

Bureau of Customs and Border Protection

General Notices

COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 2 2006)

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 February 2006. The last notice was published in the CUSTOMS BULLETIN on February 22, 2006.

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

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

DATED: April 7, 2006

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

CBP IPR Recordations - February 2006

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 06-00159	2/1/2006	12/24/2006	BIOSYNTH	BIOSYNTH AG	No
TMK 06-00162	2/1/2006	9/26/2015	PHASER	XEROX CORPORATION	No
TMK 06-00161	2/1/2006	1/9/2016	MISCELLANEOUS DESIGN	CHUNG INC., DBA SUPERIOR TRADING COMPANY	No
TMK 06-00163	2/1/2006	5/3/2015	AVOSOY	SUPPLEMENT TESTING INSTITUTE INC.	No
TMK 06-00160	2/1/2006	7/6/2014	PIONEER EXPRESS	DONY (LOS ANGELES)	No
TMK 06-00164	2/1/2006	11/10/2011	BLACK & MILD	JMTM INC.	No
COP 06-00005	2/2/2006	2/1/2026	HAWAIIAN SHRIMP SANDWICH	CONTESSA PREMIUM FOODS, INC.	No
TMK 06-00167	2/2/2006	10/5/2014	HORSE HEAD LOGO	PRESTON HILL	No
TMK 06-00168	2/2/2006	9/17/2015	SNAP-N-LOC	JOMAR INTERNATIONAL LTD.	No
TMK 06-00166	2/2/2006	7/26/2015	CHARLIE 1 HORSE	RHE HATCO INC.	No
TMK 06-00165	2/2/2006	3/25/2015	WD-40	WD-40 MANUFACTURING COMPANY	No
TMK 06-00169	2/6/2006	8/13/2015	DESIGN ONLY	PUMA AG RUDOLF DASSLER SPORT	No
TMK 06-00170	2/6/2006	1/17/2016	SUNBAY	BDSRCO, INC.	Yes
TMK 06-00172	2/6/2006	1/10/2016	QUESO CAMPESINO	COLORADO RANCHERS DAIRY PRODUCTS INC	Yes
TMK 06-00171	2/6/2006	3/1/2015	HOT GRIPS	JAMES HOLLANDER	Yes
COP 06-00006	2/6/2006	2/4/2025	BVLGARI CATALOG, JEWELLERY 2004-2005, RETAILERS.	BULGARI S.P.A.	No
TMK 06-00173	2/6/2006	2/23/2013	APT	ADVANCED POWER TECHNOLOGY	No
TMK 06-00183	2/7/2006	8/17/2012	IBM	INTERNATIONAL BUSINESS MACHINES CORPORATION	No
TMK 06-00182	2/7/2006	10/20/2012	BLANX	BX TRADE S.R.L.	No
TMK 06-00175	2/7/2006	7/7/2008	MI VIEJO	TEQUILA EL VIEJITO, S.A. DE C.V.	No
TMK 06-00176	2/7/2006	11/20/2010	TIA CHIEU SA-TE & DESIGN	HUY FONG FOODS, INC.	No
TMK 06-00180	2/7/2006	2/13/2015	DESIGN ONLY	TRIKO FOODS CO., LTD.	No
TMK 06-00088	2/7/2006	11/26/2012	JD	JD DESIGN, LLC	No
TMK 06-00179	2/7/2006	8/23/2015	LC KIDS LEGACY CLASSIC	LEGACY CLASSIC FURNITURE INC.	No
TMK 06-00185	2/7/2006	11/21/2010	THE KHAKI COLLECTION CALVIN KLEIN	CALVIN KLEIN INC.	No
TMK 06-00186	2/7/2006	8/17/2014	DESIGN ONLY	ACUSHNET COMPANY	No
TMK 06-00129	2/7/2006	5/13/2013	JOE'S	JD DESIGN, LLC	No
TMK 06-00181	2/7/2006	9/14/2012	THE CALVIN KLEIN OMEGA DESIGN	CALVIN KLEIN INC.	No
TMK 06-00174	2/7/2006	6/28/2015	GLACIER SMOOTHIE THE AMAZING SILT SOAP OLD AS TIME FOR AGELESS BEAUTY & DESIGN	STEPHANIE L. VARNER	No
TMK 06-00187	2/7/2006	12/28/2014	DESIGN ONLY	COBRA GOLF INCORPORATED	Yes
TMK 06-00177	2/7/2006	9/21/2014	LAO GAN MA & DESIGN	GUIYANG NANMING LAOGANMA SPECIAL FLAVOUR FOODSTUFFS CO., LTD.	No
TMK 06-00178	2/7/2006	10/29/2006	SEROSTIM	ARES TRADING S.A.	No
TMK 06-00184	2/7/2006	2/15/2007	IBM	INTERNATIONAL BUSINESS MACHINES CORPORATION	No
COP 06-00007	2/8/2006	2/8/2026	HEARTS	DOONEY & BOURKE, INC.	No
TMK 06-00192	2/8/2006	12/6/2015	PRIME TIME	SINGLE STICK INC.	No
TMK 06-00195	2/8/2006	11/5/2012	ORVIS	THE ORVIS COMPANY INC.	No
TMK 06-00189	2/8/2006	12/14/2011	UVA D'ORO	ANTON CARATAN & SON	No

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 06-00193	2/8/2006	7/12/2015	P38	CARL WALTHER GMBH	No
TMK 06-00191	2/8/2006	8/24/2014	CONFIGURATION OF A MANUAL TRIGGER SPRAYER	CONTINENTAL AFA DISPENSING CO.	No
TMK 06-00188	2/8/2006	12/14/2013	CK CALVIN KLEIN	CALVIN KLEIN INC.	No
TMK 06-00131	2/8/2006	11/19/2012	THE COLOR RED	LINCOLN GLOBAL, INC.	No
TMK 06-00190	2/8/2006	7/26/2015	OOPS MAT	DANIEL J. KENNEDY	No
TMK 06-00194	2/8/2006	9/17/2012	DUNLOP	DNA (HOUSEMARKS) LIMITED	No
TMK 06-00202	2/9/2006	1/28/2013	SKAGENS & DESIGN	SKAGEN DESIGNS, LTD.	No
TMK 06-00206	2/9/2006	7/3/2010	CALVIN KLEIN	CALVIN KLEIN INC.	No
TMK 06-00204	2/9/2006	11/12/2006	RIVERSTONE	J. LOHR WINERY CORPORATION	No
TMK 06-00203	2/9/2006	8/20/2012	CAPRI	ALMONT COMPANY INC.	No
TMK 06-00201	2/9/2006	4/9/2012	KETTY HAIR AND DESIGN	ICE MARKETING CORPORATION	No
TMK 06-00200	2/9/2006	1/14/2013	WHIRLEY POP	WHIRLEY POP	No
TMK 06-00205	2/9/2006	2/1/2014	CALVIN KLEIN	CALVIN KLEIN INC.	No
TMK 06-00196	2/9/2006	3/25/2013	ROCK & REPUBLIC	ROCK & REPUBLIC ENTERPRISES INC.	No
TMK 06-00198	2/9/2006	7/19/2006	D & DESIGN	DNA HOUSEMARKS LIMITED	No
TMK 06-00199	2/9/2006	9/10/2012	DUNLOP	DNA HOUSEMARKS LIMITED	No
TMK 06-00197	2/9/2006	12/21/2014	CONFIGURATION OF A MANUAL TRIGER SPRAYER	CONTINENTAL AFA DISPENSING CO.	No
TMK 06-00207	2/9/2006	6/28/2014	CARHARTT	CARHARTT, INC.	No
TMK 06-00208	2/9/2006	4/6/2012	CARHARTT & DESIGN	CARHARTT, INC.	No
TMK 06-00209	2/10/2006	1/24/2016	SPILL MAGIC & DESIGN	MAGIC-4, INC.	No
TMK 06-00210	2/10/2006	3/29/2015	CHOICE CALVIN KLEIN	CALVIN KLEIN, INC.	No
TMK 06-00211	2/10/2006	3/1/2014	CALVIN KLEIN	CALVIN KLEIN INC.	No
TMK 06-00213	2/13/2006	1/13/2014	CAROLINA HERRERA	CAROLINA HERRERA, LTD.	No
TMK 06-00214	2/13/2006	8/30/2015	TP & DESIGN	TOTAL POWER INTERNATIONAL, INC.	No
TMK 06-00212	2/13/2006	1/7/2013	TRIACTIV	KENSEY NASH CORPORATION	No
TMK 06-00215	2/13/2006	10/3/2015	DESIGN ONLY	CHUNG INC. D/B/A SUPERIOR TRADING CO.	Yes
TMK 06-00216	2/13/2006	9/27/2015	TYLIE MALIBU	TYLIE, INC.	No
TMK 06-00217	2/14/2006	10/21/2013	9 NINE WEST	NINE WEST DEVELOPMENT CORPORATION	Yes
TMK 06-00218	2/14/2006	8/28/2006	REFRIGIWEAR	REFRIGIWEAR, INC.	No
TMK 06-00219	2/14/2006	5/6/2009	REFRIGIWEAR & DESIGN	REFRIGIWEAR, INC.	No
TMK 06-00220	2/14/2006	10/14/2007	3 IN 1 3-IN-ONE & DESIGN	WD-40 COMPANY	No
TMK 06-00221	2/14/2006	11/2/2015	PRESTIGE & DESIGN	CONCORD MUSIC GROUP, INC.	No
TMK 06-00222	2/14/2006	7/20/2012	PRESTIGE	CONCORD MUSIC GROUP, INC.	No
TMK 06-00230	2/15/2006	3/20/2011	BLISS (STYLIZED)	BRUTOCAO VINEYARDS, INC.	No
TMK 06-00223	2/15/2006	8/24/2014	AMOR AMOR	L'OREAL S.A.	No
TMK 06-00224	2/15/2006	10/23/2011	NOA & DESIGN	L'OREAL S.A.	No
TMK 06-00227	2/15/2006	11/20/2015	BRONCO & DESIGN	REDLANDS FOOTHILL GROVES	No
TMK 06-00229	2/15/2006	8/28/2013	ACCUTANE	HOFFMANN-LA ROCHE INC.	No
TMK 06-00228	2/15/2006	9/27/2015	SEATTLE SEAHAWKS	FOOTBALL NORTHWEST LLC	No
TMK 06-00241	2/16/2006	8/2/2008	SLING-LIGHT	FREEFORM RESEARCH & DEVELOPMENT CORPORATION	No
TMK 06-00237	2/16/2006	9/19/2010	KC MULTI-RING	KC MULTI-RING PRODUCTS INC.	No
TMK 06-00240	2/16/2006	6/6/2010	A'PEXI	APEX CO. LTD.	No
TMK 06-00238	2/16/2006	5/16/2006	FREDRIC REMINGTON	FREDERIC REMINGTON TRUST 1861 C/O DFK INTERNATIONAL	No
TMK 06-00242	2/16/2006	2/15/2015	EASY SHAPER	FITNESS QUEST, INC.	No
TMK 06-00233	2/16/2006	8/5/2013	EASY SPIRIT	NINE WEST DEVELOPMENT CORPORATION	No

