

TRADEMARKS AND SERVICE MARKS (EXCERPT)

Act 242 of 1969

429.33 Application for registration of mark; form; contents; signature, verification, and oath; specimens; fee; service of process.

Sec. 3. (1) Subject to the limitations set forth in this act, a person who adopts and uses a mark in this state may file with the administrator, on a form to be furnished by the administrator, an application for registration of that mark which contains all of the following information:

(a) The name, business name, if any, and business address of the person applying for registration, and, if a corporation, the state of incorporation.

(b) The goods or services in connection with which the mark is used, the mode or manner in which the mark is used in connection with the goods or services, and the class in which the goods or services fall.

(c) The date when and the place where the mark was first used anywhere, and the date when the mark was first used in this state by the applicant or the applicant's predecessor in title.

(d) A statement that the applicant is the owner of the mark and that no other person has the right to use the mark in this state either in the identical form or in a form which so nearly resembles the mark as to be likely to deceive or to be mistaken for the mark.

(e) Other information relating to the registration of a mark as requested by the administrator.

(2) The application shall be signed, verified, and sworn to by the applicant, if an individual; by a member of the firm; by an officer of the corporation, association, or union; or by a member of the partnership applying.

(3) The application shall be accompanied by 2 specimens or facsimiles of the mark as used at the time of applying for registration of the mark.

(4) The application for registration shall be accompanied by a filing fee of \$50.00, payable to the state of Michigan.

(5) The application shall include an appointment of the administrator as the applicant's agent for service of process only in actions relating to the registration of a mark for which an application has been submitted or a registered mark. Service of process may be issued under this subsection if the applicant is or becomes a nonresident individual, partnership, or association; if the applicant is or becomes a foreign corporation without a certificate to do business in this state; or if the applicant cannot be found in this state. Service of process shall be made by mailing a summons and a copy of the complaint to the administrator who shall keep a record of each process received. This service shall be sufficient upon the nonresident applicant provided notice of the service and a copy of the complaint are served upon the applicant by certified mail sent by the plaintiff.

History: 1969, Act 242, Eff. Jan. 1, 1970;—Am. 1980, Act 63, Imd. Eff. Apr. 2, 1980;—Am. 1984, Act 203, Eff. Oct. 1, 1984.