

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY
19 CFR Part 12, 163, and 178

Dec. 13-10

RIN 1515-AD85

PROHIBITIONS AND CONDITIONS ON THE IMPORTATION AND EXPORTATION OF ROUGH DIAMONDS

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 set forth the prohibitions and conditions that are applicable to the importation and exportation of rough diamonds pursuant to the Clean Diamond Trade Act, as implemented by the President in Executive Order 13312 dated July 29, 2003, and the Rough Diamonds Control Regulations (RDCR) issued by the Office of Foreign Assets Control of the U.S. Department of the Treasury. In addition to restating pertinent provisions of the RDCR, the amendments clarify that any U.S. person exporting from, or importing to, the United States a shipment of rough diamonds must retain for a period of at least five years a copy of the Kimberley Process Certificate that currently must accompany such shipments and make the copy available for inspection when requested by CBP. The document also requires formal entry for shipments of rough diamonds.

DATES: Effective August 7, 2013.

FOR FURTHER INFORMATION CONTACT: Brian Barulich, Regulations and Rulings, Office of International Trade, (202) 325-0059.

SUPPLEMENTARY INFORMATION:

Background

I. Purpose

In response to the role played by the illicit trade in diamonds in fueling conflict and human rights violations in certain areas of the world, and to differentiate between the trade in conflict diamonds and the trade in legitimate diamonds, the United States and numerous other countries announced in the Interlaken Declaration of November 5, 2002, the launch of the Kimberley Process Certification Scheme (KPCS) for rough diamonds. Under the KPCS, participating countries prohibit the importation of rough diamonds from, or the exportation of rough diamonds to, a non-participant and require that shipments of rough diamonds from or to a participating country be controlled through the KPCS. The U.S. Secretary of State is responsible for providing an up-to-date listing of all participants in the KPCS. Swaziland was added to the list of participants in the KPCS and the addition was announced in the **Federal Register** (77 FR 27831) on May 11, 2012, and Cambodia, Cameroon, Kazakhstan, and Panama were added to the list of participants and announced in the **Federal Register** (78 FR 12135) on February 21, 2013.

II. Clean Diamond Trade Act and Executive Order

The Clean Diamond Trade Act (the Act), Public Law 108–19, 117 Stat. 631 (19 U.S.C. 3901 et seq.), was enacted on April 25, 2003. Section 4 of the Act requires the President, subject to certain waiver authorities, to prohibit the importation into, or exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the KPCS. Section 5(a) of the Act authorizes the President to issue such proclamations, regulations, licenses, and orders, and conduct such investigations, as may be necessary to carry out the Act. Section 5(b) of the Act sets forth the general recordkeeping requirements that apply to persons seeking to export from or import into the United States any rough diamonds. Section 5(b) specifically provides that any United States person seeking to export from or import into the United States any rough diamonds shall keep a full record of, in the form of reports or otherwise, complete information relating to any act or transaction to which any prohibition imposed under section 4(a) of the Act applies. Section 5(b) further provides that such person may be required to furnish such information under oath, including the production of books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person. In addition to CBP having the author-

ity to apply the customs laws to import violations of the Act, section 8 authorizes CBP and U.S. Immigration and Customs Enforcement (ICE), as appropriate, to assess penalties and enforce the export laws and regulations. *See also* 15 CFR 30.70. Therefore, pursuant to section 8, CBP may assess penalties for export recordkeeping violations. However, CBP notes that the penalties issued pursuant to section 19 U.S.C. 1509(g) for failure to comply with 19 U.S.C. 1509(a)(1)(A) do not apply to recordkeeping requirements for export documents.

On July 29, 2003, the President issued Executive Order 13312 (published in the **Federal Register** (68 FR 45151) on July 31, 2003) to implement the Act, effective for rough diamonds imported into, or exported from, the United States on or after July 30, 2003.

III. Existing Regulations and Requirements

CBP notes that persons importing into or exporting from the United States a shipment of rough diamonds must comply with the requirements of CBP, the Office of Foreign Assets Control (OFAC) of the Department of the Treasury (31 CFR part 592), and the U.S. Census Bureau (15 CFR part 30). Such persons should also be aware of any relevant Internet postings, guidance documents, or **Federal Register** notices issued by the U.S. Department of State. Also, it should be noted that ICE can take enforcement action on illegally imported and exported rough diamonds. *See* 19 U.S.C. 3907. Examples of the other government requirements are provided below. OFAC, acting pursuant to Executive Order 13312 and other authorities, published in the **Federal Register** (69 FR 56936) the Rough Diamonds Control Regulations (RDCR) (31 CFR part 592) on September 23, 2004. To be controlled through the KPCS, the RDCR require that all shipments of rough diamonds imported into, or exported from, the United States must be accompanied by an original Kimberley Process Certificate. *See* 31 CFR 592.301(a)(1). The RDCR also require that all importers and exporters of rough diamonds file an annual report with the U.S. Department of State regarding their import and/or export activity and stockpile information. *See* 31 CFR 592.502.

The U.S. Census Bureau issued notices on December 12, 2005, and April 3, 2007, respectively entitled “Notice of Request for Faxed Submission of Kimberley Process Certificates” and “Revised Notice of Request for Faxed Submission of Kimberley Process Certificates,” requiring importers, brokers, and parties involved in the export of rough diamonds to immediately fax their Kimberley Process Certificates (including voided certificates) to the U.S. Census Bureau upon clearance of their shipments into the commerce of the United States by CBP or upon export of their shipments from the United States, as applicable.

On August 15, 2012, CBP published a proposed rule in the **Federal Register** (77 FR 48918) proposing to amend title 19 of the Code of Federal Regulations (19 CFR) to restate pertinent provisions of the RDCR issued by OFAC. The document also proposed to make amendments to clarify that any U.S. person exporting from or importing into the United States a shipment of rough diamonds must retain for a period of at least five years a copy of the Kimberley Process Certificate that currently must accompany such shipments and make the copy available for inspection when requested by CBP. CBP solicited public comments on the proposed rule.

Discussion of Comments

Two commenters responded to the solicitation of public comments in the proposed rule. The comments are discussed below.

Comment:

One commenter applauded the purpose of the Clean Diamond Trade Act but stated that it has not been effective in helping people determine whether they are purchasing “blood” diamonds.

CBP Response:

The Clean Diamond Trade Act implements the Kimberley Process Certification Scheme (KPCS) for rough diamonds. The KPCS is a process, based on international cooperation and on the commitment of the entire supply chain, to prevent the importation, or exportation, of conflict diamonds. One purpose of this rulemaking is to make the Clean Diamond Trade Act as effective as possible.

Comment:

One commenter questioned the necessity of this proposed rule given the existing U.S. Census Bureau regulations (15 CFR part 30) and the OFAC regulations (31 CFR part 592) on rough diamonds, section 161.2 of the CBP regulations (19 CFR 161.2), the Clean Diamond Trade Act (19 U.S.C. 3901 et seq.), section 127.4 of the U.S. Department of State regulations (22 CFR 127.4), and section 758.7 of the U.S. Export Administration regulations (15 CFR 758.7). The commenter also noted two CBP rulings and asserted that through these rulings, CBP is instructing the public to mount rough diamonds to escape regulatory controls. Finally, the commenter requested information on the amount of time and money that was spent to develop the proposed rulemaking.

