

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 1: CRIMES AGAINST THE PERSON

§ 1902. Counterfeiting of Registered Trademarks.

(a) Whoever intentionally and knowingly reproduces, counterfeits, copies, or colorably imitates a registered mark and applies such reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles or advertisements to be used in commerce upon or in connection with the sale, offering for sale, distribution, or advertising of goods or services or in connection with such use, shall be guilty of the crime of counterfeiting. The crime of counterfeiting shall be punishable as follows:

(1) If the goods or services to which the forged or counterfeit trademarks or service marks are attached, affixed, or used in connection with, or to which the offender intended they be attached, affixed, or used in connection with, have a retail sale value of \$1,000 or more, the offender commits a felony punishable by imprisonment of not less than two years but not more than five years and a fine of three times the retail value of the legitimate items, or three times the profits received by the offender, whichever is greater.

(2) If the goods or services to which the forged or counterfeit trademarks or service marks are attached, affixed; or used in connection with, or to which the offender intended they be attached, affixed, or used in connection with, have a retail sale value of less than \$1,000, the offender shall be punished by imprisonment of not less than one year but not more than two years and a fine of three times the retail value of the legitimate items, or three times the profits received by the offender, whichever is greater.

(3) When an offender has in the last five years been convicted of counterfeiting under this section, or vending counterfeit goods under Section 1903 of this chapter and is convicted of counterfeiting goods or services, irrespective of their retail sale value, the offender shall be punished by imprisonment of not less than ten years but not more than 15 years and a minimum fine of \$10,000 or treble the actual retail price of the items, whichever is greater.

(4) All defenses, affirmative defenses, and limitations on remedies that would be applicable in an action under the Lanham Act, 15 U.S.C. § 1051 et seq., shall be applicable in a prosecution under this section.

Source: PL 14-22, § 5 (101), modified.

Commission Comment: See the comment to 6 CMC § 1901 regarding PL 14-22.