 Customs 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 Customs 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 Customs 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 Customs intends to modify a ruling letter pertaining to the tariff classification of a security indicator assembly. Although in this notice Customs is specifically referring to one ruling, NY E81170, this notice covers any rulings on this merchandise which may exist but have not been specifically identified. Customs has undertaken reasonable efforts to search existing data bases 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 Customs 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, Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions. This treatment may, among other reasons, be the result of the importer's reliance on a ruling issued to a third party, Customs personnel applying a ruling of a third party to importations of the same or similar merchandise, or the importer's or Customs previous interpretation of the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). Any person involved in substantially identical transactions should advise Customs during this notice period. An importer's failure to advise Customs of substantially identical transactions or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or their agents for importations of merchandise subsequent to the effective date of the final notice of this proposed action.

In NY E81170, dated May 27, 1999, set forth as "Attachment A" to this document, Customs found that a security indicator assembly was classified in subheading 8544.30.0000, HTSUSA, as ignition wiring sets and other wiring harnesses of a type used in vehicles, aircraft or ships.

Customs has reviewed the matter and determined that the correct classification of the security indicator assembly is in subheading 8512.20.4040, HTSUSA, which provides for electrical lighting or signaling equipment, of a kind used for cycles or motor vehicles; parts thereof: other lighting or visual signaling equipment: visual signaling equipment, for vehicles.

Pursuant to 19 U.S.C. 1625(c)(1), Customs intends to modify NY E81170, and any other ruling not specifically identified, to reflect the proper classification of the merchandise pursuant to the analysis set forth in proposed Headquarters Ruling Letter (HQ) 966661, as set forth in "Attachment B" to this document. Additionally, pursuant to 19 U.S.C. 1625(c)(2), Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions.

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

Dated: May 28, 2004

John Elkins for MYLES B. HARMON,
Director,
Commercial Rulings Division.

Attachments

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
NY E81170
May 27, 1999
CLA–2–85:RR:NC:]:]]12 E 81170
CATEGORY: Classification
TARIFF NO.: 8537.10.9070: 8544.30.0000: 8708.29.5060

MS. LAURA LYONS
ALPS AUTOMOTIVE, INC.
1500 Atlantic Boulevard
Auburn Hills, MI 48326

RE: The tariff classification of automotive components from Japan and Mexico

DEAR MS. LYONS:

In your letter dated April 23, 1999 you requested a tariff classification ruling.

As indicated by the submitted samples, there are three types of components in question. One item is identified as a Mode Control Assembly — Part# SANWA 1804A. and contains several controls in the form of push buttons and rotating knobs that regulate the air conditioning, defroster and general air flow within a vehicle. The second item is identified as a Security Indicator — Part XSANWD9011B. and consists of an electric wiring harness with a connector attached to one end and a plastic housing containing a small printed circuit board and LED at the other end. The plastic housing fits over the post of the door lock and the LED is illuminated when the security system is activated. The third item consists of plastic bezels that are molded plastic covers for the various door switch mechanisms in a vehicle.

The applicable subheading for the Mode Control Assembly-Part#SANWA1804A will be 8537.10.9070, Harmonized Tariff Schedule of the United States (HTS), which provides for other boards, panels, ... for electric control or the distribution of electricity, . . . : For a voltage not exceeding 1,000V. The rate of duty will be 2.7 percent ad valorem. The applicable subheading for the Security Indicator-Part #SANWD9O11B will be 8544.30.0000, HTS, which provides for ignition wiring sets and other wiring harnesses of a type used in vehicles aircraft or ships. The rate of duty will be 5 percent ad valorem. The applicable subheading for the plastic bezels will

be 8708.29.5060, HTS, which provides for other parts and accessories of bodies: Other: Other. The rate of duty will be 2.5 percent 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 thc time this merchandise is imported. lf you have any questions regarding the ruling, contact National Import Specialist David Curran at 212–637–7049.

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

[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 966661
CLA–2 RR:CR:GC 966661 KBR
CATEGORY: Classification
TARIFF NO.: 8512.20.4040

MS. CHRISTIE SICKEN
CUSTOMS ANALYST
ALPS
1500 Atlantic Boulevard
Auburn Hills, MI 48326

RE: Reconsideration of NY E81170; Security Indicator

DEAR MS. SICKEN:

This is in reference to New York Ruling Letter (NY) E81170, issued to you by the Customs National Commodity Specialist Division, New York, on May 27, 1999. That ruling concerned the classification of several automobile components, including a security indicator with an electric wiring harness, under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). We have reviewed NY E81170 and determined that the classification provided for the security indicator with wiring harness is incorrect.

FACTS:

In NY E81170, it was determined that the ALPS item number SANWD9011B security indicator was classifiable in subheading 8544.30.0000, HTSUSA, as ignition wiring sets and other wiring harnesses of a type used in vehicles, aircraft or ships. The security indicator consists of a wiring harness with a connector attached to one end and a plastic housing containing a small printed circuit board and an LED at the other end. The plastic housing fits over the post of the door lock and the LED is illuminated when the security system is activated. The LED is labeled "SECURITY". The wires measure approximately 10 inches in length.

We have reviewed that ruling and determined that the classification of the security indicator is incorrect. This ruling sets forth the correct classification.

