

S.1136 - Anticounterfeiting Consumer Protection Act of 1996

104th Congress (1995-1996)

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Sponsor: [Sen. Hatch, Orrin G. \[R-UT\]](#) (Introduced 08/09/1995)

Committees: Senate - Judiciary

Committee Reports: [S. Rept. 104-177](#)

Latest Action: 07/02/1996 Became Public Law No: 104-153. ([TXT](#) | [PDF](#))

Tracker:

Introduced Passed Senate Passed House

Resolving Differences To President **Became Law**

Subject — Policy Area:

Crime and Law Enforcement

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Actions (27)

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Amendments (0)

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Summary: S.1136 — 104th Congress (1995-1996)

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Passed House amended (06/04/1996)

Anticounterfeiting Consumer Protection Act of 1996 - Makes the following (counterfeiting offenses) predicate offenses under Racketeer Influenced and Corrupt Organizations Act: (1) trafficking in counterfeit labels for phonorecords, computer program computer program documentation or packaging and copies of motion pictures or other audiovisual works; (2) criminal copy infringement; (3) unauthorized fixation of and trafficking in sound recordings and music videos of live music performances; (4) trafficking in goods or services bearing counterfeit marks; and (5) interstate transportation of stolen property.

(Sec. 4) Amends the Federal criminal code to extend to computer programs and computer program documentation and packaging existing prohibitions and penalties applicable to trafficking in counterfeit labels affixed or designed to be affixed to phonorecords or copies of a motion picture or other audiovisual work.

(Sec. 5) Requires the Attorney General to include in a report to the Congress, on a district by district basis, an accounting of actions taken by the Department of Justice that involve counterfeiting offenses.

(Sec. 6) Amends the Lanham Act to: (1) require the court to order the seizure of an aircraft, vehicle, or vessel used in connection with a violation of such Act; and (2) permit the plaintiff, in a case involving the use of a counterfeit mark in connection with the sale, offering for sale, or distribution of goods or services, to recover, instead of actual damages and profits, an award of statutory damages, as specified.

(Sec. 8) Repeals a provision allowing forfeited articles that are excluded from importation under Federal copyright law to be refunded to the country of export whenever it is shown that the importer had no reasonable grounds for believing that his or her acts constituted a violation of law.

(Sec. 9) Amends the Tariff Act of 1930 to: (1) direct the Secretary of the Treasury, after forfeiture of merchandise bearing a counterfeit American trademark, to destroy the merchandise; or (2) alternatively, authorize the Secretary to obliterate the trademark where feasible and dispose of the goods seized as specified if the merchandise is not unsafe or a hazard to health and the Secretary has the consent of the trademark owner.

(Sec. 10) Establishes civil penalties for aiding and abetting the importation for sale or public distribution of merchandise that is seized for bearing a counterfeit American trademark. Sets limits on fines for first and subsequent seizures, based on the value that the merchandise would have had if it were genuine. Specifies that the imposition of such fine shall be within the discretion of the Customs Service and in addition to any other civil or criminal penalty or other remedy authorized by law.

(Sec. 11) Provides for the public disclosure of aircraft manifests.

(Sec. 12) Directs the Secretary to require that entry documentation contain information necessary to determine whether the imported merchandise bears an infringing trademark.

(Sec. 13) Includes within the definition of "contraband": (1) a counterfeit label for a phonorecord, computer program or its documentation or packaging, or motion picture or other audiovisual work; (2) a phonorecord or copy that criminally infringes copyright; (3) a prohibited unauthorized fixation of a sound recording or music video of a live musical performance; or (4) any article bearing a counterfeit mark.