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 06-00232	2/16/2006	5/7/2015	CODE BLEU	JONES INVESTMENT CO. INC.	No
TMK 06-00231	2/16/2006	5/16/2011	BANDOLINO	NINE WEST DEVELOPMENT CORPORATION	No
TMK 06-00236	2/16/2006	2/1/2015	X-18	CALLAWAY GOLF COMPANY	No
TMK 06-00234	2/16/2006	2/15/2015	GEMS	CALLAWAY GOLF COMPANY	No
TMK 06-00239	2/16/2006	9/6/2015	THE DESIGN OF A BOWL WITH VERTICAL FLUTING ON THE SIDE	WORLD KITCHEN INC.	No
TMK 06-00235	2/16/2006	11/9/2014	TOUR BLUE	CALLAWAY GOLF COMPANY	No
TMK 06-00246	2/17/2006	7/20/2011	LUCCHESI	LUCCHESI INC.	No
TMK 06-00244	2/17/2006	11/2/2014	CAPUTO	NATALE CAPUTO	No
TMK 06-00243	2/17/2006	11/8/2014	ERIKA	JONES INVESTMENT CO. INC.	No
TMK 06-00245	2/17/2006	1/15/2012	GLO	JONES INVESTMENT CO. INC. - OWNER	No
TMK 06-00247	2/17/2006	9/30/2013	GOLD RUSH	SINGLE STICK INC.	No
TMK 06-00249	2/17/2006	6/9/2008	ASHTON IMPORTED MADE BY HAND AND DESIGN	HOLT'S COMPANY	No
TMK 06-00250	2/17/2006	8/2/2015	ASHTON HERITAGE PURO SOL	HOLTS COMPANY	No
TMK 06-00251	2/17/2006	12/26/2010	ASHTON CROWN AND DESIGN	HOLT'S COMPANY	No
TMK 06-00248	2/17/2006	6/9/2008	ASHTON CABINET AND DESIGN	HOLT'S COMPANY	No
TMK 06-00257	2/21/2006	12/21/2014	GES	CALLAWAY GOLF COMPANY	No
TMK 06-00258	2/21/2006	5/3/2015	WHITE STEEL	CALLAWAY GOLF COMPANY	No
TMK 06-00252	2/21/2006	8/27/2015	ENZO ANGIOLINI	NINE WEST DEVELOPMENT CORPORATION	No
TMK 06-00256	2/21/2006	4/5/2014	GILDAN	GILDAN ACTIVEWEAR INC.	No
TMK 06-00255	2/21/2006	8/29/2010	ULTRA COTTON	GILDAN ACTIVEWEAR INC.	No
TMK 06-00259	2/21/2006	9/21/2014	CONFIGURATION OF A MEDALLION OUTLINE	CALLAWAY GOLF COMPANY	No
TMK 06-00253	2/21/2006	6/29/2009	GILDAN ACTIVEWEAR	GILDAN ACTIVEWEAR INC.	No
TMK 06-00254	2/21/2006	8/10/2014	ULTRA BLEND	GILDAN ACTIVEWEAR INC.	No
TMK 06-00260	2/21/2006	2/17/2014	YAKGRIPS	CASCADE CREEK CO., INC.	No
TMK 06-00261	2/21/2006	7/19/2015	NEW ORLEANS HORNETS AND DESIGN	NEW ORLEANS HORNETS NBA LTD.	No
TMK 06-00262	2/22/2006	9/15/2006	CAROLINA HERRERA	CAROLINA HERRERA LTD.	No
TMK 06-00263	2/22/2006	11/29/2015	DESIGN ONLY	CAROLINA HERRERA LTD.	No
TMK 06-00264	2/22/2006	5/13/2007	EASY SPIRIT	NINE WEST DEVELOPMENT CORPORATION - OWNER	No
TMK 06-00265	2/22/2006	4/15/2007	CAROLINA HERRERA	CAROLINA HERRERA LTD.	No
TMK 06-00273	2/22/2006	5/17/2015	B PRORSUM & BURBERRY EQUESTRIAN KNIGHT DESIGN	BURBERRY LTD. UK	No
TMK 06-00269	2/22/2006	1/7/2013	3COM	3COM CORPORATION	No
TMK 06-00266	2/22/2006	8/16/2015	SEATTLE SONICS S AND BALL DESIGN	THE BASKETBALL CLUB OF SEATTLE LLC	No
TMK 06-00267	2/22/2006	8/16/2015	CHARLOTTE BOBCATS AND DESIGN	RLJ BASKETBALL LLC.	No
TMK 06-00268	2/22/2006	6/29/2014	MTECH USA	MASTER CUTLERY INC.	No
TMK 06-00270	2/22/2006	1/10/2016	YAO MING	YAO MING	No
TMK 06-00271	2/22/2006	3/7/2009	DODGERS	LOS ANGELES DODGERS LLC	No
TMK 06-00272	2/22/2006	10/26/2012	P	THE PHILLIES	No
TMK 06-00275	2/24/2006	3/26/2014	MAXTOR	MAXTOR CORP.	No
TMK 06-00274	2/24/2006	3/29/2014	BURBERRY	BURBERRY LTD. UK	No
TMK 06-00276	2/24/2006	2/22/2014	GENUINE MERCHANDISE & DESIGN	MAJOR LEAGUE BASEBALL PROPERTIES, INC.	No
TMK 06-00277	2/28/2006	1/24/2016	UNSOLVED MYSTERIES	COSGROVE-MEURER PRODUCTIONS, INC.	No

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 06-00278	2/28/2006	9/4/2011	3COM THREE-RING LOGO	3COM CORPORATION	No
TMK 06-00279	2/28/2006	8/27/2011	W (STYLIZED)	TEXAS RANGERS BASEBALL PARTNERS	Yes

Total Records: 125
Date as of: 3/23/2006

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

(No. 3 2006)

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

SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of March 2006. The last notice was published in the CUSTOMS BULLETIN on February 22, 2006.

