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Senate Bill 1035 (as introduced 5-17-22)  
Sponsor: Senator Mark E. Huizenga  
Committee: Regulatory Reform

*(Senate-passed version)*

Date Completed: 5-23-22

### **CONTENT**

**The bill would amend Public Act 242 of 1969, which governs the registration of trademarks and service marks, to modify the definitions of "trademark," "service mark," and other terms.**

Under the Act, "trademark" means any word, name, symbol, or device, or any combination thereof, other than a trade name in its entirety adopted and used by a person to identify goods made or sold by him or her to distinguish them from similar goods made or sold by others. Instead, "trademark" would mean any word, name, symbol, or device, or any combination *of words, names, symbols, or devices*, used by a person to identify goods made or sold by *that person* and to distinguish them from similar goods made or sold by others.

"Service mark" means any word, name, symbol, or device, or any combination thereof, other than a trade name in its entirety adopted and used by a person in the sale or advertising of services to identify his or her services and distinguish them from the similar services of others. Instead, "service mark" would mean any word, name, symbol, or device, or any combination *of words, names, symbols, or devices*, used by a person in the sale or advertising of services to identify the services *of a person* and distinguish them from the similar services of others.

Under the Act, "person" means any individual, firm, partnership, corporation, association, union, or other organization. The bill would add limited liability company (LLC) to the definition of "person".

"Trade name" means a word or group of words used by any person to identify sole proprietorship, firm, partnership, corporation, association, union, or other organization. Under the bill, the term also would mean a group of words used by a person to identify an LLC.

MCL 429.31

Legislative Analyst: Eleni Lionas

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Raczkowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.