

Bureau of Customs and Border Protection

General Notices

COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 3 2004)

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

SUMMARY: The copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of March 2004. The last notice was published in the CUSTOMS BULLETIN on April 7, 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: April 14, 2004.

Paul Pizzeck for GEORGE FREDERICK MCCRAY, ESQ.,
Chief,
Intellectual Property Rights Branch.

U.S. CUSTOMS SERVICE
IPR RECORDATIONS ADDED IN MARCH 2004

04/02/2004
07:54:05

PAGE 1
DETAIL

REC NUMBER	EFF DT	EXP DT	NAME OF COP, TMK, TMM OR MSK	OWNER NAME	RES
COP04000041	20040303	20240303	U.A.F. WHITE SWAN LOGO	U.A. TRADING, INC.	N
COP04000042	20040322	20240322	BVLGARI CATALOG SPRING/SUMMER 2003 SILK COLLECTION	BULGARI S.P.A.	N
COP04000043	20040322	20240322	BVLGARI CATALOG SUNGLASS COLLECTION	BULGARI S.P.A.	N
COP04000044	20040322	20240322	BVLGARI CATALOG JEWELLERY 2003/2004 RETAILERS	BULGARI S.P.A.	N
COP04000045	20040326	20240326	INSTRUCTION MANUAL FOR VECTRON ULTRALITE	EDU-SCIENCE (H.K.) LTD.	N
COP04000046	20040326	20240326	VECTRON ULTRALITE FLYING SAUCER	EDU-SCIENCE (H.K.) LTD.	N
SUBTOTAL RECORDATION TYPE 6					
TMK04000176	20040301	20080908	DESIGN (TWO POLO PLAYERS ON HORSEBACK WITH MALLETS)	UNITED STATES POLO ASSOCIATION	N
TMK04000177	20040301	20080526	UNITED STATES POLO ASSOCIATION & DESIGN	UNITED STATES POLO ASSOCIATION	N
TMK04000178	20040301	20100125	UNITED STATES POLO ASSOCIATION FOUNDED 1890 & DESIGN	UNITED STATES POLO ASSOCIATION	N
TMK04000179	20040301	20080526	USPA	UNITED STATES POLO ASSOCIATION	N
TMK04000180	20040301	20090831	U.S. POLO ASSOCIATION FOUNDED 1890	UNITED STATES POLO ASSOCIATION	N
TMK04000181	20040301	20090817	U.S. POLO ASSOCIATION FOUNDED 1890	UNITED STATES POLO ASSOCIATION	N
TMK04000182	20040301	20121001	U.S. POLO & DESIGN	UNITED STATES POLO ASSOCIATION	N
TMK04000183	20040301	20111209	UNITED STATES POLO ASSOCIATION & DESIGN	UNITED STATES POLO ASSOCIATION	N
TMK04000184	20040301	20080927	UNITED STATES POLO ASSOCIATION & DESIGN	UNITED STATES POLO ASSOCIATION	N
TMK04000185	20040301	20120112	VECTRON	BARCLAY PRODUCTS LIMITED	N
TMK04000186	20040303	20120112	GREENIE	V.E. IRONS, INC.	N
TMK04000187	20040303	20120119	V.E. VIT-RA-TOX IRONS INC.	V.E. IRONS, INC.	N
TMK04000188	20040303	20120728	ZOLOFT	PLZ-ING	N
TMK04000189	20040303	20131007	PALM LASER	PLS-PACIFIC LASER SYSTEMS	N
TMK04000190	20040303	20091005	PANTHER	PRESTIGE AUTOTECH CORPORATION	N
TMK04000191	20040303	20070923	PCM AND DESIGN	PRESTIGE AUTOTECH CORPORATION	N
TMK04000192	20040303	20110626	PANTHER (STYLIZED)	PRESTIGE AUTOTECH CORPORATION	N
TMK04000193	20040303	20110626	DESIGN	PRESTIGE AUTOTECH CORPORATION	N
TMK04000194	20040303	20110717	PANTHER AND DESIGN	PRESTIGE AUTOTECH CORPORATION	N
TMK04000195	20040303	20110731	AKUZA	PRESTIGE AUTOTECH CORPORATION	N
TMK04000196	20040303	20111218	AKUZA ROAD CONCEPTS	PRESTIGE AUTOTECH CORPORATION	N
TMK04000197	20040303	20110918	AFANBRAND	S.D.J. TRADING INC.	N
TMK04000198	20040303	20121117	PEPSODENT	CHURCH & DWIGHT COMPANY	N
TMK04000199	20040303	20061105	MENTADENT	CHURCH & DWIGHT COMPANY	N
TMK04000200	20040303	20130909	MENTADENT	CHURCH & DWIGHT COMPANY	N
TMK04000201	20040303	20130116	AIM	DOONEY & BOURKE INC.	N
TMK04000202	20040303	20131007	DB (PLUS DESIGN)	NANTUCKET HARVEST CO., INC.	N
TMK04000203	20040303	20131209	RIMMER	FANTASY INC.	N
TMK04000204	20040303	20140208	GOOD TIME JAZZ	PARFUMS CHRISTIAN DIOR S.A.	N
TMK04000205	20040303	20140108	DIORELLA	ELI LILLY AND COMPANY	N
TMK04000206	20040304	20130617	STRATIERRA	HEALTH LANGUAGE, INC.	N
TMK04000207	20040304	20130902	LEXSCAPE	MARKWINS INTERNATIONAL CORP.	N
TMK04000208	20040309	20060296	JONELM	GA MODEFINE INTERNATIONAL CORP.	N
TMK04000209	20040309	20090419	JONELM	MARKWINS INTERNATIONAL CORP.	N
TMK04000210	20040309	20090419	JONEL	FLORIDA MARLENS L.P.	N
TMK04000211	20040309	20060547	JONEL	FLORIDA MARLENS L.P.	N
TMK04000212	20040311	20131130	MARLENS	COLORADO ROCKIES BASEBALL CLUB	N
TMK04000213	20040311	20131207	CR (STYLIZED)	CLEVELAND INDIANS BASEBALL CO.	N
TMK04000214	20040311	20131206	INDIANS MISCELLANEOUS DESIGN	BANNER SEVENTEEN, LLC.	N
TMK04000215	20040311	20131123	BOSTON CELTICS AND DESIGN	BANNER SEVENTEEN, LLC.	N

