

(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 GOODS OR SERVICES OF THE PERSON.

(4) "RETAIL VALUE" MEANS:

(I) A TRADEMARK COUNTERFEITER'S SELLING PRICE FOR THE GOODS OR SERVICES THAT BEAR OR ARE IDENTIFIED BY THE COUNTERFEIT MARK; OR

(II) A TRADEMARK COUNTERFEITER'S SELLING PRICE OF THE FINISHED PRODUCT, IF THE GOODS THAT BEAR A COUNTERFEIT MARK ARE COMPONENTS OF THE FINISHED PRODUCT.

(5) "TRADEMARK COUNTERFEITER" MEANS A PERSON WHO COMMITS THE CRIME OF TRADEMARK COUNTERFEITING PROHIBITED BY THIS SECTION.

(B) PROHIBITED.

A PERSON MAY NOT WILLFULLY MANUFACTURE, PRODUCE, DISPLAY, ADVERTISE, DISTRIBUTE, OFFER FOR SALE, SELL, OR POSSESS WITH THE INTENT TO SELL OR DISTRIBUTE GOODS OR SERVICES THAT THE PERSON KNOWS ARE BEARING OR ARE IDENTIFIED BY A COUNTERFEIT MARK.

(C) PENALTY — VALUE AT LEAST \$1,000.

IF THE AGGREGATE RETAIL VALUE OF THE GOODS OR SERVICES IS \$1,000 OR MORE, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF TRADEMARK COUNTERFEITING AND ON CONVICTION:

(1) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH; AND

(2) SHALL TRANSFER ALL OF THE GOODS TO THE OWNER OF THE INTELLECTUAL PROPERTY.

(D) SAME — VALUE LESS THAN \$1,000.

IF THE AGGREGATE RETAIL VALUE OF THE GOODS OR SERVICES IS LESS THAN \$1,000, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE MISDEMEANOR OF TRADEMARK COUNTERFEITING AND ON CONVICTION:

(1) IS SUBJECT TO:

(I) FOR A FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; OR

(II) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$5,000 OR BOTH; AND

(2) SHALL TRANSFER ALL OF THE GOODS TO THE OWNER OF THE INTELLECTUAL PROPERTY.

(E) COMMENCEMENT OF ACTION OR PROSECUTION.