

# U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

CBP Dec. 18–11

RIN 1515–AE40

## EXTENSION OF IMPORT RESTRICTIONS IMPOSED ON ARCHAEOLOGICAL MATERIAL FROM CAMBODIA

**AGENCY:** U.S. Customs and Border Protection; Department of Homeland Security; Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the U.S. Customs and Border Protection (CBP) regulations to reflect an extension of import restrictions on certain archaeological material from Cambodia. The restrictions, which were originally imposed by CBP Dec. 03–28, and last extended by CBP Dec. 13–15, are due to expire on September 19, 2018. The Acting Under Secretary for Public Diplomacy and Public Affairs, United States Department of State, has determined that conditions continue to warrant the imposition of import restrictions. Accordingly, these import restrictions will remain in effect for an additional five years, and the CBP regulations are being amended to reflect this further extension through September 19, 2023. These restrictions are being extended pursuant to determinations of the United States Department of State made under the terms of the Convention on Cultural Property Implementation Act. CBP Dec. 08–40 contains the amended Designated List of archaeological material from Cambodia to which the restrictions apply.

**EFFECTIVE DATE:** September 19, 2018.

**FOR FURTHER INFORMATION CONTACT:** For regulatory aspects, Lisa L. Burley, Branch Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325–0215, *ot-otrrculturalproperty@cbp.dhs.gov*. For operational aspects, William R. Scopa, Branch Chief, Partner Government Agency Branch, Trade Policy and Programs, Office of Trade, (202) 863–6554, *William.R.Scopa@cbp.dhs.gov*.

## SUPPLEMENTARY INFORMATION:

### Background

Pursuant to the Convention on Cultural Property Implementation Act, Public Law 97-446, 19 U.S.C. 2601 *et seq.* (hereinafter, “the Cultural Property Implementation Act” or “the Act”), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereinafter, “1970 UNESCO Convention” or “the Convention” (823 U.N.T.S. 231 (1972))), the United States entered into a bilateral agreement, or Memorandum of Understanding (MOU), with Cambodia on September 19, 2003 to impose import restrictions on certain Khmer archaeological material from the 6th century through the 16th century A.D. On September 22, 2003, U.S. Customs and Border Protection (CBP) published a final rule (CBP Dec. 03-28) in the **Federal Register** (68 FR 55000), which amended § 12.104g(a) of title 19 of the Code of Federal Regulations (19 CFR 12.104g(a)) to reflect the imposition of these restrictions and included a list covering certain Khmer stone, metal and ceramic archaeological material. These import restrictions subsumed emergency import restrictions on certain stone archaeological material (T.D. 99-88), which were published in the **Federal Register** (64 FR 67479) on December 2, 1999. These restrictions were to be effective through September 19, 2008.

On September 19, 2008, CBP published a final rule (CBP Dec. 08-40) in the **Federal Register** (73 FR 54309), which amended 19 CFR 12.104g(a) to reflect the extension of these import restrictions for an additional period of five years until September 19, 2013. This document also amended the Designated List to include new categories of objects (glass and bone) and additional subcategories of stone and metal objects from the Bronze Age (c.1500 B.C.–500 B.C.) and the Iron Age (c.500 B.C.–550 A.D.), covering archaeological material from the Bronze Age through the Khmer Era (16th c. A.D.).

On January 7, 2013, the United States Department of State proposed in the **Federal Register** (78 FR 977) to extend the MOU between the United States and Cambodia concerning the imposition of import restrictions on archaeological material from Cambodia. On June 10, 2013, the Assistant Secretary for Educational and Cultural Affairs, United States Department of State, made the determination to extend the import restrictions for an additional five years. On September 16, 2013, CBP published a final rule (CBP Dec. 13-15) in the **Federal Register** (78 FR 56832), which further extended the import restrictions for an additional five years. The import restrictions are due to expire on September 19, 2018.

Import restrictions listed at 19 CFR 12.104g(a) are effective for no more than five years beginning on the date on which the agreement enters into force with respect to the United States. This period may be extended for additional periods of not more than five years if it is determined that the factors which justified the initial agreement still pertain and no cause for suspension of the agreement exists.

On April 11, 2018, the Assistant Secretary for Educational and Cultural Affairs, United States Department of State, after consultation with and recommendations by the Cultural Property Advisory Committee, determined that the cultural heritage of Cambodia continues to be in jeopardy from pillage of certain archaeological material and that the import restrictions should be extended for an additional five years. Diplomatic notes have been exchanged reflecting the extension of those restrictions for an additional five-year period. Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions. The amended Designated List of archaeological material from Cambodia covered by these import restrictions is set forth in CBP Dec. 08–40.

The Designated List and additional information may also be found at the following website address: <https://eca.state.gov/cultural-heritage-center/cultural-property-protection/bilateral-agreements> by clicking on “Cambodia.” The restrictions on the importation of archaeological material from Cambodia are to continue in effect through September 19, 2023. Importation of such material from Cambodia continues to be restricted through that date unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

### **Inapplicability of Notice and Delayed Effective Date**

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

### **Regulatory Flexibility Act**

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

### **Executive Orders 12866 and 13771**

CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 or Executive Order 13771 because it pertains to a foreign affairs function of the United

States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866 and section 4(a) of Executive Order 13771.

### **Signing Authority**

This regulation is being issued in accordance with 19 CFR 0.1(a)(1), pertaining to the Secretary of the Treasury's authority (or that of his/her delegate) to approve regulations related to customs revenue functions.

### **List of Subjects in 19 CFR Part 12**

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise.

### **Amendment to CBP Regulations**

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12) is amended as set forth below:

#### **PART 12—SPECIAL CLASSES OF MERCHANDISE**

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff

Schedule of the United States (HTSUS)), 1624.

\* \* \* \* \*

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

\* \* \* \* \*

#### **§ 12.104g [Amended]**

■ In § 12.104g(a), the table is amended in the entry for Cambodia by removing the words “CBP Dec. 13–15” in the column headed “Decision No.” and adding in its place the words “CBP Dec. 18–11”.

Dated: September 13, 2018.

KEVIN K. McALEENAN,  
*Commissioner,*

*U.S. Customs and Border Protection.*

TIMOTHY E. SKUD,  
*Deputy Assistant Secretary of the Treasury.*

[Published in the Federal Register, September 19, 2018 (83 FR 47283)]

**19 CFR PART 177****REVOCAION OF ONE RULING LETTER AND  
REVOCAION OF TREATMENT RELATING TO THE  
TARIFF CLASSIFICATION OF FLOPPETS**

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

**ACTION:** Notice of revocation of one ruling letter, and of revocation of treatment relating to the tariff classification of Floppets.

**SUMMARY:** Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. § 1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is revoking one ruling letter concerning tariff classification of Floppets under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 52, No. 19, on May 9, 2018. No comments were received in response to that notice.

**EFFECTIVE DATE:** This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after December 3, 2018.

**FOR FURTHER INFORMATION CONTACT:** Reema Radwan, Chemicals, Petroleum, Metals and Miscellaneous Articles Branch, Regulations and Rulings, Office of Trade, at (202) 325–7703.

**SUPPLEMENTARY INFORMATION:****BACKGROUND**

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obligation on CBP to provide the public with information concerning the trade community's responsibilities and rights under the customs and related laws. In addition, both the public 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 to 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 19 U.S.C. § 1625(c)(1), a notice was published in the *Customs Bulletin*, Vol. 52, No. 19, on May 9, 2018, proposing to revoke one ruling letter pertaining to the tariff classification of Floppets. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to 19 U.S.C. § 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should have advised CBP during the comment 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 this notice.

In New York Ruling Letter ("NY") N241384, dated August 23, 2013, CBP classified Floppets in heading 3926, HTSUS, specifically in subheading 3926.40.00, HTSUS, which provides for "Other articles of plastics and articles of other materials of headings 3901 to 3914: Statuettes and other ornamental articles." CBP has reviewed NY N241384 and has determined the ruling letter to be in error. It is now CBP's position that Floppets are properly classified, in heading 7117, HTSUS, specifically in subheading 7117.90.75, HTSUS, which provides for "Imitation jewelry: Other: Other: Valued over 20 cents per dozen pieces or parts: Other: Of plastics."

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is revoking NY N241384 and revoking or modifying any other ruling not specifically identified to reflect the analysis contained in Headquarters Ruling Letter ("HQ") H249749, set forth as an attachment to this notice. Additionally, pursuant to 19 U.S.C. § 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

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

Dated: June 14, 2018

ALLYSON MATTANAH  
*for*

MYLES B. HARMON,  
*Director*

*Commercial and Trade Facilitation Division*

Attachment

HQ H249749

June 14, 2018

OT:RR:CTF:CPMM H249749 RGR

CATEGORY: Classification

TARIFF NO.: 7117.90.7500

MS. SARA M. MOFFATT

PHOENIX INTERNATIONAL FREIGHT SERVICES, LTD.

1501 N. MITTEL BLVD., SUITE A

WOOD DALE, IL 60191

RE: Revocation of NY N241384; Tariff classification of Floppets

DEAR MS. MOFFATT:

This is in response to your letter, dated August 13, 2013, on behalf of Zydeco Studios LLC, requesting the reconsideration of New York Ruling Letter (“NY”) N241384, dated May 29, 2013. In that decision, U.S. Customs and Border Protection (“CBP”) ruled that character charms marketed as “Floppets” were classified in subheading 3926.40.00, Harmonized Tariff Schedule of the United States (“HTSUS”), as “[o]ther articles of plastics and articles of other materials of headings 3901 to 3914: Statuettes and other ornamental articles.” A sample of the subject merchandise was included with the request.

We have reviewed NY N241384 and determined that the classification of the Floppets in subheading 3926.40.00, HTSUS, was incorrect.

Pursuant to 19 U.S.C. § 1625(c)(1), a notice was published in the *Customs Bulletin*, Volume 52, No. 19 on May 9, 2018, proposing to revoke NY N245711, and any treatment accorded to substantially similar transactions. No comments were received in response to this notice.

**FACTS:**

The subject merchandise consists of cartoon-like plastic characters attached to a textile strap with hook and loop closures that, when closed, are about the size of a ring. Because the closure is flexible, it may also attach to a wide variety of items such as sunglasses, shoes, backpacks and pencils.

In NY N241384, we described the product as follows:

The Floppets are polyvinyl chloride (PVC) character charms on a hook and loop strip. These charms are available in such forms as hamsters, octopuses and penguins. The Floppets can be used to decorate a wide variety of items such as sunglasses, shoes, backpacks and pencils.

According to the Floppets UK website,<sup>1</sup> you can “[w]ear them on your finger, back pack, flip flops, shoe laces, wrists, ankles or add them to your most personal accessories. Floppets allow you to demonstrate how clever you are by ‘wear’ you attach them! You can collect, share, wear, and trade them with everyone!” The webpage entitled “How Do Floppets Work?”<sup>2</sup> explains that the loop side of the strap, which it refers to as a “teather” is “comfortable against the skin , . . . ideal when wearing a Floppet around your finger, as

<sup>1</sup> As of August 3, 2017, the U.S. website and Facebook page for Floppets were unavailable. The UK website for Floppets is available at <https://floppets.uk.com/> (last visited August 3, 2017).

<sup>2</sup> <https://floppets.uk.com/how-to-flop/> (last visited November 29, 2017).

part of a necklace or bracelet, or even on your sandle and attached to clothes!" The hook side of the teather allows it to stay connected. The "eyelet" is a small slit in the strap through which a plastic mushroom shaped protusion on the back of the plastic character is positioned. This allows the wearer to switch plastic characters from one textile strap to another.

**ISSUE:**

Whether plastic cartoon-like character charms known as Floppets are classified under heading 3926, HTSUS, as "other articles of plastics," under heading 7117, HTSUS, as "imitation jewelry" or under heading 9503, HTSUS, as "other toys."

**LAW AND ANALYSIS:**

The classification of merchandise under the HTSUS is governed by the General Rules of Interpretation ("GRIs") and Additional U.S. Rules of Interpretation. GRI 1 provides, in part, that "for legal purposes, classification shall be determined according to terms of the headings 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 in order.

The HTSUS headings under consideration are as follows:

3926	Other articles of plastics and articles of other materials of headings 3901 to 3914:
7117	Imitation jewelry:
9503	Tricycles, scooters, pedal cars and similar wheeled toys; dolls' carriages; dolls, other toys; reduced-scale ("scale") models and similar recreational models, working or not; puzzles of all kinds; parts and accessories thereof:
	* * *

Note 9(a) to chapter 71, HTSUS, states, in pertinent part:

For the purposes of heading 7113, the expression "articles of jewelry" means:

- (a) Any small objects of personal adornment (for example, rings, bracelets, necklaces, brooches, earrings, watch chains, fobs, pendants, tie pins, cuff links, dress studs, religious or other medals and insignia).

Note 11 to chapter 71, HTSUS, states:

For the purposes of heading 7117, the expression "imitation jewelry" means articles of jewelry within the meaning of paragraph (a) of note 9 above (but not including buttons or other articles of heading 9606, or dress combs, hair slides or the like, or hairpins, of heading 9615), not incorporating natural or cultured pearls, precious or semiprecious stones (natural, synthetic or reconstructed) nor (except as plating or as minor constituents) precious metal or metal clad with precious metal.

Note 2 to chapter 39, HTSUS, provides, in pertinent part:

2. This chapter does not cover:

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- (y) Articles of Chapter 95 (for example, toys, games, sports equipment)...



\* \* \*

The Harmonized Commodity Description and Coding System Explanatory Notes (EN) constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of the headings. It is CBP's practice to consult, whenever possible, the terms of the ENs when interpreting the HTSUS. *See* T.D. 89-80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The ENs to 39.26 state, in pertinent part, the following:

This heading covers articles, not elsewhere specified or included, of plastics (as defined in Note 1 to the Chapter) or of other materials of headings 39.01 to 39.14.

They include:

(1) Articles of apparel and clothing accessories (**other than** toys) made by sewing or sealing sheets of plastics, e.g., aprons, belts, babies' bibs, raincoats, dress-shields, etc. Detachable plastic hoods remain classified in this heading if presented with the plastic raincoats to which they belong.

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(12) Various other articles such as fasteners for handbags, corners for suit-cases, suspension hooks, protective cups and glides for placing under furniture, handles (of tools, knives, forks, etc.), beads, watch "glasses", figures and letters, luggage label-holders.