BUREAU OF CUSTOMS AND BORDER PROTECTION

REC NUMBER	EFF DT	EXP DT	NAME OF COP, TMK, TMM OR MSK	OWNER NAME	RES
TMK04000216	20040311	20131130	PACERS AND DESIGN	PACERS BASKETBALL CORP.	N
TMK04000217	20040311	20110925	EXCURSION AND DESIGN	HOLLYWOOD SOUND INTERNATIONAL	N
TMK04000218	20040311	20041227	L/4	PHILADELPHIA CERVICAL COLLAR CO.	N
TMK04000219	20040311	20060123	PHILLY	PHILADELPHIA CERVICAL COLLAR CO.	N
TMK04000220	20040311	20130429	PATRIOT	PHILADELPHIA CERVICAL COLLAR CO.	N
TMK04000221	20040311	20101114	A-SERIES	PHILADELPHIA CERVICAL COLLAR CO.	N
TMK04000222	20040311	20110130	C-BREEZE	PHILADELPHIA CERVICAL COLLAR CO.	N
TMK04000223	20040311	20120917	EMT'S CHOICE	PHILADELPHIA CERVICAL COLLAR CO.	N
TMK04000224	20040311	20101114	BLOC-HEAD	PHILADELPHIA CERVICAL COLLAR CO.	N
TMK04000225	20040311	20131202	PRO-FIT	PHILADELPHIA CERVICAL COLLAR CO.	N
TMK04000226	20040311	20080519	NETHEAD	PHILADELPHIA CERVICAL COLLAR CO.	N
TMK04000227	20040311	20130812	ILLES SEASONINGS & FLAVORS AND DESIGN	DOROTHEA A. LORBER	N
TMK04000228	20040311	20111120	BOTOX	THE ILLES COMPANY	N
TMK04000229	20040311	20120205	BOTX BOTULINUM TOXIN TYPE A PURIFIED NEUROTOXIN	ALLERGAN, INC.	N
TMK04000230	20040311	20120421	SYMANTEC	SYMANTEC CORPORATION	N
TMK04000231	20040311	20121127	HAMILTON	ALLERGAN, INC.	N
TMK04000232	20040311	20130728	OMEGA AND DESIGN (GREEK INSCRIPTION)	OMEGA SA	N
TMK04000233	20040319	20131221	ETIENNE AIGNER & HORSESHOE DESIGN	ETIENNE AIGNER, INC.	N
TMK04000234	20040319	20130624	DETAILS MAVERICKS WITH HORSE DESIGN	AIRKILD PUBLICATIONS INC.	N
TMK04000235	20040319	20131224	VANCOUVER GRIZZLIES AND DESIGN	HOOPEL BASKETBALL LIMITED	N
TMK04000236	20040322	20090713	FEEUDENMA PACKAGE DESIGN	C.B. FLEET INVESTMENT CORP.	N
TMK04000237	20040322	20090717	PHOSPHO-SODA	C.B. FLEET INVESTMENT CORP.	N
TMK04000238	20040323	20080117	GG (STYLIZED LETTERING)	GUCCI AMERICA, INC.	N
TMK04000239	20040323	20090323	G (STYLIZED)	GUCCI AMERICA, INC.	N
TMK04000240	20040323	20081128	GG (STYLIZED)	GUCCI AMERICA, INC.	N
TMK04000241	20040323	20081128	GG (STYLIZED)	GUCCI AMERICA, INC.	N
TMK04000242	20040323	20090724	DESIGN	GUCCI AMERICA, INC.	N
TMK04000243	20040323	20090731	DESIGN	GUCCI AMERICA, INC.	N
TMK04000244	20040323	20110623	GG (INTERLOCKING)	GUCCI AMERICA, INC.	N
TMK04000245	20040323	20110908	GUCCI	GUCCI AMERICA, INC.	N
TMK04000246	20040323	20110915	GUCCI	GUCCI AMERICA, INC.	N
TMK04000247	20040323	20110915	GUCCI	GUCCI AMERICA, INC.	N
TMK04000248	20040323	20120715	GUCCI	GUCCI AMERICA, INC.	N
TMK04000249	20040323	20120715	GUCCI	GUCCI AMERICA, INC.	N
TMK04000250	20040323	20120727	GUCCI	GUCCI AMERICA, INC.	N
TMK04000251	20040323	20130128	GG & DESIGN	GUCCI AMERICA, INC.	N
TMK04000252	20040325	20130608	CERTINA	CERTINA, KURTH FRERES S.A.	N
TMK04000253	20040325	20131118	LIBRA	HOUSE OF MOHAN CORPORATION	N
TMK04000254	20040325	20131118	LEO	HOUSE OF MOHAN CORPORATION	N
TMK04000255	20040325	20131118	ARIES	HOUSE OF MOHAN CORPORATION	N
TMK04000256	20040325	20131118	CANCER	HOUSE OF MOHAN CORPORATION	N
TMK04000257	20040325	20131118	GENINI	HOUSE OF MOHAN CORPORATION	N
TMK04000258	20040325	20131118	SCORPIO	HOUSE OF MOHAN CORPORATION	N
TMK04000259	20040325	20131118	SAGITTARIUS	HOUSE OF MOHAN CORPORATION	N
TMK04000260	20040325	20131118	CAPRICORN	HOUSE OF MOHAN CORPORATION	N
TMK04000261	20040325	20131118	DOVE	HOUSE OF MOHAN CORPORATION	N
TMK04000262	20040325	20070415	MERKEL	CHESEBROUGH PONDS, INC.	N
TMK04000263	20040330	20140106	KODAK	GSI INCORPORATED	N
TMK04000264	20040330	20130422	KODAK	EASTMAN KODAK COMPANY	N

