

SENATE BILL NO. 1035

May 17, 2022, Introduced by Senators HUIZENGA, JOHNSON, NESBITT, ZORN, LAUWERS, VICTORY, WOJNO, VANDERWALL, OUTMAN and WOZNIAK and referred to the Committee on Regulatory Reform.

A bill to amend 1969 PA 242, entitled

"An act to provide for the registration of trademarks and service marks; to prescribe the powers and duties of certain state officers and agencies; to prescribe remedies; and to repeal certain acts and parts of acts,"

by amending section 1 (MCL 429.31), as amended by 1984 PA 203.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Trademark" means any word, name, symbol, or device, or
3 any combination thereof, ~~other than a trade name in its entirety,~~
4 ~~adopted and~~ **of words, names, symbols, or devices**, used by a person

1 to identify goods made or sold by ~~him or her~~ **that person** and to
2 distinguish them from similar goods made or sold by others.

3 (b) "Person" means any individual, firm, partnership,
4 corporation, **limited liability company**, association, union, or
5 other organization.

6 (c) "Applicant" means ~~the~~ **a** person filing an application for
7 registration of a trademark or service mark under this act, ~~his or~~
8 ~~her~~ **and the** legal representatives, successors, or assigns **of that**
9 **person**.

10 (d) "Registrant" means ~~the~~ **a** person ~~to whom the~~ **that is issued**
11 **a** registration of a trademark or service mark under this act ~~is~~
12 ~~issued, his or her~~ **and the** legal representatives, successors, or
13 assigns **of that person**.

14 (e) "Service mark" means any word, name, symbol, or device, or
15 any combination thereof, ~~other than a trade name in its entirety,~~
16 ~~adopted and~~ **of words, names, symbols, or devices**, used by a person
17 in the sale or advertising of services to identify ~~his or her~~ **the**
18 services **of a person** and distinguish them from the similar services
19 of others.

20 (f) "Mark" includes any trademark or service mark.

21 (g) "Trade name" means a word or group of words used by any
22 person to identify a sole proprietorship, firm, partnership,
23 corporation, **limited liability company**, association, union, or
24 other organization.

25 (h) A mark is "used" in this state on goods when it is placed
26 in any manner on the goods or their containers or on the tags or
27 labels affixed ~~thereto~~ **to the goods or their containers** and ~~such~~
28 **the** goods are sold or otherwise distributed in this state, and on
29 services when it is used or displayed in this state in the sale or

1 advertising of services and the services are rendered in this
2 state.

3 (i) A mark is "abandoned" when its use has been discontinued
4 with intent not to resume. Intent not to resume may be inferred
5 from circumstances. Nonuse for 2 consecutive years ~~shall be~~ **is**
6 prima facie abandonment.

7 (j) "Administrator" means the director of ~~commerce~~ **the**
8 **department of licensing and regulatory affairs** or his or her
9 designated representative.