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

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

DATED: April 7, 2006

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

CBP IPR Recordations - March 2006

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 06-00280	3/6/2006	4/6/2014	WAVE BIOREACTOR	PANACEA SOLUTIONS INC.	No
TMK 00-00620	3/6/2006	10/3/2015	DIOR	CHRISTIAN DIOR, COUTURE, S.A.	No
TMK 00-00358	3/6/2006	11/12/2016	WAX SEAL ON BOTTLE	MAKER'S MARK DISTILLERY, INC.	No
TMK 03-00389	3/6/2006	4/4/2010	LADY ENYCE	L.C. LICENSING, INC.	No
TMK 04-00399	3/6/2006	1/23/2016	PATRON XO CAFE (STYLIZED LETTERING)	CARIBBEAN DISTILLERS CORPORATION	No
TMK 04-00927	3/6/2006	3/28/2012	SHREK	DREAMWORKS ANIMATION L.L.C.	No
TMK 91-00045	3/6/2006	10/7/2006	RALPH LAUREN	POLO FASHIONS, INC.	No
TMK 91-00049	3/6/2006	6/30/2007	RALPH LAUREN	POLO RALPH LAUREN CORPORATION	No
TMK 06-00281	3/15/2006	4/3/2012	HEAD & SHOULDERS	THE PROCTER & GAMBLE COMPANY	No
TMK 06-00282	3/21/2006	7/4/2010	3COM	3COM CORPORATION	No
TMK 06-00305	3/22/2006	12/23/2013	TWISTED PLEASURE	CHURCH & DWIGHT VIRGINIA CO., INC.	No
TMK 06-00287	3/22/2006	10/15/2012	TROJAN	CHURCH & DWIGHT VIRGINIA CO., INC.	No
TMK 06-00303	3/22/2006	3/21/2010	SENDEL	TIRECO, INC.	No
TMK 06-00285	3/22/2006	3/14/2015	NSF & DESIGN	NSF INTERNATIONAL, INC.	No
TMK 06-00286	3/22/2006	1/10/2016	ULTRA ADVANTAGE	M.A. CROSS COMPANY	No
TMK 06-00289	3/22/2006	1/17/2016	1209	G.G. MARCK & ASSOCIATES, INC.	No
TMK 06-00292	3/22/2006	11/29/2015	ROXIO EASY MEDIA CREATOR	SONIC SOLUTIONS	No
TMK 06-00294	3/22/2006	9/10/2012	ROXIO	SONIC SOLUTIONS	No
TMK 06-00125	3/22/2006	4/2/2015	LEE KUM KEE	LEE KUM KEE COMPANY LIMITED	No
TMK 06-00306	3/22/2006	12/9/2013	H & S	THE PROCTER & GAMBLE COMPANY	No
TMK 06-00307	3/22/2006	11/2/2014	NS	TIRECO, INC.	No
TMK 06-00297	3/22/2006	8/14/2014	737	BOEING MANAGEMENT COMPANY	No
TMK 06-00298	3/22/2006	8/14/2014	747	BOEING MANAGEMENT COMPANY	No
TMK 06-00299	3/22/2006	8/14/2014	757	BOEING MANAGEMENT COMPANY	No
TMK 06-00300	3/22/2006	8/14/2014	767	BOEING MANAGEMENT COMPANY	No
TMK 06-00301	3/22/2006	4/26/2014	777	BOEING MANAGEMENT COMPANY	No
TMK 06-00290	3/22/2006	8/23/2015	LA COSA	KARL CONZELMANN GMBH & CO KG	No
TMK 06-00291	3/22/2006	8/17/2014	TROJAN-ENZ	CHURCH & DWIGHT VIRGINIA CO., INC.	No
TMK 06-00293	3/22/2006	7/10/2011	TROJAN	CHURCH & DWIGHT VIRGINIA CO., INC.	No
TMK 06-00295	3/22/2006	8/11/2011	SAMSUNG	SAMSUNG ELECTRONICS AMERICA, INC.	No
TMK 06-00302	3/22/2006	5/11/2013	DESIGN ONLY	CHEESEBROUGH-POND'S INC.	No
TMK 06-00304	3/22/2006	4/16/2016	MAGNUM	CHURCH & DWIGHT VIRGINIA CO., INC.	No
TMK 06-00283	3/22/2006	5/4/2009	GALLUP	GALLUP, INC.	No
TMK 06-00284	3/22/2006	7/24/2011	TOAST	SONIC SOLUTIONS	No
TMK 06-00288	3/22/2006	4/13/2014	DESIGN OF THE HEAD OF A WARRIOR	CHURCH & DWIGHT VIRGINIA CO., INC.	No

TMK 06-00296	3/22/2006	12/29/2008	SAMSUNG IN OVAL	SAMSUNG ELECTRONICS AMERICA, INC.	No
TMK 06-00310	3/29/2006	10/15/2012	RED MONKEY DESIGNS	TORRY PENDERGRASS	No
TMK 06-00309	3/29/2006	10/15/2012	RED MONKEY	TORRY PENDERGRASS	No
TMK 06-00311	3/31/2006	1/27/2014	ICEY-TEK	ICEY-TEK USA, LLC	No

Total Records: 39
Date as of: 4/6/2006

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

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

ACTION: General Notice

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

<u>Name</u>	<u>License #</u>	<u>Port Name</u>
Sun Ge Lam	2407	Honolulu
Suzanne C. Noonan	11021	New York
Gaspar F. Torres	21062	Otay Mesa
Gene V. Gregg	4150	Los Angeles

DATED: April 5, 2006

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

[Published in the Federal Register, April 13, 2006 (71 FR 19199)]

Notice of Cancellation of Customs Broker License

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

ACTION: General Notice

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 USC 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker licenses are canceled with prejudice.

<u>Name</u>	<u>License #</u>	<u>Issuing Port</u>
100 Corporation	20634	Boston
Commercial International Forwarding, Inc.	12833	Dallas

DATED: April 5, 2006

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

[Published in the Federal Register, April 13, 2006 (71 FR 19198)]

PROPOSED COLLECTION; COMMENT REQUEST

Harbor Maintenance Fee

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Bureau of Customs and Border (CBP) invites the general public and other Federal agencies to comment on an information collection requirement concerning the Harbor Maintenance Fee. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 12, 2006, to be assured of consideration.

ADDRESS: Direct all written comments to the Bureau of Customs and Border Protection, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the Bureau of Customs and Border Protection, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 344-1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are

submitted will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Harbor Maintenance Fee

OMB Number: 1651-0055

Form Number: CBP Forms 349 and 350

Abstract: This collection of information will be used to verify that the Harbor Maintenance Fee paid is accurate and current for each individual, importer, exporter, shipper, or cruise line.

Current Actions: There are no changes to the information collection. This submission is to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses, Institutions

Estimated Number of Respondents: 5,200

Estimated Time Per Respondent: 30 minutes

Estimated Total Annual Burden Hours: 2,816

Estimated Total Annualized Cost on the Public: N/A

Dated: April 6, 2006

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

[Published in the Federal Register, April 13, 2006 (71 FR 19198)]

PROPOSED COLLECTION; COMMENT REQUEST

Protest

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Bureau of Customs and Border Protection (CBP) invites the general public and other Federal agencies to comment on an information collection requirement concerning the Protest. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 12, 2006, to be assured of consideration.

ADDRESS: Direct all written comments to the Bureau of Customs and Border Protection, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Bureau of Customs and Border Protection, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 344-1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Protest

OMB Number: 1651-0017

Form Number: Form 19

Abstract: This collection is used by an importer, filer, or any party at interest to petition CBP, or Protest, any action or charge, made by the port director on or against any; imported merchandise, merchandise excluded from entry, or merchandise entered into or withdrawn from a bonded warehouse.

Current Actions: There are no changes to the information collection. This submission is to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses, Individuals, Institutions

Estimated Number of Respondents: 45,330

Estimated Time Per Respondent: 30 minutes

Estimated Total Annual Burden Hours: 67,995

Estimated Total Annualized Cost on the Public: N/A

Dated: April 6, 2006

TRACEY DENNING,
Agency Clearance Officer;
Information Services Branch.