ISSUE:

Is a security indicator with wiring harness properly classified under the HTSUSA as a wiring harness or as signaling equipment?

LAW AND ANALYSIS:

Merchandise is classifiable under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) in accordance with the General Rules of Interpretation (GRIs). Under GRI 1, merchandise is classifiable according to the terms of the headings of the tariff schedule and any relative Section or Chapter Notes. In the event that the goods cannot be classified on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs may then be applied.

In interpreting the headings and subheadings, Customs looks to the Harmonized Commodity Description and Coding System Explanatory Notes (EN). Although not legally binding, they provide a commentary on the scope of each heading of the HTSUSA. It is Customs practice to follow, whenever possible, the terms of the ENs when interpreting the HTSUSA. *See* T.D. 89–80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The HTSUSA provisions under consideration are as follows:

8512	Electrical lighting or signaling equipment (excluding articles of heading 8539), windshield wipers, defrosters and demisters, of a kind used for cycles or motor vehicles; parts thereof:
	* * * * *
8512.20	Other lighting or visual signaling equipment:
8512.20.40	Visual signaling equipment
8512.20.4040	For vehicles of subheading 8701.20 or heading 8702, 8703, 8704, 8705 or 8711
8544	Insulated (including enameled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fiber cables, made up of individually sheathed fibers, whether or not assembled with electric conductors or fitted with connectors:
	* * * * *
8544.30.0000	Ignition wiring sets and other wiring sets of a kind used in vehicles

The article at issue is a security indicator comprised of a wiring harness with a connector attached to one end and a plastic housing containing a small printed circuit board and an LED on the other end. The ENs for heading 8512, HTSUSA, exclude from this heading:

> (e) Insulated electric wire and cable, whether or not cut to length or fitted with connectors or made up in sets (e.g., ignition wiring sets) (heading 85.44).

The EN for heading 8544, HTSUSA, states that:

> Wire, cable, etc., remain classified in this heading if cut to length or fitted with connectors (e.g., plugs sockets, lugs, jacks, sleeves or terminals)

at one or both ends. The heading also includes wire, etc., of the types described above made up in sets (e.g., multiple cables for connecting motor vehicle sparking plugs to the distributor).

Customs has issued several rulings dealing with the classification of wiring harnesses and headings 8512 and 8544, HTSUSA. In distinguishing between headings 8512 and 8544, HTSUSA, Customs in HQ 951511 (June 1, 1992), found that a wiring harness with a bulb is classified in heading 8512, HTSUSA. However, when imported without a bulb a wiring harness would not be classified under heading, 8512, HTSUSA, but would be classified under heading 8544, HTSUSA, as insulated wire with connectors. *See also* HQ 953166 (January 14, 1993) (classifying a wiring harness with only a lamp socket but no bulb in heading 8544 and specifically distinguishing HQ 951511 whose article included bulbs).

In HQ 954945 (November 23, 1993), Customs looked at the *function* an automobile rear tail light assembly performed. The rear tail light assembly provided rear end illumination for night driving, turn signaling, brake lighting, hazard signaling, and illumination in reverse gear. Customs determined that, under GRI 3(b), the essential character of a combination lamp assembly which included a hazard light performed as visual signaling equipment and therefore was classified under subheading 8512.20.40, HTSUSA.

In HQ 962654 (April 5, 1999), which corrected a clerical error in NY D86618, Customs found that an automotive wiring and LED warning light assembly was classified in subheading 8512.20.4040, HTSUSA. *See also* HQ 963831 (January 11, 2001) (finding that due to its "principal use," an LED warning system is classified in heading 8512, HTSUSA). In NY H87857 (February 1, 2002), Customs found that a seatbelt sensor warning light assembly was classified in subheading 8512.20.4040, HTSUSA.

Like the merchandise classified in HQ 962654, the instant article is not simply a wiring harness with a connector on one or both ends. One end of the instant article has a security indicator LED assembly. The purpose of the indicator is to warn that the security system is active. This is a visual signaling function. Because the function of the instant security indicator is to provide a visual warning to the automobile operator and it is imported with the LED included, the security indicator is classified under subheading 8512.20.4040, HTSUSA, as visual signaling equipment for vehicles.

HOLDING:

The security indicator is classified under subheading 8512.20.4040, HTSUSA, as electrical lighting or signaling equipment, of a kind used for cycles or motor vehicles; parts thereof: other lighting or visual signaling equipment: visual signaling equipment, for vehicles.

EFFECT ON OTHER RULINGS:

NY E81170 dated May 27, 1999, is **modified**.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

19 CFR PART 177

PROPOSED MODIFICATION OF RULING LETTER AND REVOCATION OF TREATMENT RELATING TO TARIFF CLASSIFICATION OF THE FETCH TOTE™ DOG TOY

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

ACTION: Notice of proposed modification of ruling letter and revocation of treatment relating to tariff classification of the Fetch Tote™ dog toy.

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

DATE: Comments must be received on or before July 23, 2004.

ADDRESS: Written comments are to be addressed to U.S. Customs and Border Protection, Office of Regulations and Rulings, Attention: Regulations Branch, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229. Comments submitted may be inspected at 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 at (202) 572–8768.

FOR FURTHER INFORMATION CONTACT: Neil S. Helfand, General Classification Branch, (202) 572–8791.