**AGENCY INFORMATION COLLECTION ACTIVITIES:
AFRICAN GROWTH AND OPPORTUNITY ACT (AGOA)
TEXTILE CERTIFICATE OF ORIGIN**

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

ACTION: Proposed collection; comments requested.

SUMMARY: The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: African Growth and Opportunity Act Certificate of Origin. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (68 FR 70284) on December 17, 2003, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before May 21, 2004.

ADDRESSES: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Homeland Security Desk Officer, Washington, D.C. 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-6974.

SUPPLEMENTARY INFORMATION:

The Bureau of Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13). Your comments should address one of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, in-

cluding the validity of the methodology and assumptions used;

- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Title: African Growth and Opportunity Act Certificate of Origin

OMB Number: 1651-0082

Form Number: None

Abstract: The collection of information is required to implement the duty preference provisions of the African Growth and Opportunity Act (AGOA) to provide extension of duty-free treatment under the Generalized System of Preferences (GSP) to sensitive articles normally excluded from GSP duty treatment. It also provides for the entry of specific textile and apparel articles free of duty and free of any quantitative limits to the countries of sub-Saharan Africa.

Current Actions: This submission is being submitted to extend the expiration date with no change to the burden hours.

Type of Review: Extension (without change)

Affected Public: Businesses, Institutions

Estimated Number of Respondents: 440

Estimated Time Per Respondent: 23 hours

Estimated Total Annual Burden Hours: 10,400

Estimated Total Annualized Cost on the Public: \$239,269

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.2.C, Washington, D.C. 20229, at 202-927-1429.

Dated: April 14, 2004

TRACEY DENNING,
*Agency Clearance Officer,
Information Services Branch.*

[Published in the Federal Register, April 21, 2004 (69 FR 21566)]

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

Washington, DC, April 21, 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.*

19 CFR PART 177

**REVOCATION OF RULING LETTERS AND TREATMENT
RELATING TO THE TARIFF CLASSIFICATION OF
CERTAIN METAL COUPLINGS AND CONNECTORS**

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

ACTION: Notice of revocation of two tariff classification ruling letters and revocation of treatment relating to the classification of certain metal couplings and connectors.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (Customs) is revoking two ruling letters relating to the tariff classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of certain metal couplings and connectors. Similarly, Customs is revoking any treatment previously accorded by it to substantially identical merchandise. Notice of the proposed revocation was published on March 10, 2004, in Volume 38, Number 11 of the CUSTOMS BULLETIN. No comments were received in response to this notice.

EFFECTIVE DATE: Merchandise entered or withdrawn from warehouse for consumption on or after July 4, 2004.

FOR FURTHER INFORMATION CONTACT: David Salkeld, General Classification Branch, at (202) 572-8781.

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 Customs obligations, a notice was published in the March 10, 2004, CUSTOMS BULLETIN, Volume 38, Number 11, proposing to revoke New York Ruling Letter (NY) I81109, dated April 26, 2002, and NY A82216, dated April 17, 1996, and to revoke any treatment previously accorded by Customs to substantially identical merchandise. No comments were received in response to this notice.

In NY I81109 and NY A82216, Customs classified certain metal couplings and connectors. In NY I81109, Customs classified steel couplings and connectors under subheading 7326.90.85, HTSUS, which provides for "Other articles of iron and steel: Other: Other: Other: Other." In NY A82216, Customs classified zinc couplings and connectors under subheading 7307.00.60, HTSUS, which provides for "Other articles of zinc: Other." It is now Customs' position, that the threaded steel couplings subject to this notice are classified in subheading 7307.92.30, which provides for "Tube or pipe fittings (for example, couplings, elbows, sleeves) of iron or steel: Other: Threaded elbows, bends and sleeves: Sleeves (couplings);" the other steel connectors subject to this notice are classified in subheading 7307.99.50, which provides for "Tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel: Other: Other: Other;" and the zinc couplings and connectors subject to this notice are classified in subheading 7906.00.00, HTSUS, which provides for "Zinc tubes, pipes and tube or pipe fittings (for example, couplings, elbows, sleeves)."

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 is revoking any treatment previously accorded by Customs to substantially identical merchandise. 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 HTSUS. Any person involved with substantially identical transactions should have advised Customs during the 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 this final decision.

Pursuant to 19 U.S.C. 1625(c)(1), Customs is revoking NY I81109 and NY A82216 and any other ruling not specifically identified that is contrary to the determination set forth in this notice to reflect the proper classification of the merchandise pursuant to the analysis set forth in Headquarters Ruling Letters (HQs) 966958 and 966965 (Attachments A and B respectively). Additionally, pursuant to 19 U.S.C. 1625(c)(2), Customs is revoking any treatment previously accorded by Customs to substantially identical transactions that is contrary to the determination set forth in this notice.

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

DATED: April 20, 2004

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

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 966958
April 20, 2004
CLA-2 RR:CR:GC 966958 DSS
CATEGORY: Classification
TARIFF NO.: 7307.92.3010, 7307.99.5045

MR. JIM WICKSTEAD
CIRCLE INTERNATIONAL, INC.
991 Supreme Drive
Bensenville, IL 60106

RE: Revocation of NY I81109; Zinc-plated steel compression fittings from India

DEAR MR. WICKSTEAD:

This letter is pursuant to the Bureau of Customs and Border Protection's (Customs) reconsideration of New York Ruling Letter (NY) I81109, dated April 26, 2002. We have reviewed the classification in NY I81109 and have determined that it is incorrect. This ruling sets forth the correct classification.

Pursuant to section 625 (c), Tariff Act of 1930 (19 USC 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 revocation of NY I81109 was published in the March 10, 2004, CUSTOMS BULLETIN, Volume 38, Number 11. No comments were received in response to this notice.

FACTS:

In NY I81009, we classified certain zinc-plated steel compression fittings from India. The articles were described in NY I81109 as follows:

The samples you provided are connectors for junction boxes. Your request includes metallic setscrew connectors, metallic setscrew couplings, metallic compression connectors, and metallic compression fittings. The items are manufactured from mild steel and are zinc-plated. They are used to connect conduits together.

In NY I81109, we classified the instant articles under subheading 7326.90.8586, Harmonized Tariff Schedule of the United States Annotated (HTSUSA), which provides for "Other articles of iron or steel: Other: Other: Other: Other: Other."

ISSUE:

Whether the instant articles are classified as steel pipe fittings under heading 7307, HTSUSA, or as other articles of iron and steel under heading 7326, HTSUSA.