The ENs to heading 71.13 state, in pertinent part:

This heading covers articles of jewellery as defined in Note 9 to this Chapter, wholly or partly or precious metal or metal clad with precious metal, that is:

(A) Small object of personal adornment (gem-set or not) such as rings, bracelets, necklaces, brooches, ear-rings, neck chains, watch-chains and other ornamental chains; fobs, pendants, tie-pins and clips, cuff-links, dress-studs, buttons, etc.; religious or other cross; medals and insignia; hat ornaments (pins, buckles, rings, etc.); ornaments for handbags; *buckles and slides for belts, shoes, etc.*; hair-slides, tiaras, dress combs and similar hair ornaments.

(emphasis added).

The ENs to heading 71.17 state, in pertinent part:

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 71.13, e.g., rings, bracelets (other than wrist-watch bracelets), necklaces, ear-rings, cuff-links, etc., ...

The ENs to heading 95.03 state, in pertinent part, the following:

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(D) **Other toys.**

This group covers toys intended essentially for the amusement of persons (children or adults). However, toys which, on account of their design, shape or constituent material, are identifiable as intended ex-

clusively for animals, e.g., pets, do not fall in this heading, but are classified in their own appropriate heading. This group includes:

All toys **not included** in (A) to (C). Many of the toys are mechanically or electrically operated.

These include:

(i) Toys representing animals or non-human creatures even if possessing predominantly human physical characteristics (e.g., angels, robots, devils, monsters), including those for use in marionette shows.

The importer asserts that Floppets are classified either in heading 7117, HTSUS, as “imitation jewelry” or in heading 9503, HTSUS, as “other toys” instead of heading 3926, HTSUS, as “other articles of plastic.” Toys of chapter 95 are excluded from classification in heading 3926, HTSUS, pursuant to note 2 to chapter 39. Hence, we must first determine if the subject merchandise constitutes “imitation jewelry” within the scope of heading 7117, HTSUS, or “other toys” within the scope of heading 9503, HTSUS, before considering classification in heading 3926, HTSUS.

The importer also asserts that Floppets are similar to Jibbitz, which were classified in NY N212139, dated May 1, 2012, under heading 7117, HTSUS. Jibbitz are plastic charms that come in various cartoon-like designs and are used to decorate Crocs shoes. Jibbitz are specifically designed to decorate Crocs shoes through insertion into the shoes’ holes rather than by a strap. We have recently proposed revocation of an inconsistent ruling on Jibbitz in favor of classification in heading 7117, HTSUS. See H278152, revoking NY N009740, published in Customs Bulletin Vol. 51, No. 48, dated November 29, 2017. We do not believe that occasional use on items not mentioned in the legal text or ENs precludes classification as imitation jewelry. In fact, Floppets are used to adorn more than shoes—they can be worn like rings, pendants on a necklace or charms on a bracelet. They can attach through buttonholes near a shirt collar like a brooch, on belts like a buckle, or on handbags. Hence Floppets, which do not contain any metal, pearls or precious or semiprecious stones, are *ejusdem generis* with the exemplars of note 9(a), and can be described as imitation jewelry under note 11 to chapter 71.

We must also determine whether the article is a toy of heading 9503, and thus excluded from classification in heading 3926. In order to do so, it is necessary to compare whether the primary purpose is to amuse or to provide a utilitarian/functional quality. See HQ 966046, dated May 16, 2003 and HQ 963638, dated November 2, 2001. In *Ideal Toy Corp. v. United States*, 78 Cust. Ct. 28, 33; C.D. 4688 (1977), the court stated that “[W]hen amusement and utility become locked in controversy, the question becomes one of determining whether the amusement is incidental to the utilitarian purpose, or the utility purpose is incidental to the amusement.” Therefore, if the level of play value and amusement of the article is not sufficient to constitute its principal use, the article is not a toy. See *United States v. Topps Chewing Gum, Inc.*, 58 C.C.P.A. 157 (1973); HQ 229863, dated February 10, 2004.

Indeed, the instant merchandise is used to adorn the wearer or the wearer’s personal effects. In so doing, it is not being played with or amusing to the wearer. While Floppets may be traded, this alone does not provide amusement or diversion *per se*. See NY I81353, dated May 10, 2002 and NY J86462, dated July 2, 2003. Furthermore, the provisions for toys representing animals and non-human creatures require that a toy figure must be a full or

reasonably full-figured depiction of the animal/creature it seeks to represent and that figure must be a soft, sculptured edition or an articulation in three dimensions of the head, torso, and appendages of the character being portrayed. See HQ 963390, dated November 24, 2000. The instant figure is small and flat and may only depict the face of the creature. In short, nothing about the instant merchandise leads us to the conclusion that it can be described as a toy of heading 9503.

Floppets are made of a textile strap and a plastic figure. Hence, heading 3926, HTSUS, describes only part of the good, even though it may be similar in its placement to some of the listed items in the ENs to 39.26 (1) and (12). Therefore, Floppets could only be classified there under GRI 3, whereas the terms to heading 7117 describe the good at GRI 1. Furthermore, even if the merchandise were wholly described by heading 3926, HTSUS, as it is classifiable in heading 7117, HTSUS, it cannot be classified in heading 3926, HTSUS, according to the ENs thereto.

In light of the foregoing, Floppets are properly classified in heading 7117, HTSUS, and specifically provided for under subheading 7117.90.75, HTSUS, as “Imitation jewelry: Other: Other: Valued over 20 cents per dozen pieces or parts: Other: Of plastics.”

**HOLDING:**

By operation of GRIs 1 and GRI 6, Floppets are classifiable as “imitation jewelry” in heading 7117, HTSUS, and are specifically provided for in subheading 7117.90.7500, HTSUSA (Annotated), which provides for “Imitation jewelry: Other: Other: Valued over 20 cents per dozen pieces or parts: Other: Of plastics.” The 2018 column one, general rate of duty is free.

**EFFECT ON OTHER RULINGS:**

NY N241384, dated May 29, 2013, is revoked.

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

*Sincerely,*

ALLYSON MATTANAH

*for*

MYLES B. HARMON,

*Director*

*Commercial and Trade Facilitation Division*

**PROPOSED REVOCATION OF ONE RULING LETTER AND  
REVOCATION OF TREATMENT RELATING TO THE  
TARIFF CLASSIFICATION OF ELECTRONIC FLASHING  
BUTTONS**

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

**ACTION:** Notice of proposed revocation of one ruling letter, and revocation of treatment relating to the tariff classification of electronic flashing buttons.

**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 revoke one ruling letter concerning tariff classification of electronic flashing buttons under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Comments on the correctness of the proposed actions are invited.

**DATE:** Comments must be received on or before November 2, 2018.

**ADDRESS:** Written comments are to be addressed to U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 90 K St., NE, 10th Floor, Washington, DC 20229–1177. Submitted comments may be inspected at the address stated above during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325–0118.

**FOR FURTHER INFORMATION CONTACT:** Reema Radwan, Chemicals, Petroleum, Metals and Miscellaneous Articles Branch, Regulations and Rulings, Office of Trade, at (202) 325–7703.

**SUPPLEMENTARY INFORMATION:**

**BACKGROUND**

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obligation on CBP to provide the public with information concerning the trade community's responsibilities and rights under the customs and related laws. In addition, both the public 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 to 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 19 U.S.C. § 1625(c)(1), this notice advises interested parties that CBP is proposing to revoke one ruling letter pertaining to the tariff classification of electronic flashing buttons. Although in this notice, CBP is specifically referring to New York Ruling Letter (“NY”) N020891, dated January 9, 2008 (Attachment A), this notice also covers any rulings on this merchandise which may exist, but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should advise CBP during the comment period.

Similarly, pursuant to 19 U.S.C. § 1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should advise CBP during this comment period. An importer’s failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY N020891, CBP classified electronic flashing buttons in heading 8543, HTSUS, specifically in subheading 8543.70.96, HTSUS, which provides for “Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof: Other machines and apparatus: Other: Other.” CBP has reviewed NY N020891 and has determined the ruling letter to be in error. It is now CBP’s position that the electronic flashing buttons are properly classified, in heading 7117, HTSUS, specifically in subheading 7117.90.75, HTSUS, which provides for “Imitation jewelry: Other: Valued over 20 cents per dozen pieces or parts: Other: Of plastics.”

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is proposing to modify NY N020891 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) H281923, set forth as Attachment B to this

notice. Additionally, pursuant to 19 U.S.C. § 1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

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

Dated: June 19, 2018

ALLYSON MATTANAH  
*for*

MYLES B. HARMON,  
*Director*

*Commercial and Trade Facilitation Division*

Attachments

## ATTACHMENT A

N020891

January 9, 2008

CLA-2-85:OT:RR:E:NC:N1:112

CATEGORY: Classification

TARIFF NO.: 8543.70.9650

BARBARA J. HILL  
MANAGER OF SYSTEM OPERATIONS  
*THE DIPLOMA MILL INC.*  
11585 E. 53RD AVENUE, UNIT D  
DENVER, CO 80239

RE: The tariff classification of an “Electronic Flashing Button” from China

DEAR MS. HILL:

In your letter dated December 14, 2007, you requested a tariff classification ruling.

The item concerned is referred to as an “Electronic Flashing Button”. This item is a circular piece of hard plastic with a pin or clip mounted on the back. Within the plastic housing there is an expression or saying such as “Happy Birthday”, “The Greatest”, “I made It”, etc. The button incorporates four rapidly flashing LED lights which draw attention to, and illuminate, the decorative expression. The item is battery-operated and has an on/off switch located on the back.

The button can be worn on a lapel or shirt. It is a novelty item which is to be worn on festive occasions. The flashing button is intended for ages four years and up.

The applicable subheading for the LED flashing button will be 8543.70.9650, Harmonized Tariff Schedule of the United States (HTSUS), which provides for “Electrical machines and apparatus...: Other machines and apparatus: Other: Other: Other: Other”. The rate of duty will be 2.6%.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on World Wide Web at <http://www.usitc.gov/tata/hts/>.

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 Steve Pollichino at 646-733-3008.

*Sincerely,*

ROBERT B. SWIERUPSKI

*Director,*

*National Commodity Specialist Division*

## ATTACHMENT B

HQ H281923  
CLA-2 OT:RR:CTF:CPMM H281923 RGR  
CATEGORY: Classification  
TARIFF NO.: 7117.90.7500

BARBARA J. HILL  
MANAGER OF SYSTEM OPERATIONS  
THE DIPLOMA MILL INC.  
11585 E. 53RD AVENUE, UNIT D  
DENVER, CO 80239

Re: Revocation of NY N020891; Tariff classification of an “Electronic Flashing Button”

DEAR MS. HILL:

This is to inform you that U.S. Customs and Border Protection (“CBP”) has reconsidered New York (“NY”) Ruling Letter N020891, dated January 9, 2008, regarding the classification under the Harmonized Tariff Schedule of the United States (“HTSUS”) of an item referred to as an “Electronic Flashing Button” from China. The electronic flashing button was classified under subheading 8543.70.9650, HTSUSA (Annotated), as “Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof: Other machines and apparatus: Other: Other: Other.”<sup>1</sup>

We have reviewed NY N020891 and determined that the classification of the electronic flashing button in subheading 8543.70.9650, HTSUSA, was incorrect.

**FACTS:**

In NY N020891, we described the merchandise as follows:

The item concerned is referred to as an “Electronic Flashing Button”. This item is a circular piece of hard plastic with a pin or clip mounted on the back. Within the plastic housing there is an expression or saying such as “Happy Birthday”, “The Greatest”, “I made It”, etc. The button incorporates four rapidly flashing LED lights which draw attention to, and illuminate, the decorative expression. The item is battery-operated and has an on/off switch located on the back.

The button can be worn on a lapel or shirt. It is a novelty item which is to be worn on festive occasions. The flashing button is intended for ages four years and up.

---

<sup>1</sup> We note that subheading 8543.70.96, which provides for “Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof: Other machines and apparatus: Other: Other: Other,” no longer exists. In the 2018 edition of the HTSUS, that provision was moved to subheading 8543.70.99, HTSUS, which provides for “Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof: Other machines and apparatus: Other: Other: Other.”



**ISSUE:**

Whether the electronic flashing button is classified in heading 7117, HTSUS, which provides for “imitation jewelry,” in heading 9505, HTSUS, which provides for “festive, carnival or other entertainment articles,” or in heading 8543, HTSUS, which provides for “electrical machines and apparatus.”

**LAW AND ANALYSIS:**

Classification under the HTSUS is governed by the General Rules of Interpretation (“GRI”). GRI 1 provides, in part, that “for legal purposes, classification shall be determined according to terms of the headings 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 in order.

The following provisions of the HTSUS are under consideration:

7117	Imitation jewelry	* * * *
8543	Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof	* * *
9505	Festive, carnival or other entertainment articles, including magic tricks, and practical joke articles; parts and articles thereof	* * * *

Note 9 to Chapter 71 states as follows:

9. For the purposes of heading 7113, the expression “*articles of jewelry*” means:

- (a) Any small objects of personal adornment (for examples, rings, bracelets, necklaces, brooches, earrings, watch chains, fobs, pendants, tie pins, cuff links, dress studs, religious or other medals and insignia); and
- (b) Articles of personal use of a kind normally carried in the pocket, in the handbag or on the person (for example, cigar or cigarette cases, snuff boxes, cachou or pill boxes, powder boxes, chain purses or prayer beads).

These articles may be combined or set, for example, with natural or cultured pearls, precious or semiprecious stones, synthetic or reconstructed precious or semiprecious stones, tortoise shell, mother-of-pearl, ivory, natural or reconstituted amber, jet or coral.

\* \* \* \*

Note 11 to Chapter 71 states as follows:

11. For the purposes of heading 7117, the expression “*imitation jewelry*” means articles of jewelry within the meaning of paragraph (a) of note 9 above (but not including buttons or other articles of heading 9606, or dress combs, hair slides or the like, or hairpins, of heading 9615), not incorporating natural or cultured pearls, precious or semiprecious stones (natural, synthetic or reconstructed) nor (except as plating or as minor constituents) precious metal or metal clad with precious metal.

\* \* \* \*

Note 1(p) to section XVI (chapters 84–85), states that:

1. This section does not cover:

\* \* \* \*

(p) Articles of chapter 95.

\* \* \* \*

In interpreting the HTSUS, the Harmonized Commodity Description and Coding System Explanatory Notes (“ENs”) may be utilized. The ENs, though not dispositive or legally binding, provide commentary on the scope of each heading of the HTSUS, and are the official interpretation of the Harmonized System at the international level. *See* T.D. 89–80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The EN to 85.43 states, in relevant part:

This heading covers all electrical appliances and apparatus, **not falling** in any other heading of this Chapter, **nor covered more specifically** by a heading of any other Chapter of the Nomenclature.