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 com-

munity needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on Customs 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 Customs 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 Customs to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930, as amended (19 U.S.C. 1625(c)(1)), this notice advises interested parties that Customs intends to modify a ruling letter which pertains to the classification of the Fetch Tote™ dog toy. Although in this notice Customs is specifically referring to ruling NY J89264, this notice covers any rulings on merchandise which may exist but has not been specifically identified. Customs has undertaken reasonable efforts to search existing data bases 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 Customs during this notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930, as amended (19 U.S.C. 1625(c)(2)), Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions. This treatment may, among other reasons, be the result of the importer's reliance on a ruling issued to a third party, Customs personnel applying a ruling of a third party to importations of the same or similar merchandise, or the importer's or Customs previous interpretation of the Harmonized Tariff Schedule of the United States. Any person involved in substantially identical transactions should advise Customs during this notice period. An importer's failure to advise Customs of substantially identical transactions or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final notice of this proposed action.

In NY J89264, dated September 25, 2003, and set forth as Attachment A to this document, Customs classified the Fetch Tote™ dog toy under subheading 9506.61.0000, Harmonized Tariff Schedule of the United States Annotated (HTSUSA), as: "Articles and equipment for general physical exercise, gymnastics, athletics, other sports (in-

cluding table-tennis) or outdoor games, not specified or included elsewhere in this chapter; swimming pools and wading pools; parts and accessories thereof: Balls, other than golf balls and table-tennis balls: Lawn-tennis balls."

It is now Customs position that the Fetch Tote™ dog toy is classified under subheading 4016.99.2000, HTSUSA, as "Other articles of vulcanized rubber other than hard rubber: Other: Other: Toys for pets."

Pursuant to 19 U.S.C. 1625(c)(1), Customs intends to modify NY J89264 and any other ruling not specifically identified in order to reflect the proper classification of the merchandise pursuant to the analysis set forth in proposed HQ 966988, which is set forth as Attachment B to this document. Additionally, pursuant to 19 U.S.C. 1625(c)(2), Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions. Before taking this action, we will give consideration to any written comments timely received.

DATED: June 2, 2004

John Elkins for MYLES B. HARMON,
Director,
Commercial Rulings Division.

Attachments

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
NY J89264
September 25, 2003
CLA–2–95:RR:NC:2:224 J89264
CATEGORY: Classification
TARIFF NO.: 9506.61.0000; 4202.92.9026

MS. JENNIFER SCOTT
EXPEDITORS INT'L OF WASHINGTON, INC
21318 64th Avenue, South
Kent, WA 98032

RE: The tariff classification of a Fetch Tote from China

DEAR MS. SCOTT:

In your letter dated September 16, 2003, you requested a tariff classification ruling, on behalf of Canine Hardware Inc., your client.

You are requesting the tariff classification on a product that is described as a Fetch Tote, item 02450. The Fetch Tote, designed as a belt pouch (with a plastic clip to attach the pouch to a belt) is constructed of nylon fabric and a

heavy mesh construction for the ball holding cup. When retrieving with your pet, the mesh construction allows the wet ball to dry quickly upon return from your pet. The ball is identical to a tennis ball in shape and size, including the napped fabric material used for tennis ball covers. The product is sold and marketed as a set. You are also asking for the tariff classifications for the ball and the tote, if imported separately. Your sample will be returned, as requested.

The Explanatory Notes to the Harmonized Tariff Schedule of the United States (HTS) provide guidance in the interpretation of the Harmonized Commodity Description and Coding System at the international level. Explanatory Note X to GRI 3 (b) provides that the term "goods put up in sets for retail sale" means goods that: (a) consist of at least 2 different articles which are, prima facie, classifiable in different headings; (b) consist of articles put up together to meet a particular need or carry out a specific activity; and (c) are put up in a manner suitable for sale directly to users without re-packing. Goods classifiable under GRI 3 (b) are classified as if they consisted of the material or component which gives them their essential character, which may be determined by the nature of the material or component, its bulk, quantity, weight or value, or by the role of the constituent material in relation to the use of the article.

The Fetch Tote, item # 02450, is considered a set for tariff classification purposes. The essential character is imparted to the set by the tennis ball portion of the product therefore the article will be classified in Chapter 95 of the HTS as lawn-tennis balls.

The applicable subheading for the Fetch Tote set, item # 02450, and the tennis balls, if imported separately, will be 9506.61.0000, Harmonized Tariff Schedule of the United States (HTS), which provides for balls, other than golf balls and table-tennis balls: lawn-tennis balls. The rate of duty will be free. The applicable subheading for the tote (belt pouch) portion without the ball will be 4202.92.9026, Harmonized Tariff Schedule of the United States (HTS), which provides for trunks, suitcases, vanity cases, attache cases . . . holsters and similar containers . . . : other: with outer surface of sheeting or of textile materials: other . . . other: of man-made fibers. The rate of duty will be 17.8 % 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 Tom McKenna at 646–733–3025.