CBP Response:

While some of the proposed amendments restate the pertinent provisions of the RDCR and cross-reference other agency regulations related to rough diamonds (e.g., 15 CFR part 30), CBP has made substantive changes to its regulations through the other proposed amendments. For example, the proposed amendments clarify that

any U.S. person exporting from or importing into the United States a shipment of rough diamonds must retain for a period of at least five years a copy of the Kimberley Process Certificate that currently must accompany such shipments and make the copy available for inspection when requested by CBP. CBP also proposed to amend its current regulations to require formal entry for shipments of rough diamonds pursuant to the authority provided in 19 U.S.C. 1484 and 1498(a)(1)(B). The restatements of the other agency regulations and the cross-references are made for the convenience of the importing public who use the CBP regulations as a resource.

The particular existing regulations cited by the commenter do not affect the necessity of the amendments made in this document. Specifically, section 127.4 of title 22 of the CFR (22 CFR 127.4), is not directly related to the importation or exportation of rough diamonds as it relates to defense articles, technical data, or defense services; section 161.2 of title 19 of the CFR (19 CFR 161.2) states that CBP enforces the laws of some other government agencies and provides examples of those agencies; and the Department of Commerce regulation, section 758.7 of title 15 of the CFR (15 CFR 758.7), requires, in relevant part, that CBP take appropriate action to comply with the Export Administration Regulations.

CBP also disagrees with the commenter's description of CBP administrative rulings, New York Ruling Letter (NY) N018792 and Headquarters Ruling Letter (HQ) H173035. CBP notes that HQ H173035 modified NY N018792 and notification of the modification was published in the *Customs Bulletin*, Vol. 46, No. 46, on November 7, 2012 after a notice of the proposed action was published in the *Customs Bulletin*, Vol. 46, No. 13, on March 21, 2012. In its modified ruling, CBP clarified that jewelry set with tumbled diamonds imported from Zambia are not rough diamonds and therefore are not subject to the KPCS and are not prohibited from importation under the U.S. Clean Diamond Trade Act (19 U.S.C. 3901); however, CBP noted that loose tumbled diamonds from Zambia are not admissible into the United States because tumbled diamonds are considered rough and Zambia is not a member of the KPCS. Please note that rulings are binding on the ruling requester and are tailored to the specific facts and circumstances of the particular case at issue.

Conclusion

After review of the comments and further consideration, CBP has decided to adopt as final the proposed rule published in the **Federal Register** (77 FR 48918) on August 15, 2012.

Executive Order 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a “significant regulatory action,” under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed this regulation.

This rule increases CBP’s ability to verify whether importations or exportations of rough diamonds are in compliance with the KPCS. OFAC published the RDCR requiring the ultimate consignee to retain the original of the Kimberley Process Certificate. The amendments clarify that any U.S. person exporting from or importing into the United States a shipment of rough diamonds must retain a copy of the Kimberley Process Certificate for a period of five years and make this copy available for inspection at the request of CBP or face penalties pursuant to 19 U.S.C. 1509 or 3907. CBP believes the costs of retaining a copy of the Kimberley Process Certificate for five years and producing the copy to CBP upon request to be negligible.

Regulatory Flexibility Act

This section examines the impact of the rule on small entities as required by the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people).

CBP has considered the impact of this rule on small entities. As discussed in the NPRM, this rule clarifies that any U.S. person exporting from or importing into the United States a shipment of rough diamonds must retain a copy of the Kimberley Process Certificate for a period of five years and make this copy available for inspection at the request of CBP or face penalties, that may be greater than \$500 (in 1980 dollars), pursuant to 19 U.S.C. 1509 or 3907. CBP believes the costs of retaining a copy of the Kimberley Process Certificate for five years and providing the copy to CBP upon request to be negligible. Additionally, as discussed in the NPRM, CBP subject matter experts do not believe this rule will increase noncom-

pliance with the KPCS for small entities. During the comment period of the NPRM, CBP did not receive any comments that would amend these conclusions. Thus, CBP certifies that this rule will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

Under the Paperwork Reduction Act, an agency may not conduct or sponsor, and an individual is not required to respond to, a collection of information unless it displays a valid OMB control number. The collections of information contained in these regulations are provided for by OMB control number 1505–0198, to cover the requirements concerning CBP Form 7501, and by OMB control number 1651–0076, to cover the recordkeeping requirement.

Signing Authority

This document is being issued in accordance with § 0.1(a)(1) of the CBP Regulations (19 CFR 0.1(a)(1)) pertaining to the authority of the Secretary of the Treasury (or his/her delegate) to approve regulations related to certain customs revenue functions.

List of Subjects

19 CFR Part 12

Customs duties and inspection, Economic sanctions, Entry of merchandise, Foreign assets control, Exports, Imports, Prohibited merchandise, Reporting and recordkeeping requirements, Restricted merchandise, Sanctions.

19 CFR Part 163

Administrative practice and procedure, Customs duties and inspection, Exports, Imports, Penalties, Reporting and recordkeeping requirements.

19 CFR Part 178

Administrative practice and procedure, Imports, Reporting and recordkeeping requirement.

Amendments to the CPB Regulations

For the reasons set forth above, parts 12, 163, and 178 of title 19 of the Code of Federal Regulations (19 CFR parts 12, 163, and 178) are amended as set forth below.

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12, CBP regulations, continues, and a new specific authority citation for § 12.152 is added, 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.

* * * * *

Section 12.152 also issued under 19 U.S.C. 1484, 1498; the Clean Diamond Trade Act (Pub. L. 108–19, 117 Stat. 631 (19 U.S.C. 3901 et seq.)); Executive Order 13312 dated July 29, 2003.

2. Section 12.152 is added to read as follows:

§ 12.152 Prohibitions and conditions on the importation and exportation of rough diamonds.

(a) *General.* The Clean Diamond Trade Act (Pub. L. 108–19) requires the President, subject to certain waiver authorities, to prohibit the importation into, or exportation from, the United States, of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme. By Executive Order 13312 dated July 29, 2003, published in the **Federal Register** (68 FR 45151) on July 31, 2003, the President implemented the Clean Diamond Trade Act, effective for rough diamonds imported into, or exported from, the United States on or after July 30, 2003. Pursuant to Executive Order 13312 and other authorities, the Office of Foreign Assets Control (OFAC), Department of the Treasury, promulgated the Rough Diamonds Control Regulations (see 31 CFR part 592). Any persons importing into or exporting from the United States a shipment of rough diamonds must comply with the requirements of CBP, OFAC, and the U.S. Census Bureau (15 CFR part 30).

(b) *Definitions.* For purposes of this section, the following definitions apply:

(1) *Controlled through the Kimberley Process Certification Scheme.* “Controlled through the Kimberley Process Certification Scheme” means meeting the requirements set forth in 31 CFR 592.301;

(2) *Kimberley Process Certificate.* “Kimberley Process Certificate” means a forgery resistant document that meets the minimum requirements listed in Annex I of the Kimberley Process Certification Scheme, as well as the requirements listed in 31 CFR 592.307;

(3) *Rough diamond.* “Rough diamond” means any diamond that is unworked or simply sawn, cleaved, or bruted and classifiable under subheading 7102.10, 7102.21, or 7102.31 of the Harmonized Tariff Schedule of the United States;

(4) *United States*. “United States”, when used in the geographic sense, means the several states, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(5) *United States person*. “United States person” means:

(i) Any United States citizen or any alien admitted for permanent residence into the United States;

(ii) Any entity organized under the laws of the United States or any jurisdiction within the United States (including its foreign branches); and

(iii) Any person in the United States.

