

(2) A REGISTRANT MAY RECOVER PROFITS OR DAMAGES FROM A PERSON WHO VIOLATES SUBSECTION (A)(2) OF THIS SECTION ONLY IF THE PERSON INTENDED THAT THE MARK BE USED TO CONFUSE OR DECEIVE.

(C) INJUNCTION AUTHORIZED.

A REGISTRANT MAY SUE TO ENJOIN THE DISPLAY, MANUFACTURE, SALE, OR USE OF A REPRODUCTION OR COLORABLE IMITATION OF A MARK OF THE REGISTRANT.

(D) JUDICIAL REMEDIES.

A COURT OF COMPETENT JURISDICTION MAY:

(1) GRANT AN INJUNCTION TO RESTRAIN THE DISPLAY, MANUFACTURE, SALE, OR USE OF A REPRODUCTION OR COLORABLE IMITATION OF A REGISTERED MARK;

(2) REQUIRE THE DEFENDANT TO PAY TO THE REGISTRANT FOR THE WRONGFUL DISPLAY, MANUFACTURE, SALE, OR USE OF A REPRODUCTION OR COLORABLE IMITATION OF A MARK:

(I) ANY PROFIT THAT THE DEFENDANT DERIVED;

(II) ANY DAMAGES THAT THE REGISTRANT SUFFERED; OR

(III) BOTH; AND

(3) REQUIRE THE DEFENDANT TO DELIVER TO AN OFFICER OF THE COURT OR TO THE REGISTRANT, FOR DESTRUCTION, ANY REPRODUCTION OR COLORABLE IMITATION OF THE MARK THAT IS IN THE POSSESSION OR UNDER THE CONTROL OF THE DEFENDANT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, §§ 3-111 and 3-112(a).

In subsection (a)(1) and (2) of this section, the former words "counterfeit" and "copy" are deleted as included in the words "reproduction" and "colorable imitation".

In subsections (a)(1) and (b)(2) of this section, the word "mistake" is deleted as included in the word "confuse".

In subsection (a)(1) of this section, the former word "source" is deleted as included in the word "origin".

In subsection (b)(2) of this section, the former words "with knowledge" are deleted as included in the word "intended". The Business Regulation Article Review Committee notes this deletion for consideration by the General Assembly.