The EN to 95.05 states, in relevant part:

This heading covers:

(A) **Festive, carnival or other entertainment articles**, which in view of their intended use are generally made of non-durable material. They include:

\* \* \*

(3) Articles of fancy dress, e.g., masks, false ears and noses, wigs, false beards and moustaches (**not being** articles of postiche - **heading 67.04**), and paper hats. However, the heading **excludes** fancy dress of textile materials, of **Chapter 61 or 62**.

\* \* \* \*

In NY N020891, CBP classified electronic flashing buttons under heading 8543, HTSUS, as electrical apparatus not covered more specifically by a heading of any other chapter of the HTSUS. However, pursuant to the EN to 85.43, if the merchandise is covered more specifically by a heading of any other chapter of the HTSUS, then it would not be classified in heading 8543, HTSUS.

Heading 7117, HTSUS, provides for imitation jewelry. Note 11 to chapter 71 states that imitation jewelry means “articles of jewelry” within the meaning of note 9(a) to chapter 71, which do not consist of cultured pearls, precious/semiprecious stones or precious metal. Note 9(a) states that, for the purposes of heading 7113, HTSUS, “articles of jewelry” are small articles of adornment, such as bracelets, necklaces, brooches, earrings, etc. The electronic flashing buttons at issue are most akin to the brooches set forth in note 9(a) to chapter 71. The Merriam-Webster Online Dictionary defines a “brooch” as “an ornament that is held by a pin or clasp and is worn at or near the neck.” Brooch Definition, Merriam-Webster, <https://www.merriam-webster.com/dictionary/brooch> (last visited Apr. 19, 2018). It is also defined in the *Jeweler’s Dictionary*, 3rd Ed. 1976, as: “[a] piece of jewelry to be worn pinned to clothing, as at the neck or shoulder, on the breast or hat, or in the hair.”

Turning to the instant merchandise, we note that the electronic flashing button, consisting of hard plastic with a pin or clip mounted on the back and worn on a lapel or shirt, is similar to a brooch, which is among the listed exemplars of articles of jewelry in note 9(a) to chapter 71. *See, e.g., Russ Berrie & Co. v. United States*, 381 F.3d 1334 (Fed. Cir. 2004) (finding that inexpensive lapel pins similar to the exemplars in note 9(a) of chapter 71, which contain Christmas themes, are classified in heading 7117, HTSUS, as imitation jewelry). In addition, the electronic flashing button does not include pearls, precious stones or precious metal. We further note that in past rulings, we have classified novelty badges/buttons with light-up features or that depict recognized festive motifs under heading 7117, HTSUS. *See, e.g., Headquarters Ruling Letter (“HQ”) 087960*, dated January 4, 1991 (classifying a Christmas corsage pin in heading 7117, HTSUS, as imitation jewelry); HQ 087109, dated August 16, 1990 (classifying a dancing Halloween skeleton pin in heading 7117, HTSUS, as imitation jewelry); HQ 086630, dated July 3, 1990 (classifying lite-up buttons with Christmas and Halloween themes in heading 7117, HTSUS, as imitation jewelry); NY N121916, dated September 21, 2010 (classifying a St. Patrick’s Day LED flashing button pin in heading 7117, HTSUS, as imitation jewelry); and NY L82750, dated March 8, 2005 (classifying a light up flashing badge in the shape of a pumpkin, skull head, ghost or bat, attached to a card that states “Halloween Flashing Pin,” in heading 7117, HTSUS, as imitation jewelry). Here, the subject electronic flashing button features a pin or clip upon which the button is mounted, and is of a type of pin or clip that is routinely affixed to jewelry pins or brooches that are worn on a lapel or shirt. Therefore, the electronic flashing buttons are *prima facie* classifiable in heading 7117, HTSUS, as imitation jewelry. As stated in the EN to 85.43, heading 8543, HTSUS, only covers electrical apparatus not covered more specifically by a heading of any other chapter. As the electronic flashing buttons are more specifically provided for in heading 7117, HTSUS, we find that the buttons in NY N020891 were improperly classified in heading 8543, HTSUS.

While the subject merchandise is classifiable in heading 7117, HTSUS, heading 9505, HTSUS, must also be considered. In *Midwest of Cannon Falls, Inc. v. United States (Midwest)*, 122 F.3d 1423, 1429 (Fed. Cir. 1997), the Court of Appeals for the Federal Circuit (“CAFC”) held that classification of merchandise as “festive articles” under chapter 95 requires that the article satisfy two criteria: (1) it must be closely associated with a festive occasion, and (2) it must be used or displayed principally during that festive occasion. Additionally, the item must be “closely associated with a festive occasion to the degree that “the physical appearance of an article is so intrinsically linked to a festive occasion that its use during other time periods would be aberrant.” *Michael Simon Design, Inc. v. United States*, 30 CIT 1160, 1165, 452 F. Supp. 2d. 1316, 1323 (2006) (citing *Park B. Smith, Ltd. v. United States*, 347 F.3d 922, 927 (Fed. Cir. 2003)). Hence, the courts have established a 2-prong test to determine whether an article is “festive,” and have not said that heading 9505, HTSUS is a “principal use” provision. *See HQ H258442*, dated August 18, 2016.

Under the 2-prong test set forth in *Midwest* and *Park B. Smith, Ltd.*, an article’s physical appearance and the court’s examination of such is part of the determination of whether an article is *prima facie* classifiable as a “festive article.” “Festive occasions” are not limited to recognized holidays but can also include “special occasions and events such as weddings, anniversaries,

and birthdays.” *Wilton Industries, Inc. v. United States*, 31 CIT 863, 890 (2007). Accordingly, merchandise classifiable under the 2-prong test in heading 9505, HTSUS, includes articles associated with a birthday celebration.

As the electronic flashing buttons printed with the expression “Happy Birthday” are classifiable in heading 7117, HTSUS, and heading 9505, HTSUS, we must turn to GRI 3(a), which states, in pertinent part, that “when...goods are, *prima facie*, classifiable under two or more headings,...[t]he heading which provides the most specific description shall be preferred to headings providing a more general description.” The EN to GRI 3(a) further states that “[a] description by name is more specific than a description by class,” and that “if the goods answer to a description which more clearly identifies them, that description is more specific than one where identification is less complete.” The CAFC explained that “[u]nder this so-called rule of relative specificity, we look to the provision with requirements “that are more difficult to satisfy and that describe the article with the greatest degree of accuracy and certainty.” *Russ Berrie & Co.*, 381 F.3d at 1337 (citing *Orlando Food Corp. v. United States*, 140 F.3d 1437, 1441 (Fed. Cir. 1998)). Accordingly, a comparison of the terms in heading 7117 and heading 9505 is in order. In *Russ Berrie & Co.*, the CAFC compared heading 7117 and heading 9505 for purposes of GRI 3(a). There, the CAFC explained that

the “imitation jewelry” heading is more specific than the “festive articles” heading because it covers a narrower set of items. “Imitation jewelry” is limited to small items of personal adornment that do not contain an appreciable amount of precious or semiprecious stones or metal....“Festive articles,” however, need only to be closely associated with and used or displayed during a festive occasion....Because heading 9505 covers a far broader range of items than heading 7117, the latter is more specific than the former. It is also more specific because it describes the item by name (“imitation jewelry”) rather than by class (“festive articles”). It therefore follows that the imported merchandise is classifiable under heading 7117 rather than under heading 9505.

*Russ Berrie & Co.*, 381 F.3d at 1338.

Applying GRI 3(a) and the reasoning of the CAFC in *Russ Berrie & Co.*, even if the electronic flashing buttons were described by the terms of heading 9505, HTSUS, they are more specifically described in heading 7117, HTSUS, as “imitation jewelry.” Therefore, the flashing buttons are properly classified in heading 7117, HTSUS.

#### **HOLDING:**

By application of GRIs 1 and 3(a), the electronic flashing buttons are classified in heading 7117, HTSUS, specifically in subheading 7117.90.7500, HTSUSA (Annotated), which provides for “Imitation jewelry: Other: Valued over 20 cents per dozen pieces or parts: Other: Of plastics.” The 2018 column one, general rate of duty is Free.

**EFFECT ON OTHER RULINGS:**

NY N020891, dated January 9, 2008, is revoked.

*Sincerely,*

MYLES B. HARMON,

*Director*

*Commercial and Trade Facilitation Division*



**PROPOSED REVOCATION OF THREE RULING LETTERS  
AND REVOCATION OF TREATMENT RELATING TO THE  
TARIFF CLASSIFICATION OF CERAMIC GRINDING  
MEDIA**

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

**ACTION:** Notice of proposed revocation of three ruling letters, and revocation of treatment relating to the tariff classification of ceramic grinding media.

**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 revoke three ruling letters concerning the tariff classification of ceramic grinding media under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Comments on the correctness of the proposed actions are invited.

**DATE:** Comments must be received on or before November 2, 2018.

**ADDRESS:** Written comments are to be addressed to U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 90 K St., NE, 10th Floor, Washington, DC 20229–1177. Submitted comments may be inspected at the address stated above during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325–0118.

**FOR FURTHER INFORMATION CONTACT:** Lindsay Heebner, Chemicals, Petroleum, Metals, and Miscellaneous Articles Branch, Regulations and Rulings, Office of Trade, at (202) 325–0266.

**SUPPLEMENTARY INFORMATION:****BACKGROUND**

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obligation on CBP to provide the public with information concerning the trade community's responsibilities and rights under the customs and related laws. In addition, both the public 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 to 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 19 U.S.C. §1625(c)(1), this notice advises interested parties that CBP is proposing to revoke three ruling letters pertaining to the tariff classification of ceramic grinding media. Although in this notice, CBP is specifically referring to Headquarters Ruling Letter ("HQ") 962906, dated August 9, 2002 (Attachment A); HQ 089007, dated July 22, 1991 (Attachment B); and New York Ruling Letter (NY) C88836 dated June 25, 1998 (Attachment C), this notice also 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 three identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should advise CBP during the comment period.

Similarly, pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should advise CBP during this comment 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 962906, HQ 089007, and NY C88836, CBP classified ceramic grinding media in heading 6909, HTSUS, specifically in subheading 6909.11.20, HTSUS, which provides for "Ceramic wares for laboratory, chemical or other technical uses; ceramic troughs, tubs and

similar receptacles of a kind used in agriculture; ceramic pots, jars and similar articles of a kind used for the conveyance or packing of goods: Ceramic wares for laboratory, chemical or other technical uses: Of porcelain or china: machinery parts.” CBP has reviewed HQ 962906, HQ 089007, and NY C88836 and has determined the ruling letters to be in error. It is now CBP’s position that ceramic grinding media is properly classified, in heading 6909, HTSUS, specifically in subheading 6909.19.50, HTSUS, which provides for “Ceramic wares for laboratory, chemical or other technical uses; ceramic troughs, tubs and similar receptacles of a kind used in agriculture; ceramic pots, jars and similar articles of a kind used for the conveyance or packing of goods: Ceramic wares for laboratory, chemical or other technical uses: Other: Other.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke HQ 962906, HQ 089007, and NY C88836 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed HQ H277991, set forth as Attachment D to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

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

Dated: June 19, 2018

ALLYSON MATTANAH  
*for*

MYLES B. HARMON,  
*Director*

*Commercial and Trade Facilitation Division*

Attachments

## ATTACHMENT A

HQ 962906

August 9, 2002

CLA-2 RR:CR:GC 962906 KBR

CATEGORY: Classification

TARIFF NO.: 6909.11.20

PORT DIRECTOR  
U.S. CUSTOMS SERVICE  
200 E. BAY STREET  
CHARLESTON, SC 29401

RE: Protest 1601-99-100078; Ceramic Grinding Media

DEAR PORT DIRECTOR:

This is our decision on protest 1601-99-100078 filed by counsel on behalf of Alabama Carbonates, L.P., against your action regarding the classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of ceramic grinding media. The entries under protest were made on various dates in 1998 and all were liquidated on March 26, 1999. This protest was timely filed on May 11, 1999. In preparing this ruling, consideration was given to arguments presented in a meeting with members of my staff on October 31, 2001, and additional submissions dated July 2, September 7, and November 27, 2001.

**FACTS:**

The subject articles are ceramic beads identified as ER 120B, that are used in grinding mills to grind marble to a one micron size. The protestant claims that the articles are of porcelain.

The protestant claims that the ceramic grinding media should be classified in the provision for ceramic wares for laboratory, chemical or other technical uses: of porcelain or china; under subheading *6909.11.20*, HTSUS. Customs determined that the ceramic grinding media was not of porcelain or china and classified the articles under subheading *6909.19.50*, HTSUS, as other ceramic wares.

**ISSUE:**

Whether the ceramic grinding media is considered stoneware or porcelain for tariff purposes.

**LAW AND ANALYSIS:**

Classification of merchandise under the HTSUS is in accordance with the General Rules of Interpretation (GRI). GRI 1 provides that classification is determined according to the terms of the headings and any relative section or chapter notes. Merchandise that cannot be classified in accordance with GRI 1 is to be classified in accordance with subsequent GRI.

The HTSUS provisions under consideration are as follows:

Ceramic wares for laboratory, chemical or other technical uses; ceramic troughs, tubs and similar receptacles of a kind used in agriculture; ceramic pots, jars and similar articles of a kind used for the conveyance or packing of goods:

Ceramic wares for laboratory, chemical or other technical uses:



Of porcelain or china:

Machinery parts

Other:

6909.19.50 Other

In understanding the language of the HTSUS, the Harmonized Commodity Description and Coding System Explanatory Notes may be utilized. The Explanatory Notes (ENs), although not dispositive or legally binding, provide a commentary on the scope of each heading of the HTSUS, and are generally indicative of the proper interpretation of these headings. See T.D. 89–80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

Counsel argues that the identical article produced by the same manufacturer, SEPR Ceramic Beads And Powders, has been entered and accepted by Customs by several other importers under subheading *6909.11.20*, HTSUS. Evidence to support the contention was submitted. Counsel also maintains that your classification is contrary to a Stipulated Judgment on Agreed Statement of Facts (the Stipulation) accepted by the U.S. Court of International Trade in litigation on substantially similar merchandise.

