

AMENDMENTS TO LB 462

Introduced by Banking, Commerce and Insurance

1 1. Strike section 17 and insert the following new
2 section:

3 Sec. 17. Section 87-217, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 87-217 Any registrant of a trade name may proceed by
6 suit to enjoin the use, display, or sale of any counterfeits
7 or imitations thereof, and a court of competent jurisdiction may
8 restrain ~~this~~ such use, display, or sale on terms which the court
9 deems just and reasonable and may require the defendants to pay to
10 the registrant ~~either~~ (1) all profits attributable to the wrongful
11 use, display, or sale, or (2) all damages caused by the wrongful
12 use, display, or sale, or (3) both such profits and damages, and
13 reasonable attorney's fees. In lieu of the remedies available in
14 subdivisions (1), (2), and (3) of this section, the court may
15 require the defendants to pay statutory damages of one thousand
16 dollars and reasonable attorney's fees. The court may order that
17 any counterfeits or imitations in the possession or under the
18 control of any defendant be delivered to an officer of the court,
19 or to the complainant, to be destroyed.