

the manufacturer, importer, or seller is engaged in any act or practice that violates subsection (a) or (b).

(e) Exemption

Subsections (a)¹ (b), and (d), and regulations under subsection (c), shall not apply to any common carrier or contract carrier or freight forwarder with respect to an imitation political item or imitation numismatic item received, shipped, delivered, or handled by it for shipment in the ordinary course of its business.

(Pub. L. 93-167, § 2, Nov. 29, 1973, 87 Stat. 686; Pub. L. 113-288, § 2(1), Dec. 19, 2014, 128 Stat. 3281.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsecs. (a) and (b), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§ 41 et seq.) of chapter 2 of this title. For complete classification of this Act to the Code, see section 58 of this title and Tables.

AMENDMENTS

2014—Subsec. (b). Pub. L. 113-288, § 2(1)(A), inserted “, or the sale in commerce” after “distribution in commerce”.

Subsec. (d). Pub. L. 113-288, § 2(1)(B), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 113-288, § 2(1)(B), (C), redesignated subsec. (d) as (e) and substituted “(b), and (d)” for “and (b)”.

EFFECTIVE DATE

Pub. L. 93-167, § 8, Nov. 29, 1973, 87 Stat. 687, provided that: “This Act [enacting this chapter] shall apply only to imitation political items and imitation numismatic items manufactured after the date of enactment of this Act [Nov. 29, 1973].”

SHORT TITLE OF 2014 AMENDMENT

Pub. L. 113-288, § 1, Dec. 19, 2014, 128 Stat. 3281, provided that: “This Act [amending this section and sections 2102 and 2106 of this title] may be cited as the ‘Collectible Coin Protection Act’.”

SHORT TITLE

Pub. L. 93-167, § 1, Nov. 29, 1973, 87 Stat. 686, provided: “That this Act [enacting this chapter] may be cited as the ‘Hobby Protection Act’.”

§ 2102. Private enforcement

(a) In general

If any person violates section 2101(a) or (b) of this title or a rule under section 2101(c) of this title, any interested person may commence a civil action for injunctive relief restraining such violation, and for damages, in any United States District Court for a district in which the defendant resides, has an agent, transacts business, or wherever venue is proper under section 1391 of title 28. In any such action, the court may award the costs of the suit, including reasonable attorneys’ fees.

(b) Trademark violations

If the violation of section 2101(a) or (b) of this title or a rule under section 2101(c) of this title also involves unauthorized use of registered trademarks belonging to a collectibles certifi-

cation service, the owner of such trademarks shall have, in addition to the remedies provided in subsection (a), all rights provided under sections 34, 35, and 36 of the Trademark Act of 1946 (15 U.S.C. 1116, 1117, and 1118) for violations of such Act.

(Pub. L. 93-167, § 3, Nov. 29, 1973, 87 Stat. 686; Pub. L. 113-288, § 2(2), Dec. 19, 2014, 128 Stat. 3281.)

REFERENCES IN TEXT

The Trademark Act of 1946, referred to in subsec. (b), is act July 5, 1946, ch. 540, 60 Stat. 427, also popularly known as the Lanham Act, which is classified generally to chapter 22 (§ 1051 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1051 of this title and Tables.

AMENDMENTS

2014—Pub. L. 113-288 designated existing provisions as subsec. (a), inserted heading, substituted “, has an agent, transacts business, or wherever venue is proper under section 1391 of title 28” for “or has an agent”, and added subsec. (b).

EFFECTIVE DATE

Section applicable only to imitation political items and imitation numismatic items manufactured after Nov. 29, 1973, see section 8 of Pub. L. 93-167, set out as a note under section 2101 of this title.

§ 2103. Enforcement by Federal Trade Commission

(a) Statutory authority

Except as provided in section 2102 of this title, this chapter shall be enforced by the Federal Trade Commission under the Federal Trade Commission Act [15 U.S.C. 41 et seq.].

(b) Incorporation of Federal Trade Commission Act provisions

The Commission shall prevent any person from violating the provisions of this chapter in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act [15 U.S.C. 41 et seq.] were incorporated into and made a part of this chapter; and any such person violating the provisions of this chapter shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this chapter.

(Pub. L. 93-167, § 4, Nov. 29, 1973, 87 Stat. 686.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in text, is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§ 41 et seq.) of chapter 2 of this title. For complete classification of this Act to the Code, see section 58 of this title and Tables.

EFFECTIVE DATE

Section applicable only to imitation political items and imitation numismatic items manufactured after Nov. 29, 1973, see section 8 of Pub. L. 93-167, set out as a note under section 2101 of this title.

¹ So in original. Probably should be followed by a comma.

§ 2104. Imports

Any item imported into the United States in violation of section 2101(a) or (b) of this title or regulations under section 2101(c) of this title shall be subject to seizure and forfeiture under the customs laws.

(Pub. L. 93-167, § 5, Nov. 29, 1973, 87 Stat. 687.)

EFFECTIVE DATE

Section applicable only to imitation political items and imitation numismatic items manufactured after Nov. 29, 1973, see section 8 of Pub. L. 93-167, set out as a note under section 2101 of this title.

§ 2105. Application of other laws

The provisions of this chapter are in addition to, and not in substitution for or limitation of, the provisions of any other law of the United States or of the law of any State.

(Pub. L. 93-167, § 6, Nov. 29, 1973, 87 Stat. 687.)

EFFECTIVE DATE

Section applicable only to imitation political items and imitation numismatic items manufactured after Nov. 29, 1973, see section 8 of Pub. L. 93-167, set out as a note under section 2101 of this title.

§ 2106. Definitions

For purposes of this chapter:

(1) The term “original political item” means any political button, poster, literature, sticker, or any advertisement produced for use in any political cause.

(2) The term “imitation political item” means an item which purports to be, but in fact is not, an original political item, or which is a reproduction, copy, or counterfeit of an original political item.

(3) The term “original numismatic item” means anything which has been a part of a coinage or issue which has been used in exchange or has been used to commemorate a person or event. Such term includes coins, tokens, paper money, and commemorative medals.

(4) The term “imitation numismatic item” means an item which purports to be, but in fact is not, an original numismatic item or which is a reproduction, copy, or counterfeit of an original numismatic item.

(5) The term “commerce” has the same meaning as such term has under the Federal Trade Commission Act [15 U.S.C. 41 et seq.].

(6) The term “Commission” means the Federal Trade Commission.

(7) The term “United States” means the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(8) The term “collectibles certification service” means a person recognized by collectors for providing independent certification that collectible items are genuine.

(9) The term “Trademark Act of 1946” means the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.).

(Pub. L. 93-167, § 7, Nov. 29, 1973, 87 Stat. 687; Pub. L. 113-288, § 2(3), Dec. 19, 2014, 128 Stat. 3281.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in par. (5), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of this title. For complete classification of this Act to the Code, see section 58 of this title and Tables.

The Trademark Act of 1946, referred to in par. (9), is act July 5, 1946, ch. 540, 60 Stat. 427, also popularly known as the Lanham Act, which is classified generally to chapter 22 (§1051 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1051 of this title and Tables.

AMENDMENTS

2014—Pars. (8), (9). Pub. L. 113-288 added pars. (8) and (9).

EFFECTIVE DATE

Section applicable only to imitation political items and imitation numismatic items manufactured after Nov. 29, 1973, see section 8 of Pub. L. 93-167, set out as a note under section 2101 of this title.

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