

TRADEMARKS AND SERVICE MARKS (EXCERPT)
Act 242 of 1969

429.31 Definitions.

Sec. 1. As used in this act:

(a) "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 and to distinguish them from similar goods made or sold by others.

(b) "Person" means any individual, firm, partnership, corporation, association, union, or other organization.

(c) "Applicant" means the person filing an application for registration of a trademark or service mark under this act, his or her legal representatives, successors, or assigns.

(d) "Registrant" means the person to whom the registration of a trademark or service mark under this act is issued, his or her legal representatives, successors, or assigns.

(e) "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.

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

(g) "Trade name" means a word or group of words used by any person to identify a sole proprietorship, firm, partnership, corporation, association, union, or other organization.

(h) A mark is "used" in this state on goods when it is placed in any manner on the goods or their containers or on the tags or labels affixed thereto and such goods are sold or otherwise distributed in this state, and on services when it is used or displayed in this state in the sale or advertising of services and the services are rendered in this state.

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

(j) "Administrator" means the director of commerce or his or her designated representative.

History: 1969, Act 242, Eff. Jan. 1, 1970;—Am. 1984, Act 203, Eff. Oct. 1, 1984.