

1-413. FRAUDULENT REGISTRATION.

A PERSON WHO, FOR THE PERSON OR FOR ANOTHER, APPLIES TO REGISTER OR REGISTERS A MARK UNDER THIS SUBTITLE BY KNOWINGLY MAKING A FALSE OR FRAUDULENT REPRESENTATION, ORALLY OR IN WRITING, OR BY OTHER FRAUDULENT MEANS IS LIABLE FOR ANY DAMAGES SUSTAINED AS A RESULT OF THE APPLICATION OR REGISTRATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 3-110.

The former word "declaration" is deleted as included in the reference to "representation".

The former phrases "to be recovered by or on behalf of the party injured thereby in any court of competent jurisdiction" are deleted as an unnecessary statement of what is involved in being liable for damages.

Defined terms: "Mark" § 1-401
"Person" §§ 1-101 and 1-401

1-414. INFRINGEMENT.

(A) IN GENERAL.

SUBJECT TO § 1-402 OF THIS SUBTITLE, A PERSON MAY NOT:

(1) USE, WITHOUT THE CONSENT OF THE REGISTRANT, A REPRODUCTION OR COLORABLE IMITATION OF A MARK REGISTERED UNDER THIS SUBTITLE IN CONNECTION WITH THE SALE, OFFERING FOR SALE, OR ADVERTISING OF GOODS OR SERVICES IF THE USE IS LIKELY TO CONFUSE OR DECEIVE ABOUT THE ORIGIN OF THE GOODS OR SERVICES; OR

(2) REPRODUCE OR COLORABLY IMITATE A MARK REGISTERED UNDER THIS SUBTITLE AND APPLY THE REPRODUCTION OR COLORABLE IMITATION TO AN ADVERTISEMENT, LABEL, PACKAGE, PRINT, RECEPTACLE, SIGN, OR WRAPPER THAT IS INTENDED TO BE USED:

(I) WITH GOODS OR SERVICES; OR

(II) IN CONJUNCTION WITH THE SALE OR OTHER DISTRIBUTION OF GOODS OR SERVICES IN THE STATE.

(B) CIVIL LIABILITY.

(1) A PERSON WHO VIOLATES THIS SECTION IS LIABLE IN A CIVIL ACTION TO A REGISTRANT FOR ANY REMEDY PROVIDED IN THIS SECTION.