

**§ 133.53**

(3) Sale at public auction, if more than 90 days has passed since the forfeiture and Customs has determined that no need for the merchandise has been established under paragraph (c)(1) or (c)(2) of this section.

[T.D. 79-159, 44 FR 31969, June 4, 1969, as amended by T.D. 94-90, 59 FR 55997, Nov. 10, 1994; T.D. 97-91, 62 FR 61232, Nov. 17, 1997]

**§ 133.53 Refund of duty.**

If a violation of the trademark or copyright laws is not discovered until after entry and deposit of estimated duty, the entry shall be endorsed with an appropriate notation and the duty refunded as an erroneous collection upon exportation or destruction of the prohibited articles in accordance with § 158.41 or § 158.45 of this chapter.

[T.D. 72-266, 37 FR 20678, Oct. 3, 1972, as amended by T.D. 73-175, 38 FR 17447, July 2, 1973]

**PART 134—COUNTRY OF ORIGIN MARKING**

Sec.

134.0 Scope.

**Subpart A—General Provisions**

- 134.1 Definitions.
- 134.2 Additional duties.
- 134.3 Delivery withheld until marked and redelivery ordered.
- 134.4 Penalties for removal, defacement, or alteration of marking.

**Subpart B—Articles Subject to Marking**

- 134.11 Country of origin marking required.
- 134.12 Foreign articles reshipped from a U.S. possession.
- 134.13 Imported articles repacked or manipulated.
- 134.14 Articles usually combined.

**Subpart C—Marking of Containers or Holders**

- 134.21 Special marking.
- 134.22 General rules for marking of containers or holders.
- 134.23 Containers or holders designed for or capable of reuse.
- 134.24 Containers or holders not designed for or capable of reuse.
- 134.25 Containers or holders for repacked J-list articles and articles incapable of being marked.
- 134.26 Imported articles repacked or manipulated.

**19 CFR Ch. I (4-1-03 Edition)**

**Subpart D—Exceptions to Marking Requirements**

- 134.31 Requirements of other agencies.
- 134.32 General exceptions to marking requirements.
- 134.33 J-List exceptions.
- 134.34 Certain repacked articles.
- 134.35 Articles substantially changed by manufacture.
- 134.36 Inapplicability of marking exception for articles processed by importer.

**Subpart E—Method and Location of Marking Imported Articles**

- 134.41 Methods and manner of marking.
- 134.42 Specific method may be required.
- 134.43 Methods of marking specific articles.
- 134.44 Location and other acceptable methods of marking.
- 134.45 Approved markings of country name.
- 134.46 Marking when name of country or locality other than country of origin appears.
- 134.47 Souvenirs and articles marked with trademarks or trade names.

**Subpart F—Articles Found Not Legally Marked**

- 134.51 Procedure when importation found not legally marked.
- 134.52 Certificate of marking.
- 134.53 Examination packages.
- 134.54 Articles released from Customs custody.
- 134.55 Compensation of Customs officers and employees.

AUTHORITY: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 23, Harmonized Tariff Schedule of the United States), 1304, 1624.

SOURCE: T.D. 72-262, 37 FR 20318, Sept. 29, 1972, unless otherwise noted.

**§ 134.0 Scope.**

This part sets forth regulations implementing the country of origin marking requirements and exceptions of section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), together with certain marking provisions of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202). The consequences and procedures to be followed when articles are not legally marked are set forth in this part. The consequences and procedures to be followed when articles are falsely marked are set forth in § 11.13 of this chapter. Special marking and labeling requirements are covered elsewhere. Provisions regarding the review and appeal