Initially, we note that there is no obligation for Customs to classify merchandise in entries not before the Court under the Stipulation, and/or future entries, in the same manner as stipulated. The courts have indicated the lack of precedential value in a case submitted on agreed stipulation of facts, without trial or briefing or opinion by the court. An agreement to stipulate may be a culmination of varied factors, and should have no precedential value. See *Siemens America, Inc., and Siemens Corp v. United States*, 2 CIT 136, 40 (1981), *aff'd*, 1 Fed. Cir. (T) 9, 692 F.2d 1382 (Fed. Cir. 1982). The Supreme Court made it clear that, as collateral estoppel does not apply in classification cases, Customs is free to relitigate the classification of the merchandise at issue in an action covering other entries. *United States v. Stone & Downer Co.*, 274 U.S. 225 (1927); see also, *Schott Optical Glass, Inc. v. United States*, 748 F.2d 677 (Fed. Cir. 1984); *Heraeus-Amersil, Inc. v. United States*, 13 CIT 764, 766 (1989); *Ashdown, U.S.A., Inc. v. United States*, 12 CIT 808, 810 n.1, 696 F. Supp. 661 (1988).

However, Customs previously held that ceramic beads for use as a grinding media are classified in subheading *6909.11.20*, HTSUS. See HQ *089007* (July 22, 1991), NY *C88836* (June 25, 1998). Therefore, because of the other importations, stipulation and prior decisions cited above, the instant importations subject to this protest are classified in subheading *6909.11.20*, HTSUS, as ceramic wares for laboratory, chemical or other technical uses, of porcelain or china, machinery parts.

#### **HOLDING:**

The subject ceramic beads for use as grinding media are classifiable under subheading *6909.11.20*, HTSUS, as ceramic wares for laboratory, chemical or other technical uses, of porcelain or china, machinery parts.

The protest should be ALLOWED. In accordance with Section 3A(11)(b) of Customs Directive 099 3550–065, dated August 4, 1993, Subject: Revised Protest Directive, you are to mail this decision, together with the Customs Form 19, to the protestant no later than 60 days from the date of this letter. Any reliquidation of the entry or entries in accordance with the decision must be accomplished prior to mailing the decision.

Sixty days from the date of the decision, the Office of Regulations and Rulings will make the decision available to Customs personnel, and to the public on the Customs Home Page on the World Wide Web at [www.customs.gov](http://www.customs.gov), by means of the Freedom of Information Act, and other methods of public distribution.

*Sincerely,*

MYLES B. HARMON,  
*Acting Director*

*Commercial Rulings Division*

## ATTACHMENT B

HQ 089007

July 22, 1991

CLA-2 CO:R:C:M 089007 NLP

CATEGORY: Classification

TARIFF NO.: 535.41, TSUS; 6909.11.20,  
HTSUSA

DISTRICT DIRECTOR OF CUSTOMS  
511 N.W. BROADWAY  
FEDERAL BUILDING, ROOM 198  
PORTLAND, OREGON 97209

RE: Protest No. 2904-90-000132; ceramic minibeads; item 535.41, TSUS; subheading 6909.11.20, HTSUSA

DEAR DISTRICT DIRECTOR:

The following is our decision regarding the Protest and Request for Further Review No. 2904-90-000132, dated October 23, 1990. At issue is the classification of ceramic minibeads.

**FACTS:**

The product at issue is called ceramic minibeads. The importer's letter describes the minibeads as grinding media which are used in machinery that grind calcium carbonate in a water solution to produce a very fine particle size grade used in the production of paper.

Your office liquidated two entries of the minibeads under item 536.11, Tariff Schedules of the United States (TSUS), which provides for ceramic wares, and articles of such wares, not specially provided for, of porcelain or subporcelain. Three entries were liquidated under subheading 6914.90.00, Harmonized Tariff Schedule of the United States Annotated (HTSUSA), which provides for other ceramic articles, other.

The importer contends that the ceramic minibeads are classifiable in item 535.41, TSUS, which provides for machinery parts, of porcelain or subporcelain, and subheading 6909.11.20, HTSUSA, which provides for ceramic wares for laboratory, chemical or other technical uses, machinery parts, of porcelain or china. The importer argues that these are the appropriate classifications on the basis that the beads are made of porcelain and are necessary components of grinding machinery.

**ISSUE:**

Are the minibeads classifiable in item 535.41, TSUS, and in subheading 6909.11.20, HTSUSA.

**LAW AND ANALYSIS:**

Classification of minibeads under the Tariff Schedules of the United States New York Ruling Letter 806962, dated October 3, 1983, dealt with the classification of ceramic minibeads, which were used as grinding media in ball mills. The ceramic beads were classified in item 535.41, TSUS, which provides for machinery parts, of porcelain or subporcelain. In addition, T.D. 56413(38) classified ceramic grinding balls used in grinding machinery in item 535.41, TSUS. Therefore, as the instant product is a ceramic bead used as grinding media, it is also classifiable in item 535.41, TSUS.

Classification of the minibeads under the Harmonized Tariff Schedule of the United States

Heading 6909, HTSUSA, provides for, inter alia, ceramic ware for laboratory, chemical or other technical uses. The Explanatory Notes for the HTS, although not dispositive, are to be looked to for the proper interpretation of the HTS. The Explanatory Notes to Heading 6909, HTSUSA, provide, in pertinent part, the following:

This heading covers a range of very varied articles usually made from vitrified ceramics (stoneware, porcelain or china, steatite ceramics etc.) glazed or unglazed. It does not, however, cover refractory goods of a kind designed for resisting high temperatures as described in the General Explanatory Note to sub-Chapter 1. But articles of a type not designed for high temperature work remain in this heading even if made of refractory materials (e.g., thread guides, grinding apparatus, etc., of sintered alumina)

The heading covers in particular:

(2) Ceramic wares for other technical uses, such as...grinding apparatus and balls, etc., for grinding materials...

The previous tariff law, the TSUS, though not binding on the present tariff laws, provides guidance for the classification of merchandise under the HTSUSA, absent an explicit change in the new laws over the previous. As evidenced by the language of item 535.41, TSUS, and subheading 6909.11.20, there has not been an explicit change in the new law over the previous. As a result, the fact that ceramic beads used in grinding machinery were classifiable as machinery parts, of porcelain or subporcelain in the TSUS provides guidance for the classification of the same product under the HTSUSA.

The instant ceramic minibeads are not designed for high temperature work and are grinding media used in grinding machinery. Based on these facts and the classification of ceramic minibeads under the TSUS, the subject ceramic minibeads are classifiable in subheading 6909.11.20, HTSUSA, which provides for ceramic wares for laboratory, chemical or other technical uses, machinery parts, of porcelain or china.

#### **HOLDING:**

The minibeads are classifiable in item 535.41, TSUS, and subheading 6909.11.20, HTSUSA.

The protest should be allowed in full. A copy of this decision should be attached to the Form 19 Notice of Action to be sent to the protestant.

*Sincerely,*

JOHN DURANT,

*Director*

*Commercial Rulings Division*

## ATTACHMENT C

NY C88836

June 25, 1998

CLA-2-69:RR:NC:2:227 C88836

CATEGORY: Classification

TARIFF NO.: 6909.11.2000

MR. ROBERT O. KECHIAN  
NNR AIRCARGO SERVICE (USA) INC.  
HOOK CREEK BLVD. & 145TH AVE., UNIT C-1A  
VALLEY STREAM, NY 11581

RE: The tariff classification of porcelain minibeads from Japan.

DEAR MR. KECHIAN:

In your letter dated June 8, 1998, on behalf of Nagase America Corporation, you requested a tariff classification ruling.

The subject merchandise consists of white ceramic minibeads of porcelain, referred to as the "torayceram beads," which will be utilized as an essential media in machines for grinding mills.

You claim that these beads are properly classifiable under subheading 8479.82.00, Harmonized Tariff Schedule of the United States (HTS), which provides for parts of other grinding machines. However, since Note 1 (b) of Chapter 84, HTS, excludes appliances or machinery or parts thereof of ceramic material (chapter 69), consideration of classification under this subheading is precluded.

The applicable subheading for these porcelain minibeads will be 6909.11.2000, Harmonized Tariff Schedule of the United States (HTS), which provides for ceramic wares for laboratory, chemical or other technical uses, machinery parts of porcelain. The rate of duty will be 0.9 percent ad valorem.

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

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist George Kalkines at 212-466-5794.

*Sincerely,*

ROBERT B. SWIERUPSKI

*Director,*

*National Commodity Specialist Division*

## ATTACHMENT D

HQ H277991

OT:RR:CTF:CPMM:LMH

CATEGORY: Classification

TARIFF NO.: 6909.19.5095

JOSEPH S. KAPLAN  
LAW OFFICES OF ROSS & HARDIES  
65 EAST 55TH STREET  
NEW YORK, NY 10022-3219

DISTRICT DIRECTOR OF CUSTOMS  
511 N.W. BROADWAY FEDERAL BUILDING, ROOM 198  
PORTLAND, OREGON 97209

MR. ROBERT O. KECHIAN  
NNR AIRCARGO SERVICE (USA) INC.  
HOOK CREEK BLVD. & 145TH AVE. UNIT C-1A  
VALLEY STREAM, NY 11581

RE: Revocation of HQ 962906; HQ 089007; and NY C88836; Tariff classification of ceramic grinding media.

DEAR JOSEPH KAPLAN, DISTRICT DIRECTOR, AND MR. KECHIAN,

U.S. Customs and Border Protection (CBP) issued you Headquarters Ruling Letters (HQ) 962906, dated August 9, 2002; HQ 089007, dated July 22, 1991; and New York Ruling Letter (NY) C88836 dated June 25, 1998. Those rulings pertain to the tariff classification under the Harmonized Tariff Schedule of the United States, (HTSUS) of ceramic grinding media. We have since reviewed these rulings and find them to be in error, as set forth herein.

**FACTS:**

HQ 962906 states the following, in relevant part:

The subject articles are ceramic beads identified as ER 120B, that are used in grinding mills to grind marble to a one micron size. The protestant claims that the articles are of porcelain. The protestant claims that the ceramic grinding media should be classified in the provision for ceramic wares for laboratory, chemical or other technical uses: of porcelain or china; under subheading 6909.11.20, HTSUS. Customs determined that the ceramic grinding media was not of porcelain or china and classified the articles under subheading 6909.19.50, HTSUS, as other ceramic wares.

Initially, we note that there is no obligation for Customs to classify merchandise in entries not before the Court under the Stipulation, and/or future entries, in the same manner as stipulated. The courts have indicated the lack of precedential value in a case submitted on agreed stipulation of facts, without trial or briefing or opinion by the court. An agreement to stipulate may be a culmination of varied factors, and should have no precedential value. See *Siemens America, Inc., and Siemens Corp v. United States*, 2 CIT 136, 40 (1981), *aff'd*, 1 Fed. Cir. (T) 9, 692 F.2d 1382 (Fed. Cir. 1982). The Supreme Court made it clear that, as collateral estoppel does not apply in classification cases, Customs is free to relitigate the classification of the merchandise at issue in an action covering other

entries. *United States v. Stone & Downer Co.*, 274 U.S. 225 (1927); see also, *Schott Optical Glass, Inc. v. United States*, 748 F.2d 677 (Fed. Cir. 1984); *Heraeus-Amersil, Inc. v. United States*, 13 CIT 764, 766 (1989); *Ashdown, U.S.A., Inc. v. United States*, 12 CIT 808, 810 n.1, 696 F. Supp. 661 (1988). However, Customs previously held that ceramic beads for use as a grinding media are classified in subheading 6909.11.20, HTSUS. See HQ 089007 (July 22, 1991), NY C88836 (June 25, 1998). Therefore, because of the other importations, stipulation and prior decisions cited above, the instant importations subject to this protest are classified in subheading 6909.11.20, HTSUS, as ceramic wares for laboratory, chemical or other technical uses, of porcelain or china, machinery parts.

HQ 089007 states the following, in relevant part:

The product at issue is called ceramic minibeads. The importer's letter describes the minibeads as grinding media which are used in machinery that grind calcium carbonate in a water solution to produce a very fine particle size grade used in the production of paper.

Your office liquidated two entries of the minibeads under item 536.11, Tariff Schedules of the United States (TSUS), which provides for ceramic wares, and articles of such wares, not specially provided for, of porcelain or subporcelain. Three entries were liquidated under subheading 6914.90.00, Harmonized Tariff Schedule of the United States Annotated (HTSUSA), which provides for other ceramic articles, other.

The importer contends that the ceramic minibeads are classifiable in item 535.41, TSUS, which provides for machinery parts, of porcelain or subporcelain, and subheading 6909.11.20, HTSUSA, which provides for ceramic wares for laboratory, chemical or other technical uses, machinery parts, of porcelain or china. The importer argues that these are the appropriate classifications on the basis that the beads are made of porcelain and are necessary components of grinding machinery.

NY C88836 states the following, in relevant part:

The subject merchandise consists of white ceramic minibeads of porcelain, referred to as the "torayceram beads," which will be utilized as an essential media in machines for grinding mills.

## ISSUE:

Whether the ceramic grinding media is classified as porcelain of subheading 6909.11, HTSUS, or other ceramic of subheading 6909.19, HTSUS.

## 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 in this case are as follows:

6909 Ceramic wares for laboratory, chemical or other technical uses; ceramic troughs, tubs and similar receptacles of a kind used in agriculture; ceramic pots, jars and similar articles of a kind used for the conveyance or packing of goods:

Ceramic wares for laboratory, chemical or other technical uses:

6909.11 Of porcelain or china:  
 6909.11.20 Machinery parts.  
 6909.19 Other:  
 6909.19.50 Other.

Note 5(a) to chapter 69 states:

5. For the purposes of headings 6909 through 6914:

- (a) The terms “porcelain,” “china” and “chinaware” embrace ceramic ware (other than stoneware), whether or not glazed or decorated, having a fired white body (unless artificially colored) which will not absorb more than 0.5 percent of its weight of water and is translucent in thicknesses of several millimeters. The term “stoneware” as used in this note, embraces ceramic ware which contains clay as an essential ingredient, is not commonly white, will absorb not more than 3 percent of its weight of water, and is naturally opaque (except in very thin pieces) even when absorption is less than 0.1 percent.

In understanding the language of the HTSUS, the Explanatory Notes (ENs) of the Harmonized Commodity Description and Coding System, which constitute the official interpretation of the HTSUS at the international level, may be utilized. The ENs, although not dispositive or legally binding, provide a commentary on the scope of each heading, and are generally indicative of the proper interpretation of the HTSUS. *See* T.D. 89–80, 54 Fed. Reg. 35127 (August 23, 1989).