LAW AND ANALYSIS:

Classification under the HTSUSA is made in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the

goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs may then be applied.

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the Harmonized System at the international level. While not legally binding, the ENs provide a commentary on the scope of each heading of the HTSUSA and are thus useful in ascertaining the classification of merchandise under the System. Customs believes the ENs should always be consulted. See T.D. 89-90, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The HTSUSA provisions under consideration are as follows:

7307 Tube or pipe fittings (for example, couplings, elbows, sleeves) of iron or steel:

Other:

7307.92 Threaded elbows, bends and sleeves:

7307.92.30 Sleeves (couplings)

7307.92.3010 Of iron or nonalloy steel

* *

7307.99 Other:

7307.99.50 Other

Of iron or nonalloy steel

7307.99.5045 Other

* * *

7326 Other articles of iron or steel:

7326.90 Other:

Other:

Other:

7326.90.85 Other:

7326.90.8586 Other

EN 73.07 provides in pertinent part as follows:

This heading covers fittings of iron or steel, mainly used for connecting the bores of two tubes together, or for connecting a tube to some other apparatus, or for closing the tube aperture. This heading **does not** however **cover** articles used for installing pipes and tubes but which do not form an integral part of the bore (e.g., hangers, stays and similar supports which merely fix or support the tubes and pipes on walls, clamping or tightening bands or collars (hose clips) used for clamping flexible tubing or hose to rigid piping, taps, connecting pieces, etc.) (heading **73.25** or **73.26**) [emphasis in original].

The connection is obtained:

- by screwing, when using cast iron or steel threaded fittings;
- or by welding, when using butt-welding or socket-welding steel fittings. In the case of butt-welding, the ends of the fittings and of the tubes are square cut or chamfered;
- or by contact, when using removable steel fittings.

This heading therefore includes flat flanges and flanges with forged collars, elbows and bends and return bends, reducers, tees, crosses, caps and plugs, lap joint stub-ends, fittings for tubular railings and structural elements, off sets, multi-branch pieces, couplings or sleeves, clean out traps, nipples, unions, clamps and collars.

In NY I81109, we concluded that the instant articles were articles of steel not provided for elsewhere in the HTSUS. Because heading 7326, HTSUS, covers all articles of iron or steel not elsewhere specified or included (see EN 73.26), the goods will be provided for in heading 7326, HTSUS, only if they are described in that heading and if they are not provided for in another heading (in this instance, heading 7307).

New information has been presented to Customs, however, that has caused us to view the classification in NY I81109 as incorrect. This information indicates that the connectors and couplings serve to connect the bores of two tubes together or to connect a tube to some other apparatus (*i.e.*, a junction box). Therefore, we find that the instant articles are within the scope of the description provided in the heading text of 7307 and EN 73.07, above. Accordingly, we find that the instant articles are provided for in heading 7307, HTSUS. Some of the fittings are threaded, which indicates that the connection is made by screwing. These connectors and couplings are classified under subheading 7307.92.3010, HTSUS, which provides for, "Tube or pipe fittings (for example, couplings, elbows, sleeves) of iron or steel: Other: Threaded elbows, bends and sleeves: Sleeves (couplings): Of iron or nonalloy steel." The other fittings of nonalloy steel where the connection is not threaded (e.g., compression connectors), are classified in subheading 7307.99.5045, HTSUS, which provides for, "Tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel: Other: Other: Other: Of iron or nonalloy steel: Other."

HOLDING:

In accordance with the above discussion, at GRI 1 the instant fittings fall under heading 7307, HTSUS.

The threaded couplings are classified under subheading 7307.92.3010, HTSUS, which provides for, "Tube or pipe fittings (for example, couplings, elbows, sleeves) of iron or steel: Other: Threaded elbows, bends and sleeves: Sleeves (couplings): Of iron or nonalloy steel." The General Column One rate of duty is 1.2 percent.

The other fittings are classified in subheading 7307.99.5045, HTSUS, which provides for, "Tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel: Other: Other: Other: Of iron or nonalloy steel: Other." The General Column One rate of duty is 4.3 percent.

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

EFFECT ON OTHER RULINGS:

NY I81109 is REVOKED.

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

[ATTACHMENT B]

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

HQ 966965
April 20, 2004
CLA-2 RR:CR:GC 966965 DSS
CATEGORY: Classification
TARIFF NO.: 7906.00.0000

MS. GAIL LEVY
SAMUEL SHAPIRO & COMPANY, INC.
World Trade Center, Suite 1200
401 East Pratt Street
Baltimore, MD 21202-3104

RE: Revocation of NY A82216; Zinc couplings and connectors from Russia

DEAR MS. LEVY:

This letter is pursuant to the Bureau of Customs and Border Protection's (Customs) reconsideration of New York Ruling Letter (NY) A82216, dated April 17, 1996. We have reviewed the classification in NY A82216 and have determined that it is incorrect. This ruling sets forth the correct classification.

