

11191

I N A S S E M B L Y

May 25, 2010

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

AN ACT to amend the penal law, in relation to establishing the crimes of
possession of a counterfeit trademark in the first, second and third
degrees

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

1 Section 1. The penal law is amended by adding three new sections
2 165.75, 165.76 and 165.77 to read as follows:
3 S 165.75 POSSESSION OF A COUNTERFEIT TRADEMARK IN THE THIRD DEGREE.
4 A PERSON IS GUILTY OF POSSESSION OF A COUNTERFEIT TRADEMARK IN THE
5 THIRD DEGREE WHEN, WITH THE INTENT TO DECEIVE OR DEFRAUD SOME OTHER
6 PERSON OR WITH THE INTENT TO EVADE A LAWFUL RESTRICTION ON THE SALE,
7 RESALE, OFFERING FOR SALE, OR DISTRIBUTION OF GOODS, HE OR SHE POSSESSES
8 A COUNTERFEIT TRADEMARK KNOWING IT TO BE COUNTERFEIT FOR THE PURPOSE OF
9 AFFIXING IT TO ANY GOODS.
10 POSSESSION OF A COUNTERFEIT TRADEMARK IN THE THIRD DEGREE IS A CLASS A
11 MISDEMEANOR.
12 S 165.76 POSSESSION OF A COUNTERFEIT TRADEMARK IN THE SECOND DEGREE.
13 A PERSON IS GUILTY OF POSSESSION OF A COUNTERFEIT TRADEMARK IN THE
14 SECOND DEGREE WHEN, WITH THE INTENT TO DECEIVE OR DEFRAUD SOME OTHER
15 PERSON OR WITH THE INTENT TO EVADE A LAWFUL RESTRICTION ON THE SALE,
16 RESALE, OFFERING FOR SALE, OR DISTRIBUTION OF GOODS, HE OR SHE POSSESSES
17 MORE THAN ONE HUNDRED COUNTERFEIT TRADEMARKS KNOWING THEM TO BE COUNTER-
18 FEIT FOR THE PURPOSE OF AFFIXING THEM TO ANY GOODS.
19 POSSESSION OF A COUNTERFEIT TRADEMARK IN THE SECOND DEGREE IS A CLASS
20 E FELONY.
21 S 165.77 POSSESSION OF A COUNTERFEIT TRADEMARK IN THE FIRST DEGREE.
22 A PERSON IS GUILTY OF POSSESSION OF A COUNTERFEIT TRADEMARK IN THE
23 FIRST DEGREE WHEN, WITH THE INTENT TO DECEIVE OR DEFRAUD SOME OTHER
24 PERSON OR WITH THE INTENT TO EVADE A LAWFUL RESTRICTION ON THE SALE,
25 RESALE, OFFERING FOR SALE, OR DISTRIBUTION OF GOODS, HE OR SHE POSSESSES
26 MORE THAN ONE THOUSAND COUNTERFEIT TRADEMARKS KNOWING THEM TO BE COUN-
27 TERFEIT FOR THE PURPOSE OF AFFIXING THEM TO ANY GOODS.

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

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1 POSSESSION OF A COUNTERFEIT TRADEMARK IN THE FIRST DEGREE IS A CLASS C
2 FELONY.

3 S 2. This act shall take effect on the first of November next succeed-
4 ing the date on which it shall have become a law.