(c) *Original Kimberley Process Certificate*. A shipment of rough diamonds imported into, or exported from, the United States must be accompanied by an original Kimberley Process Certificate.

(d) *Formal Entry Required*. Formal entry is required when importing a shipment of rough diamonds. Formal entry procedures are prescribed in part 142 of this chapter.

(e) *Report of Kimberley Process Certificate Unique Identifying Number*. Customs brokers, importers, and filers making entry of a shipment of rough diamonds must either submit through CBP’s Automated Broker Interface (ABI) system the unique identifying number of the Kimberley Process Certificate accompanying the shipment or, for non-ABI entries, indicate the certificate number on the CBP Form 7501, Entry Summary, on each applicable line item.

(f) *Maintenance of Kimberley Process Certificate* —(1) *Ultimate consignee*. The ultimate consignee identified on the CBP Form 7501, Entry Summary, or its electronic equivalent filed with CBP in connection with an importation of rough diamonds must retain the original Kimberley Process Certificate for a period of at least five years from the date of importation and must make the certificate available for examination at the request of CBP.

(2) *Importer*. The U.S. person that imports into the United States a shipment of rough diamonds must retain a copy of the Kimberley Process Certificate accompanying the shipment for a period of at least five years from the date of importation and must make the copy available for examination at the request of CBP.

(3) *Exporter*. The U.S. person that exports from the United States a shipment of rough diamonds must retain a copy of the Kimberley Process Certificate accompanying the shipment for a period of at least five years from the date of exportation and must make the copy available for examination at the request of CBP.

PART 163—RECORDKEEPING

■ 3. The specific authority citation for part 163 is revised and the general authority citation continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1484, 1508, 1509, 1510, 1624.

* * * * *

Section 163.2 also issued under 19 U.S.C. 3904, 3907.

* * * * *

■ 4. In § 163.2, paragraph (c) is revised to read as follows:

* * * * *

§ 163.2 Persons required to maintain records.

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(c) *Recordkeeping required for certain exporters* —(1) *NAFTA*. Any person who exports goods to Canada or Mexico for which a Certificate of Origin was completed and signed pursuant to the North American Free Trade Agreement must also maintain records in accordance with part 181 of this chapter.

(2) *Kimberley Process Certification Scheme*. Any U.S. person (see definition in § 12.152(b)(5)) who exports from the United States any rough diamonds must retain a copy of the Kimberley Process Certificate accompanying each shipment for a period of at least five years from the date of exportation. See 19 CFR 12.152(f)(3). Any U.S. person who exports from the United States any rough diamonds and does not keep records in this time frame may be subject to penalties under 19 U.S.C. 3907.

■ 5. The Appendix to part 163 is amended by adding a new listing under section IV in numerical order to read as follows:

Appendix to Part 163—Interim (a)(1)(A) List

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IV. * * *

§ 12.152 Kimberley Process Certificate for rough diamonds.

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**PART 178—APPROVAL OF INFORMATION COLLECTION
REQUIREMENTS**

- 6. The authority citation for part 178 continues to read as follows:

Authority : 5 U.S.C. 301; 19 U.S.C. 1624, 44 U.S.C. 3501 et seq.

- 7. Section 178.2 is amended by adding a new listing to the table in numerical order to read as follows:

§ 178.2 Listing of OMB control numbers.

19 CFR Section	Description	OMB Control No.
* * * *	*	*
§ 12.152 ...	Certificate and record- keeping re- quirements for the entry of rough diamonds.	1505–0198 and 1651–0076
* * * *	*	*

THOMAS S. WINKOWSKI,
*Deputy Commissioner, Performing the duties
of the Commissioner of U.S.,
Customs and Border Protection.*

Dated: June 28, 2013.

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

[Published in the Federal Register, July 8, 2013 (78 FR 40627)]

**DEPARTMENT OF THE TREASURY
19 CFR Part 12**

CBP Dec. 13–12

RIN 1515–AD82

**INADMISSIBILITY OF CONSUMER PRODUCTS AND
INDUSTRIAL EQUIPMENT NONCOMPLIANT WITH
APPLICABLE ENERGY CONSERVATION OR LABELING
STANDARDS**

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

ACTION: Final rule.

SUMMARY: This document adopts as a final rule, with changes, proposed amendments to the U.S. Customs and Border Protection (CBP) regulations that provide that CBP will refuse admission into the customs territory of the United States to consumer products and industrial equipment found to be noncompliant with energy conservation and labeling standards pursuant to the Energy Policy and Conservation Act of 1975 (EPCA) and its implementing regulations. The final rule further provides that, upon written or electronic notice from the Department of Energy (DOE) or the Federal Trade Commission (FTC), CBP may conditionally release under bond to the importer such noncompliant products or equipment for purposes of reconditioning, re-labeling, or other action so as to bring the subject product or equipment into compliance. This regulation implements the mandate of the EPCA, as amended.

DATES: Effective August 5, 2013.

FOR FURTHER INFORMATION CONTACT: Virginia H. McPherson, Trade Processes, Trade Policy and Programs, Office of International Trade, (202) 863-6563; William R. Scopa, Partner Government Agencies, Office of International Trade, (202) 863-6544.

SUPPLEMENTARY INFORMATION:

Background

Title III, Part B of the Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94-163 (42 U.S.C. 6291-6309), as amended, established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering most major household appliances. Similarly, Title III, Part C of the EPCA, (42 U.S.C. 6311-6317) as amended, added by Public Law 95-619, Title IV, section 441(a), established the Energy Conservation Program for Certain Industrial Equipment, a program covering industrial equipment.

Section 6302(a) of title 42 of the United States Code (42 U.S.C. 6302(a)), and its implementing regulations, prescribe the specific energy conservation and labeling standards applicable to manufacturers and, in some instances, private labelers, distributors, and retailers. Sections 6301 and 6316 of title 42 of the United States Code (42 U.S.C. 6301 and 6316) require the Secretary of the Treasury to issue regulations refusing admission into the customs territory of the United States to covered products or covered equipment offered for importation in violation of 42 U.S.C. 6302. The statute also provides the Secretary with the discretion to authorize the importation of covered products or covered industrial equipment under terms and

conditions (including the furnishing of a bond) that ensure that the merchandise will not violate 42 U.S.C. 6302.

On March 26, 2012, U.S. Customs and Border Protection (CBP) published in the **Federal Register** (77 FR 17364) a proposal to amend part 12 of title 19 of the Code of Federal Regulations (19 CFR Part 12) by adding a new § 12.50, which provides that CBP will refuse admission into the customs territory of the United States to imports of products or equipment covered by the EPCA and its implementing regulations, for which CBP has received a written determination of noncompliance with 42 U.S.C. 6302 from the Department of Energy (DOE) or the Federal Trade Commission (FTC), as applicable.