Pursuant to section 625 (c), Tariff Act of 1930 (19 USC 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 revocation of NY A82216 was published in the March 10, 2004, CUSTOMS BULLETIN, Volume 38, Number 11. No comments were received in response to this notice.

FACTS:

In NY A82216, we classified certain zinc couplings and connectors from Russia. The articles were described in NY A82216 as follows:

- 1) 1/2" compression coupling
- 2) 1/2" screw coupling
- 3) 1/2" compression connector
- 4) 3/4" screw connector

These items are used in the electrical field and have many universal applications. All are made of Zamac #3, which is a zinc die cast.

In NY A82216, we classified the instant articles under subheading 7907.00.6000, Harmonized Tariff Schedule of the United States Annotated (HTSUSA), which provides for “Other articles of zinc: Other.”

ISSUE:

Whether the instant articles are classified as zinc pipe fittings under heading 7906, HTSUSA, or as other articles of zinc under heading 7907, HTSUSA.

LAW AND ANALYSIS:

Classification under the HTSUSA is made in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs may then be applied.

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the Harmonized System at the international level. While not legally binding, the ENs provide a commentary on the scope of each heading of the HTSUSA and are thus useful in ascertaining the classification of merchandise under the System. Customs believes the ENs should always be consulted. *See* T.D. 89-90, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The HTSUSA provisions under consideration are as follows:

7906.00.00 Zinc tubes, pipes and tube or pipe fittings (for example, couplings, elbows, sleeves)

* * *

7907.00 Other articles of zinc:

7907.00.60 Other

EN 73.07 (which applies to EN 79.06 by appropriate substitution of terms) provides in pertinent part as follows:

This heading covers fittings of iron or steel, mainly used for connecting the bores of two tubes together, or for connecting a tube to some other apparatus, or for closing the tube aperture. This heading **does not** however **cover** articles used for installing pipes and tubes but which do not form an integral part of the bore (e.g., hangers, stays and similar supports which merely fix or support the tubes and pipes on walls, clamping or tightening bands or collars (hose clips) used for clamping flexible tubing or hose to rigid piping, taps, connecting pieces, etc.) (heading **73.25** or **73.26**) [emphasis in original].

The connection is obtained:

- by screwing, when using cast iron or steel threaded fittings;
- or by welding, when using butt-welding or socket-welding steel fittings. In the case of butt-welding, the ends of the fittings and of the tubes are square cut or chamfered;
- or by contact, when using removable steel fittings.

This heading therefore includes flat flanges and flanges with forged collars, elbows and bends and return bends, reducers, tees, crosses, caps and plugs, lap joint stub-ends, fittings for tubular railings and structural elements, off sets, multi-branch pieces, couplings or sleeves, clean out traps, nipples, unions, clamps and collars.

In NY A82216, we concluded that the instant articles were articles of zinc not provided for elsewhere in the HTSUSA. Because heading 7907, HTSUS, covers all articles of zinc not elsewhere specified or included (see EN 79.07), the goods will be provided for in heading 7907, HTSUSA, only if they are described in that heading and if they are not provided for in another heading (in this instance, heading 7906).

New information has been presented to Customs, however, that has caused us to view the classification in NY A82216 as incorrect. This information indicates that the instant fittings serve to connect the bores of two tubes together or to connect a tube to some other apparatus (*i.e.*, a junction box). Therefore, we find that the instant articles are within the scope of the heading text of 7906 and the description provided in EN 73.07, above (and by extension EN 79.06). Accordingly, we find that the instant articles are provided for in heading 7906, HTSUSA. We find that they are classified under subheading 7906.00.00, HTSUSA, as: "Zinc tubes, pipes and tube or pipe fittings (for example, couplings, elbows, sleeves)."

HOLDING:

In accordance with the above discussion, at GRI 1, the correct classification for the instant fittings is under subheading 7906.00.0000, HTSUSA, which provides for "Zinc tubes, pipes and tube or pipe fittings (for example, couplings, elbows, sleeves)." The General Column One rate of duty is 3 percent.

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

EFFECT ON OTHER RULINGS:

NY A82216 is REVOKED.

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

19 CFR Part 177

**REVOCATION OF RULING LETTER AND TREATMENT
RELATING TO TARIFF CLASSIFICATION OF PLASTIC
IDENTIFICATION BADGES**

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

ACTION: Notice of revocation of a ruling letter and treatment relating to the tariff classification of plastic identification badges under the Harmonized Tariff Schedule of the United States ("HTSUS").

