

AN ACTION OR PROSECUTION FOR TRADEMARK COUNTERFEITING IN WHICH THE AGGREGATE RETAIL VALUE OF THE GOODS OR SERVICES IS LESS THAN \$1,000 SHALL BE COMMENCED WITHIN 2 YEARS AFTER THE COMMISSION OF THE CRIME.

(F) SEIZURE OF COUNTERFEIT ITEMS.

ANY GOODS BEARING A COUNTERFEIT MARK ARE SUBJECT TO SEIZURE BY A LAW ENFORCEMENT OFFICER TO PRESERVE THE GOODS FOR TRANSFER TO THE OWNER OF THE INTELLECTUAL PROPERTY EITHER:

(1) UNDER AN AGREEMENT WITH THE PERSON ALLEGED TO HAVE COMMITTED THE CRIME; OR

(2) AFTER A CONVICTION UNDER THIS SECTION.

(G) EVIDENCE OF TRADEMARK OR TRADE NAME.

STATE OR FEDERAL REGISTRATION OF INTELLECTUAL PROPERTY IS PRIMA FACIE EVIDENCE THAT THE INTELLECTUAL PROPERTY IS A TRADEMARK OR TRADE NAME.

REVISOR'S NOTE: Subsections (a)(1) through (4) and (b) through (g) of this section are new language derived without substantive change from former Art. 27, § 48A.

Subsection (a)(5) of this section is new language added to state expressly that which formerly only was implied by the use of the term "trademark counterfeiter" in former Art. 27, § 48A(a)(4).

Throughout this section, the references to a "good" or "goods" are substituted for the former references to an "item" or "items" for clarity.

In subsection (d)(1)(i) of this section, the reference to a person being subject to a fine and imprisonment "for a first violation" is added to state that which only was implied in former Art. 27, § 48A(d)(1)(ii).

In subsection (d)(1)(ii) of this section, the reference to "each" subsequent violation is substituted for the former reference to "a second or" subsequent violation for consistency within this article.

The Criminal Law Article Review Committee notes, for the consideration by the General Assembly, that in subsection (d)(1) of this section, the reference to a person being subject to a fine "or imprisonment not exceeding 18 months or both" for a subsequent violation is added to state that which only was implied in former Art. 27, § 48A(e).

Defined term: "Person" § 1-101

8-612. COUNTERFEITING AND ISSUING OF TOKENS.

(A) "TOKEN" DEFINED.

IN THIS SECTION, "TOKEN" MEANS A TICKET, COUPON, COIN, DISC, SLUG, OR ANY OTHER THING THAT: