

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; 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:

- 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*



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1 *defendant and treble damages on all damages suffered by reason*
2 *of these acts; and*

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

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

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

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

13 600.500 Except as otherwise provided by express written
14 agreement, an employer is the sole owner of any patentable
15 invention or trade secret developed by his employee during the
16 course *and scope* of the employment that relates directly to work
17 performed during the course *and scope* of the employment.