The ENs to chapter 69, subchapter II state:

Porcelain or china means hard porcelain, soft porcelain, biscuit porcelain (including parian) and bone china. All these ceramics are almost completely vitrified, hard, and are essentially impermeable (even if they are not glazed). They are white or artificially coloured, translucent (except when of considerable thickness), and resonant.

Hard porcelain is made from a body composed of kaolin (or kaolinic clays), quartz, feldspar (or feldspathoids), and sometimes calcium carbonate. It is covered with a colourless transparent glaze fired at the same time as the body and thus fused together.

Soft porcelain contains less alumina but more silica and fluxes (e.g., feldspar). Bone china, which contains less alumina, contains calcium phosphate (e.g., in the form of bone ash); a translucent body is thus obtained at a lower firing temperature than with hard porcelain. The glaze is normally applied by further firing at a lower temperature, thus permitting a greater range of underglaze decoration.

Biscuit porcelain is unglazed porcelain, of which parian-ware (sometimes called Carrara porcelain) is a special, fine-grained, yellowish type containing more feldspar, and often resembling Paros marble in appearance, hence its name.



Applying GRI 1 and analyzing the headings and related section and chapter notes, we see that chapter 69 includes ceramic wares for other technical uses, a designation with which we agree. On the subheading level, 6909.11 provides for ceramics of porcelain or china, and 6909.19 provides for other ceramics. At issue is whether the ceramic grinding media is porcelain or another ceramic product. In the absence of a definition of a term in the HTSUS or ENs, the term's correct meaning is its 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). In this case, several dictionary definitions of porcelain support the EN definition and specify that clay (feldspar) is an essential ingredient. For example, the Oxford English Dictionary defines porcelain as "a hard white shiny substance made by baking clay and used for making delicate cups, plates and decorative objects; objects that are made of this." See <https://www.oxfordlearnersdictionaries.com/us/definition/english/porcelain> (last visited 3/23/2018). The Cambridge English Dictionary defines porcelain as "a hard but delicate, shiny, white substance made by heating a special type of clay to a high temperature, used esp. to make cups, plates, and small, decorative objects." See <https://dictionary.cambridge.org/us/dictionary/english/porcelain> (last visited 3/23/2018). Merriam-Webster defines porcelain as "a hard, fine-grained, sonorous, nonporous, and usually translucent and white ceramic ware that consists essentially of kaolin, quartz, and a feldspathic rock and is fired at a high temperature." See [https://www.merriam-webster.com/dictionary/porcelain?utm\\_campaign=sd&utm\\_medium=serp&utm\\_source=jsonld](https://www.merriam-webster.com/dictionary/porcelain?utm_campaign=sd&utm_medium=serp&utm_source=jsonld) (last visited 3/23/2018).

The product at issue is composed of vitrified Zirconium oxide and silicon oxide and does not contain clay materials. In addition, the product may not be white or translucent in accordance with Note 5(a) to chapter 69. As such, the "porcelain" subheading does not apply and the product is placed in the "other" subheading.

#### **HOLDING:**

By application of GRI 1, the ceramic grinding media is classified in heading 6909, HTSUS. It is specifically provided for in subheading 6909.19.5095, Harmonized Tariff Schedule of the United States Annotated (HTSUSA), which provides for, "Ceramic wares for laboratory, chemical or other technical uses; ceramic troughs, tubs and similar receptacles of a kind used in agriculture; ceramic pots, jars and similar articles of a kind used for the conveyance or packing of goods: Ceramic wares for laboratory, chemical or other technical uses: Other: Other." The 2018 column one general rate of duty is 4% *ad valorem*. Under *San Francisco Newspaper Printing Co. v. United States*, 9 CIT 517, 620 F. Supp. 738 (1985), the liquidation of the entries covering the merchandise which was the subject of Protest 1601-99-100078 was final on both the protestant and CBP. Therefore, this ruling has no effect on those entries.

Duty rates are provided for your convenience and subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided at [www.usitc.gov](http://www.usitc.gov).

**EFFECT ON OTHER RULINGS:**


HQ 962906, dated August 9, 2002; HQ 089007, dated July 22, 1991; and NY C88836 dated June 25, 1998, are hereby REVOKED.

*Sincerely,*

MYLES B. HARMON,

*Director*

*Commercial and Trade Facilitation Division*



**PROPOSED REVOCATION OF TWO RULING LETTERS  
AND REVOCATION OF TREATMENT RELATING TO THE  
TARIFF CLASSIFICATION OF CENTER SLEEVES AND END  
RINGS FOR COUPLING ASSEMBLIES**

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

**ACTION:** Notice of proposed revocation of two ruling letters and revocation of treatment relating to the tariff classification of center sleeves and end rings used in coupling assemblies.

**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 revoke two ruling letters concerning tariff classification of center sleeves and end rings used in coupling assemblies under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions. Comments on the correctness of the proposed actions are invited.

**DATE:** Comments must be received on or before November 2, 2018.

**ADDRESS:** Written comments are to be addressed to U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 90 K St., NE, 10th Floor, Washington, DC 20229–1177. Submitted comments may be inspected at the address stated above during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325–0118.

**FOR FURTHER INFORMATION CONTACT:** Claudia Garver of the Chemicals, Petroleum, Metals and Miscellaneous Articles Branch, Regulations and Rulings, Office of Trade, at (202) 325-0024.

**SUPPLEMENTARY INFORMATION:**

**BACKGROUND**

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obligation on CBP to provide the public with information concerning the trade community's responsibilities and rights under the customs and related laws. In addition, both the public 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 to 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 19 U.S.C. §1625(c)(1), this notice advises interested parties that CBP is proposing to revoke two ruling letters pertaining to the tariff classification of center sleeves and end rings for coupling assemblies. Although in this notice, CBP is specifically referring to New York Ruling Letter ("NY") N270588, dated November 24, 2015 (Attachment A), and NY N097562, dated April 1, 2010 (Attachment B), this notice also 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 two identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should advise CBP during the comment period.

Similarly, pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should advise CBP during this comment period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY N270588, CBP classified center sleeves and end rings used in coupling assemblies in heading 7326, HTSUS (2015), specifically in subheading 7326.90.85, HTSUS, which provided for “Other articles of iron or steel: Other: Other: Other: Other.” In NY N097562, CBP classified center sleeves used in coupling assemblies in heading 7325, HTSUS, specifically in subheading 7325.99.10, HTSUS, which provides for “Other cast articles of iron or steel: Other: Other: Of cast iron.” CBP has reviewed NY N270588 and NY N097562 and has determined the ruling letters to be in error. It is now CBP’s position that the center sleeves, as well as combinations of center sleeves and end rings, are properly classified in heading 7307, HTSUS, specifically in subheading 7307.19.30, HTSUS, which provides for “Tube or pipe fittings of iron or steel: Cast fittings: Other: Ductile fittings.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke NY N270588 and NY N097562 and to revoke or modify any other ruling not specifically identified to reflect the analysis contained in the proposed Headquarters Ruling Letter (“HQ”) H284443, set forth as Attachment C to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

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

Dated: July 19, 2018

ALLYSON MATTANAH  
*for*

MYLES B. HARMON,  
*Director*

*Commercial and Trade Facilitation Division*

Attachments

## ATTACHMENT A

N270588

November 24, 2015

CLA-2-73:OT:RR:NC:N1:113

CATEGORY: Classification

TARIFF NO.: 7326.90.8588

MR. DAVID TALLEY  
DHI LLC  
214 S. AUSTIN STREET  
BRENHAM, TX 77833

RE: The tariff classification of sleeves and end rings for a transition coupling from China

DEAR MR. TALLEY:

In your letter dated November 6, 2015, you requested a tariff classification ruling. Product information and drawings for the subject sleeves and end rings were submitted for our review.

The products under consideration are described as component parts for the Style FC2A Ford Transition Coupling. The transition coupling is composed of four components which include sleeves, rings, gaskets and bolts. The two parts for which you are requesting a classification are identified as the Sleeve Wide Range Coupling Black FBE ASTM A536 GR 65-452 and the End Ring Ductile Iron Ultraflex Coupling Black FBE ASTM 536 GR 65-452. You stated that "These parts are not machined nor threaded but are coated."

You suggested classification for the sleeves and end rings in question in subheading 7307.19.3085, Harmonized Tariff Schedule of the United States (HTSUS), which provides for tube or pipe fittings of iron or steel: cast fittings: other: ductile fittings: other, other. We do not agree. Classification as tube or pipe fittings requires that the complete fitting be imported. In this case only the sleeves and rings are being imported and they do not constitute a complete fitting capable of connecting the bores of two tubes or pipes, of closing off a tube aperture or connecting tube or pipe to another apparatus as required for classification as a tube or pipe fitting in heading 7307, HTSUS. There is not a provision in heading 7307 for classification of parts of fittings and therefore, in our opinion, classification as a fitting is not appropriate. Accordingly, the sleeves and end rings are classifiable under heading 7326, HTSUS, which provides for other articles of iron or steel.

The applicable subheading for the Sleeve Wide Range Coupling Black FBE ASTM A536 GR 65-452 and the End Ring Ductile Iron Ultraflex Coupling Black ASTM 536 GR 65-452 for the Style FC2A Ford Transition Coupling, will be 7326.90.8588, HTSUS, which provides for other articles of iron or steel, other...other. The rate of duty will be 2.9 percent ad valorem.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on World Wide Web at <http://www.usitc.gov/tata/hts/>.

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 Ann Taub at [ann.taub@cbp.dhs.gov](mailto:ann.taub@cbp.dhs.gov).

*Sincerely,*

GWENN KLEIN KIRSCHNER

*Director*

*National Commodity Specialist Division*

## ATTACHMENT B

N097562

April 1, 2010

CLA-2-73:OT:RR:NC:N1:113

CATEGORY: Classification

TARIFF NO.: 7325.99.1000

Ms. ERIKA-LEE HICKEY  
INPAC, INC.  
3100 NW BUCKLIN HILL ROAD, SUITE 211  
SILVERDALE, WA 98383

RE: The tariff classification of a sleeve from China

DEAR Ms. HICKEY:

In your letter dated March 15, 2010, you requested a tariff classification ruling on a sleeve from China. Detailed specifications, diagrams and photographs of the item were submitted for our review.

The merchandise is identified as a sleeve, item number 441. The item is also referred to in the trade as a middle ring, center ring or coupling body. The subject sleeve is the stabilizing component to create a seal between the pipe and gasket. The submitted specifications indicate that the sleeve is a ductile (malleable) iron casting. In your letter, you state that the items are not grooved or machined at the time of importation into the United States.

The applicable subheading for the sleeve will be 7325.99.1000, Harmonized Tariff Schedule of the United States (HTSUS), which provides for other cast articles of iron or steel, other, other, of cast iron. The rate of duty will be free.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on World Wide Web at <http://www.usitc.gov/tata/hts/>.

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 Ann Taub at (646) 733-3018.

*Sincerely,*

ROBERT B. SWIERUPSKI

*Director*

*National Commodity Specialist Division*

## ATTACHMENT C

H284443

CLA-2 OT:RR:CTF:EMAIN H284443 NCD

CATEGORY: Classification

TARIFF NO.: 7307.19.3085

DAVID TALLEY  
DHI LLC  
214 S. AUSTIN STREET  
BRENHAM, TX 77833

RE: Revocation of NY N270588 and NY N097562; Classification of center sleeves and end rings for coupling assemblies

DEAR MR. TALLEY:

This is in reference to New York Ruling Letter (NY) N270588, issued to you by U.S. Customs and Border Protection (CBP) on November 24, 2015, concerning classification of center sleeves and “end rings” used in coupling assemblies under the Harmonized Tariff Schedule of the United States (HTSUS). We have reviewed NY N270588, determined that it is incorrect, and for the reasons set forth below, we are modifying that ruling.

We have additionally determined that NY N097562, issued to Inpac, Inc. (“Inpac”) on April 1, 2010, is incorrect for similar reasons. Like NY N270588, NY N097562 involves classification of center sleeves used in coupling assemblies. For the reasons set forth below, we are revoking that ruling.

**FACTS:**

In NY N270588, CBP stated as follows with respect to the subject merchandise:

The products under consideration are described as component parts for the Style FC2A Ford Transition Coupling. The transition coupling is composed of four components which include sleeves, rings, gaskets and bolts. The two parts for which you are requesting a classification are identified as the Sleeve Wide Range Coupling Black FBE ASTM A536 GR 65–452 and the End Ring Ductile Iron Ultraflex Coupling Black FBE ASTM 536 GR 65–452. You stated that “These parts are not machined nor threaded but are coated.”

According to product literature reviewed by our office, “Ford Cast Couplings offer an easy and economical way of joining pipe.” Ford Meter Box Co., Section M: Ford Cast Couplings and Adapters M-4 (2017), *available at* <http://www.fordmeterbox.com/catalog/m/mjpeg.pdf> [hereinafter Ford Cast Couplings and Adapters]. The product literature further indicates that the couplings are “manufactured in accordance with the design, testing and performance standards of AWWA C219.” *Id.* The product literature also includes the following depiction of the Ford Cast Couplings, replete with labels for individual components:



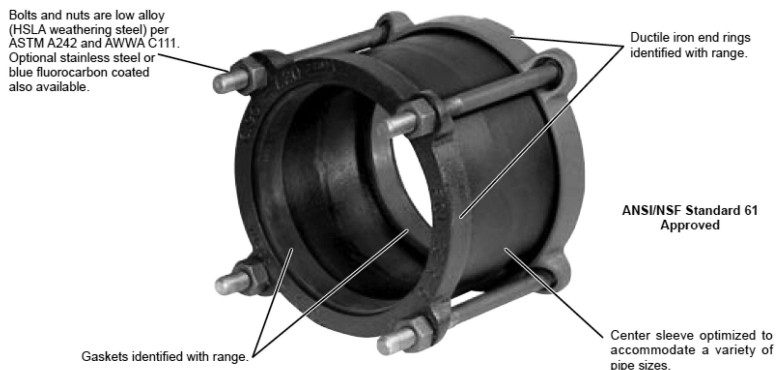


Figure 1

CBP classified the subject center sleeves and end rings in heading 7326 of the 2015 HTSUS, specifically subheading 7326.90.85, HTSUS, which provided for “Other articles of iron or steel: Other: Other: Other: Other.” However, it is not clear whether the classification determination pertains to individual center sleeves and end rings or combinations of the two.