[Published in the Federal Register, April 13, 2006 (71 FR 19197)]

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

Washington, DC, April 11, 2006

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

PROPOSED MODIFICATION OF ONE RULING LETTER, REVOCATION OF FOUR RULING LETTERS, AND REVOCATION OF TREATMENT RELATING TO THE CLASSIFICATION OF CERTAIN BASE METAL MEDALLIONS AND MEDALS

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

ACTION: Notice of proposed modification of one ruling letter, revocation of four ruling letters, and revocation of treatment relating to the classification of certain base metal medallions and medals.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) intends to modify one ruling letter and revoke four ruling letters relating to the tariff classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of certain base metal medallions and medals. Similarly, CBP proposes to revoke any treatment previously accorded by it to substantially identical transactions. Comments are invited on the correctness of the intended actions.

DATE: Comments must be received on or before May 27, 2006.

ADDRESS: Written comments are to be addressed to U.S. Customs and Border Protection, Office of Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 1300 Pennsylvania Avenue, N.W., Mint Annex, Washington, D.C. 20229. Submitted com-

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

FOR FURTHER INFORMATION CONTACT: Heather K. Pinnock, Tariff Classification and Marking Branch, at (202) 572-8828.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 8, 1993, Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057) (hereinafter "Title VI") became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are **informed compliance** and **shared responsibility**. These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community's responsibilities and rights under the customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. §1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that CBP intends to modify one ruling letter and revoke four ruling letters relating to the tariff classification of certain base metal medallions and medals. Although in this notice CBP is specifically referring to the revocation of Headquarters Ruling Letter (HQ) 951290, dated May 27, 1992, (Attachment A), New York Ruling Letter (NY) E84976, dated July 26, 1999, (Attachment B), NY J86623, dated July 8, 2003, (Attachment C), NY A81489, dated March 25, 1996, (Attachment D), and the modification of NY 891591, dated October 22, 1993, (Attachment E), 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 ones 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 substantially identical transactions. Any person involved with substantially identical transactions should advise CBP during this notice period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In HQ 951290, CBP classified certain base metal medals in subheading 7616.90.00 (now 7616.99.5090), ("HTSUS"), which provides for "Other articles of aluminum: Other." In NY E84976, CBP classified certain base metal medallions in subheading 8007.00.5000, HTSUS, which provides for "Other articles of tin: Other." In NY J86623, NY A81489 and NY 891591, CBP classified certain base metal medallions in subheading 7419.99.5050, HTSUS, which provides for "Other articles of copper: Other: Other: Other: Other: Other." In NY A81489, CBP also classified certain other base metal medallions in subheading 7907.90.6000, HTSUS, which provides for "Other articles of zinc: Other." Based on our recent review of HQ 951290, NY E84976, NY J86623, NY A81489, and NY 891591, the decorative nature and lack of utility value of the medals and medallions, and the scope of headings 7616, 7419, 7907, 8007 and 8306 HTSUS, we have determined that the classifications set forth for the base metal medals in HQ 951290, NY E84976, NY J86623, NY A81489, and NY 891591 are incorrect. It is now CBP's position that the base metal medals and medallions are properly classified in subheading 8306.29.0000, HTSUS, which provides for "... Statuettes and other ornaments, of base metal . . . : Statuettes and other ornaments, and parts therefore: Other."

Pursuant to 19 U.S.C. §1625(c)(1), CBP intends to revoke HQ 951290, NY J86623, NY A81489, and NY E84976 and modify NY 891591, 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 Letters (HQ) 968022 (Attachment F), HQ 968146 (Attachment G), HQ 968147 (Attachment H), and HQ 968148 (Attachment I). Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions that are contrary to the determination set forth in this notice. Before taking this action, consideration will be given to any written comments timely received.

DATED: April 7, 2006

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

[ATTACHMENT A]

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

HQ 951290
May 27, 1992
CLA-2 CO:R:C:M 951290 EJD
CATEGORY: Classification
TARIFF NO: 7616.90.00

DISTRICT DIRECTOR OF CUSTOMS
U.S. CUSTOMS SERVICE
300 Second Avenue, South
Great Falls, Montana 59401

RE: Protest No. 3307-92-100005; commemorative medals; 9705.00.00; HQ
087912

DEAR SIR:

This is in response to the Application for Further Review of Protest No. 3307-92-100005, dated February 5, 1992, which pertains to the classification of commemorative medals under the Harmonized Tariff Schedule of the United States (HTSUS).

FACTS:

The merchandise under consideration are commemorative medals designated as "First Man in Space Medals" from the Soviet Union. The protestant, The Unicovery Corporation, entered the commemorative medals under subheading 9705.00.00, HTSUS, as "collections and collectors' pieces of . . . historical . . . or numismatic interest." The medals are to commemorate the world's first man in space. The medal's primary component is aluminum which is stated to be minted from an actual Soviet spacecraft which has flown in space and returned to Earth. 160,000 of these medals are to be officially issued by the Baikonur Cosmodrome, the main Soviet space center. The medal pays tribute to the 30th Anniversary of Yuri Alekseyevich Gagarin's milestone flight.

The Import Specialist in Denver, the port of entry, liquidated the entries under subheading 7616.90.00, HTSUS, which provides for "other articles of aluminum . . . other."

ISSUE:

Are the commemorative medals properly classified under subheading 9705.00.00, HTSUS, as collectors' pieces of historical or numismatic interest, or under subheading 7616.90.00, HTSUS, as other articles of aluminum?

LAW AND ANALYSIS:

The protestant contends that the commemorative medals are properly classified under subheading 9705.00.00, HTSUS, as articles of collections and collector's pieces of historical interest and numismatic interest.

The protestant is of the opinion that the medals have indeed achieved a degree of rarity by their unique circumstances of being made from a Soviet spacecraft which had been exposed to space environment.

Explanatory Note (EN) 97.05 of the Harmonized Commodity Description and Coding System (HCDCS) states that [g]oods produced as a commercial undertaking to commemorate, celebrate, illustrate or depict an event or any other matter, whether or not production is limited in quantity or circulation, do not fall in this heading as collections or collectors' pieces of historical and numismatic interest unless the goods themselves have subsequently attained that interest by reason of their age or rarity.

HCDCS, p. 1619. EN 97.05 further states that "[t]h[is] heading excludes coins and medals not regarded as collectors' pieces nor forming a collection of numismatic interest (e.g., large consignments of any one coin or medal); these generally fall in Chapter 71. . . ." *Id.* The Explanatory Notes, although not dispositive, are to be looked to for the interpretation of the HTSUS. 54 Fed. Reg. 35127, 35128 (Aug. 24, 1988). These commemorative medals are not rare. The term "rare" is not defined in the HTSUS or the Explanatory Notes of the HCDCS, which are looked to for proper interpretation of the HTSUS. Tariff terms are construed in accordance with their common and commercial meaning. *Nippon Kogasku (USA), Inc. v. United States*, 69 CCPA 89, 673 F.2d 380 (1982). Common and commercial meaning may be determined by consulting dictionaries, lexicons, scientific authorities and other reliable sources. *C.J. Tower & Sons v. United States*, 69 CCPA 128, 673 F.2d 1268 (1982). Webster's II New Riverside University Dictionary (1988), defines rare as:

1. occurring infrequently: uncommon. 2. highly valued owing to scarceness or uncommonness: special.

Inasmuch the medals were produced in a large amount as a commercial undertaking and were imported in a large consignment, we would not regard them as collectors' pieces nor forming a collection of numismatic interest. It is our position that these commemorative medals are classifiable under subheading 7616.90.00, HTSUS, as "other articles of aluminum . . . other."

HOLDING:

The commemorative medals are properly classified under subheading 7616.90.00, HTSUS, which provides for "other articles of aluminum . . . other." This protest should be denied in full. A copy of this decision should be attached to the Customs Form 19 and provided to the protestant as part of the notice of action on the protest.

JOHN DURANT,
Director,
Commercial Rulings Division.

[ATTACHMENT B]

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

NY E84976 July 26, 1999
CLA-2-80:RR:NC:1:115 E84976
CATEGORY: Classification
TARIFF NO.: 8007.00.5000

MS. NICOLE WRIGHT
WEE GATES INC.
39 Madison Avenue
Toronto, Ontario, Canada M5R2S2

RE: The tariff classification of Pewter Pocket Medallion from Canada.

DEAR MS. WRIGHT:

In your letter dated July 5, 1999 you requested a tariff classification ruling.

The sample submitted is pewter medallion stamped with the logo "Inukshuk" on the front. Its purpose is to be given as a gift and engraved on the back. It comes packaged in a box with a wooden base.

The applicable subheading for the Pewter Pocket Medallion will be 8007.00.5000, Harmonized Tariff Schedule of the United States (HTS), which provides for Other articles of tin: Other. The rate of duty will be 2.8% 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 Melvyn Birnbaum at 212-637-7017.