This proposed regulation's goal was to implement the mandate of the EPCA to refuse admission into the United States of certain consumer products and industrial equipment that do not meet applicable labeling or energy conservation requirements.

Proposed § 12.50 was drafted to be consistent with § 429.5(b) of title 10 of the Code of Federal Regulations (10 CFR 429.5(b)), which is a DOE regulation that further notifies the importing public that any covered product or equipment offered for importation that does not meet the applicable energy conservation standards set forth in 42 U.S.C. 6291–6317 will be refused admission into the customs territory of the United States under CBP issued regulations.

CBP solicited comments on the proposed rulemaking.

Discussion of Comments

Eight commenters responded to the solicitation of public comment. A description of the comments received, together with CBP's analyses, is set forth below.

Comment:

One commenter recommends that

U.S. government agencies provide training to importers on purchasing goods and industrial equipment that meet relevant applicable energy conservation and labeling admissibility standards.

CBP Response:

CBP agrees that importers should be aware of the EPCA requirements applicable to their respective products and equipment and exercise reasonable care in the importation thereof. While it is not within CBP's purview to provide such training, we note that there is extensive information on EPCA requirements at the Department of Energy Web site http://www1.eere.energy.gov/buildings/appliance_standards. DOE has provided training regarding DOE's appliance standards regulatory program to groups of manufacturers through manufacturing trade associations and will provide training upon request. Trade groups may request EPCA compliance training

by contacting DOE at *energyefficiency enforcement@hq.doe.gov*.

Comment:

Two commenters are of the view that the 30-day conditional release period is not long enough for an importer to bring non-compliant merchandise into compliance with 42 U.S.C. 6302 and its implementing regulations.

CBP Response:

Non-compliant covered products and equipment that DOE or FTC deems to be in violation of 42 U.S.C. 6302 will be refused admission, unless DOE or FTC recommends release to the importer's premises to bring such products and equipment into compliance in which case CBP may conditionally release such products for such purpose. 77 FR 17365. In addition, as noted in § 12.50(d), conditionally released covered imports are subject to the jurisdiction of DOE and/or FTC. Paragraph (d)(2) of this section provides that the conditional release period may be extended if CBP receives, within the initial 30-day conditional release period or any subsequent authorized extension thereof, a written or electronic recommendation from DOE or FTC stating the reason for a further extension and the anticipated length of the extension.

Comment:

One commenter expresses concern that administering the proposed rule would be overly burdensome on CBP and detract from the agency's other responsibilities under its mission.

CBP's Response:

As part of CBP's mission, CBP assists other government agencies in enforcing their regulatory requirements on imports and exports. CBP's administrative obligations under the rule will not cause an undue burden on CBP's resources or importers, in part because CBP will have access to substantive advice provided by DOE or FTC.

Comment:

One commenter is of the view that the proposed rule fails to comply with the statutory requirement to ensure that non-compliant covered products and equipment are refused admission into the customs territory of the United States, noting that section 331 of the EPCA requires implementation of an affirmative program to ensure at the time that a covered product or equipment is proposed for importation that the goods meet the applicable efficiency standards and labeling requirements. Specifically, the commenter views the proposed rule as arbitrary and capricious because it evades CBP's nondiscretionary statutory responsibility to refuse admission to noncompliant products or equipment by relying on DOE and FTC's discretionary authority to identify products and equipment as noncompliant. The commenter

notes that even if those agencies had the resources to identify non-compliant products and equipment, the statute does not require them to do so. The commenter maintains that the proposed rule also fails to impose measures appropriate to ensure that such products and equipment will come into compliance or be exported or abandoned to the United States.

CBP Response:

CBP disagrees with the commenter's argument that the proposal did not meet its obligation under the statute. The proposed rule does set forth a regulatory scheme whereby CBP will refuse admission to covered products and equipment that do not comply with the EPCA.

Nevertheless, in an effort to clarify the procedures by which a refusal of admission may take place, this document adds language in the final rule to 19 CFR 12.50(b) that states that CBP may make a finding on its own that a covered product or equipment is noncompliant without having received a prior written noncompliance notice from DOE or FTC. In these situations, CBP will confer with DOE or FTC, as applicable, as to disposition of the product or equipment.

Comment:

One commenter states that CBP cannot reasonably rely exclusively on DOE or FTC to identify and notify CBP of noncompliant products and equipment. The commenter further states that under 42 U.S.C. 6305, a citizen may establish that products are noncompliant by bringing a citizen's suit and yet, pursuant to the proposed rule, CBP would not refuse admission to such products and equipment under these circumstances.

CBP Response:

As noted above, CBP is adding language in § 12.50(b) to include a statement indicating that CBP will refuse admission to a covered product or equipment found to be noncompliant with the EPCA even if DOE or FTC has not issued a determination of noncompliance for the good. Therefore, the agency's reliance on DOE and FTC is not exclusive.

Comment:

One commenter maintains that the proposed rule's requirement that DOE and FTC not only name the regulated party that is in violation but also describe the product or equipment in sufficient detail to enable CBP to identify noncompliant covered articles has not been adequately explained and could pose an irrational bar to enforcement.

CBP Response:

CBP does not agree that this requirement will preclude meaningful enforcement. CBP notes, for example, that DOE's current notices of

noncompliance already typically provide far more information than simply the name of the regulated party that is in violation. DOE has access to CBP entry information, which includes parties involved in the importation of products regulated by DOE, and which DOE can compare to information in its DOE Compliance and Certification Management System.

Comment:

One commenter suggests that CBP must require importers to provide proof of compliance or other information sufficient to enable the use of existing DOE and FTC resources to identify noncompliant products and facilitate their return to CBP. CBP should create a system that is linked with the DOE Compliance and Certification Management System database and require that importers identify their proposed import as in compliance with applicable standards and labeling requirements and certified as such in the database.

CBP Response:

CBP acknowledges that linked automated systems would facilitate enforcement of the statute. In this regard, it is noted that CBP is actively participating in the development of automated systems in which participating government agencies, including DOE, can share data in order to facilitate cargo processing and enhance supply chain security.

Comment:

One commenter expressed approval of the proposed rulemaking, noting that it puts everyone on a level playing field.

CBP Response:

CBP agrees.

Comment:

One commenter suggests that CBP amend the proposed rule to include an exception for products and equipment intended for export only or transshipment.

CBP Response:

As noted above, the provisions of 42 U.S.C. 6301 empower the Secretary of the Treasury to authorize the importation of such covered products and equipment upon such terms and conditions (including the furnishing of a bond) as may appear to him appropriate to ensure that such covered products and equipment will not violate section 6302 of this title. CBP agrees that imported products and equipment not entered for consumption should be excluded from the definition of “covered import.” For example, products and equipment may be entered into customs bonded warehouses and withdrawn for exportation (*see* 19 U.S.C. 1557), admitted into Foreign Trade Zones

and then transferred for exportation in zone-restricted status (*see* 19 U.S.C. 81c), or entered for transportation and exportation under bond (*see* 19 U.S.C. 1553). Therefore, CBP is including language in the final rule in § 12.50(a) to clarify that “covered imports” means those products and equipment for which an entry for consumption has been filed, including those products and equipment withdrawn from warehouse for consumption or foreign merchandise entered for consumption from a foreign trade zone.

Conclusion

After analysis of the comments and further review of the matter, CBP has determined to adopt as final, with the changes noted above in §§ 12.50(a) and (b) (19 CFR 12.50(a) and (b)), the proposed rule published in the **Federal Register** (77 FR 17364) on March 26, 2012. This final rule also includes non-substantive editorial changes which consist of: A merging of proposed paragraphs (b) and (c) to clarify the fact that CBP’s “action” is a “refusal of admission”; a newly redesignated paragraph (c) which sets forth the manner by which DOE or FTC will notify CBP about noncompliant products and equipment; inclusion of a reference to the relevant statutory authority in the definition of “noncompliant covered import” in 19 CFR 12.50(a); and a removal of the reference to “paragraph (b)” in 19 CFR 12.50(d)(1)(i) to clarify that CBP’s refusal of admission as used in this context pertains to conditional release. Lastly, this document amends proposed 19 CFR 12.50(d)(2) to reflect that an importer may request an extension of the conditional release period from DOE or FTC if made within the initial 30-day conditional release period or any subsequent authorized extension thereof. CBP may permit an extension of the conditional release period if it receives a written or electronic recommendation to that effect from DOE or FTC. If the noncompliant covered import is not timely brought into compliance, and DOE or FTC has not recommended an extension of the conditional release period, CBP will issue a refusal of admission notice to the importer and demand the redelivery of the specified covered product to CBP custody.

Executive Order 12866

Executive Orders 13563 and 12866 direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a “significant regulatory action.”

The Regulatory Flexibility Act

This section examines the impact of the rule on small entities as required by the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people).

This rule establishes a procedure whereby CBP will refuse admission into the customs territory of the United States to consumer products and industrial equipment deemed noncompliant with the EPCA and its implementing regulations. Upon written or electronic notice by DOE or FTC, CBP may conditionally release under bond to the importer such noncompliant products or equipment for purposes of reconditioning, re-labeling, or other action so that they may be brought into compliance with applicable energy conservation and labeling standards.

DOE has identified only a small number of businesses importing noncompliant articles, of which fewer than five were small entities. When notified of their noncompliance, each of these businesses ceased importation of these articles. Given the small number of small entities identified by DOE as having been noncompliant and that the law prohibiting the importation of these noncompliant articles within the United States was enacted in 1975, CBP does not anticipate a significant number of small entities attempting to import articles which violate 42 U.S.C 6302 and its implementing regulations. If a small entity does import an article in violation of 42 U.S.C 6302 and its implementing regulations, the small entity can request DOE or FTC to allow CBP to grant the imported article a conditional release. CBP believes the cost associated with this conditional release to be negligible because this request is virtually costless to the small entity and the importer is already required to maintain a CBP basic importation and entry bond.

No comments were submitted regarding this assessment. Accordingly, based on the above analysis, CBP certifies that this rule will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

As there is no collection of information proposed in this document, the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) are inapplicable.

Signing Authority

This document is being issued in accordance with 19 CFR 0.1(a)(1) of the CBP regulations (19 CFR 0.1(a)(1)) pertaining to the authority of the Secretary of the Treasury (or his or her delegate) to approve regulations related to certain customs revenue functions.

List of Subjects in 19 CFR Part 12

Customs duties and inspection, Electronic products, Entry of merchandise, Imports, Prohibited merchandise, Reporting and record-keeping requirements, Restricted merchandise.

Amendments to the CBP Regulations

For the reasons stated 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 continues to read as follows and the specific authority citation is revised 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;

* * * * *

Section 12.50 also issued under 42 U.S.C. 6301;

* * * * *

■ 2. A center heading and § 12.50 are added to read as follows:

Consumer Products and Industrial Equipment Subject to Energy Conservation or Labeling Standards

§ 12.50 Consumer products and industrial equipment subject to energy conservation or labeling standards.

(a) *Definitions.* For purposes of this section, the following terms have the meanings indicated:

Covered import. The term “covered import” means a consumer product or industrial equipment that is classified by the Department of Energy as covered by an applicable energy conservation standard, or by the Federal Trade Commission as covered by an applicable energy labeling standard, pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6291–6317), and for which an entry for consumption has been filed, including products and equip-

ment withdrawn from warehouse for consumption or foreign merchandise entered for consumption from a foreign trade zone.

DOE. The term “DOE” means the Department of Energy.

Energy conservation standard. The term “energy conservation standard” means any standard meeting the definitions of that term in 42 U.S.C. 6291(6) or 42 U.S.C. 6311(18).

FTC. The term “FTC” means the Federal Trade Commission.

Noncompliant covered import. The term “noncompliant covered import” means a covered import determined to be in violation of 42 U.S.C. 6302 or 42 U.S.C. 6316 as not in compliance with applicable energy conservation or energy labeling standards.

(b) *CBP action; refusal of admission.* CBP will refuse admission into the customs territory of the United States to any covered import found to be noncompliant with applicable energy conservation or energy labeling standards. If DOE or FTC notifies CBP that a covered import does not comply with an applicable energy conservation or energy labeling standard, CBP will refuse admission to the covered import, or pursuant to paragraph (d) of this section, CBP may allow conditional release of the covered import so that it may be brought into compliance. CBP may make a finding that a covered import is noncompliant without having received a prior written noncompliance notice from DOE or FTC. In such a situation, CBP will confer with DOE or FTC, as applicable, as to disposition of the import.

(c) *DOE or FTC notice.* Upon a determination that a covered import is not in compliance with applicable energy conservation or labeling standards, DOE or FTC, as applicable, will provide CBP with a written or electronic notice that identifies the importer and contains a description of the noncompliant covered import that is sufficient to enable CBP to identify the subject merchandise and refuse admission thereof into the customs territory of the United States.

(d) *Conditional release.* In lieu of immediate refusal of admission into the customs territory of the United States, CBP, pursuant to a written or electronic recommendation from DOE or FTC, may permit the release of a noncompliant covered import to the importer of record for purposes of reconditioning, re-labeling, or other modification. The release from CBP custody of any such covered import will be deemed conditional and subject to the bond conditions set forth in § 113.62 of this chapter. Conditionally released covered imports are subject to the jurisdiction of DOE and/or FTC.

(1) *Duration.* Unless extended in accordance with paragraph (d)(2) of this section, the conditional release period will terminate upon the earliest occurring of the following events:

(i) The date CBP issues a notice of refusal of admission to the importer;

(ii) The date DOE or FTC issues a notice to CBP stating that the covered import is in compliance and may proceed; or

(iii) At the conclusion of the 30-day period following the date of release.

(2) *Extension.* An importer may request an extension of the conditional release period from DOE or FTC if made within the initial 30-day conditional release period or any subsequent authorized extension thereof. CBP may permit an extension of the conditional release period if recommended electronically or in writing, by DOE or FTC.

(3) *Issuance of redelivery notice and demand for redelivery.* If DOE or FTC notifies CBP in writing or electronically that noncompliant covered imports have not timely been brought into compliance, CBP will issue a refusal of admission notice to the importer and, in addition, CBP will demand the redelivery of the specified covered import to CBP custody. The demand for redelivery may be made concurrently with the notice of refusal of admission.

(4) *Liquidated damages.* A failure to comply with a demand for redelivery made under this paragraph (d) will result in the assessment of liquidated damages equal to three times the value of the covered product. Value as used in this provision means value as determined under 19 U.S.C. 1401a.

THOMAS S. WINKOWSKI,
*Deputy Commissioner of CBP, Performing the
Duties of the Commissioner of CBP.*

Dated: July 1, 2013.

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

[Published in the Federal Register, July, 5 2013 (78 FR 40388)]

DEPARTMENT OF THE TREASURY
19 CFR Part 111
CUSTOMS BROKERS

CFR Correction

In Title 19 of the Code of Federal Regulations, Parts 0 to 140, revised as of April 1, 2013, on page 684, in § 111.13, in paragraph (b), reinstate the second sentence to read as follows:

§ 111.13 Written examination for individual license.

* * * * *

(b) * * * Written examinations will be given on the first Monday in April and October unless the regularly scheduled examination date conflicts with a national holiday, religious observance, or other foreseeable event and the agency publishes in the **Federal Register** an appropriate notice of a change in the examination date. * * *

* * * * *

[Published in the Federal Register, July 10, 2013 (78 FR 41299)]



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

(No. 6 2013)

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 June 2013. The last notice was published in the CUSTOMS BULLETIN on June 26, 2013.

Corrections or updates may be sent to: Intellectual Property Rights Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 799 9th Street, NW., 5th Floor, Washington, D.C. 20229–1177.

FOR FURTHER INFORMATION CONTACT: Delois Johnson, Paralegal, Intellectual Property Rights Branch, Regulations & Rulings, Office of International Trade, (202) 325–0088.

Dated: July 1, 2013

CBP IPR RECORDATION — JUNE 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 06-00305	6/6/2013	12/23/2013	TWISTED PLEASURE	CHURCH & DWIGHT CO., INC.	No
TMK 10-00656	6/6/2013	5/27/2018	M	MONSTER ENERGY COMPANY	No
TMK 06-00563	6/6/2013	6/3/2023	HOT LIPS TUBE SEALER	GE HEALTHCARE BIO-SCIENCES CORP.	No
TMK 06-00291	6/6/2013	8/17/2014	TROJAN-ENZ	CHURCH & DWIGHT CO., INC.	No
TMK 06-00304	6/6/2013	4/16/2016	MAGNUM	CHURCH & DWIGHT CO., INC.	No
TMK 06-00288	6/6/2013	4/13/2014	DESIGN OF THE HEAD OF A WARRIOR	CHURCH & DWIGHT CO., INC.	No
TMK 01-00556	6/17/2013	7/5/2023	STOLI	SPIRITS INTERNATIONAL B.V.	No
TMK 03-00846	6/20/2013	3/22/2023	PUMA WITH LEAPING CAT DESIGN	PUMA SE	No
TMK 04-00050	6/6/2013	4/12/2023	YKK	YKK CORPORATION	No
TMK 04-00074	6/6/2013	4/17/2023	BUBBLE	E. GLUCK CORPORATION	No
TMK 04-00199	6/6/2013	11/5/2016	MENTADENT	CHURCH & DWIGHT CO., INC.	No
TMK 04-00900	6/20/2013	3/22/2023	PUMA & DESIGN	PUMAAG RUDOLF DASSLER SPORT	No
TMK 04-00711	6/6/2013	4/26/2014	MENTADENT	CHURCH & DWIGHT CO., INC.	No
TMK 04-01102	6/13/2013	7/19/2023	HELMET DESIGN	CHICAGO BEARS FOOTBALL CLUB	No
TMK 04-00912	6/13/2013	6/22/2023	KINDERGUARD	SECURE CARE PRODUCTS, INC.	No
TMK 05-00120	6/13/2013	5/18/2023	RAIDERS AND SHIELD DESIGN	OAKLAND RAIDERS	No
TMK 05-00687	6/26/2013	3/31/2023	NEOSPORIN	JOHNSON & JOHNSON	No
TMK 07-00135	6/6/2013	5/27/2023	LINEAR	LINEAR TECHNOLOGY CORPORATION	No
TMK 07-00157	6/20/2013	9/21/2023	LTC	LINEAR TECHNOLOGY CORPORATION	No
TMK 07-00075	6/13/2013	5/20/2023	CHROME HEARTS AND DESIGN	CHROME HEARTS LLC	No

CBP IPR RECORDATION — JUNE 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-00615	6/17/2013	6/4/2022	L AND DESIGN	TOYOTA JIDOSHA KABUSHIKI KAISHA DBA TOYOTA MOTOR CORPORATION	No
TMK 13-00616	6/17/2013	6/24/2018	ZERO	BLUNT WRAP U.S.A., INC.	No
TMK 07-01073	6/13/2013	12/23/2023	IONCLEANSE	A MAJOR DIFFERENCE, INC.	No
TMK 08-00172	6/6/2013	5/13/2023	DESIGN (APPLE LOGO)	APPLE INC.	No
TMK 08-00584	6/6/2013	11/8/2016	CLOSE-UP	CHURCH & DWIGHT CO., INC.	No
TMK 08-00583	6/6/2013	3/8/2015	PEPSODENT	CHURCH & DWIGHT CO., INC.	No
TMK 08-01178	6/13/2013	4/15/2023	CHROME HEARTS PLUS A BANNER DESIGN	CHROME HEARTS LLC	No
TMK 09-00788	6/13/2013	3/18/2023	DESIGN (STYLIZED FIGURE OF A PER- SON IN MOTION)	IMMUNEX CORPORATION	No
TMK 10-00141	6/26/2013	6/22/2023	TYLENOL PM	THE TYLENOL COMPANY	No
TMK 10-00483	6/6/2013	4/14/2023	MARCAL	MARCAL PAPER MILLS, LLC	No
TMK 11-00161	6/26/2013	5/1/2023	DURALASH	ARDELL INTERNATIONAL INC.	No
TMK 11-00460	6/25/2013	7/13/2023	THE SIMPSONS	TWENTIETH CENTURY FOX FILM COR- PORATION	No
COP 11-00082	6/17/2013	6/17/2033	MONSTER ENERGY CAN ART (GREEN)	MONSTER ENERGY COMPANY	No
COP 11-00183	6/17/2013	6/17/2033	STYLIZED CLAW WITH JAGGED EDGES (ORIGINAL VERSION)	MONSTER ENERGY COMPANY	No
COP 13-00102	6/19/2013	6/19/2033	CARTOON 1969 CAMARO.	BRUCE A. SCHULTZ, 1956-	No

