

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 727

PRINTER'S NO. 3144

AMOUNT

No Adverse Fiscal Impact

FUND

General

DATE INTRODUCED

March 5, 2009

PRIME SPONSOR

Representative Youngblood

HISTORY OF BILL

Referred to JUDICIARY, March 5, 2009

Reported as committed, March 17, 2009

First consideration, March 17, 2009

Laid on the table, March 17, 2009

Removed from table, March 17, 2009

Re-committed to APPROPRIATIONS, March 17, 2009

Re-reported as committed, March 24, 2009

Second consideration, March 24, 2009

Third consideration and final passage, March 25, 2009 (192-0)

In the Senate

Referred to JUDICIARY, March 27, 2009

Reported as amended, Jan. 26, 2010

First consideration, Jan. 26, 2010

Re-referred to APPROPRIATIONS, March 10, 2010

Re-reported as committed, Sept. 20, 2010

DESCRIPTION AND PURPOSE OF BILL

House Bill 727 amends the Crimes Code (18 Pa.C.S.) to further provide for the offense of trademark counterfeiting.

The legislation clarifies that a person engages in "trademark counterfeiting" if he knowingly and with intent to sell or otherwise transfer for purpose of commercial advantage or private financial gain manufactures, sells, offers for sale, displays, advertises, distributes or transports any items or services bearing or identified by a counterfeit mark.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

A "counterfeit mark" is defined as a spurious mark that meets all of the following:

- Is applied to, used or intended to be used in connection with an item or service;
- Is identical with or substantially indistinguishable from a mark registered and in use in the Commonwealth, any other state or on the principal register in the United States Patent and Trademark Office, whether or not the person knew the mark was registered;
- The application of which is either (1) likely to cause confusion, to cause mistake or to deceive or (2) otherwise intended to be used on or in connection with the item or service for which the mark is registered.

The legislation also provides for the seizure of property derived from the proceeds of trademark counterfeiting and requires the destruction of counterfeit items at the cost of the defendant. Restitution would be required from persons found guilty of trademark counterfeiting.

FISCAL IMPACT:

The enactment of this legislation will have no significant fiscal impact to the Commonwealth or the Department of Corrections. The act of trademark counterfeiting is currently a crime and this legislation does not increase the grading of the offense.

Since the grading is unaffected, it is assumed that the number of persons convicted of trademark counterfeiting will not significantly increase and that there will be no significant increase to state or county prison populations.