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

[ATTACHMENT C]

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

NY J86623
July 8, 2003
CLA-2-74:RR:NC:N1:113 J86623
CATEGORY: Classification
TARIFF NO.: 7419.99.5050

MS. FRANCENE C. HINDS
JAV INTERNATIONAL, INC.
500 Ocean Avenue
East Rockaway, NY 11518-1235

RE: The tariff classification of a medallion from China

DEAR MS. HINDS:

In your letter dated June 30, 2003, you requested a tariff classification ruling.

The sample you submitted is a brass commemorative medallion issued in memory of the individuals who died in the terrorist attack on Flight 93 on September 11, 2001. The medallion is made of brass and measures approximately 2 inches in diameter. The front of the medallion displays a raised eagle head and the words, "Forever Heroes, Flight 93, Honor and Hope". The back lists all of the names of the deceased passengers and airline employees. In your letter, you suggest classification under tariff heading 7118, which provides for coins. However this medallion is not a coin that is or has ever been legal tender and therefore cannot be classified within this heading. The applicable subheading for the medallion will be 7419.99.5050, Harmonized Tariff Schedule of the United States (HTS), which provides for other articles of copper, other, other, other, other. The rate of duty will be free.

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 646-733-3018.

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

[ATTACHMENT D]

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

NY A81489
March 25, 1996
CLA-2-74:RR:NC:GI:115 A81489
CATEGORY: Classification
TARIFF NO.: 7419.99.5050; 7907.90.6000

MS. DOROTHY TROMBLEY
F.W. MYERS & Co., INC.
193 West Service Road P.O. Box 188
Champlain, NY 12919

RE: The tariff classification of sports medallions from Italy and Taiwan.

DEAR MS. TROMBLEY:

In your letter dated March 7, 1996, you requested a tariff classification ruling, on behalf of your client, C.M.A. Distributions, Inc. The subject items are described as follows:

- a) 2 brass medallions - one depicting 2 tennis rackets and a net. The other depicting a football and a helmet. Both medallions are made in Italy.
- b) 2 zinc medallions - one depicting a pair of ice skaters. The other depicting a scuba diver. One medallion is made in Italy and the other is made in Taiwan.

The applicable subheading for the brass medallions will be 7419.99.5050, Harmonized Tariff Schedule of the United States (HTS), which provides for other articles of copper: other: other. The duty rate will be 4% ad valorem.

The applicable subheading for the zinc medallions will be 7907.90.6000, Harmonized Tariff Schedule of the United States (HTS), which provides for other articles of zinc, other. The duty rate will be 5.2% 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 this ruling letter should be attached to the entry documents filed at the time this merchandise is imported. If the documents have been filed without a copy, this ruling should be brought to the attention of the Customs officer handling the transaction.

ROGER J. SILVESTRI,
Director,
National Commodity Specialist Division.

[ATTACHMENT E]

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

NY 891591
October 22, 1993
CLA-2-74:S:N:N3:115 891591
CATEGORY: Classification
TARIFF NO.: 7419.99.5050;
7114.11.7000; 7114.19.0000

MS. NICOLE WRIGHT
WEE GATES INC.
39 Madison Avenue
Toronto, Ontario M5R 2S2

RE: The tariff classification of "Pocket Medallions" from Canada.

DEAR MS. WRIGHT:

In your letter dated October 12, 1993, you requested a tariff classification ruling. The subject products are described as "pocket medallions". They will be made of solid brass, solid copper with a bronze finish, sterling silver and 10K gold, respectively. Each medallion, approximately 1 3/4 inches in diameter, will have an "Inukshuk" stamped in the middle and comes engraved with a message. It will be packaged in a box made of cardboard. In the box is a solid oak base with a felt sticky dot and a piece of cotton batting which will help hold the medallion in place. The medallions will be used as gift items or awards.

The applicable subheading for the solid brass medallion and the solid copper medallion with a bronze finish will be 7419.99.5050, Harmonized Tariff Schedule of the United States (HTS), which provides for other articles of copper: other: other. The duty rate will be 5% ad valorem.

The applicable subheading for the sterling silver medallion will be 7114.11.7000, Harmonized Tariff Schedule of the United States (HTS), which provides for articles of goldsmiths' or silversmiths' wares and parts thereof: of silver, whether or not plated or clad with other precious metal: other. The duty rate will be 6% ad valorem. The applicable subheading for the 10K gold medallion will be 7114.19.0000, Harmonized Tariff Schedule of the United States (HTS), which provides for articles of goldsmiths' or silversmiths' wares and parts thereof: of other precious metal whether or not plated or clad with precious metal. The duty rate will be 7.9% ad valorem.

Goods classifiable under subheading 7419.99.5050, HTS, which have originated in the territory of Canada, will be entitled to a 2.5% rate of duty under the United States-Canada Free Trade Agreement (FTA) upon compliance with all applicable regulations.

Goods classifiable under subheadings 7114.11.7000 and 7114.19.0000, HTS, which have originated in the territory of Canada, will be entitled to a free rate of duty under the United States-Canada Free Trade Agreement (FTA) upon compliance with all applicable regulations.

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

A copy of this ruling letter should be attached to the entry documents filed at the time this merchandise is imported. If the documents have been filed

without a copy, this ruling should be brought to the attention of the Customs officer handling the transaction.

JEAN F. MAGUIRE,
*Area Director,
New York Seaport.*



[ATTACHMENT F]

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

HQ 968022
CLA-2 RR:CTF:TCM 968022 HkP
CATEGORY: Classification
TARIFF NO.: 8306.29.0000

THE UNICOVER CORPORATION
c/o STEIN SHOSTAK SHOSTAK & O'HARA
3580 Wilshire Blvd., Suite 1240
Los Angeles, CA 90010

RE: Classification of base metal medals; revocation of HQ 951290

DEAR SIRs:

This is in reference to Headquarters Ruling Letter (HQ) 951290, dated May 27, 1992, in which the tariff classification of base metal medals was determined under the Harmonized Tariff Schedule of the United States ("HTSUS"). HQ 951290 classified the medals in heading 7616, HTSUS, as "other articles of aluminum". We have reconsidered HQ 951290 and have determined that the tariff classification of the medals is not correct.

As an initial matter, we note that under San Francisco Newspaper Printing Co. v. United States, 9 CIT 517, 620 F. Supp. 738 (1985), the decision on the merchandise that was the subject of Protest 5201-00-100573 was final on both the protestant and the U.S. Customs Service (now, U.S. Customs and Border Protection ("CBP")). Therefore, while we may review the law and analysis of HQ 951290, any decision taken herein would not impact the entries subject to that ruling.

FACTS:

The medals are labeled as "First Man in Space Medals" from the Soviet Union and are described in the marketing literature as being minted from the metal of a Soviet spaceship actually flown in space. The metal has been identified as aluminum. The medals measure 40mm in diameter, the obverse featuring the profile of Yuri Gagarin (the world's first man in space), the reverse his Vostok I spaceship orbiting the earth. The literature indicates that the medal may be part of a set also featuring a "3-Ruble First Man in Space Commemorative Coin". Both the coin and the medal are individually encapsulated and shipped complete with a deluxe presentation box and a Certificate of Authenticity. We note that the medal is similar in appearance to the coin, in that, they are both round, have approximately the same diameter (the coin is 39 mm in diameter, the medal 40mm), and are

both struck in Proof finish “with characteristic finely frosted details against a mirror-like background.” However, only the medal is considered in this ruling.

HQ 951290 classified the medal in subheading 7616.90.00, HTSUS, which provides for “Other articles of aluminum: Other.” HQ 951290 declined to classify the medal in heading 9705, HTSUS, as collector’s pieces of historical or numismatic interest, stating that:

Inasmuch the medals were produced in a large amount as a commercial undertaking and were imported in a large consignment, we would not regard them as collectors’ pieces nor forming a collection of numismatic interest.

ISSUE:

Whether the “First Man in Space Medals” are classified in heading 7118, HTSUS, which provides for coins; heading 7617, HTSUS, which provides for other articles of aluminum; or, in heading 8306, HTSUS, which provides for statuettes and other ornaments of base metal.

LAW AND ANALYSIS:

Classification under the HTSUS 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 2 through 6 may then be applied in order.

The HTSUS provisions under consideration are as follows:

7118	Coin:
7118.10.0000	Coin (other than gold coin), not being legal tender
7616	Other articles of aluminum:
	Other:
7616.99	Other:
7616.99.50	Other
7616.99.5090	Other
8306	Bells, gongs and the like, nonelectric, of base metal; statuettes and other ornaments, of base metal; . . . :
	Statuettes and other ornaments, and parts thereof:
8306.29.0000	Other

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the HTSUS. While not 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.

