

365.603 Remedies.

- (1) Any owner of a mark registered under KRS 365.561 to 365.613, or under KRS 365.560 to 365.625 prior to their repeal, may seek to enjoin the manufacture, use, display, or sale of any counterfeits or imitations of the mark in any court of competent jurisdiction. The court may require the defendants to pay to that owner all profits derived from or all damages suffered by reason of the wrongful manufacture, use, display, or sale of the mark. The court may also order that any counterfeits or imitations in the possession or under the control of the defendant be delivered to an officer of the court or the complainant or be destroyed. The court may enter judgment for an amount not to exceed three (3) times the profits or damages, and may require reasonable attorney's fees to be paid to the prevailing party if the court finds the other party committed the wrongful acts with knowledge or in bad faith or otherwise according to the circumstances of the case.
- (2) Any right or remedy granted pursuant to KRS 365.561 to 365.613 shall not affect a registrant's right to pursue any remedies available to him under any criminal laws of this state.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 468, sec. 13, effective July 15, 1994.