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

[ATTACHMENT B]

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

HQ 966988
CLA–2 RR:CR:GC 966988 NSH
CATEGORY: Classification
TARIFF NO.: 4016.99.2000

MS. JENNIFER SCOTT
EXPEDITORS INTERNATIONAL OF WASHINGTON, INC.
21318 - 64th Avenue South
Kent, WA 98032

RE: Modification of NY J89264; Fetch Tote™ dog toy

DEAR MS. SCOTT:

This is in response to an internal request for reconsideration of NY J89264, dated September 25, 2003, on the classification of the Fetch Tote™ under the Harmonized Tariff Schedule of the United States (HTSUS).

FACTS:

The merchandise at issue, item number 02450, is called a Fetch Tote™. It is made up of two components, a ball and accompanying belt pouch. The ball is non-pressurized and resembles a tennis ball due to its size and shape. It is covered in blue and white felt and has the word "Chuckit!" printed on it. The belt pouch is constructed of nylon fabric and mesh, serves as a holder for the ball, and has a plastic clip for attaching to a person's belt or pocket. Sewn into the pouch is the name of the product, the sentence "Sporting gear for dogs from Canine Hardware, Inc," and a picture of a dog. Additionally, there is a removable cardboard hang tag attached to the pouch. The hang tag states the name of the product, pictures a dog with a ball in its mouth and contains product information, stating that the mesh construction of the pouch allows the ball to dry out quickly after use by a dog.

On September 25, 2003, Customs issued NY J89264, holding that the Fetch Tote™ was classified under subheading 9506.61.00, HTSUS, which provides for "Articles and equipment for general physical exercise, gymnastics, athletics, other sports (including table-tennis) or outdoor games, not specified or included elsewhere in this chapter; swimming pools and wading pools; parts and accessories thereof: Balls, other than golf balls and table-tennis balls: Lawn-tennis balls." Pursuant to an internal request, this reconsideration is to determine whether the Fetch Tote™ should be classified under subheading 4016.99.20, HTSUS, which provides for "Other articles of vulcanized rubber other than hard rubber: Other: Other: Toys for pets."

ISSUE:

What is the classification under the HTSUS of the Fetch Tote™?

LAW AND ANALYSIS:

Merchandise is classifiable under the HTSUS in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that classification shall be determined according to the terms of the headings and any relative section or chapter notes and, provided such headings or notes do not otherwise require, according to the remaining GRIs.

Additional Rule of Interpretation (ARI) 1(a) states that in the absence of special language or context which otherwise requires, a tariff classification

controlled by use (other than actual use) is to be determined in accordance with the use in the United States at, or immediately prior to, the date of importation, of goods of that class or kind to which the imported goods belong, and the controlling use is the principal use.

The Explanatory Notes (EN) to the Harmonized Commodity Description and Coding System represent the official interpretation of the tariff at the international level. The ENs, although neither dispositive or legally binding, facilitate classification by providing a commentary on the scope of each heading of the HTSUS, and are generally indicative of the proper interpretation of these headings. See T.D. 89–80.

The HTSUS provisions under consideration are as follows:

4016	Other articles of vulcanized rubber other than hard rubber:
	Other:
4016.99	Other:
4016.99.20	Toys for pets
	* * * * * *
9506	Articles and equipment for general physical exercise, gymnastics, athletics, other sports (including table-tennis) or outdoor games, not specified or included elsewhere in this chapter; swimming pools and wading pools; parts and accessories thereof:
	Balls, other than golf balls and table-tennis balls:
9506.61	Lawn-tennis balls

In NY J89264, Customs classified the Fetch Tote™ under subheading 9506.61.00, HTSUS, as a "tennis ball." In that ruling, Customs held that the Fetch Tote™, consisting of a tennis-like ball and nylon belt pouch for holding the ball, constituted a GRI 3(b) set wherein the essential character was derived from the tennis ball.

Heading 9506, HTSUS, applies to articles and equipment for general physical exercise, such as for sports and outdoor games. EN 95.06 states in pertinent part:

> This heading covers:
>
> . . .
>
> (B) **Requisites for other sports and outdoor games (other than** toys presented in sets, or separately, of **heading 95.03), e.g.:**
>
> . . .
>
> (6) Balls, other than golf balls and table-tennis balls, such as **tennis balls** . . . [Emphasis added].

Heading 9506, HTSUS, is a principal use provision and, therefore, subject to Additional U.S. Rule of Interpretation 1(a), HTSUS. In *Primal Lite v. United States*, 15 F. Supp. 2d 915 (CIT 1998); *aff'd* 182 F. 3d 1362 (CAFC 1999), the Court of International Trade addressed ARI 1(a), providing that the purpose of principal use provisions in the HTSUS is to classify particular merchandise according to the ordinary use of such merchandise, even though particular imported goods may be put to some atypical use. There-

fore, classification under the heading is controlled by the principal use in the United States of goods of that class or kind to which the imported goods belong at or immediately prior to the date of the importation. *Lenox v. Coll. v. United States*, 20 CIT, Slip Op. 96–30 (February 2, 1996). In sum, principal use can be defined as an article's use which exceeds any other single use.

To be classified under heading 9506, HTSUS, the ball at issue would have to be part of the class or kind of ball that is considered a "tennis ball." In determining the class or kind of goods to which an article belongs, Customs considers a variety of factors including: (1) the general physical characteristics of the merchandise; (2) the expectation of the ultimate purchaser; (3) the channels of trade in which the merchandise moves; (4) the environment of sale (accompanying accessories, manner of advertisement and display); and (5) the usage of the merchandise. *United States v. Carborundum Company*, 63 CCPA 98, C.A.D. 1172, 536 F.2d 373 (1976), *cert. denied*, 429 U.S. 979.