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 revoke a ruling concerning the tariff classification of plastic identification badges and to revoke any treatment Customs has previously accorded to substantially identical transactions. Comments are invited on the correctness of the intended action. Notice of the proposed revocations was published on March 10, 2004, in Vol. 38, No. 11 of the *Customs Bulletin*. No comments were received.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after July 4, 2004.

FOR FURTHER INFORMATION CONTACT: Andrew M. Langreich, General Classification Branch: (202) 572–8776.

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 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 Customs obligations, notice proposing to revoke New York Ruling Letter (“NY”) F81413, dated January 5, 2000, as it pertains to the classification of plastic identification badges, was published on March 10, 2004, in Vol. 38, No. 11 of the *Customs Bulletin*. No comments were received in response to this notice.

As stated in the proposed notice, the revocation action will cover any rulings on this merchandise that may exist but have not been specifically identified. Customs has undertaken reasonable efforts to search existing databases for rulings other than those herein identified; no further rulings have been found. Any party who has received an interpretive ruling or decision (*i.e.*, ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should have advised 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 is revoking 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 HTSUS. Any person involved in substantially identical transactions should have advised Customs during this notice period. An importer's reliance on a treatment of substantially identical transactions or on a specific ruling concerning the merchandise covered by this notice which was not identified in this notice, may raise the rebuttable presumption of lack of reasonable care on the part of the importers or their agents for importations of merchandise subsequent to the effective date of this final decision.

The plastic identification badges at issue were classified by NY F81413 under heading 7117, HTSUS, which provides for imitation jewelry. We have determined that the intended purpose of these articles is to temporarily display the name of, rather than adorn, the person who wears them. Therefore, we believe the articles should be classified under heading 3926, HTSUS, which provides for other articles of plastic.

Pursuant to 19 U.S.C. 1625(c)(1), Customs is revoking NY F81413, and any other ruling not specifically identified, to reflect the proper classification of the plastic identification badges, pursuant to the analysis in Headquarters Ruling Letter ("HQ") 966569, which is set forth as the Attachment to this document. Additionally, pursuant to 19 U.S.C. 1625(c)(2), Customs is revoking any treatment previously accorded by Customs to substantially identical transactions.

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

Dated: April 20, 2004

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

Attachment

DEPARTMENT OF HOMELAND SECURITY,
BUREAU OF CUSTOMS AND BORDER PROTECTION,
HQ 966569
April 20, 2004
CLA-2 RR:CR:GC 966569 AML
CATEGORY: Classification
TARIFF NO.: 3926.90.98

MS. LISA THATCHER
AVERY DENNISON
OFFICE PRODUCTS NORTH AMERICA
50 Pointe Drive
Brea, CA 92821

RE: NY F81413 revoked; Plastic identification badges

DEAR MS. THATCHER:

This is in reference to your letter, dated May 19, 2003, to the National Commodity Specialist Division, New York, requesting reconsideration of New York Ruling Letter ("NY") F81413, dated January 5, 2000, regarding the classification of several styles of plastic identification badges, under the Harmonized Tariff Schedule of the United States ("HTSUS"). Your letter and samples of the articles were forwarded to this office for reply. We have reconsidered the classification determination made in NY F81413 and determined that it is incorrect. This letter sets forth the correct classification of the plastic identification badges.

Pursuant to section 625(c)(1), 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), notice of the proposed revocation of NY F81413 was published on March 10, 2004, in Vol. 38, No. 11 of the *Customs Bulletin*. No comments were received in response to this notice.

FACTS:

The articles under consideration are plastic identification badges. They were described in NY F81413 as follows:

1. Part #77711 74520 is a badge made of a neck hanging plastic badge holder with heavyweight cardstock insert, 4" x 3" in size, valued over 20 cents per dozen pieces.
2. Part #77711 74536 is a badge made of a plastic badge holder with a metal clip with heavyweight cardstock insert, 4" x 3" in size, valued over 20 cents per dozen pieces.
3. Part #77711 74540 is a badge made of a plastic badge holder with a metal pin with heavyweight cardstock insert, 4" x 3" in size, valued over 20 cents per dozen pieces.

After determining that “the essential character of the above-described badges is the plastic holder,” NY F81413 held that the articles were classified under subheading 7117.90.75, HTSUS, which provides for imitation jewelry: other: other: valued over 20 cents per dozen pieces or parts: other: of plastics.

ISSUE:

Whether the subject merchandise is classifiable under heading 3926, HTSUS, which provides for other articles of plastics; or under heading 7117, HTSUS, which provides for imitation jewelry?

