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

6681

I N S E N A T E

March 8, 2012

Introduced by Sen. SALAND -- (at request of the Office of Court Administration) -- 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 the definition of a counterfeit trademark

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

Section 1. Subdivision 2 of section 165.70 of the penal law, as added by chapter 490 of the laws of 1992, is amended to read as follows:

2. The term "counterfeit trademark" means a spurious trademark or an imitation of a trademark that is:

(a) used in connection with trafficking in goods; and

(b) used in connection with the sale, offering for sale or distribution of goods that are identical with or substantially indistinguishable from GOODS BEARING a trademark as defined in subdivision one of this section.

The term "counterfeit trademark" does not include any mark used in connection with goods for which the person using such mark was authorized to use the trademark for the type of goods so manufactured or produced by the holder of the right to use such mark or designation, whether or not such goods were manufactured or produced in the United States or in another country, and does not include imitations of trade dress or packaging such as color, shape and the like unless those features have been registered as trademarks as defined in subdivision one of this section.

S 2. This act shall take effect immediately and shall apply to all crimes committed on or after such effective date.

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

LBD14177-01-2