In NY N097562, which similarly involved classification of a center sleeve, CBP stated as follows with respect to the subject merchandise:

The merchandise is identified as a sleeve, item number 441. The item is also referred to in the trade as a middle ring, center ring or coupling body. The subject sleeve is the stabilizing component to create a seal between the pipe and gasket. The submitted specifications indicate that the sleeve is a ductile (malleable) iron casting. In your letter, you state that the items are not grooved or machined at the time of importation into the United States.

The following photographic depiction of the couplings with which the sleeves are used has been reproduced from Inpac’s website:



Figure 2

CBP classified the subject sleeve in heading 7325, HTSUS, specifically subheading 7325.99.10, HTSUS, which provides for “Other cast articles of iron or steel: Other: Other: Of cast iron.”

**ISSUE:**

Whether the subject center sleeves and end rings are classified in heading 7307, HTSUS, as pipe fittings, in heading 7325, HTSUS, as “other” cast articles of iron or steel, or in heading 7326, HTSUS, as “other” articles of iron or steel.

**LAW AND ANALYSIS:**

Merchandise imported into the United States is classified under the HTSUS. Tariff classification is governed by the principles set forth in the General Rules of Interpretation (GRIs) and, in the absence of special language or context which requires otherwise, by the Additional U.S. Rules of Interpretation. The GRIs and the Additional U.S. Rules of Interpretation are part of the HTSUS and are to be considered statutory provisions of law for all purposes.

GRI 1 requires that classification be determined first according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the heading and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order. GRI 2(a) provides, in relevant part, that “[a]ny reference in a heading to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as entered, the incomplete or unfinished articles has the essential character of the complete or finished article.”

The Harmonized Commodity Description and Coding System Explanatory Notes (“ENs”) constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings. *See* T.D. 89–80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The 2018 HTSUS provisions under consideration are as follows:

<b>7307</b>	Tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel
<b>7325</b>	Other cast articles of iron or steel
<b>7326</b>	Other articles of iron or steel

As a preliminary matter, the center sleeves and end rings can only be classified in heading 7325 or heading 7326, HTSUS, if they are not more specifically classifiable in heading 7307, HTSUS. *See* EN 73.25 (“This heading covers all cast articles of iron or steel, not elsewhere specified or included.”); *see also* EN 73.26 (“This heading covers all iron or steel articles... other than articles included in the preceding headings of this Chapter.”). We therefore begin our analysis with heading 7307, HTSUS.

Heading 7307 applies to pipe fittings of iron or steel, including, *inter alia*, couplings. Neither “pipe fitting” nor “coupling” are defined in the HTSUS. As such, they are to be construed in accordance with their common meanings, which may be ascertained by reference to “standard lexicographic and scientific authorities,” to the pertinent ENs, and to industry standards. *GRK Can.*,

*Ltd. v. United States*, 761 F.3d 1354, 1357 (Fed. Cir. 2014); *see also Rocknel Fastener, Inc. v. United States*, 267 F.3d 1354, 1361 (Fed. Cir. 2001) (“Standards promulgated by industry groups such as ANSI, ASME, and others are often used to define tariff terms.”).

To this end, EN 73.07 states, in pertinent part, as follows with respect to “pipe fittings” of heading 7307, HTSUS:

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**).

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.

(emphasis added).

We have previously determined, upon consulting both the above EN description and various technical references, that pipe fittings are defined in part as articles used to connect separate pipes to each other. *See* Headquarters Ruling Letter (“HQ”) H282297, dated July 6, 2017 (discussing commonalities among EN 73.07 and technical definitions cited in court cases). Both the plain language of the heading and EN 73.07 make clear that articles of this type include “couplings.” The term “coupling,” like “pipe fitting,” is not defined in the HTSUS. According to AWWA C219–11, a technical source promulgated by the American Water Works Association, couplings include “transition couplings” made up of “center sleeves” or “center rings,” “end rings,” and “gaskets.” *See* Amer. Water Works Ass’n, AWWA Standard: Bolted, Sleeve-Type Couplings for Plain-End Pipe 4–6 (2011) [hereinafter AWWA C219–11]. Insofar as they are used to “join plain-end pipe,” we consider transition couplings to be “pipe fittings” of heading 7307, HTSUS. *See id.* at ix, 1.

At issue in NY N270488 are combinations of “sleeves” and “end rings” which, following entry, are conjoined with gaskets to form full transition couplings. At issue in NY N097562 are “center rings” (i.e., sleeves) that are likewise assembled into transition couplings following importation. As stated above, the types of transition couplings into which these sleeves and end rings are assembled are undisputedly pipe fittings of heading 7307, HTSUS, insofar as they are used to connect pipe. In fact, the above-cited product literature confirms that the particular couplings into which the sleeves and

end rings of NY N270488 are assembled “offer a...way of joining pipe.” See Ford Cast Couplings and Adapters, *supra*. We therefore consider whether the merchandise can be considered “incomplete” or “unfinished” pipe fittings of the heading.

As stated above, GRI 2(a) provides that an unfinished or complete article with the *essential character* of a complete or finished article is to be treated as the latter for classification purposes. Applicable case law instructs that “the focus of the essential character analysis under GRI 2(a) is whether or not the identity of the article to be made from the imported good is fixed or certain at the time of importation.” See Headquarters Ruling Letter (HQ) H181679, dated July 17, 2015 (citing *The Pomeroy Collection, Ltd. v. United States*, 893 F. Supp. 2d 1269 (Ct. Int’l Trade 2013); *Filmtec Corp. v. United States*, 293 F. Supp. 2d 1364 (Ct. Int’l Trade 2003); and *Baxter Healthcare Corp. of Puerto Rico v. United States*, 22 C.I.T. 82 (1998)). Accordingly, “essential character” in this context corresponds to “the attribute which strongly marks or serves to distinguish what an article is; that which is indispensable to the structure, core or condition of the article; the aggregate of distinctive component parts that establishes the identity of an article as what it is, its very essence.” *Id.* (citing HQ 967975, dated March 24, 2006).

Here, the “identity” or “essence” of the transition couplings, or the attribute by which they are “strongly marked” or “distinguished,” is their capacity to join and secure separate pipe segments as a single, continuous aperture. The combinations of sleeves and end rings impart this identity, essence, or distinguishing attribute. Specifically, the sleeves provide the structure of the coupling within which the pipe segments are aligned and joined end-to-end to form the initial channel. Meanwhile, the end rings are used to stabilize and secure this connection, and need only be paired with gaskets and tightened with bolts to accomplish this end. There is no indication that either the sleeve or the end rings are suitable for any other use. In fact, the precise specifications set forth in AWWA C219–11 indicate that both are uniquely designed for integration into the coupling assembly. See, e.g., AWWA C219–11, *supra*, at 11 (stating, with reference to iron center sleeves, that “[g]asket-bearing areas shall be in the form of a smooth taper, cast into the sleeve.”). In light of this, we find that the identity of the sleeve and end ring combinations is indelibly fixed as that of a coupling at the time of the items’ entry. We note that this determination is consistent with at least one prior ruling involving highly similar merchandise. See NY K86336, dated June 14, 2004 (classifying combinations of center rings with end flanges or end “caps” in heading 7307, HTSUS).

We find the same with respect to the individual center rings at issue in NY N097562. As stated above, the center rings impart the structure of the transition coupling, and are even referred to in that ruling as coupling “bodies,” while housing and aligning the separate pipe ends to enable their initial connection. Given their structural and functional importance, the sleeves’ contribution to the identity of the couplings is sufficient for purposes of GRI 2(a). Moreover, we note that EN 73.07 lists “sleeves” among the types of products generally classifiable in heading 7307, HTSUS.

#### **HOLDING:**

By application of GRIs 1 and 2(a), the subject sleeves, as well as combinations of the sleeves and end rings, are classified in heading 7307, HTSUS. All merchandise is specifically classified in subheading 7307.19.3085, HTSUSA

(Annotated), which provides for: “Tube or pipe fittings of iron or steel: Cast fittings: Other: Ductile fittings: Other.” The 2018 column one general rate of duty for subheading 7307.19.3085, HTSUSA, is 5.6% *ad valorem*.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the internet at [www.usitc.gov/tata/hts/](http://www.usitc.gov/tata/hts/).

The merchandise in question may be subject to antidumping duties or countervailing duties (AD/CVD). We note that the International Trade Administration in the Department of Commerce is not necessarily bound by a country of origin or classification determination issued by CBP, with regard to the scope of antidumping or countervailing duty orders. Written decisions regarding the scope of AD/CVD orders are issued by the International Trade Administration and are separate from tariff classification and origin rulings issued by CBP. The International Trade Administration can be contacted at <http://www.trade.gov/ia/>. A list of current AD/CVD investigations at the United States International Trade Commission can be viewed on its website at <http://www.usitc.gov>. AD/CVD cash deposit and liquidation messages can be searched using ACE, the system of record for AD/CVD messages, or the AD/CVD Search tool at <http://adcvd.cbp.gov/index.asp?ac=home>.

#### **EFFECT ON OTHER RULINGS:**

New York Ruling Letters N270588, dated November 24, 2015, and NY N097562, dated April 1, 2010, are hereby REVOKED in accordance with the above analysis.

*Sincerely,*

MYLES B. HARMON,  
*Director*

*Commercial and Trade Facilitation Division*

CC: Erika-Lee Hickey  
Inpac, Inc.  
3100 NW Bucklin Hill Road, Suite 211  
Silverdale, WA 98383



### **ACCREDITATION AND APPROVAL OF THIONVILLE SURVEYING COMPANY, INC., (HARAHAN, LA) AS A COMMERCIAL GAUGER AND LABORATORY**

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

**ACTION:** Notice of accreditation and approval of Thionville Surveying Company, Inc., (Harahan, LA), as a commercial gauger and laboratory.

**SUMMARY:** Notice is hereby given, pursuant to CBP regulations, that Thionville Surveying Company, Inc., (Harahan, LA), has been approved to gauge animal and vegetable oils and accredited to test certain animal and vegetable oils for customs purposes for the next three years as of June 14, 2017.

**DATES:** Thionville Surveying Company, Inc., (Harahan, LA) was approved and accredited as a commercial gauger and laboratory as of June 14, 2017. The next triennial inspection date will be scheduled for June 2020.

**FOR FURTHER INFORMATION CONTACT:** Melanie A. Glass, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Thionville Surveying Company, Inc., 5440 Pepsi Street, Harahan, LA 70123, has been approved to gauge animal and vegetable oils and accredited to test certain animal and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13.

Thionville Surveying Company, Inc., (Harahan, LA) is approved for the following gauging procedures for animal and vegetable oils per the National Institute of Oilseed Products (NIOP) standards:

Method	Title
NIOP 5.10.5	Weight Determination/Gauging.
ISO 5555 .....	Animal and vegetable fats and oils— Sampling.

Thionville Surveying Company, Inc., (Harahan, LA) is accredited for the following laboratory analysis procedures and methods for certain animal and vegetable oils set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL), the International Standards Organization (ISO), and the American Oil Chemists' Society (AOCS):

CBPL No.	Method	Title
15-02 .....	AOCS Ca 5a-40	Free Fatty Acids.
15-12 .....	AOCS Ce 1h-05	Determination of <i>cis</i> -, <i>trans</i> -, Saturated, Mono-unsaturated and Polyunsaturated Fatty Acids in Vegetable or Non-Ruminant Animal Oils and Fats by Capillary GLC.
27-48 .....	ASTM D-4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
33-08 .....	USP 621	Chromatography.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assur-

ances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov*. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories*.

Dated: September 7, 2018.

DAVE FLUTY,  
*Executive Director,  
Laboratories and Scientific Services  
Directorate.*

[Published in the Federal Register, September 17, 2018 (83 FR 46963)]

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**COPYRIGHT, TRADEMARK, AND TRADE NAME  
RECORDATIONS  
(NO. 8 2018)**

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

**SUMMARY:** The following copyrights, trademarks, and trade names were recorded with U.S. Customs and Border Protection in August 2018. The last notice was published in the CUSTOMS BULLETIN Vol. 52, No. 35, August 29, 2018.

Corrections or updates may be sent to: Intellectual Property Rights Branch, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, 90 K Street, NE., 10th Floor, Washington, D.C. 20229–1177, or via email at *iprrquestions@cbp.dhs.gov*.

**FOR FURTHER INFORMATION CONTACT:** LaVerne Watkins, Paralegal Specialist, Intellectual Property Rights Branch, Regulations & Rulings, Office of Trade at (202) 325–0095.

Dated: September 13, 2018.

CHARLES R. STEUART  
*Chief,  
Intellectual Property Rights Branch  
Regulations & Rulings Office of Trade*

## CBP IPR RECORDATION — AUGUST 2018

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
COP 18-00111	08/04/2018	08/04/2038	Cat Cups	One Hundred 80 degrees design LLC	No
COP 18-00112	08/04/2018	08/04/2038	Fingerlings HUGS.	WowWee Group Limited	No
COP 18-00113	08/08/2018	05/08/2019	Femme	drop it Modern, LLC	No
COP 18-00114	08/08/2018	08/08/2038	Fingerlings Minis	WowWee Group Limited	No
COP 18-00115	08/08/2018	06/08/2038	Fingerlings Spring 2018 II	WowWee Group Limited	No
COP 18-00116	08/08/2018	08/08/2038	EXPLODING KITTENS	Exploding Kittens	No
COP 18-00117	08/08/2018	08/08/2038	EXPLODING KITTENS	Exploding Kittens	No
COP 18-00118	08/08/2018	08/08/2038	EXPLODING KITTEN	Exploding Kittens	No
COP 18-00119	08/09/2018	08/09/2038	IMPLODING KITTEN (FIRST EXPAN-SION - FULL DECK OF PLAYING CARDS)	Exploding Kittens	No
COP 18-00120	08/17/2018	05/17/2019	Hair Vitamins Pectin Gummy Berries Fla- vor	Tru Reflections Inc	No
COP 18-00121	08/19/2018	08/19/2038	Black Sheep.	Stacte Bloomfield	No
COP 18-00122	08/19/2018	08/19/2038	BAVARIAN EDGE Packaging	Telebrands Corp.	No
COP 18-00123	08/23/2018	08/23/2038	DETECTIVE PIKACHU	Creatures Inc.	No
COP 18-00124	08/25/2018	08/25/2038	MARIO PARTY	Nintendo of America Inc.	No
COP 18-00125	08/25/2018	08/25/2038	NINTENDO LABO TOY-CON 02	Nintendo of America Inc.	No
COP 18-00126	08/25/2018	08/25/2038	NINTENDO LABO TOY-CON 01	Nintendo of America Inc.	No
COP 18-00127	08/25/2018	08/25/2038	XENOBLADE CHRONICLES 2	MONOLITH SOFTWARE INC.	No



