S T A T E O F N E W Y O R K

3382

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to trademark counterfeiting in the first degree

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 165.73 of the penal law, as amended by chapter 535 of the laws of 1995, is amended to read as follows:

S 165.73 Trademark counterfeiting in the first degree.

A person is guilty of trademark counterfeiting in the first degree when, with the intent to deceive or defraud some other person, or with the intent to evade a lawful restriction on the sale, resale, offering for sale, or distribution of goods, he or she manufactures, distributes, sells, or offers for sale goods which bear a counterfeit trademark, or possesses a trademark knowing it to be counterfeit for the purpose of affixing it to any goods, and:

1. SUCH GOODS CONTAIN A REPRESENTATION REGARDING THEIR SAFETY; OR

2. the retail value of all such goods bearing counterfeit trademarks exceeds one hundred thousand dollars; OR

3. THE PERSON HAS PREVIOUSLY BEEN CONVICTED OF TRADEMARK COUNTERFEITING IN THE FIRST, SECOND OR THIRD DEGREE WITHIN THE PRECEDING TEN YEARS.

Trademark counterfeiting in the first degree is a class C felony.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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