

Date: 20091209

Docket: A-516-08

Citation: 2009 FCA 366

**CORAM: NOËL J.A.
NADON J.A.
TRUDEL J.A.**

BETWEEN:

CLOTHES LINE APPAREL, DIVISION OF 2810221 CANADA INC.

Appellant

and

PRESIDENT OF THE CANADA BORDER SERVICES AGENCY

Respondent

Heard at Ottawa, Ontario, on December 9, 2009.

Judgment delivered from the Bench at Ottawa, Ontario, on December 9, 2009.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Ottawa, Ontario, on December 9, 2009)

NADON J.A.

[1] We have not been persuaded that the Canadian International Trade Tribunal made any reviewable error when it concluded that the royalty component of the invoices sent to the appellant by Diesel U.S.A. Inc. constituted, within the meaning of subparagraph 48(5)(a)(iv) of the *Customs Act*, R.S.C. 1985, c.1 (2nd Supp), a condition of sale of the goods at issue.

[2] Accordingly, the appeal will be dismissed with costs.

“M. Nadon”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-516-08

STYLE OF CAUSE: CLOTHES LINE APPAREL,
DIVISION OF 2810221 CANADA
INC. v. PRESIDENT OF THE
CANADA BORDER SERVICES
AGENCY

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: December 9, 2009

REASONS FOR JUDGMENT OF THE COURT BY: NOËL, NADON, TRUDEL JJ.A.

DELIVERED FROM THE BENCH BY: NADON J.A.

APPEARANCES:

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Mr. Philippe Lacasse

FOR THE RESPONDENT

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FOR THE RESPONDENT