Our examination of the ball at issue leads us to conclude that it is not of the class or kind of ball that is considered a tennis ball. Although the ball appears visually similar to tennis balls, we note that it is substantially different from regulation tennis balls. The International Tennis Federation, which is the governing body for the game of tennis, has issued, and updates annually, the "Rules of Tennis," in order to ensure uniformity of the rules of the game. *See* Rules of Tennis at www.itftennis.com. Appendix I of these rules sets forth the specifications for balls approved for play and it is apparent that the ball at issue is not the proper color for regulation play, being neither uniformly white nor yellow, and there are significant differences between the construction and quality of this ball from balls used in official play. Most apparent, the ball at issue appears to lack the required bound of regulation tennis balls and has noticeable deformities along its surface that would make it unfit for regulation play.

Additionally, it is apparent that the expectation of the ultimate purchaser of this ball is that it will be used as a dog toy and not as a tennis ball. This is because the ball, because of its design and accompanying belt pouch, is instantly recognized as intended to be a pet toy and as such will be sold as a pet toy with merchandise similarly intended for pets. Therefore, its exclusive purchase by people wishing to use it as a pet toy is unambiguous and Customs does not believe that this item would be sold with balls traditionally regarded as tennis balls. It is also apparent as well that the ball would not reasonably be used to engage in the game of tennis, nor would it be capable of being used for a game of tennis, because of its aforementioned physical attributes that make it unfit for that activity.

Finally, Customs has previously classified substantially similar merchandise under heading 4016, HTSUS. *See* NY J82456, dated April 21, 2003 (three multicolored "tennis balls" decorated with paw prints and intended for use as a dog toy), and NY I88407, dated December 3, 2002 (dog toy made of neoprene rubber covered with tennis ball material and shaped like a football).

In view of the foregoing, the ball is classified under subheading 4016.99.20, HTSUS, as "Other articles of vulcanized rubber other than hard rubber: Other: Other: Toys for pets."

HOLDING:

The ball is classified under subheading 4016.99.2000, HTSUSA, as "Other articles of vulcanized rubber other than hard rubber: Other: Other: Toys for pets." Additionally, the Fetch Tote™, which is comprised of both the ball and

belt pouch, is a GRI 3(b) set and classified under subheading 4016.99.2000, HTSUSA, as "Other articles of vulcanized rubber other than hard rubber: Other: Other: Toys for pets." The general column one rate of duty is 4.3 percent *ad valorem*. Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at www.usitc.gov.

The belt pouch, which falls within textile category 670, will remain subject to visa and quota requirements regardless of where the set is classified. The designated textile and apparel category may be subdivided into parts. If so, the visa and quota requirements applicable to the subject merchandise may be affected. Since part categories are the result of international bilateral agreements which are subject to frequent renegotiations and changes, to obtain the most current information available, we suggest you or your client check, close to the time of shipment, the Textile Status Report for Absolute Quotas, previously available on the Customs Electronic Bulletin Board (CEBB), which is now available on the Bureau of Customs and Border Protection website at www.cbp.gov.

Due to the changeable nature of the statistical annotation (the ninth and tenth digits of the classification) and the restraint (quota/visa) categories, you or your client should contact the local Bureau of Customs and Border Protection office prior to importation of this merchandise to determine the current status of any import restraints or requirements.

EFFECT ON OTHER RULINGS:

NY J89264 is MODIFIED.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

PROPOSED REVOCATION OF A RULING LETTER AND REVOCATION OF TREATMENT RELATING TO TARIFF CLASSIFICATION OF CERTAIN SUNSHADES

AGENCY: Bureau of Customs & Border Protection; Department of Homeland Security.

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

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930, as amended (19 U.S.C. 1625(c)), this notice advises interested parties that Customs & Border Protection (CBP) intends to revoke a ruling letter relating to the tariff classification under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) of certain sunshades. Similarly, CBP proposes to revoke any treatment previously accorded by it to substantially identical merchandise. Comments are invited on the correctness of the intended actions.

DATE: Comments must be received on or before July 23, 2004.

ADDRESS: Written comments are to be addressed to Customs and Border Protection, Office of Regulations and Rulings, Attention: Regulations Branch, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229. Submitted comments may be inspected at 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 Mr. Joseph Clark at (202) 572–8768.

FOR FURTHER INFORMATION CONTACT: Brian Barulich, Textiles Branch: (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 revoke a ruling letter relating to the tariff classification of certain sunshades. Although in this notice CBP is specifically referring to NY K82882, dated February 20, 2004 (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 data bases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or de-

cision (i.e., a ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice, should advise CBP during 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 intends to revoke any treatment previously accorded by CBP to substantially identical transactions. This treatment may, among other reasons, be the result of the importer's reliance on a ruling issued to a third party, CBP personnel applying a ruling of a third party to importations of the same or similar merchandise, or the importer's or CBP's previous interpretation of the HTSUSA. 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 K82882, CBP classified a sunshade from China under subheading 6306.99.0000, HTSUSA, which provides for "Tarpaulins, awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods: Other: Of other textile materials." Based on our review of heading 6306, HTSUSA, heading 6307, HTSUSA, the pertinent Explanatory Notes, and past CBP rulings, we find that a sunshade of the type subject to this notice, should be classified in subheading 6306.12.0000, HTSUSA, which provides for "Tarpaulins, awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods: Tarpaulins, awnings and sunblinds: Of synthetic fibers."

