

CHAPTER.....

AN ACT relating to intellectual property; authorizing award for treble damages, attorney’s fees and costs in certain civil actions relating to marks; limiting the right of an employer to own certain intellectual property developed by an employee; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 600.430 is hereby amended to read as follows:

600.430 1. Any owner of a mark registered in this state may proceed by suit to enjoin the manufacture, use, display or sale of counterfeits or imitations of it. ~~[and a]~~

2. A court of competent jurisdiction may ~~[grant]~~ :

(a) *Grant* injunctions to restrain such manufacture, use, display or sale as it deems just and reasonable under the circumstances ~~[- and may require the defendants]~~ ;

(b) *Require the defendant* to pay to the owner all profits derived from ~~[his]~~ *the* wrongful acts *of the defendant* and all damages suffered by reason of these acts ~~[-The court may also order]~~ ;

(c) *Require the defendant to pay to the owner treble damages on all profits derived from the willful and wrongful acts of the defendant and treble damages on all damages suffered by reason of these acts; and*

(d) *Order* that any counterfeits or imitations in the possession or control of any defendant be delivered for destruction to an officer of the court or to the complainant.

~~[2-]~~ 3. *In an action brought pursuant to this section, the court may award costs and reasonable attorney’s fees to the prevailing party.*

4. The enumeration of any right or remedy in this section does not affect a registrant’s right to prosecute under any penal law of this state.

Sec. 2. NRS 600.500 is hereby amended to read as follows:

600.500 Except as otherwise provided by express written agreement, an employer is the sole owner of any patentable invention or trade secret developed by his employee during the course *and scope* of the employment that relates directly to work performed during the course *and scope* of the employment.