§ 165.70 Definitions.

As used in sections 165.71, 165.72, 165.73 and 165.74, the following terms have the following definitions:

1. The term "trademark" means (a) any word, name, symbol, or device, or any combination thereof adopted and used by a person to identify goods made by a person and which distinguish them from those manufactured or sold by others which is in use and which is registered, filed or recorded under the laws of this state or of any other state or is registered in the principal register of the United States patent and trademark office; or (b) the symbol of the International Olympic Committee, consisting of five interlocking rings; the emblem of the United States Olympic Committee, consisting of an escutcheon having a blue chief and vertically extending red and white bars on the base with five interlocking rings displayed on the chief; any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by, the International Olympic Committee or the United States Olympic Committee; or the words "Olympic", "Olympiad", "Citius Altius Fortius", or any combination thereof tending to cause confusion, to cause mistake, to deceive, or to falsely suggest a connection with the United States Olympic Committee or any International Olympic Committee or United States Olympic Committee activity.

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 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.

3. The term "traffic" means to transport, transfer, or otherwise dispose of, to another, as consideration for anything of value, or to obtain control of with intent to so transport, transfer, or otherwise dispose of.

4. The term "goods" means any products, services, objects, materials, devices or substances which are identified by the use of a trademark.