

State Corporation Commission 2008 Fiscal Impact Statement

1. Bill Number: HB1363

House of Origin	<u>X</u>	Introduced	<u> </u>	Substitute	<u> </u>	Engrossed
Second House	<u> </u>	In Committee	<u> </u>	Substitute	<u> </u>	Enrolled

2. Patron: Cline

3. Committee: Courts of Justice

4. Title: Trademarks and service marks; penalties.

5. Summary: Trademarks and service marks; penalties. Expands the scope of laws protecting trademarks and service marks to include such marks registered with other states and the federal government, and makes it unlawful to reproduce, counterfeit, or colorably imitate a registered mark and apply it to patches, fabric, stickers, badges, emblems, medallions, charms, boxes, containers, cans, cases, handbags, documentation, packaging, or other components intended to be used on or in connection with goods or services. The penalties for violations are increased. Violations are punishable as a Class 1 misdemeanor unless the offense involves 100 or more items bearing a counterfeit mark or items with a counterfeit mark with a retail value of more than \$200, in which case it is a Class 6 felony. Convictions where the offender maliciously causes or attempts to cause bodily injury of another is a Class 3 felony. If bodily injury is done unlawfully but not maliciously, it is a Class 6 felony. In addition, counterfeit articles are subject to forfeiture and violators are subject to a fine of up to three times the retail value of the goods.

6. Fiscal Impact Estimates: None on the State Corporation Commission

7. Budget Amendment Necessary: No

8. Fiscal Implications: None on the State Corporation Commission

9. Specific Agency or Political Subdivisions Affected: State Courts

10. Technical Amendment Necessary:

11. Other Comments: Senate Bill 577 is a companion bill.

Date: 2/5/2008 dg

cc: Secretary of Commerce and Trade