PROTECTION OF NAMES AND EMBLEMS
Act 269 of 1929

AN ACT to protect benevolent, humane, fraternal or charitable corporations in the use of their names and emblems; to provide penalties for the violation thereof; and to repeal Act No. 255 of the Public Acts of 1909.

History: 1929, Act 269, Eff. Aug. 28, 1929.

The People of the State of Michigan enact:

430.51 Protection of corporate name; priority.

Sec. 1. No person, society, association or corporation shall assume, adopt or use the name of a benevolent, humane, fraternal or charitable organization, incorporated under the laws of this or any other state, or of the United States or a name so nearly resembling the name of such incorporated organization as to be a colorable imitation thereof, or calculated to deceive persons not members, with respect to such corporation. In all cases where 2 or more of such societies, associations or corporations claim the right to the same name, or to names substantially similar as above provided, the organization which was first organized and used the name, and first became incorporated under the laws of the United States or of any state of the United States, shall be entitled in this state to the prior and exclusive use of such name, and the rights of such societies, associations or corporations, and of their individual members, shall be fixed and determined accordingly.

History: 1929, Act 269, Eff. Aug. 28, 1929;—CL 1929, 8985;—CL 1948, 430.51.

Former law: See Act 255 of 1909, being CL 1915, §§ 10638 to 10641.

430.52 Name or insignia of organizations; prohibited use or exhibition.

Sec. 2. No person shall wear or exhibit the badge, button, emblem, decoration, insignia, or charm, or shall assume or use the name of any benevolent, humane, fraternal, or charitable corporation incorporated under the laws of this or any other state or of the United States or shall assume or claim to be a member thereof, or of a benevolent, humane, fraternal or charitable corporation, the name of which shall so nearly resemble the name of any other corporation existing prior to the organization of the corporation or association of which such person may claim to be a member, the name whereof may be calculated to deceive the people with respect to any such prior corporation, unless he shall be authorized under the law, statutes, rules, regulations and by-laws of such former corporation, to wear such badge, button, emblem, decoration, insignia, or charm, or to use and assume such name as a member thereof.

History: 1929, Act 269, Eff. Aug. 28, 1929;—CL 1929, 8986;—CL 1948, 430.52.

430.53 Repealed. 2013, Act 158, Imd. Eff. Nov. 5, 2013.

Compiler's note: The repealed section pertained to prohibited display of emblem or insignia on motor vehicle.

430.54 Violation of act; injunction.

Sec. 4. Whenever there shall be an actual or threatened violation of the above act, an application may be made to the court or judge having jurisdiction to issue an injunction, upon notice to the defendant of not less than 5 days, restraining such actual or threatened violation, or if it shall appear to such court or justice that the defendant is in fact using the name of such a benevolent, humane, fraternal or charitable corporation, incorporated as aforesaid, or a name so nearly resembling it as to be calculated to deceive the public, or is wearing or exhibiting the badge, insignia, or emblem, of such corporation without authority thereof, and in violation of the above act, an injunction may be issued by said court or justice, enjoining or restraining such actual or threatened violation, without requiring proof that any person has in fact been misled or deceived thereby.

History: 1929, Act 269, Eff. Aug. 28, 1929;—CL 1929, 8988;—CL 1948, 430.54.

430.55 Violation of act; penalty.

Sec. 5. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, fined not exceeding 100 dollars, or imprisonment in the county jail not exceeding 90 days, or both such fine and imprisonment.

History: 1929, Act 269, Eff. Aug. 28, 1929;—CL 1929, 8989;—CL 1948, 430.55.

CAUTION! This document is from an archive and may contain outdated information.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov