

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/478/Add.9/Corr.1
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MARKS OF ORIGIN

Submission of Laws and Regulations

UNITED STATES

The following communication, dated 2 September 1960, has been received from the Government of the United States:

"There has been no change in the United States legislation, rules and regulations concerning marks of origin as quoted in Parts II, III, and IV of GATT document L/478/Add.9 of 18 September 1956, except as follows:

1. An additional sentence has been added to Section 11.10, Customs Regulations, which provides that an exception from marking will not be allowed under Section 304(a) (3) (G), Tariff Act of 1930, as amended, if there is a reasonable method of marking an article which will not be obliterated, destroyed, or permanently concealed by the processing to which the article will be subjected in the United States.
2. Section 11.11(d), Customs Regulations, has been amended to authorize collectors of customs to cancel the liability for a violation of the marking requirements under certain circumstances provided the amount of liquidated damages involved does not exceed \$20,000 rather than \$1,500.

The amended Sections of the Customs Regulations now read as follows:

11.10 Exceptions to marking requirements

- (a) Articles within any specification in Section 304(a) (3), Tariff Act of 1930, as amended, are hereby excepted from the requirement of marking. The marking of the container of an article will reasonably indicate the origin of such article within the meaning of Section 304(a) (3) (D) if the article is imported (or repacked under Section 562, Tariff Act of 1930, as amended) in a container which will reach the ultimate purchaser in the United States unopened. An article which is to be processed in the United States by the importer or for his account shall not be considered to be within the specifications of Section 304(a) (3) (G) if there is a

reasonable method of marking which will not be obliterated, destroyed, or permanently concealed by such processing. The exceptions under Section 304(a) (3) (J) are set forth in T.D. 49690, T.D. 49835, T.D. 49896, and T.D. 54167.

- (b) The following articles and their containers are not subject to the marking requirements of Section 304, as amended, or paragraph 367 or 368, Tariff Act of 1930:
- (1) Articles entered or withdrawn from immediate exportation or for transportation and exportation;
 - (2) Products of American fisheries which are free of duty;
 - (3) Products of possessions of the United States;
 - (4) Products of the United States exported and returned;
 - (5) Articles exempt from duty under Section 8.3 or 9.6 of these regulations. (Sec. 304, 46 Stat. 687, as amended; 19 U.S.C. 1304.)

11.11

- (d) If a written application for relief is timely filed, such application, together with a full report of the facts, shall be transmitted to the Bureau for decision, except that in cases involving only marking under Section 304 of the Tariff Act, as amended, if the full amount of liquidated damages incurred for failure to redeliver does not exceed \$20,000, collectors of customs are hereby authorized to cancel the liability incurred without the collection of liquidated damages, provided the marking duty due under that Section of the Tariff Act has been deposited, and the collector is satisfied that the importer was not guilty of negligence or bad faith in permitting the not-properly-marked articles to be distributed, has been diligent in attempting to secure compliance with the marking requirements, and has attempted by all reasonable means to effect redelivery. (Secs. 304, 623, 46 Stat. 687, as amended, 759, as amended; 19 U.S.C. 1304, 1623.)"