As an initial matter, we note that HQ 951290 declined to classify the medals in heading 9705, HTSUS, as collector’s pieces of historical or numismatic interest, because:

Inasmuch the medals were produced in a large amount as a commercial undertaking and were imported in a large consignment, we would not regard them as collectors' pieces nor forming a collection of numismatic interest.

This reasoning was based on EN 97.05, which provides, in part, that:

Goods produced as a commercial undertaking to commemorate, celebrate, illustrate or depict an event or any other matter, whether or not production is limited in quantity or circulation, do not fall in this heading . . . unless the goods themselves have subsequently attained that interest by reason of their age or rarity.

We agree that the medals should not be classified in heading 9705, HTSUS.

Heading 7118, HTSUS, provides for "Coins". Explanatory Note 71.18 provides that:

This heading applies to coins of any metal . . . of officially prescribed weight and design, issued under government control for use as legal tender. Consignments of individual coins or of sets of coins which are legal tender in the country of issue are classified in this heading even if they are put up for general sale in presentation cases.

Unlike the 3-Ruble First Man in Space 30th Anniversary Commemorative Coin, the subject medals are not legal tender. Furthermore, EN 71.18(a) indicates that heading 7118, HTSUS, does not cover medals, even if struck in the same way as coins. The medals are therefore not classifiable in this heading.

Heading 7616, HTSUS, provides for "Other articles of aluminum". Explanatory Note 76.16 provides, in relevant part, that:

This heading covers all articles of aluminum **other than** those covered by the preceding headings of this Chapter, or by Note 1 to Section XV, or articles specified or included in Chapter 82 or 83, or more specifically covered elsewhere in the Nomenclature. (Original emphasis.)

Based on the foregoing, the medals are *prima facie* classifiable in heading 7616, HTSUS. However, EN 76.16 indicates that this proposed classification is a "basket" provision, in that, articles may only be classified in this heading if not more specifically covered by any other HTSUS heading.

Heading 8306, HTSUS, provides for "statuettes and other ornaments, of base metal". Legal Note 3 to Section XV, HTSUS, defines "base metals" to include aluminum. The term "ornament" is not defined in the HTSUS. A tariff term that is not defined in the HTSUS or in the ENs is construed in accordance with its common and commercial meaning. *Nippon Kogaku (USA) Inc. v. United States*, 69 CCPA 89, 673 F.2d 380 (1982). Common and commercial meaning may be determined by consulting dictionaries, lexicons, scientific authorities and other reliable sources. *C.J. Tower & Sons v. United States*, 69 CCPA 128, 673 F.2d 1268 (1982). Merriam-Webster online dictionary defines "ornament" as "something that lends grace or beauty".

Explanatory Note 83.06(B), HTSUS, clarifies that:

This group comprises a wide range of ornaments of base metal (whether or not incorporating subsidiary non-metallic parts) of a kind designed essentially for decoration, e.g., in homes, offices, assembly rooms, place of religious worship, gardens.

The group covers articles which have no utility value but are wholly ornamental, and articles whose only usefulness is to contain or support other decorative articles or to add to their decorative effect, for example:

- (1) Busts, statuettes and other decorative figures; ornaments . . . for mantelpieces, shelves, etc. (animals, symbolic or allegorical figures, etc.); sporting or art trophies (cups, etc.); wall ornaments incorporating fittings for hanging (plaques, trays, plates, medallions other than those for personal adornment); artificial flowers, rosettes and similar ornamental goods or cast or forged metal . . . knick-knacks for shelves or domestic display cabinets.

The Court of International Trade (CIT) has stated that the canon of construction *ejusdem generis*, which means literally, “of the same class or kind,” teaches that “where particular words of description are followed by general terms, the latter will be regarded as referring to things of a like class with those particularly described.” *Nissho-Iwai American Corp. v. United States* (Nissho), 10 CIT 154, 156 (1986). “As applicable to classification cases, *ejusdem generis* requires that the imported merchandise possess the essential characteristics or purposes that unite the articles enumerated *eo nomine* in order to be classified under the general terms.” *Id.* at 157. The essential characteristics or purposes of the above listed exemplars are that they are of base metal and they are decorative. We note that the medals are targeted toward coin collectors, are struck in a proof (uncirculated) finish with “finely frosted details against a mirror-like background”, and despite their “coin-like” appearance, are not legal tender. Accordingly, we are of the opinion that the medals are designed essentially for decoration and are wholly ornamental with no utility value. We find the medals to be *ejusdem generis* with the exemplars of EN 83.06 and therefore *prima facie* classifiable in heading 8306, HTSUS.

Applying EN 76.16 to these facts, we find that the medals are described with more specificity in heading 8306, HTSUS, as ornaments of base metal, than in heading 7616, because the medals are designed essentially for decoration, are wholly ornamental and have no utility value.

HOLDING:

By application of GRI 1, we find that the subject medals are classified in heading 8306, HTSUS, and specifically provided for in subheading 8306.29.0000, HTSUS, which provides for “. . . Statuettes and other ornaments of base metal; . . . : Statuettes and other ornaments, and parts thereof: Other”.

The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at www.usitc.gov.

EFFECT ON OTHER RULINGS:

HQ 951290 is revoked.

MYLES B. HARMON,
Director,
Commercial & Trade Facilitation Division.

[ATTACHMENT G]

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

HQ 968146
CLA-2 RR:CTF:TCM 968146 HkP
CATEGORY: Classification
TARIFF NO.: 8306.29.0000

MS. NICOLE WRIGHT
WEE GATES, INC.
39 Madison Avenue
Toronto, Ontario M5R 2S2
Canada

RE: Pocket medallions; modification of NY 891591; revocation of NY E84976

DEAR MS. WRIGHT:

This is in reference to New York Ruling Letter (NY) 891591, dated October 22, 1993, and NY E84976, dated July 26, 1999, regarding the classification of pocket medallions under the Harmonized Tariff Schedule of the United States ("HTSUS"). We have reconsidered NY 891591 and NY E84976 and have determined that the tariff classification of the pocket medallions is not correct. The classification of the other items in NY 891591 remain unchanged.

FACTS:

In NY 891591, the medallions were described as follows:

They will be made of solid brass, solid copper with a bronze finish . . . respectively. Each medallion, approximately 1 3/4 inches in diameter, will have "Inukshuk" stamped in the middle and comes engraved with a message. It will be packaged in a box made of cardboard. In the box is a solid oak base with a felt sticky dot and a piece of cotton batting which will help hold the medallion in place. The medallions will be used as gift items or awards.

In NY E84976, the medallion was described as a "pewter medallion with the logo 'Inukshuk' on the front. Its purpose is to be given as a gift and engraved on the back. It comes packaged in a box with a wooden base."

NY 891591 classified the solid brass and solid copper medallions in sub-heading 7419.99.5050, HTSUS, which provides for: "Other articles of copper: Other: Other." NY E84976 classified the pewter medallion in subheading 8007.00.5000, HTSUS, which provides for: "Other articles of tin: Other."

ISSUE:

Whether the solid brass and solid copper medallions are classified in heading 7419, HTSUS, which provides for "other articles of copper", or in heading 8306, HTSUS, which provides for "statuettes and other ornaments, of base metal."

Whether the pewter medallion is classified in heading 8007, HTSUS, which provides for "Other articles of tin" or in heading 8306, HTSUS, which provides for "statuettes and other ornaments, of base metal."

LAW AND ANALYSIS:

Classification under the HTSUS 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 2 through 6 may then be applied in order.

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the HTSUS. While not 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.

The HTSUS provisions under consideration are as follows:

- 7419 Other articles of copper:
 - Other:
 - Other:
 - Other:
- 7419.99.50 Other
- 7419.99.5050 Other
- 8007 Other articles of tin:
 - 8007.00.5000 Other
- 8306 Bells, gongs and the like, nonelectric, of base metal; statuettes and other ornaments, of base metal; . . . :
 - Statuettes and other ornaments, and parts thereof:
 - 8306.29.0000 Other

As stated above, NY 891591 classified the solid brass and solid copper medallions in subheading 7419.99.5050, HTSUS, which provides for: "Other articles of copper: Other: Other." Heading 7419, HTSUS, is found in Section XV of the HTSUS. Legal Note 5 to Section XV provides that "an alloy of base metal is to be classified as an alloy of the metal which predominates by weight over each of the other metals." General Explanatory Note (1) to Chapter 74 explains that under the provisions of Note 5 to Section XV, brass may be classified with copper. Therefore the medallions are, *prima facie*, classifiable in this heading.

