

4374

2011-2012 Regular Sessions

I N S E N A T E

March 31, 2011

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, 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,

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

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1 RESALE, OFFERING FOR SALE, OR DISTRIBUTION OF GOODS, HE OR SHE POSSESSES
2 MORE THAN ONE THOUSAND COUNTERFEIT TRADEMARKS KNOWING THEM TO BE COUN-
3 TERFEIT FOR THE PURPOSE OF AFFIXING THEM TO ANY GOODS.
4 POSSESSION OF A COUNTERFEIT TRADEMARK IN THE FIRST DEGREE IS A CLASS C
5 FELONY.
6 S 2. This act shall take effect on the first of November next succeed-
7 ing the date on which it shall have become a law.