LAW AND ANALYSIS:

Merchandise is classifiable under the Harmonized Tariff Schedule of the United States (“HTSUS”) in accordance with the General Rules of Interpretation (“GRIs”). GRI 1 states, in part, that for legal purposes, classification shall be determined according to the terms of the headings and any relative section or chapter notes, and provided the headings or notes do not require otherwise, according to the remaining GRIs, applied sequentially. The GRIs and the Additional U.S. Rules of Interpretation are part of the HTSUS and are to be considered statutory provisions of law.

The HTSUS provisions under consideration are as follows:

3926	Other articles of plastics and articles of other materials of headings 3901 to 3914:
3926.90	Other:
3926.90.98	Other.
	* * *
7117	Imitation jewelry:
7117.90	Other:
	Other:
	Valued not over 20 cents per dozen pieces or parts:
	Other:
7117.90.75	Of plastics.

Subheading 3926.90.98, HTSUS, is a so-called “basket” provision within Chapter 39, in which classification “is appropriate only when there is no tariff category that covers the merchandise more specifically.” (*Apex Universal, Inc., v. United States*, 22 C.I.T. 465 (1998).) Further, the ENs to Chapter 39 exclude “imitation jewellery of heading 7117” from classification therein. Therefore, we are first addressing the competing provision within Chapter 71 that was determined to be appropriate for classification in NY F81413. Only if classification in heading 7117, HTSUS, is precluded will we address classification under heading 3926, HTSUS.

The Harmonized Commodity Description and Coding System Explanatory Notes (“ENs”) constitute the official interpretation of the Harmonized System. While not legally binding on the contracting parties, and therefore not

dispositive, the ENs provide a commentary on the scope of each heading of the Harmonized System and are thus useful in ascertaining the classification of merchandise. Customs believes the ENs should always be consulted. See T.D. 89–80, published in the *Federal Register* August 23, 1989 (54 FR 35127, 35128).

Note 11 to Chapter 71 provides, in pertinent part, that “for the purposes of heading 7117, the expression “imitation jewellery” means articles of jewellery within the meaning of paragraph (a) of Note 9 above.” Note 9(a) provides in pertinent part that:

the expression “articles of jewellery” means:

(a) Any small objects of personal adornment (gem-set or not) (for example, rings, bracelets, necklaces, brooches, earrings, watchchains, fobs, pendants, tiepins, cufflinks, dressstuds, religious or other medals and insignia) . . .

The ENs to heading 7117 provide, in pertinent part, that:

For the purposes of this heading, the expression **imitation jewellery**, as defined in Note 11 to this Chapter, is restricted to small objects of personal adornment, such as those listed in paragraph (A) of the Explanatory Note to heading 7113, *e.g.*, rings, bracelets (other than wrist-watch bracelets), necklaces, earrings, cufflinks, etc., **but not including** buttons and other articles of **heading 96.06**, or dress combs, hairslides or the like, and hairpins of **heading 96.15** (bold emphasis in original) . . .

No argument has been presented nor do we believe that the articles at issue are designed or intended to be articles of personal adornment. Rather, the articles are designed and used functionally—they are used and reused (by simply replacing the paper inserts) to display the name of the wearer at a convention, meeting or other function. That is, the paramount function of the articles is to temporarily display the name of the wearer on an article of clothing.

We conclude, based upon consideration of the provisions of heading 7117, HTSUS, the Chapter Notes and the ENs thereto, that the articles are not classified under heading 7117, HTSUS.

An article is to be classified according to its condition as imported. See, *XTC Products, Inc. v. United States*, 771 F.Supp. 401, 405 (1991). See also, *United States v. Citroen*, 223 U.S. 407 (1911). In their condition as imported, the plastic identification badges are articles of molded plastic. In accordance with GRI 1, the articles are classified under heading 3926, HTSUS, which provides for other articles of plastics.

This conclusion comports in part with a prior ruling: in Headquarters Ruling Letter (“HQ”) 965072, dated September 19, 2001, we considered and rejected classification under heading 7117, HTSUS, and classified a plastic sleeve suspended from a textile lanyard with a swivel hook (laminated to enclose the information to be displayed and designed for use at a specific, one-time event) under heading 6307, HTSUS.

HOLDING:

The plastic identification badges (style numbers 77711 74520, 77711 74536 and 77711 74540) are classified under subheading 3926.90.98, HTSUS, which provides for other articles of plastics, other, other.

EFFECT ON OTHER RULINGS:

NY F81413 is **REVOKED**. In accordance with 19 U.S.C. § 1625 (c), this ruling will become effective sixty (60) days after its publication in the *Customs Bulletin*.

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