However, EN 74.19, HTSUS, provides that:

[T]his heading covers all articles of copper **other than** those covered by preceding headings of this Chapter or by Note 1 to Section XV, or articles specified or included in **Chapter 82** or **83**, or more specifically covered elsewhere in the Nomenclature. (Original emphasis.)

NY E84976 classified the pewter medallion in subheading 8007.00.5000, HTSUS, which provides for: "Other articles of tin: Other." Heading 8007, HTSUS, is also found in Section XV of the HTSUS. The General ENs to Chapter 80 provide that under the provisions of Note 5 to Section XV, pew-

ter may be classified with tin. Therefore the medallion is, *prima facie*, classifiable in heading 8007, HTSUS.

However, EN 80.07, HTSUS, provides, in relevant part, that:

[T]his heading cover all articles of tin **other than** those covered by preceding headings of this Chapter or by Note 1 to Section XV, or articles specified or included in **Chapter 82** or **83**, or more specifically covered elsewhere in the Nomenclature. (Original emphasis.)

Heading 8306, HTSUS, provides for “statuettes and other ornaments, of base metal”. Legal Note 3 to Section XV, HTSUS, defines the term “base metals” to include copper and tin. The term “ornament” is not defined in the HTSUS. A tariff term that is not defined in the HTSUS or in the ENs is construed in accordance with its common and commercial meaning. Nippon Kogaku (USA) Inc. v. United States, 69 CCPA 89, 673 F.2d 380 (1982). Common and commercial meaning may be determined by consulting dictionaries, lexicons, scientific authorities and other reliable sources. C.J. Tower & Sons v. United States, 69 CCPA 128, 673 F.2d 1268 (1982). Merriam-Webster Online dictionary defines “ornament” as “something that lends grace or beauty”.

Explanatory Note 83.06(B), HTSUS, clarifies that:

This group comprises a wide range of ornaments of base metal (whether or not incorporating subsidiary non-metallic parts) of a kind designed essentially for decoration, e.g., in homes, offices, assembly rooms, place of religious worship, gardens.

The group covers articles which have no utility value but are wholly ornamental, and articles whose only usefulness is to contain or support other decorative articles or to add to their decorative effect, for example:

- (1) Busts, statuettes and other decorative figures; ornaments . . . for mantelpieces, shelves, etc. (animals, symbolic or allegorical figures, etc.); sporting or art trophies (cups, etc.); wall ornaments incorporating fittings for hanging (plaques, trays, plates, medallions other than those for personal adornment); artificial flowers, rosettes and similar ornamental goods or cast or forged metal . . . knick-knacks for shelves or domestic display cabinets.

The Court of International Trade (CIT) has stated that the canon of construction *ejusdem generis*, which means literally, “of the same class or kind”, teaches that “where particular words of description are followed by general terms, the latter will be regarded as referring to things of a like class with those particularly described.” Nissho-Iwai American Corp. v. United States (Nissho), 10 CIT 154, 156 (1986). “As applicable to classification cases, *ejusdem generis* requires that the imported merchandise possess the essential characteristics or purposes that unite the articles enumerated *eo nomine* in order to be classified under the general terms.” *Id.* at 157. The essential characteristics of the above listed exemplars are that they are of base metal and they are decorative. We find the subject medallions to be *ejusdem generis* with the exemplars of EN 83.06, HTSUS, and therefore *prima facie* classifiable in heading 8306, HTSUS.

We find that all the subject medallions are described with greater specificity in heading 8306, HTSUS, as ornaments of base metal, than in heading 7419 and 8007, because the medals are designed essentially for decoration,

are wholly ornamental and have no utility value. Accordingly, based on the guidance of EN 74.19 and EN 80.07, we find that the solid brass and solid copper medallions as well as the pewter medallion are precluded from classification in headings 7419 and 8007, HTSUS, respectively.

HOLDING:

By application of GRI 1, we find that the brass, copper, and pewter medallions are classified in heading 8306, HTSUS, and are specifically provided for in subheading 8306.29.0000, HTSUS, which provides for “. . . Statuettes and other ornaments of base metal . . . : Statuettes and other ornaments, and parts thereof: Other”.

The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at www.usitc.gov.

EFFECT ON OTHER RULINGS:

NY E84976 is revoked.

NY 891591 is modified with respect to the classification of the solid brass and solid copper medallions. The tariff classifications of the other items in NY 891591 are unchanged.

MYLES B. HARMON,
Director,
Commercial & Trade Facilitation Division.

[ATTACHMENT H]

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

HQ 968147
CLA-2 RR:CTF:TCM 968147 HkP
CATEGORY: Classification
TARIFF NO.: 8306.29.0000

MS. DOROTHY TROMBLEY
F.W. MEYERS & Co., INC.
193 West Service Road
P.O. Box 188
Champlain, NY 12919

RE: Sports medallions from Italy and Taiwan; revocation of NY A81489

DEAR MS. TROMBLEY:

This is in reference to New York Ruling Letter (NY) A81489, dated March 25, 1996, regarding the classification of commemorative medallions under the Harmonized Tariff Schedule of the United States (“HTSUS”). We have reconsidered NY A81489 and have determined that the tariff classification of the medallions is not correct.

FACTS:

In NY A81489, the medallions were described as follows:

- a) 2 brass medallions – one depicting 2 tennis rackets and a net[,] [t]he other depicting a football and a helmet. Both medallions are made in

Italy. b) 2 zinc medallions – one depicting a pair of ice skaters[,] [t]he other depicting a scuba diver. One medallion is made in Italy and the other is made in Taiwan.

NY A81489 classified the brass medallions in subheading 7419.99.5050, HTSUS, which provides for “Other articles of copper: Other: Other.” The zinc medallions were classified in subheading 7907.90.6000, HTSUS, which provides for “Other articles of zinc: Other.”

ISSUE:

Whether the brass medallions are classified in heading 7419, HTSUS, which provides for “other articles of copper”, or in heading 8306, HTSUS, which provides for “statuettes and other ornaments, of base metal.”

Whether the zinc medallions are classified in heading 7907, HTSUS, which provides for “other articles of zinc”, or in heading 8306, HTSUS, which provides for “statuettes and other ornaments, of base metal.”

LAW AND ANALYSIS:

Classification under the HTSUS 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 2 through 6 may then be applied in order.

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the HTSUS. While not 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.

The HTSUS provisions under consideration are as follows:

7419	Other articles of copper:
	Other:
	Other:
	Other:
7419.99.50	Other
7419.99.5050	Other
7907.00	Other articles of zinc:
7907.00.6000	Other
8306	Bells, gongs and the like, nonelectric, of base metal; statuettes and other ornaments, of base metal; . . . :
	Statuettes and other ornaments, and parts thereof:
8306.29.0000	Other

As stated above, NY A81489 classified the brass medallions in subheading 7419.99.5050, HTSUS, which provides for “Other articles of copper: Other: Other.” Heading 7419 is found in Section XV of the HTSUS. Legal Note 5 to Section XV provides that “an alloy of base metal is to be classified as an al-

loy of the metal which predominates by weight over each of the other metals." General Explanatory Note (1) to Chapter 74 explains that under the provisions of Note 5 to Section XV, brass may be classified with copper. Therefore the medallions are, *prima facie*, classifiable in this heading.

However, EN 74.19, HTSUS, provides that:

[T]his heading covers all articles of copper **other than** those covered by preceding headings of this Chapter or by Note 1 to Section XV, or articles specified or included in **Chapter 82** or **83**, or more specifically covered elsewhere in the Nomenclature. (Original emphasis.)

The zinc medallions were classified in subheading 7907.90.6000, HTSUS, which provides for "Other articles of zinc: Other." EN 79.07 provides that:

[T]his heading covers all articles of zinc **other than** those covered by preceding headings of this Chapter or by Note 1 to Section XV, or articles specified or included in **Chapter 82** or **83**, or more specifically covered elsewhere in the Nomenclature. (Original emphasis.)

Heading 8306, HTSUS, provides for "statuettes and other ornaments, of base metal". Legal Note 3 to Section XV, HTSUS, defines the expression "base metals" to include copper and zinc. The term "ornament" is not defined in the HTSUS. A tariff term that is not defined in the HTSUS or in the ENs is construed in accordance with its common and commercial meaning. Nippon Kogaku (USA) Inc. v. United States, 69 CCPA 89, 673 F.2d 380 (1982). Common and commercial meaning may be determined by consulting dictionaries, lexicons, scientific authorities and other reliable sources. C.J. Tower & Sons v. United States, 69 CCPA 128, 673 F.2d 1268 (1982). Merriam-Webster Online dictionary defines "ornament" as "something that lends grace or beauty".