## CBP IPR RECORDATION — AUGUST 2018

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 02-00024	08/25/2018	09/28/2028	METROID	NINTENDO OF AMERICA INC.	No
TMK 03-00743	08/22/2018	02/10/2022	CLOROX and Design	The Clorox Company	No
TMK 04-00410	08/25/2018	08/27/2028	CRISTAL CHAMPAGNE AND DESIGN	CHAMPAGNE LOUIS ROEDERER (CLR)	No
TMK 07-00310	08/21/2018	05/23/2022	FRESH STEP	THE CLOROX PET PRODUCTS COMPANY	No
TMK 07-00532	08/08/2018	01/15/2029	DETEX	DETEX CORPORATION	No
TMK 07-00673	08/21/2018	06/02/2019	S.O.S	Clorox Company, The	No
TMK 08-00757	08/04/2018	10/01/2028	GENETIX AND DESIGN	MERRICK INDUSTRIES, INC.	No
TMK 08-00802	08/13/2018	08/12/2028	MAGNIFICENCE	1888 Mills LLC	No
TMK 08-00900	08/17/2018	08/13/2028	THAI FLAVOUR & Design	Lien Hoa Food Corporation	No
TMK 08-00933	08/17/2018	08/05/2028	GOLDEN BOY & Design	LIEN HOA FOOD CORPORATION	No
TMK 08-01128	08/13/2018	12/09/2028	BASE-X	HDT EXPEDITIONARY SYSTEMS, INC.	No
TMK 08-01204	08/08/2018	08/19/2028	COMBIVIR	VIIV HEALTHCARE COMPANY	No
TMK 09-00003	08/08/2018	09/30/2028	AMERGE	GLAXO GROUP LIMITED	No
TMK 09-00096	08/08/2018	09/03/2028	HDMI HIGH-DEFINITION MULTIMEDIA INTERFACE (STYLIZED)	HDMI LICENSING ADMINISTRATOR, INC.	No
TMK 09-00300	08/08/2018	10/15/2028	DESIGN ONLY (Configuration of an actuator platform of a gun accessory mount)	Swan, Richard E.	No
TMK 09-00675	08/21/2018	01/07/2029	HERCULES	HCC HOLDINGS, INC.	No
TMK 09-00767	08/29/2018	09/24/2028	DTS HD	DTS, INC.	No
TMK 09-00792	08/04/2018	10/04/2026	FORMULA BLUE	Bendix Commercial Vehicle Systems, LLC	No

## CBP IPR RECORDATION — AUGUST 2018

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 09-00825	08/04/2018	08/06/2028	FORMULA BLUE	Bendix Commercial Vehicle Systems, LLC	No
TMK 09-00827	08/04/2018	08/13/2028	FormulaBlue Hydraulic Brake Parts and Design	Bendix Commercial Vehicle Systems, LLC	No
TMK 09-00834	08/19/2018	09/16/2028	CALLAWAY	CALLAWAY GOLF COMPANY	No
TMK 09-00941	08/04/2018	08/01/2027	AD-SP	Bendix Commercial Vehicle Systems LLC	No
TMK 09-00943	08/04/2018	06/21/2026	EVERFLOW	Bendix Commercial Vehicle Systems LLC	No
TMK 09-00976	08/19/2018	11/25/2028	ORGANZA	LVMH FRAGRANCE BRANDS	No
TMK 09-01056	08/20/2018	11/05/2028	ORIS	Oris Holding AG	No
TMK 09-01208	08/22/2018	09/17/2027	FORMULA 409	Clorox Company, The	No
TMK 09-01214	08/22/2018	07/28/2027	K C MASTERPIECE	HV FOOD PRODUCTS COMPANY, THE	No
TMK 10-00224	08/19/2018	09/02/2028	CALLAWAY (Stylized)	CALLAWAY GOLF COMPANY	No
TMK 10-00235	08/19/2018	08/26/2028	CALLAWAY	CALLAWAY GOLF COMPANY	No
TMK 10-00246	08/08/2018	08/03/2028	DONT QUIT	STEINFELD, JAKE	No
TMK 10-00621	08/17/2018	11/04/2028	DESIGN ONLY (PLUMBING FIXTURE)	T & S Brass and Bronze Works, Inc.	No
TMK 10-00656	08/25/2018	08/27/2028	M & Design	MONSTER ENERGY COMPANY	No
TMK 10-00818	08/13/2018	07/08/2028	EXILIM (Stylized)	Casio Keisanki Kabushiki Kaisha DBA Casio Computer Co., Ltd.	No
TMK 10-01058	08/22/2018	04/05/2028	CHEVROLET	GENERAL MOTORS LLC	No
TMK 10-01188	08/02/2018	12/09/2028	UNDER ARMOUR	Under Armour, Inc.	No
TMK 10-01196	08/02/2018	08/27/2028	UA logo (Stylized)	Under Armour, Inc	No

## CBP IPR RECORDATION — AUGUST 2018

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	GM Restricted
TMK 10-01249	08/22/2018	09/28/2028	CORVETTE	GENERAL MOTORS LLC	No
TMK 11-00393	08/22/2018	04/26/2028	GM & Design	GENERAL MOTORS LLC	No
TMK 11-00870	08/08/2018	10/11/2028	VENTOLIN	GLAXO GROUP	No
TMK 11-00873	08/20/2018	04/17/2029	DESIGN ONLY (Stripe Design)	GUCCI AMERICA, INC.	No
TMK 11-00984	08/08/2018	01/27/2029	AMERICAN GIRL	AMERICAN GIRL, LLC	No
TMK 11-01279	08/19/2018	08/12/2028	HERCEPTIN	GENENTECH, INC.	No
TMK 12-00243	08/22/2018	09/24/2028	H3	GENERAL MOTORS LLC	No
TMK 12-00583	08/13/2018	11/18/2028	DESIGN ONLY (Bottle configuration)	COINTREAU CORPORATION	No
TMK 12-00682	08/13/2018	10/01/2028	BULLY DOG	DERIVE POWER, LLC	No
TMK 12-00704	08/02/2018	03/18/2028	DESIGN ONLY (LEAPING DEER LOGO)	Deere & Company	No
TMK 12-00809	08/22/2018	09/24/2028	JESSICA SIMPSON (Stylized)	WITH YOU LLC	No
TMK 12-00934	08/22/2018	09/24/2028	JESSICA SIMPSON (Stylized)	WITH YOU LLC	No
TMK 12-01144	08/19/2018	10/12/2028	DESIGN ONLY (STRIPE)	GUCCI AMERICA, INC.	No
TMK 13-01208	08/04/2018	11/19/2028	ONESIES (Stylized)	GERBER CHILDRENSWEAR LLC	No
TMK 14-01185	08/02/2018	10/15/2028	DESIGN ONLY (BOTTLE)	Kabushiki Kaisha Yakult Honsha	No
TMK 15-00617	08/29/2018	09/03/2028	NINKASI	NINKASI BREWERY, LLC	No
TMK 15-00898	08/22/2018	11/25/2025	CORK CAGE	PLANET ONE PRODUCTS, INC.	No
TMK 15-01224	08/29/2018	08/27/2028	M & Design	MONSTER ENERGY COMPANY	No
TMK 16-00489	08/19/2018	10/15/2028	R&R; Monogram (Stylized)	R&R; APPAREL COMPANY, LLC	No

## CBP IPR RECORDATION — AUGUST 2018

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 16-00491	08/19/2018	10/15/2028	R&R; Skull Wing Design	R&R; APPAREL COMPANY, LLC	No
TMK 17-00134	08/03/2018	05/05/2028	DESIGN ONLY	NEW COLT HOLDING	No
TMK 17-00145	08/29/2018	09/07/2028	NUTROPIN	GENENTECH, INC.	No
TMK 17-01280	08/25/2018	05/26/2028	METEORITES PERLES	Guerlain S.A.	No
TMK 17-01330	08/13/2018	11/11/2028	DESIGN ONLY (FLACON ORGANZA)	LVMH FRAGRANCE BRANDS	No
TMK 18-00764	08/01/2018	10/24/2022	WALNUT	Walnut Studio, LLC	No
TMK 18-00765	08/02/2018	04/26/2026	BARRE CRAWL	THIRTY THREE THREADS, INC.	No
TMK 18-00766	08/02/2018	11/11/2019	A FOOT REVOLUTION	THIRTY THREE THREADS, INC.	No
TMK 18-00767	08/02/2018	11/16/2025	GREDDY (Stylized)	TRUST CO., LTD.	No
TMK 18-00768	08/02/2018	12/05/2027	BRUSH ON BLOCK	SPF Ventures LLC	No
TMK 18-00769	08/02/2018	02/17/2026	BELLARINA	THIRTY THREE THREADS, INC.	No
TMK 18-00770	08/02/2018	12/24/2023	PERF DRY	THIRTY THREE THREADS, INC.	No
TMK 18-00771	08/02/2018	07/29/2024	KAVU	KAVU, Inc.	No
TMK 18-00772	08/02/2018	05/13/2028	KNOCKERBALL	ZOOM SPORTS, LLC	No
TMK 18-00773	08/02/2018	08/09/2027	KNOCKERBALL	ZOOM SPORTS, LLC	No
TMK 18-00774	08/02/2018	06/27/2019	SOLID GOLD	SOLID GOLD PET, LLC	No
TMK 18-00775	08/02/2018	03/20/2027	BAK	Laurmark Enterprises, Inc. DBA BAK Industries	No
TMK 18-00776	08/02/2018	05/21/2027	KnockerBall (Stylized)	ZOOM SPORTS, LLC	No

## CBP IPR RECORDATION — AUGUST 2018

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 18-00777	08/02/2018	04/03/2027	B BAK and Design (Stylized)	Laurmark Enterprises, Inc. DBA BAK Industries	No
TMK 18-00778	08/02/2018	02/01/2027	PRIMA BELLARINA	THIRTY THREE THREADS, INC.	No
TMK 18-00779	08/02/2018	11/29/2027	SPREADING LOVE & TOES	Thirty Three Threads, Inc.	No
TMK 18-00780	08/02/2018	02/17/2026	RELEVE	THIRTY THREE THREADS, INC.	No
TMK 18-00781	08/03/2018	12/24/2023	ARMOUR	Under Armour, Inc.	No
TMK 18-00782	08/03/2018	06/04/2028	ARMOUR	Under Armour, Inc.	No
TMK 18-00783	08/03/2018	08/31/2021	ARMOUR	Under Armour, Inc.	No
TMK 18-00784	08/03/2018	12/03/2023	UNDER ARMOUR	Under Armour, Inc.	No
TMK 18-00785	08/03/2018	11/11/2019	TOESOX and Design	THIRTY THREE THREADS, INC.	No
TMK 18-00786	08/03/2018	09/03/2024	TOESOX	THIRTY THREE THREADS, INC.	No
TMK 18-00787	08/03/2018	11/30/2025	MENOPUR	Ferring B.V.	No
TMK 18-00788	08/03/2018	09/10/2024	DESIGN ONLY (Rope Strap)	KAVU, Inc.	No
TMK 18-00789	08/04/2018	04/03/2022	STICK TO YOUR PRACTICE	THIRTY THREE THREADS, INC.	No
TMK 18-00790	08/04/2018	01/07/2025	TAVI NOIR	THIRTY THREE THREADS, INC.	No
TMK 18-00791	08/04/2018	05/25/2024	WALK YOUR PRACTICE	THIRTY THREE THREADS, INC.	No
TMK 18-00792	08/04/2018	07/26/2026	TAVI NOIR	THIRTY THREE THREADS, INC.	No
TMK 18-00793	08/04/2018	01/17/2028	Panty Fresh On The Go... and Design	Panty Fresh Inc.	No
TMK 18-00794	08/04/2018	04/09/2028	SWADO	Kou, Feng-Yang J.	No

## CBP IPR RECORDATION — AUGUST 2018

Recordation No.	Effective Date	Expiration Date	Name of Cop/TmK/TmM	Owner Name	GM Restricted
TMK 18-00795	08/04/2018	11/11/2025	SELECT PROTEIN	Performance Enhancing Supplements DBA Physique Enhancing Science	No
TMK 18-00796	08/04/2018	08/09/2027	J J and Design	Marc Jacobs Trademarks, L.L.C.	No
TMK 18-00797	08/04/2018	08/22/2028	"MOUNT PLEASANT BEEF 100% GRASS-FED ESTRELLA RANCH MOUNT PLEASANT, TEXAS & Design"	MOUNT PLEASANT BEEF PACKING COMPANY LLC	No
TMK 18-00798	08/04/2018	04/10/2027	JJ and Design	Marc Jacobs Trademarks, L.L.C.	No
TMK 18-00799	08/04/2018	05/24/2025	FUNKY BUDDHA BREWERY	FUNKY BUDDHA BREWERY LLC	No
TMK 18-00800	08/04/2018	10/16/2023	ENLIGHTENED MAMA	Enlightened Mama, LLC	No
TMK 18-00801	08/04/2018	10/03/2028	UNTAMED	WowWee Group Limited	No
TMK 18-00802	08/04/2018	01/08/2024	TABU (Stylized)	Finanz St. Honore, B.V.	No
TMK 18-00803	08/04/2018	02/12/2027	"CANOE"	Finanz St. Honore, B.V.	No
TMK 18-00804	08/06/2018	09/05/2028	DESIGN ONLY	Stag Arms, LLC c/o White Wolf Capital, LLC	No
TMK 18-00805	08/06/2018	06/28/2025	SILHOUETTE	HUNTER DOUGLAS INC.	No
TMK 18-00806	08/07/2018	09/24/2028	DESIGN ONLY (AF1 Low Conf.)	Nike, Inc.	No
TMK 18-00807	08/07/2018	12/23/2028	NEXT LEVEL	Next Level Sportsystems, Inc. SIERRA SPORTSWEAR, INC	No
TMK 18-00808	08/07/2018	10/31/2028	CAPTIVEPOWER	WebRecycles Inc.	No
TMK 18-00809	08/07/2018	12/26/2027	ROBO ALIVE	Creative Impact (Hong Kong) Limited	No
TMK 18-00810	08/07/2018	07/03/2022	ENGLISH LEATHER	Finanz St. Honore, B.V.	No