CBP IPR RECORDATION — JUNE 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
COP 13-00099	6/19/2013	6/19/2033	MUSCLE MACHINES 1966 FORD MUSTANG GT.	MAY CHEONG TOY PRODUCTS FAC-TORY LIMITED, KOWLOON, HONG KONG.	No
COP 13-00103	6/19/2013	6/19/2033	CARTOON 1966 MUSTANG GT	BRUCE A. SCHULTZ	No
COP 13-00100	6/19/2013	6/19/2033	MUSCLE MACHINES 1969 CHEVROLET CAMARO Z/28.	MAY CHEONG TOY PRODUCTS FAC-TORY LIMITED,	No
COP 13-00101	6/19/2013	6/19/2033	MUSCLE MACHINES ENGINE (1)	MAY CHEONG TOY PRODUCTS FAC-TORY LIMITED	No
TMK 13-00649	6/25/2013	11/8/2021	ATMOS RX	ATMOS NATION, LLC	No
TMK 13-00617	6/17/2013	2/26/2018	ELEGANT MOMENTS	ELEGANT MOMENTS, INC.	No
TMK 13-00594	6/13/2013	8/15/2016	ELEGANT MOMENTS	ELEGANT MOMENTS, INC.	No
TMK 13-00592	6/10/2013	12/12/2016	DESIGN	HOKTO KINOKO COMPANY	No
TMK 13-00591	6/10/2013	10/1/2014	O AND DESIGN	ORIENT WATCH COMPANY	No
TMK 13-00593	6/10/2013	3/19/2023	SNOW SYSTEMS	SNOW SYSTEMS	No
TMK 13-00628	6/17/2013	1/5/2023	FRESH LOOK	NOVARTIS AG	No
TMK 13-00588	6/6/2013	2/28/2016	LANY	SAM DAE ENTERPRISES, INC.	No
TMK 13-00589	6/6/2013	10/9/2017	HERO	WOODMAN LABS, INC.	No
TMK 13-00575	6/6/2013	11/13/2022	G WITH DESIGN	EMPIONEER CORP	No
TMK 13-00576	6/6/2013	10/30/2022	XHOSE	BLUE GENTIAN, LLC	No
TMK 13-00629	6/17/2013	6/28/2021	MEDIPURPOSE (STYLIZED)	MEDIPURPOSE PTE LTD.	No

CBP IPR RECORDATION — JUNE 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 13-00621	6/17/2013	5/7/2023	BRUCOM DEFENSIVE TRAINING WITH DESIGN	BRUCE R COMBS	No
TMK 13-00573	6/5/2013	9/27/2015	DESIGN	ADIDAS AG	No
TMK 13-00587	6/6/2013	8/14/2022	BRIAN LICHTENBERG	BRIAN LICHTENBERG LLC	No
TMK 13-00585	6/6/2013	7/5/2021	SAFYRAL	BAYER AKTIENGESELLSCHAFT	No
TMK 13-00579	6/6/2013	12/12/2016	DESIGN (MUSHROOM CHARACTER)	HOKTO KINOKO COMPANY	No
TMK 13-00577	6/6/2013	4/6/2014	ICLASS	HID GLOBAL CORPORATION	No
TMK 13-00586	6/6/2013	10/30/2022	MTNAPPROACH AND DESIGN	BACKCOUNTRY GARAGE, LLC	No
TMK 13-00578	6/6/2013	11/30/2014	MACHINE POUR NEUF MODE	D.M. MORRIS INC	No
TMK 13-00614	6/13/2013	12/12/2016	DESIGN OF A MUSHROOM CHARACTER	HOKTO KINOKO COMPANY	No
TMK 13-00590	6/10/2013	4/17/2017	ERBAVIVA	ERBAVIVA, INC.	No
TMK 13-00581	6/6/2013	4/24/2022	GADAVIST	BAYER SCHERING PHARMA AG	No
TMK 03-00710	6/13/2013	5/10/2023	TWENTIETH CENTURY-FOX	TWENTIETH CENTURY-FOX FILM CORP.	No
TMK 13-00613	6/13/2013	10/30/2022	NABI AND DESIGN	FUHU HOLDINGS, INC.	No
TMK 13-00583	6/6/2013	3/29/2021	BEYAZ	BAYER AKTIENGESELLSCHAFT	No
TMK 13-00612	6/13/2013	10/16/2017	CABSHA	ARCOR S.A.I.C.	No
TMK 13-00620	6/17/2013	10/30/2017	OPERA	BAGLEY ARGENTINA S.A.	No
TMK 13-00631	6/17/2013	11/6/2017	CRIOLLITAS	BAGLEY ARGENTINA S.A.	No

CBP IPR RECORDATION — JUNE 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-00608	6/13/2013	12/19/2016	DESIGN (MUSHROOM CHARACTER)	HOKTO KINOKO COMPANY	No
TMK 13-00609	6/13/2013	10/30/2022	NABI	FUHU HOLDINGS, INC.	No
TMK 13-00611	6/13/2013	2/20/2017	HOKTO AND DESIGN	HOKTO KINOKO COMPANY	No
TMK 13-00610	6/13/2013	12/18/2022	PREFIX SERIES	OTTER PRODUCTS, LLC	No
TMK 13-00607	6/13/2013	2/24/2018	ATRA	REYNOLDS PRESTO PRODUCTS INC.	No
TMK 13-00597	6/13/2013	1/22/2023	PURSUIT SERIES	OTTER PRODUCTS, LLC	No
TMK 13-00606	6/13/2013	12/5/2016	MUSHROOM CHARACTER DESIGN	HOKTO KINOKO COMPANY	No
TMK 13-00574	6/5/2013	7/19/2021	D 101 STYLIZED	EMPIONEER CORP	No
TMK 13-00604	6/13/2013	6/11/2023	OXIGEN	USA KW TRADING, INC.	No
TMK 13-00605	6/13/2013	10/13/2019	BE ONE	USA KW TRADING, INC.	No
TMK 13-00600	6/13/2013	6/2/2019	ARMOR SERIES	OTTER PRODUCTS LLC	No
TMK 13-00595	6/13/2013	8/28/2017	ELEGANT MOMENTS	ELEGANT MOMENTS, INC.	No
COP 13-00097	6/10/2013	6/10/2033	DEWDROP CRYSTALS	SAM DAE ENTERPRISES, INC.	No
TMK 13-00572	6/5/2013	9/3/2022	ROOT AND DESIGN	THE A. I. ROOT COMAPNY, INC.	No
TMK 13-00603	6/13/2013	5/7/2022	DESIGN ONLY	TOYOTA JIDOSHA KABUSHIKI KAISHA, DBA TOYOTA MOTOR CORPORATION	No
TMK 13-00584	6/6/2013	1/30/2023	VALENTINO	MARIO VALENTINO S.P.A.	No
TMK 13-00599	6/13/2013	9/30/2017	VW AND DESIGN	VOLKSWAGEN AKTIENGESELLSCHAFT	No
TMK 13-00598	6/13/2013	5/14/2023	ASHLEY-SLEEP	ASHLEY FURNITURE INDUSTRIES, INC.	No