Explanatory Note 83.06(B), HTSUS, clarifies that:

This group comprises a wide range of ornaments of base metal (whether or not incorporating subsidiary non-metallic parts) of a kind designed essentially for decoration, e.g., in homes, offices, assembly rooms, place of religious worship, gardens.

The group covers articles which have no utility value but are wholly ornamental, and articles whose only usefulness is to contain or support other decorative articles or to add to their decorative effect, for example:

- (1) Busts, statuettes and other decorative figures; ornaments . . . for mantelpieces, shelves, etc. (animals, symbolic or allegorical figures, etc.); sporting or art trophies (cups, etc.); wall ornaments incorporating fittings for hanging (plaques, trays, plates, medallions other than those for personal adornment); artificial flowers, rosettes and similar ornamental goods or cast or forged metal . . . knick-knacks for shelves or domestic display cabinets.

The Court of International Trade (CIT) has stated that the canon of construction *ejusdem generis*, which means literally, "of the same class or kind," teaches that "where particular words of description are followed by general terms, the latter will be regarded as referring to things of a like class with those particularly described." Nissho-Iwai American Corp. v. United States (Nissho), 10 CIT 154, 156 (1986). "As applicable to classification cases, *ejusdem generis* requires that the imported merchandise possess the essential characteristics or purposes that unite the articles enumerated *eo nomine*

in order to be classified under the general terms.” *Id.* at 157. The essential characteristics or purposes of the above listed exemplars are that they are of base metal and they are decorative. We find the subject medallions to be *ejusdem generis* with the exemplars of EN 83.06, HTSUS, and therefore *prima facie* classifiable in heading 8306, HTSUS.

We find that all the subject medallions are described with greater specificity in heading 8306, HTSUS, as ornaments of base metal, than in headings 7419 and 7907, because the medals are designed essentially for decoration, are wholly ornamental and have no utility value. Accordingly, by application of EN 74.19 and EN 79.07, we find that the brass medallions and the zinc medallions are precluded from classification in heading 7419 and 7907, HTSUS, respectively.

HOLDING:

By application of GRI 1, we find that the brass medallions and the zinc medallions are classified in heading 8306, HTSUS, and are specifically provided for in subheading 8306.29.0000, HTSUS, which provides for: “. . . Statuettes and other ornaments of base metal . . . : Statuettes and other ornaments, and parts thereof: Other.”

The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at www.usitc.gov.

EFFECT ON OTHER RULINGS:

NY A81489 is revoked.

MYLES B. HARMON,
Director;
Commercial & Trade Facilitation Division.

[ATTACHMENT I]

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

HQ 968148
CLA-2 RR:CTF:TCM 968148 HkP
CATEGORY: Classification
TARIFF NO.: 8306.29.0000

MS. FRANCENE C. HINDS
JAV INTERNATIONAL, INC.
500 Ocean Avenue
East Rockaway, NY 11518-1235

RE: Brass medallion from China; revocation of NY J86623

DEAR MS. HINDS:

This is in reference to New York Ruling Letter (NY) J86623, dated July 8, 2003, regarding the classification of a commemorative medallion under the Harmonized Tariff Schedule of the United States (“HTSUS”). We have re-considered NY J86623 and have determined that the tariff classification of the medallion is not correct.

FACTS:

In NY J86623, the medallion was described as follows:

The medallion is made of brass and measures approximately 2 inches in diameter. The front of the medallion displays a raised eagle head and words, 'Forever Heroes, Flight 93, Honor and Hope'. The back lists all of the names of the deceased passengers and airline employees.

NY J86623 classified the medallion in subheading 7419.99.5050, HTSUS, which provides for: "Other articles of copper: Other: Other: Other: Other: Other."

ISSUE:

Whether the medallion is classified in heading 7419, HTSUS, which provides for "other articles of copper", or in heading 8306, HTSUS, which provides for "statuettes and other ornaments, of base metal."

LAW AND ANALYSIS:

Classification under the HTSUS 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 2 through 6 may then be applied in order.

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the HTSUS. While not 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.

The HTSUS provisions under consideration are as follows:

- 7419 Other articles of copper:
 - Other:
 - Other:
 - Other:
 - Other
 - Other
- 8306 Bells, gongs and the like, nonelectric, of base metal; statuettes and other ornaments, of base metal; . . . :
 - Statuettes and other ornaments, and parts thereof:
- 8306.29.0000 Other

As stated above, NY J86623 classified the medallion in subheading 7419.99.5050, HTSUS, which provides for: "Other articles of copper: Other: Other: Other: Other: Other." Heading 7419 is found in Section XV of the HTSUS. Legal Note 5 to Section XV, HTSUS, provides that "an alloy of base metal is to be classified as an alloy of the metal which predominates by weight over each of the other metals." General Explanatory Note (1) to Chapter 74 explains that under the provisions of Note 5 to Section XV, brass

may be classified with copper. Therefore the medallions are, *prima facie*, classifiable in this heading.

However, EN 74.19, HTSUS, provides that:

[T]his heading covers all articles of copper **other than** those covered by preceding headings of this Chapter or by Note 1 to Section XV, or articles specified or included in **Chapter 82** or **83**, or more specifically covered elsewhere in the Nomenclature. (Original emphasis.)

Heading 8306, HTSUS, provides for “statuettes and other ornaments, of base metal”. Legal Note 3 to Section XV, HTSUS, defines the expression “base metals” to include copper. The term “ornament” is not defined in the HTSUS. A tariff term that is not defined in the HTSUS or in the ENs is construed in accordance with its common and commercial meaning. Nippon Kogaku (USA) Inc. v. United States 69 CCPA 89, 673 F.2d 380 (1982). Common and commercial meaning may be determined by consulting dictionaries, lexicons, scientific authorities and other reliable sources. C.J. Tower & Sons v. United States, 69 CCPA 128, 673 F.2d 1268 (1982). Merriam-Webster Online dictionary defines “ornament” as “something that lends grace or beauty”.

Explanatory Note 83.06(B), HTSUS, clarifies that:

This group comprises a wide range of ornaments of base metal (whether or not incorporating subsidiary non-metallic parts) of a kind designed essentially for decoration, e.g., in homes, offices, assembly rooms, place of religious worship, gardens.

The group covers articles which have no utility value but are wholly ornamental, and articles whose only usefulness is to contain or support other decorative articles or to add to their decorative effect, for example:

- (1) Busts, statuettes and other decorative figures; ornaments . . . for mantelpieces, shelves, etc. (animals, symbolic or allegorical figures, etc.); sporting or art trophies (cups, etc.); wall ornaments incorporating fittings for hanging (plaques, trays, plates, medallions other than those for personal adornment); artificial flowers, rosettes and similar ornamental goods or cast or forged metal . . . knick-knacks for shelves or domestic display cabinets.

The Court of International Trade (CIT) has stated that the canon of construction *ejusdem generis*, which means literally, “of the same class or kind,” teaches that “where particular words of description are followed by general terms, the latter will be regarded as referring to things of a like class with those particularly described.” Nissho-Iwai American Corp. v. United States (Nissho), 10 CIT 154, 156 (1986). “As applicable to classification cases, *ejusdem generis* requires that the imported merchandise possess the essential characteristics or purposes that unite the articles enumerated *eo nomine* in order to be classified under the general terms.” *Id.* at 157. The essential characteristics or purposes of the above listed exemplars are that they are of base metal and they are decorative. We find the subject medallion to be *ejusdem generis* with the exemplars of EN 83.06, HTSUS, and therefore *prima facie* classifiable in heading 8306, HTSUS.

We find that the subject medallion is described with greater specificity in heading 8306, HTSUS, as an ornament of base metal, than in heading 7419, HTSUS, because the medal is designed essentially for decoration, is wholly

ornamental and has no utility value. Accordingly, by application of EN 74.19 we find that the medallion is precluded from classification in heading 7419, HTSUS.

HOLDING:

By application of GRI 1, we find that the subject medallion is classified in heading 8306, HTSUS, and is specifically provided for in subheading 8306.29.0000, HTSUS, which provides for “. . . Statuettes and other ornaments of base metal . . . : Statuettes and other ornaments, and parts thereof: Other”.

The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at www.usitc.gov.

EFFECT ON OTHER RULINGS:

NY J86623 is revoked.

MYLES B. HARMON,
Director;
Commercial & Trade Facilitation Division.