## CBP IPR RECORDATION — AUGUST 2018

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 18-00811	08/07/2018	10/24/2022	ENGLISH LEATHER	Finanz St. Honore, B.V.	No
TMK 18-00812	08/08/2018	09/24/2028	DESIGN ONLY (AIR FORCE 1 Outsole)	Nike, Inc.	No
TMK 18-00813	08/08/2018	06/14/2028	Parker & Design	PARKER INTANGIBLES INC.	No
TMK 18-00814	08/08/2018	09/24/2028	DESIGN ONLY (AF1 High Conf.)	Nike, Inc.	No
TMK 18-00815	08/08/2018	04/19/2023	LOVE'S BABY SOFT	FINANZ ST. HONORE, B.V.	No
TMK 18-00816	08/08/2018	12/24/2023	ENGLISH LEATHER	Finanz St. Honore, B.V.	No
TMK 18-00817	08/08/2018	12/22/2025	DESIGN ONLY	Ivodlar Vivadent, Inc.	No
TMK 18-00818	08/08/2018	01/17/2028	OONIES (Stylized)	MOOSE CREATIVE MANAGEMENT PTY LTD	No
TMK 18-00819	08/08/2018	03/19/2028	PIKMI POPS	MOOSE CREATIVE MANAGEMENT PTY LTD	No
TMK 18-00820	08/08/2018	01/18/2027	PFD (Stylized)	Jolie Yi DBA I-BLUE, INC.	No
TMK 18-00821	08/08/2018	10/09/2022	SHANGRI-LA	Comfortex Corporation	No
TMK 18-00822	08/08/2018	08/19/2019	BANNERSAVER	SMADAPP, INC.	No
TMK 18-00823	08/08/2018	12/27/2026	EXPLODING KITTENS and Design	EXPLODING KITTENS, LP	No
TMK 18-00824	08/08/2018	01/04/2027	EXPLODING KITTENS and Design	EXPLODING KITTENS, LP	No
TMK 18-00825	08/08/2018	01/04/2027	EXPLODING KITTENS	EXPLODING KITTENS, LP	No
TMK 18-00826	08/08/2018	01/11/2027	Catomic Logo Design	EXPLODING KITTENS, LP	No
TMK 18-00827	08/08/2018	01/17/2028	AQUAPAW	Lentz, Daniel J	No
TMK 18-00828	08/08/2018	04/10/2027	D1293	Friction Materials Standards Institute, Inc.	No

## CBP IPR RECORDATION — AUGUST 2018

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 18-00829	08/08/2018	04/10/2027	D1414	Friction Materials Standards Institute, Inc.	No
TMK 18-00830	08/08/2018	04/10/2027	D1508	Friction Materials Standards Institute, Inc.	No
TMK 18-00831	08/08/2018	04/10/2027	8331	Friction Materials Standards Institute, Inc.	No
TMK 18-00832	08/08/2018	04/10/2027	8528	Friction Materials Standards Institute, Inc.	No
TMK 18-00833	08/08/2018	04/10/2027	8715	Friction Materials Standards Institute, Inc.	No
TMK 18-00834	08/13/2018	08/20/2024	GAS MONKEY	Gas Monkey Holdings, LLC	No
TMK 18-00835	08/17/2018	02/14/2028	Cotton Bacon by Wick 'N' Vape and Design	Wick 'N' Vape, LLC	No
TMK 18-00836	08/17/2018	02/06/2028	NY (Stylized)	New York Yankees Partnership	No
TMK 18-00837	08/18/2018	01/31/2028	DENTAL EXPERT	GAMERIZA INC.	No
TMK 18-00838	08/18/2018	01/12/2021	BIC & BOY DESIGN (color)	Societe BIC	No
TMK 18-00839	08/18/2018	10/31/2028	SUKRIN	Funksjonell Mat AS	No
TMK 18-00840	08/18/2018	05/14/2027	TALALAY GLOBAL and Design	Latex Foam International Holdings, Inc.	No
TMK 18-00841	08/18/2018	10/01/2027	POWER STROKE	FORD MOTOR COMPANY	No
TMK 18-00842	08/18/2018	07/26/2025	POWER STROKE	FORD MOTOR COMPANY	No
TMK 18-00843	08/18/2018	05/15/2022	MOTORCRAFT	FORD MOTOR COMPANY	No
TMK 18-00844	08/18/2018	01/12/2022	MOTORCRAFT	FORD MOTOR COMPANY	No



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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 18-00845	08/18/2018	10/15/2026	FORD and Design (FORD in Oval)	FORD MOTOR COMPANY	No
TMK 18-00846	08/18/2018	11/30/2027	FORD IN SCRIPT (Stylized)	FORD MOTOR COMPANY	No
TMK 18-00847	08/19/2018	11/19/2027	DESIGN ONLY (BIC Boy)	BIC CORPORATION	No
TMK 18-00848	08/19/2018	10/13/2023	DESIGN ONLY (SPEEDING CAR DE-VICE)	FORD MOTOR COMPANY	No
TMK 18-00849	08/19/2018	08/25/2024	DREAMWEAR	Dreamwear, Inc.	No
TMK 18-00850	08/19/2018	10/24/2028	VM5 Lighting Solutions and Design	VM5 Lighting Solutions	No
TMK 18-00851	08/19/2018	02/20/2022	D-BOL	Samson Distributing Inc.	No
TMK 18-00852	08/19/2018	11/26/2024	ROTIFORM	MOBILE HI-TECH WHEELS	No
TMK 18-00853	08/19/2018	12/27/2026	W WANHO and Design	Wanho Manufacturing, LLC	No
TMK 18-00854	08/19/2018	12/27/2026	WANHO	Wanho Manufacturing, LLC	No
TMK 18-00855	08/19/2018	04/02/2021	HUSKY	HUSKY LINERS, INC.	No
TMK 18-00856	08/19/2018	03/03/2022	HUSKY LINERS	HUSKY LINERS, INC.	No
TMK 18-00857	08/19/2018	02/15/2027	RETRAX	Retrax Holdings, LLC	No
TMK 18-00858	08/20/2018	06/23/2023	DESIGN ONLY (SPEEDING CAR DE-VICE)	FORD MOTOR COMPANY	No
TMK 18-00859	08/20/2018	10/02/2023	AMEREX	Amerex Corporation	No
TMK 18-00860	08/20/2018	10/03/2024	Amerex Corp. and Design	Amerex Corporation	No
TMK 18-00861	08/20/2018	08/17/2021	AMEREX DEFENSE	Amerex Corporation	No
TMK 18-00862	08/20/2018	12/03/2023	MR. SWIM	MR.SWIM LLC	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 18-00863	08/20/2018	04/09/2028	PRO ATHLETE	AJ Facts Inc.	No
TMK 18-00864	08/21/2018	04/30/2028	LENOVO	Lenovo (Beijing) Limited	No
TMK 18-00865	08/22/2018	12/15/2025	VIE + RICHE & Design	MONTANA, FAUSTO RUIZ, ABIEL	No
TMK 18-00866	08/22/2018	05/12/2028	NY JETS and (oval Design)	New York Jets LLC	No
TMK 18-00867	08/22/2018	06/29/2026	DESIGN ONLY (FULLIPS LIPS)	FULLIPS, LLC	No
TMK 18-00868	08/22/2018	11/14/2028	AMZ	Shaver, William	No
TMK 18-00869	08/23/2018	11/07/2028	NICK HASELGROVE WINES	Haselgrove, Nicholas James TA Nick Haselgrove Wines	No
TMK 18-00870	08/23/2018	04/23/2028	REVENGE X STORM	REVENGE X STORM, LLC	No
TMK 18-00871	08/25/2018	09/17/2028	THE LEGEND OF ZELDA: OCARINA OF TIME	Nintendo of America Inc.	No
TMK 18-00872	08/25/2018	01/27/2026	GAS MONKEY GARAGE, BLOOD SWEAT AND BEERS	Gas Monkey Holdings, LLC	No
TMK 18-00873	08/25/2018	05/07/2027	"GAS MONKEY GARAGE BLOOD, SWEAT AND BEERS! & Design"	Gas Monkey Holdings, LLC	No
TMK 18-00874	08/25/2018	03/11/2027	DESIGN ONLY (Wusthof Trident)	ED. WUSTHOF DREIZACKWERK KG	No
TMK 18-00875	08/25/2018	09/06/2021	Wusthof (Stylized)	ED. WUSTHOF DREIZACKWERK KG	No
TMK 18-00876	08/25/2018	01/30/2028	DESIGN ONLY (Trident in Cirele)	ED. WUSTHOF DREIZACKWERK KG	No
TMK 18-00877	08/29/2018	01/08/2024	DESIGN ONLY (Megared Gelburst)	RECKITT BENCKISER LLC	No
TMK 18-00878	08/29/2018	08/20/2024	GAS MONKEY GARAGE	Gas Monkey Holdings, LLC	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 18-00879	08/29/2018	06/29/2024	DESIGN ONLY (Chinese Characters for Smiling Baby)	HANGZHOU WAHAHA GROUP CO., LTD.	No
TMK 18-00880	08/29/2018	05/28/2025	WAHAHA & Design	HANGZHOU WAHAHA GROUP CO., LTD.	No
TMK 18-00881	08/29/2018	09/26/2028	OLE SMOKY TENNESSEE MOON-SHINE and Design	Ole Smoky Distillery, LLC	No
TMK 18-00882	08/29/2018	09/26/2028	OLE SMOKY TENNESSEE MOON-SHINE & Design	Ole Smoky Distillery, LLC	No
TMK 18-00883	08/29/2018	12/13/2026	GAS MONKEY GARAGE	Gas Monkey Holdings, LLC	No
TMK 18-00884	08/29/2018	10/26/2026	GAS MONKEY GARAGE	Gas Monkey Holdings, LLC	No
TMK 18-00885	08/29/2018	06/18/2024	CHAMPION	SUNSHINE RAISIN CORPORATION DBA NATIONAL RAISIN CO.	No
TMK 18-00886	08/29/2018	06/14/2027	CHAMPION	Sunshine Raisin Corporation DBA National Raisin Co.	No
TMK 18-00887	08/29/2018	01/24/2028	WEDDING BARREL	THOUSAND OAKS BARREL CO., LLC	No
TMK 88-00528	08/25/2018	09/28/2028	THE LEGEND OF ZELDA	NINTENDO OF AMERICA INC.	No
TMK 89-00609	08/22/2018	03/29/2028	FIREBIRD	GENERAL MOTORS LLC	No
TMK 89-00614	08/22/2018	09/07/2028	Corvette C4 Emblem	GENERAL MOTORS LLC	No
TMK 97-00466	08/04/2018	08/03/2028	TNT	AMERICAN PROMOTIONAL EVENTS, INC.	No
TMK 99-00209	08/25/2018	10/28/2028	STUSSY	STUSSY, INC.	No
TMK 99-00524	08/25/2018	08/07/2028	REDSKINS	PRO-FOOTBALL, INC.	No

**CBP IPR RECORDATION — AUGUST 2018**

<b>Recordation No.</b>	<b>Effective Date</b>	<b>Expiration Date</b>	<b>Name of Cop/Tmk/Tnm</b>	<b>Owner Name</b>	<b>GM Restricted</b>
TMK 99-00581	08/08/2018	10/14/2028	CAT and Design	Caterpillar Inc.	No

**AGENCY INFORMATION COLLECTION ACTIVITIES:****Application for Foreign-Trade Zone Admission and/or Status Designation, and Application for Foreign-Trade Zone Activity Permit**

**AGENCY:** U.S. Customs and Border Protection (CBP), Department of Homeland Security.

**ACTION:** 30-Day notice and request for comments; extension of an existing collection of information.

**SUMMARY:** The Department of Homeland Security, U.S. Customs and Border Protection will be submitting 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted no later than October 19, 2018 to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to [dhsdeskofficer@omb.eop.gov](mailto:dhsdeskofficer@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229-1177, Telephone number (202) 325-0056 or via email [CBP\\_PRA@cbp.dhs.gov](mailto:CBP_PRA@cbp.dhs.gov). Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP website at <https://www.cbp.gov/>.

**SUPPLEMENTARY INFORMATION:** CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (Volume 83 FR Page 23286) on May 18, 2018, 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

1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through 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. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

### Overview of This Information Collection

**Title:** Application for Foreign-Trade Zone Admission and/or Status Designation, and Application for Foreign-Trade Zone Activity Permit.

**OMB Number:** 1651-0029.

**Form Number:** 214, 214A, 214B, 214C, and 216.

**Current Actions:** Extension (without change).

**Type of Review:** CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to CBP Forms 214, 214A, 214B, 214C, and 216.

**Affected Public:** Businesses.

**Abstract:** Foreign trade zones (FTZs) are geographical enclaves located within the geographical limits of the United States but for tariff purposes are considered to be outside the United States. Imported merchandise may be brought into FTZs for storage, manipulation, manufacture or other processing and subsequent removal for exportation, consumption in the United States, or destruction. A company bringing goods into an FTZ has a choice of zone status (privileged/non-privileged foreign, domestic, or zone-restricted), which affects the way such goods are treated by Customs and Border Protection (CBP) and treated for tariff purposes upon entry into the customs territory of the U.S.

CBP Forms 214, 214A, 214B, and 214C, which make up the *Application for Foreign-Trade Zone Admission and/or Status Designation*, are used by companies that bring merchandise into an FTZ to register the admission of such merchandise into FTZs and to apply for the

appropriate zone status. CBP Form 216, *Foreign-Trade Zone Activity Permit*, is used by companies to request approval to manipulate, manufacture, exhibit, or destroy merchandise in an FTZ.

These FTZ forms are authorized by 19 U.S.C. 81 and provided for by 19 CFR 146.22, 146.32, 146.39, 146.40, 146.41, 146.44, 146.52, 146.53, and 146.66. These forms are accessible at: <http://www.cbp.gov/newsroom/publications/forms>.

*Form 214, Application for Foreign-Trade Zone Admission and/or Status Designation*

**Estimated Number of Respondents:** 6,749.

**Estimated Number of Annual Responses per Respondent:** 25.

**Estimated Total Annual Responses:** 168,725.

**Estimated Time per Response:** 15 minutes.

*Form 216, Application for Foreign-Trade Zone Activity Permit*

**Estimated Number of Respondents:** 2,500.

**Estimated Number of Annual Responses per Respondent:** 10.

**Estimated Total Annual Responses:** 25,000.

*Estimated Time per Response:* 10 minutes.

**Estimated Total Annual Burden Hours:** 4,167.

Dated: September 13, 2018.

SETH D. RENKEMA,  
*Branch Chief,*  
*Economic Impact Analysis Branch, U.S.*  
*Customs and Border Protection.*

[Published in the Federal Register, September 19, 2018 (83 FR 47345)]