CBP IPR RECORDATION — JUNE 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-00602	6/13/2013	10/19/2014	LIKE AN ANGEL	MINERVA TEXTILES, LTD.	No
TMK 13-00580	6/6/2013	3/22/2021	NATAZIA	BAYER SCHERING PHARMA AG	No
TMK 13-00635	6/19/2013	5/14/2023	KELSOFT TIME-ADE AND DESIGN	KELSOFT, INC.	No
TMK 13-00601	6/13/2013	12/8/2019	BUNAPI	HOKTO KINOKO COMPANY	No
TMK 13-00596	6/13/2013	3/14/2015	VW WITHIN A CIRCLE	VOLKSWAGEN AKTIENGESELLSCHAFT	No
TMK 13-00582	6/6/2013	4/16/2023	N'VIVE	JAQUELYNE PHAN	No
TMK 13-00634	6/19/2013	11/8/2021	DESIGN (RFID READER)	HID GLOBAL CORPORATION	No
TMK 13-00638	6/20/2013	2/16/2020	SPY	SPY OPTIC, INC.	No
TMK 13-00633	6/19/2013	3/6/2017	VDO	CONTINENTAL AUTOMOTIVE GMBH	No
TMK 13-00641	6/20/2013	6/18/2016	SPY	SPY OPTIC, INC.	No
COP 13-00104	6/20/2013	6/20/2033	LESMILLS COMBAT.	BEACHBODY, LLC.	No
TMK 13-00637	6/20/2013	3/24/2018	SCOOP	SPY OPTIC, INC.	No
TMK 13-00644	6/20/2013	5/12/2018	DESIGN (LATIN CROSS)	SPY OPTIC, INC.	No
TMK 13-00636	6/19/2013	10/2/2022	SPECTER	RAYTHEON CANADA LIMITED	No
COP 13-00106	6/25/2013	6/25/2033	WII U PREMIUM SET (JAPANESE HARDWARE PACKAGING)	NINTENDO OF AMERICA INC.	No
TMK 13-00646	6/20/2013	7/15/2018	DESIGN	SPY OPTIC, INC.	No
TMK 13-00647	6/20/2013	6/30/2019	SPYOPTIC	SPY OPTIC, INC.	No
TMK 13-00626	6/17/2013	6/11/2023	DYNASOL AND DESIGN	USA KW TRADING, INC.	No
TMK 13-00642	6/20/2013	3/13/2017	SPYOPTIC	SPY OPTIC, INC.	No

CBP IPR RECORDATION — JUNE 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 13-00630	6/17/2013	6/12/2022	SUPREME	CHAPTER 4 CORP DBA SUPREME	No
TMK 13-00657	6/25/2013	6/4/2023	ARCTIC AND DESIGN	OKANAGAN SPECIALTY FRUITS INC.	No
TMK 13-00640	6/20/2013	5/27/2018	DESIGN (CROSS)	SPY OPTIC, INC.	No
COP 13-00110	6/25/2013	6/25/2033	MARIO VS. DONKEY KONG: MINI-LAND MAYHEM : NOAM-4-9061.	NINTENDO OF AMERICA INC.,	No
TMK 13-00650	6/25/2013	4/15/2023	THE BLOB	SSP ACQUISITION, INC.	No
COP 13-00109	6/25/2013	6/25/2033	NINTENDO 3DS XL (US HARDWARE PACKAGING)	NINTENDO OF AMERICA INC.	No
COP 13-00107	6/25/2013	6/25/2033	WII U BASIC SET (US HARDWARE PACKAGING)	NINTENDO OF AMERICA INC.,	No
COP 13-00105	6/25/2013	6/25/2033	WII U DELUXE SET (US HARDWARE PACKAGING)	NINTENDO OF AMERICA INC.	No
COP 13-00098	6/19/2013	6/19/2033	CHRISTMAS TREE BOTANICAL WREATH.	MGR DESIGN INTERNATIONAL, INC.	No
TMK 03-00588	6/20/2013	3/22/2023	GOTTA GETTA GUND	ENESCO, LLC	No
TMK 13-00654	6/25/2013	5/21/2023	WATERBLOB	SSP ACQUISITION, INC.	No
TMK 13-00632	6/17/2013	11/13/2022	SUPREME	CHAPTER 4 CORP. DBA SUPREME	No
TMK 13-00655	6/25/2013	5/14/2023	WII U	NINTENDO OF AMERICA INC.	No
TMK 03-00786	6/20/2013	6/17/2023	POLO RALPH LAUREN BLUE	PRL USA HOLDINGS, INC.	No
TMK 13-00622	6/17/2013	2/12/2023	OX AND DESIGN	USA KW TRADING, INC.	No

CBP IPR RECORDATION — JUNE 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-00653	6/25/2013	5/14/2023	WII U AND DESIGN	NINTENDO OF AMERICA INC.	No
TMK 13-00648	6/25/2013	6/9/2022	VISHAY AND DESIGN	VISHAY INTERTECHNOLOGY, INC.	No
TMK 13-00663	6/27/2013	6/12/2023	TRAC II	THE GILLETTE COMPANY	No
TMK 13-00656	6/25/2013	5/7/2023	NES	NINTENDO OF AMERICA INC.	No
TMK 13-00618	6/17/2013	5/7/2023	KARACHI BAKERY	DECCAN FOODS LLC	No
TMK 13-00627	6/17/2013	7/12/2022	UPPER CRUST ENTERPRISES, INC	UPPERCRUST ENTERPRISES, INC.	No
TMK 13-00664	6/27/2013	5/28/2023	SPLITWEIGHT	KING OF FLEECE, LLC	No
TMK 13-00665	6/27/2013	10/16/2022	S	RUSSELL BRANDS, LLC	No
TMK 13-00659	6/20/2013	10/27/2019	SPY	SPY OPTIC, INC.	No
TMK 13-00623	6/17/2013	8/22/2016	PABLO ZANETTI AND DESIGN	USA KW TRADING, INC.	No
TMK 13-00645	6/20/2013	4/9/2023	SPY CROSSTOWN COLLECTION AND DESIGN	SPY OPTIC, INC.	No
COP 13-00108	6/25/2013	6/25/2033	SUPER MARIO GALAXY (US COMMERCIAL PACKAGING)	NINTENDO OF AMERICA INC.	No
TMK 13-00652	6/25/2013	11/12/2018	SPRAGUE	VISHAY INTERTECHNOLOGY, INC.	No
TMK 13-00661	6/26/2013	6/3/2023	DESIGN	RITE LITE, LTD.	No
TMK 13-00666	6/27/2013	6/24/2023	MONSTER POWER	MONSTER, INC.	No
TMK 13-00643	6/20/2013	5/28/2023	LUIGH'S MANSION	NINTENDO OF AMERICA INC.	No
TMK 13-00619	6/17/2013	1/23/2017	VDO	CONTINENTAL AUTOMOTIVE GMBH	No
TMK 13-00651	6/25/2013	5/14/2023	WII U	NINTENDO OF AMERICA INC.	No

CBP IPR RECORDATION — JUNE 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-00662	6/26/2013	11/20/2022	RESHMA	PEARL ENTERTAINMENT, INC.	No
TMK 13-00625	6/17/2013	6/4/2023	RAINBOW LOOM	CHEONG CHOON NG	No
TMK 13-00624	6/17/2013	5/28/2023	KUMAR	KUMAR & KUMAR INC.	No
TMK 13-00658	6/26/2013	5/20/2018	DESIGN	SPY OPTIC, INC.	No
TMK 13-00659	6/26/2013	9/22/2019	INSTANT-OFF	INSTANT-OFF, INC.	No
TMK 13-00660	6/26/2013	12/9/2018	LUBRIGYN	UNIDERM FARMACEUTICI S.R.L.	No
TMK 13-00667	6/27/2013	5/21/2023	DOUBLESIGHT	DOUBLESIGHT DISPLAYS, INC.	No

Total Records: 145

Date as of: 7/1/2013