Pursuant to 19 U.S.C. 1625 (c)(1), CBP intends to revoke NY K82882 and any other ruling not specifically identified, to reflect the proper classification of the merchandise pursuant to the analysis set forth in proposed HQ 967106 (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.

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

DATED: June 4, 2004

Greg Deutsch for MYLES B. HARMON,
Director,
Commercial Rulings Division.

Attachments

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
NY K82882
February 20, 2004
CLA–2–63:RR:NC:N3:351 K82882
CATEGORY: Classification
TARIFF NO.: 6306.99.0000

MS. JEANNE BERG
VP OPERATIONS
AIR FREIGHT INT'L d/b/a/ AFI CALIFORNIA
2381 Rosencrans Ave., Ste 100
El Segundo, CA 90245

RE: The tariff classification of a sunshade from China.

DEAR MS. BERG:

In your letter dated January 28, 2004, you requested a ruling on behalf of Gale Specific of Ontario, CA, on tariff classification.

You submitted a sample of an "Exterior Roll-Up Solar Shade" along with technical specifications, advertising information, and assembly and use instructions. The screen is woven of PVC-coated polyester yarns, making it a textile fabric for tariff purposes. The sunscreen is for outdoor use and is said to provide 80% UV protection. It may be installed over a window or elsewhere, such as a patio or deck. It rolls vertically up and down.

The applicable subheading for this product will be 6306.99.0000, Harmonized Tariff Schedule of the United States (HTS), which provides for sunblinds: other: of other textile materials. The general rate of duty will be 4.5 percent ad valorem.

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

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 Mitchel Bayer at 646–733–3102.

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

[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 967106
CLA–2: RR:CR:TE: 967106 BtB
CATEGORY: Classification
TARIFF NO.: 6306.12.0000

MS. JEANNE BERG
VP OPERATIONS
AIR FREIGHT INT'L d/b/a AFI CALIFORNIA
2381 Rosencrans Ave., Suite 100
El Segundo, CA 90245

RE: Revocation of NY K82882 regarding the tariff classification of a sunshade from China

DEAR MS. BERG:

This is in reference to New York Ruling Letter (NY) K82882, dated February 20, 2004, issued to you by the Bureau of Customs and Border Protection (CBP) regarding the classification, under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA), of a sunshade from China. NY K82882 was issued in response to the January 28, 2004 ruling request letter that you filed on behalf of Gale Pacific (incorrectly called "Gale Specific" in NY K82882) of Ontario, California. We have reconsidered NY K82882 and have determined that the classification of the subject sunshade is not correct. This ruling sets forth the correct classification and revokes NY K82882.

FACTS:

The subject sunshade is more specifically described as an "Exterior Roll-Up Solar Shade." In your ruling request letter, you state the following:

> The product will be imported from China as a finished roller shade, complete with mounting brackets and pull chain. It is intended to be used as a sunshade to protect the home from heat, sun damage and glare. It is to be mounted on the outside of the house to reduce the damaging effect of the sun's rays on the interior area. . . . The shade can be mounted on an exterior window frame or patio. It is designed to filter sunlight before the sun enters the space. Thus is not suitable for installation on the interior of the unit. It does not completely block the sunlight, therefore is not effective as a "blackout" shade.

The marketing materials included with the ruling request letter show the instant sunshade mounted above home windows, doors and a patio. The roller shade is made of PVC-coated polyester yarn.

In NY K82882, CBP classified the subject sunshade under subheading 6306.99.0000, HTSUSA, which provides for "Tarpaulins, awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods: Other: Of other textile materials."

ISSUE:

What is the proper classification of the subject sunshade under the HTSUSA?

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." In the event that goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied. The 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 EN to heading 6306 state that the heading covers "a range of textile articles usually made from strong, close woven canvas" including, in pertinent part:

> (3) **Awnings, sunblinds** (for shops, cafes, etc.) These are designed for protection against the sun; they are generally made of strong plain or striped canvas, and may be mounted on roller or folding mechanisms. They remain classified in this heading even when provided with frames, as is sometimes the case with sunblinds.

In prior rulings, we have noted that sunblinds are "covers for windows on buildings." *See* HQ 088040, dated January 16, 1991. In regard to the articles included under heading 6306, we have stated, ". . . those articles are designed to mount over doors and windows to provide shelter and protection against the sun to those entering a building or using a window. *See* HQ 087562, dated August 15, 1990.

We find that the subject sunshade constitutes a sunblind. The subject sunshade's purpose, as a sunblind's, is to protect against the sun. It will principally be used on windows, being mounted on the outside of a house to reduce the sun's damaging effects on the interior of the house. The fact that the instant sunshade comes with its own mounting brackets indicates that it is designed to remain attached to a structure and not be portable, unlike the sun and wind shields that are classified under heading 6307, HTSUSA (*See e.g.*, NY 866112, dated September 5, 1991 and NY I89631, dated January 6, 2003). Additionally, this office has researched goods of the class or kind to which the instant sunshade belongs, and found that several companies are marketing and selling goods substantially similar to the subject sunshade as sunblinds.

