

**TITLE 6: CRIMES AND CRIMINAL PROCEDURE**  
**DIVISION 1: CRIMES AGAINST THE PERSON**

**§ 1901. Definitions.**

(a) The term “traffic” as used in this chapter means transport; transfer, or otherwise dispose of, to another, as consideration for anything of value, or to make or obtain control of with intent so to transport, transfer, or dispose of.

(b) The term “registered mark” means:

(1) A trademark or trade name registered in the United States and Trademark Office, or in any State or Territory of the United States, or in the Commonwealth, or in any other country, or protected by the Amateur Sports Act of 1978, 36 U.S.C. § 380, or recognized by common law, whether or not the offender knew such trademark or trade name was so registered or protected; and

(2) Used without the consent of the registrant.

(c) The term “counterfeit goods” means any goods or services having a counterfeit mark;

(d) The term “counterfeit mark” means;

(1) A spurious mark —

(i) That is used in connection with trafficking in goods or services;

(ii) That is identical with, or substantially indistinguishable from a mark registered for those goods or services on the principal register in the United States Patent and Trademark Office or registered with the CNMI Government, or in any other State or Territory of the United States, whether or not the offender knew such mark was so registered; and

(iii) The use of which is likely to cause confusion, to cause mistake or to deceive; or

(2) A spurious designation that is identical with, or substantially indistinguishable from, a designation as to which the remedies of the Lanham Act are made available, but such term does not include any mark or designation used in connection with goods or services of which the manufacturer or producer was, at the time of the manufacture or production in question, authorized to use, the mark or designation for the type of goods or services so manufactured or produced, by the holder of the right to use such mark or designation.

**Source:** PL 14-22, § 5 (107), modified.

**Commission Comment:** PL 14-22 became law on July 27, 2004 and contained a title, findings, severability, and savings clause provisions. PL 14-22 stated in part:

Section 1. Title. This Act may be cited as “The Private Labels Protection Act of 2004.”

Section 2. Findings. The Legislature is alarmed by continuing activities in the Commonwealth involving forging and counterfeiting of private labels and possession of reproduction materials. Such activities negatively affect trade and commerce within the CNMI and encourages consumer fraud. Effective deterrence of such activities calls for specific penalties for those persons who engage in such conduct. The purpose of this Act is to define what constitutes criminal activity and to provide for appropriate punishment.