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## HOUSE BILL NO. 2355

House Amendments in [ ] — February 6, 1995

A *BILL to amend and reenact § 59.1-89 of the Code of Virginia, relating to improper use of a trademark or service mark; penalty.*

Patrons—Cunningham, Ball, Cantor, Crittenden, Jones, D.C. and Melvin; Senators: Lambert and Maxwell

Referred to Committee on Corporations, Insurance and Banking

**Be it enacted by the General Assembly of Virginia:****1. That § 59.1-89 of the Code of Virginia is amended and reenacted as follows:**

§ 59.1-89. Remedies; criminal penalty.

A. Any owner of a trademark or service mark registered under this chapter, or prior acts, and in force and effect, may proceed by suit in a circuit or corporation court, or court of equity jurisdiction, to enjoin the manufacture, use, display or sale in this Commonwealth of any counterfeits or imitations thereof and the court may grant injunctions to restrain such manufacture, use, display or sale as may be by the court deemed just and reasonable, and may require the defendants to pay to such owner all profits derived from and/or all damages suffered by reason of such wrongful manufacture, use, display or sale; and the court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in the case be delivered to an officer of the court, or to the complainant, to be destroyed.

B. Any person who [ ~~violates subsection A of this section~~ knowingly and intentionally violates the provisions of § 59.1-88 ] shall be guilty of a Class [ ~~1~~ 2 ] misdemeanor.

ENGROSSED

HB2355E