HOLDING:

NY K82882, dated February 20, 2004, is hereby revoked.

The subject sunshade is classified under subheading 6306.12.0000, HTSUSA, which provides for "Tarpaulins, awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods: Tarpaulins, awnings and sunblinds: Of synthetic fibers." The applicable rate of duty under the

2004 HTSUSA is 8.8% percent *ad valorem* and the applicable quota category is 669.

The designated textile and apparel category may be subdivided into parts. If so, the visa and quota requirements applicable to the subject merchandise may be affected. Since part categories are the result of international bilateral agreements which are subject to frequent renegotiations and changes, to obtain the most current information available, we suggest your client check, close to the time of shipment, the Textile Status Report for Absolute Quotas which is available now on the CBP website at www.cbp.gov.

Due to the changeable nature of the statistical annotation (the ninth and tenth digits of the classification) and the restraint (quota/visa) categories, you should contact your local CBP office prior to importation of this merchandise to determine the current status of any import restraints or requirements.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

19 CFR PART 177

MODIFICATION OF RULING LETTER AND TREATMENT RELATING TO THE COUNTRY OF ORIGIN MARKING REQUIREMENTS FOR ITALIAN-ORIGIN JEWELRY CHAINS AND CLASPS THAT ARE ASSEMBLED WITHIN THE UNITED STATES TO FORM FINISHED JEWELRY

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

ACTION: Notice of modification of ruling letter and treatment relating to the country of origin marking requirements for Italian-origin jewelry chains and clasps that are assembled within the United States to form finished jewelry.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that Customs and Border Protection ("CBP") is modifying one ruling letter and any treatment previously accorded by CBP to substantially identical transactions, concerning the country of origin marking requirements for Italian-origin jewelry chains and clasps that are assembled within the United States to form finished jewelry. Notice of the proposed action was published in the Customs Bulletin on April 21, 2004. No comments were received in response to the notice.

DATE: This action is effective August 22, 2004.

FOR FURTHER INFORMATION CONTACT: Edward Caldwell, Commercial Rulings Division (202) 572–8872.

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

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, a notice was published in the Customs Bulletin on April 21, 2004, proposing to modify a ruling letter relating to the country of origin marking requirements for Italian-origin jewelry chains and clasps that are assembled within the United States to form finished jewelry pieces. No comments were received in response to this notice.

As stated in the proposed notice, this modification will cover any rulings on similar merchandise that may exist but have not been specifically identified. Any party who has received an interpretive ruling or decision (*i.e.*, ruling letter, internal advice memorandum or decision or protest review decision) on transactions similar to the one presented in this notice should have advised CBP during the comment period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. 1625(c)(2)), as amended by section 623 of Title VI, CBP is modifying any treatment previously accorded by CBP to substan-

tially identical merchandise under the stated circumstances. This treatment may, among other reasons, be the result of the importer's reliance on a ruling issued to a third party, CBP personnel applying a ruling of a third party to importations of the same or similar merchandise, or the importer's or CBP's previous interpretation of the relevant statutes. Any person involved with substantially identical merchandise or transactions should have advised CBP during the comment period. An importer's failure to advise CBP of substantially identical merchandise or transactions or of a specific ruing not identified in this notice, may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of this notice.

In NY I85493 dated August 22, 2002, CBP determined in one of three scenarios presented that cutting Italian-origin jewelry chain to length and assembling the chain with an Italian-origin lobster clasp within the United States substantially transformed the foreign-origin chain and clasp into a product of the United States. However, upon reconsideration, CBP has determined that the processes performed in the United States are minor operations and that the essential character of the bracelet or necklace is the chain which is made in Italy. Therefore, it is now CBP's position that the country of origin of the jewelry in this scenario is Italy.

Pursuant to 19 U.S.C. 1625(c)(1), CBP is modifying NY I85493 and any other rulings not specifically identified to reflect the proper country of origin marking requirements applicable to Italian-origin jewelry chains and clasps that are assembled within the United States to form finished jewelry pursuant to the analysis set forth in the attached ruling, HRL 562868. Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP is modifying any treatment previously accorded by CBP to substantially identical transactions.

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

Dated: June 1, 2004

Gail A. Hamill for MYLES B. HARMON,
Director,
Commercial Rulings Division.

Attachment

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

HQ 562868
June 1, 2004
MAR–2–05 RR:CR:SM 562868 EAC
CATEGORY: Marking

MS. SUSAN STUDENY
TIFFANY & CO.
15 Sylvan Way
Parsippany, NJ 07054–3893

RE: Country of origin marking requirements for jewelry comprised of Italian-origin chains and clasps; substantial transformation

DEAR MS. STUDENY:

Pursuant to your request of August 16, 2002, for a ruling pertaining to the tariff classification and country of origin marking requirements applicable to jewelry that is comprised of components of U.S. and Italian origin, the Director, U.S. Customs and Border Protection ("CBP") National Commodity Specialist Division, issued New York Ruling Letter ("NY") I85493 dated August 22, 2002, to your company. Upon further consideration of NY I85493, we have determined that, while the tariff classifications in that ruling are correct, the country of origin marking requirements set forth for jewelry assembled to completion within the United States from Italian-origin clasps and chains are incorrect. Therefore, NY I85493 is hereby modified for the reasons set forth below.

FACTS:

Three scenarios of production for jewelry were presented for consideration in NY I85493, in which CBP held that cutting jewelry chain to length and combining the chain with lobster clasps within the United States substantially transformed certain foreign-origin components into an article with a new name, character, and use. The first two scenarios involved assembling U.S.-origin chain with foreign-made clasps, while the third scenario involved joining foreign-origin chain with a foreign-made clasp. It was determined that the country of origin of the completed jewelry in all three scenarios was the United States. As it is our belief that the forgoing is correct with respect to the first and second production scenarios considered in that case, this ruling will only consider the facts of the third scenario.

Accordingly, in the third production scenario, Italian-origin sterling silver jewelry chains and Italian-origin sterling silver lobster clasps are assembled within the United States to form completed jewelry pieces. Each sterling silver chain weighs 52 grams and is valued at $14. Each sterling silver lobster clasp weighs 7.5 grams and is valued at $11. The assembled jewelry pieces will be finished subsequent to assembly.

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 I85493, as

described below, was published in the Customs Bulletin on April 21, 2004. No comments were received in response to the notice.

ISSUE:

For marking purposes, what is the country of origin of the jewelry assembled within the United States from the components described above?

LAW AND ANALYSIS:

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

Part 134, Customs Regulations (19 CFR Part 134), implements the country of origin marking requirements and the exceptions of 19 U.S.C. § 1304. Section 134.1(b), Customs Regulations (19 CFR 134.1(b)), defines "country of origin" as the country of manufacture, production or growth of any article of foreign origin entering the United States. Further work or material added to an article in another country must effect a substantial transformation in order to render such other country the "country of origin" within the meaning of the marking laws and regulations. The case of U.S. v. Gibson-Thomsen Co., Inc., 27 C.C.P.A. 267 (C.A.D. 98)(1940), provides that an article used in manufacture which results in an article having a name, character, or use differing from that of the constituent article will be considered substantially transformed and, as a result, the manufacturer or processor will be considered the ultimate purchaser of the constituent materials. In such circumstances, the imported article is excepted from marking and only the outermost container is required to be marked. See, 19 CFR 134.35(a).

In Headquarters Ruling Letter ("HRL") 557100 dated April 30, 1993, raw Bolivian gold was converted into bars of pure gold within Bolivia by means of a melting process. Utilizing rolling mills and drawing machines, the bars were thereafter converted into gold wire that was wound around spools. The spooled gold wire was then exported to Italy where it was fed into machines and converted into gold chain. The gold chain was subsequently cleaned, prepared with soldering powder, passed through soldering ovens, and wound around spools. At this point, the gold chain was returned to Bolivia for further processing which included cutting the chain to length for necklaces and bracelets, manually soldering end tips to the chains, passing the chains through ovens for heat treatment, cleaning the chains with chemicals and ultrasonic processes, manually assembling locks to the chains, cleaning the assembled jewelry, "finishing" the gold chains with a brushing machine, testing the assembled jewelry for quality control compliance, and packing the jewelry for shipment to the United States.

At issue in HRL 557100 was whether, for purposes of eligibility under the Andean Trade Preference Act ("ATPA"), the jewelry imported into the United

States was considered to be a "product of" Bolivia. In deciding this issue, we initially noted that processing gold wire into gold chain substantially transforms the gold wire into a product of the country where processed into gold chain. Citing, HRL 555929 dated April 22, 1991. Therefore, as it was evident that the Bolivian gold wire was substantially transformed into a product of Italy when converted into gold chain, the remaining issue was whether the Italian-origin gold chain was subsequently substantially transformed back into a product of Bolivia when integrated into necklaces and bracelets.

Regarding whether cutting to length, soldering end tips, attaching locks or clasps, brushing, and inspecting the completed jewelry substantially transformed the Italian gold chain into a product of Bolivia, we held:

> It is our opinion that once the woven gold chain is returned to Bolivia, the processes performed there to create the finished necklaces and bracelets do not substantially transform the imported chain into a "product of" Bolivia. We believe that the essential character of the bracelet or necklace is the chain which results from cutting, formation of the links and weaving operations which occur in Italy.

See also, HRL 560333 dated July 24, 1997 (simple assembly or weaving of gold links into chain, even when coupled with a soldering operation, does not substantially transform the gold links).

As applied to the case presently under consideration, it is our opinion that merely combining an Italian-origin sterling silver chain with an Italian-origin sterling silver lobster clasp and finishing the resulting product does not substantially transform the items of foreign origin. Therefore, the country of origin of the jewelry produced in this manner is Italy.

HOLDING:

Based upon the information before us, we find that combining an Italian-origin sterling silver chain with an Italian-origin sterling silver lobster clasp within the United States to form completed jewelry does not substantially transform the foreign-origin items into a product of the United States. As such, the country of origin of completed jewelry pieces produced under these circumstances is Italy.

EFFECT ON OTHER RULINGS:

NY I85493 dated August 22, 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.

Gail A. Hamill for MYLES B. HARMON,
Director,
Commercial Rulings Division.