

House Bill No. 748

AN ACT concerning

**Trademark Counterfeiting**

FOR the purpose of creating the criminal offense of trademark counterfeiting; providing for the seizure and transfer of certain items to the owner of intellectual property under certain circumstances; establishing a certain statute of limitations for certain actions or prosecutions; establishing that certain registration of certain intellectual property is prima facie evidence of a trademark or trade name; making certain items subject to seizure by a law enforcement officer for a certain purpose; establishing certain penalties; defining certain terms; and generally relating to the criminal offense of trademark counterfeiting.

BY adding to

Article 27 – Crimes and Punishments

Section 48A

Annotated Code of Maryland

(1992 Replacement Volume and 1995 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article 27 – Crimes and Punishments**

48A.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “COUNTERFEIT MARK” MEANS:

(I) AN UNAUTHORIZED REPRODUCTION OR COPY OF INTELLECTUAL PROPERTY; OR

(II) INTELLECTUAL PROPERTY AFFIXED TO ITEMS KNOWINGLY SOLD, OFFERED FOR SALE, MANUFACTURED, OR DISTRIBUTED, OR IDENTIFYING SERVICES OFFERED OR RENDERED, WITHOUT THE AUTHORITY OF THE OWNER OF THE INTELLECTUAL PROPERTY.

(3) “INTELLECTUAL PROPERTY” MEANS A TRADEMARK, SERVICE MARK, TRADE NAME, LABEL, TERM, DEVICE, DESIGN, OR WORD ADOPTED OR USED BY A PERSON TO IDENTIFY THE PERSON’S GOODS OR SERVICES.

(4) “RETAIL VALUE” MEANS:

(I) THE TRADEMARK COUNTERFEITER’S SELLING PRICE FOR THE ITEMS OR SERVICES BEARING OR IDENTIFIED BY THE COUNTERFEIT MARK; OR