

ASSEMBLY BILL NO. 81—ASSEMBLYMEN OCEGUERA, GIUNCHIGLIANI,  
ATKINSON, BUCKLEY, CLABORN, CONKLIN, HORNE AND  
PIERCE

FEBRUARY 13, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises remedies available in certain actions relating  
to intellectual property. (BDR 52-366)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to intellectual property; authorizing award for  
treble damages, attorney's fees and costs in certain civil  
actions relating to marks; and providing other matters  
properly relating thereto.

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

- 1     **Section 1.** NRS 600.430 is hereby amended to read as follows:  
2     600.430 1. Any owner of a mark registered in this state may  
3 proceed by suit to enjoin the manufacture, use, display or sale of  
4 counterfeits or imitations of it. ~~and a~~  
5     2. A court of competent jurisdiction may ~~grant~~ :  
6     (a) *Grant* injunctions to restrain such manufacture, use, display  
7 or sale as it deems just and reasonable under the circumstances ~~;~~  
8 ~~and may require the defendants~~ ;  
9     (b) *Require the defendant* to pay to the owner all profits derived  
10 from ~~his~~ *the* wrongful acts *of the defendant* and all damages  
11 suffered by reason of these acts ~~;~~ ~~The court may also order~~ ;  
12     (c) *Require the defendant to pay to the owner treble damages*  
13 *on all profits derived from the willful and wrongful acts of the*  
14 *defendant and treble damages on all damages suffered by reason*  
15 *of these acts; and*



\* A B 8 1 R 2 \*

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

4       ~~[2.]~~ 3. *In an action brought pursuant to this section, the*  
5 *court may award costs and reasonable attorney's fees to the*  
6 *prevailing party.*

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

