

JUDICIARY

SENATE FILE 2128

BY RAGAN and GASKILL

(COMPANION TO LSB 5848HH
BY SCHICKEL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to counterfeit labels and trademarks, and
2 providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

SF 2128 JUDICIARY

1 Section 1. Section 714.8, subsection 8, Code 2003, is
2 amended to read as follows:

3 8. Manufactures or possesses any false or counterfeit
4 label or trademark, with the intent that it be placed on
5 merchandise to falsely identify its origin or quality, or who
6 sells any such false or counterfeit label or trademark with
7 the representation that it may be so used.

8 Sec. 2. Section 714.8, Code 2003, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 8A. Sells or possesses with the intent to
11 sell any merchandise with a counterfeit label or trademark
12 without proper authorization from the owner of the label or
13 trademark.

14 EXPLANATION

15 This bill relates to the definition of the criminal offense
16 of a fraudulent practice by using a counterfeit label or
17 trademark.

18 The bill provides that a person who sells or possesses with
19 the intent to sell any merchandise with a counterfeit label or
20 trademark without proper authorization from the owner of the
21 label or trademark commits a fraudulent practice. The bill
22 also provides that a person who manufactures or possesses any
23 false or counterfeit trademark, with the intent that it be
24 placed on merchandise to falsely identify its origin or
25 quality, or who sells any such false or counterfeit trademark,
26 commits a fraudulent practice. Current law provides that a
27 person who manufactures or possesses any false or counterfeit
28 label, or who sells any such false or counterfeit label,
29 commits a fraudulent practice.

30 A fraudulent practice is punishable by a varying degree of
31 penalties. The penalty varies from a class "C" felony to a
32 simple misdemeanor depending on the value of the money or
33 property involved or on the number of prior fraudulent
34 practice convictions of the offender.

35