

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

§ 1903. Using or Trafficking Counterfeit Goods or Services.

(a) Whoever intentionally and knowingly:

(1) Uses in commerce any reproduction, counterfeit, copy, or colorable limitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services; or

(2) Traffics or attempts to traffic in goods or services and knowingly uses a counterfeit mark on or in connection with such goods or services; or

(3) Sells or offers for sale goods or services and knowingly uses a counterfeit mark on or in connection with such goods or services, shall be guilty of the crime of using, trafficking, attempting to traffic, selling, or offering for sale, counterfeit goods or services, punishable as follows:

(i) If the goods or services which the offender sells, or offers for sale, have a retail sale value of \$1,000 or more, the offender shall be punished 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.

(ii) If the goods or services which the offender sells, or offers for sale, have a retail sale value of less than \$1,000, the offender commits a misdemeanor, punishable by imprisonment of not more than one year 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.

(b) 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 (102), modified.

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