

SENATE BILL NO. 674

November 09, 2023, Introduced by Senator HUIZENGA and referred to the Committee on Regulatory Affairs.

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 the title and sections 1 and 10 (MCL 429.31 and 429.40), as amended by 1984 PA 203.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to provide for the registration of trademarks and
3 service marks; to prescribe the powers and duties of certain state

1 officers and agencies; **to require the promulgation of rules;** to
2 prescribe remedies; and to repeal certain acts and parts of acts.

3 Sec. 1. As used in this act:

4 (a) "Trademark" means any word, name, symbol, or device, or
5 any combination ~~thereof,~~ **of words, names, symbols, or devices,**
6 other than a trade name in its entirety, adopted and used by a
7 person to identify goods made or sold by ~~him or her~~ **that person** and
8 to distinguish them from similar goods made or sold by others.

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

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

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

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

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

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

29 (h) A mark is "used" in this state on goods when it is placed

1 in any manner on the goods or their containers or on the tags or
 2 labels affixed ~~thereto~~ **to the goods or their containers** and such
 3 **the** goods are sold or otherwise distributed in this state, and on
 4 services when it is used or displayed in this state in the sale or
 5 advertising of services and the services are rendered in this
 6 state.

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

11 (j) "Administrator" means the director of ~~commerce~~ **the**
 12 **department of licensing and regulatory affairs** or ~~his or her~~ **the**
 13 designated representative **of the director**.

14 Sec. 10. (1) ~~The following general classes of goods and~~
 15 ~~services are established for~~ **For** the purpose of administering this
 16 act, ~~The~~ **the** administrator may amend, by rule or regulation, the
 17 classification established in this section, but not in any way to
 18 ~~limit or extend the applicant's or registrant's rights.~~ **shall**
 19 **promulgate rules under the administrative procedures act of 1969,**
 20 **1969 PA 306, MCL 24.201 to 24.328, to establish classes of goods or**
 21 **services that conform with the classifications established under 15**
 22 **USC 1112.**

23 (2) An application for registration of a mark ~~shall~~ **must** be
 24 limited to a single general class of goods or services. Nothing in
 25 this act shall be construed as limiting the registration of a mark
 26 to 1 general class.

27 ~~(2) The classes are as follows:~~

28 ~~(a) Goods:~~

29 ~~(1) Raw or partly prepared materials.~~

- 1 ~~(2) Receptacles.~~
- 2 ~~(3) Baggage, animal equipments, portfolios and pocketbooks.~~
- 3 ~~(4) Abrasives and polishing materials.~~
- 4 ~~(5) Adhesives.~~
- 5 ~~(6) Chemicals and chemical compositions.~~
- 6 ~~(7) Cordage.~~
- 7 ~~(8) Smokers' articles, not including tobacco products.~~
- 8 ~~(9) Explosives, firearms, equipment and projectiles.~~
- 9 ~~(10) Fertilizers.~~
- 10 ~~(11) Inks and inking materials.~~
- 11 ~~(12) Construction materials.~~
- 12 ~~(13) Hardware and plumbing and steam-fitting supplies.~~
- 13 ~~(14) Metals and metal castings and forgings.~~
- 14 ~~(15) Oils and greases.~~
- 15 ~~(16) Paints and painters' materials.~~
- 16 ~~(17) Tobacco products.~~
- 17 ~~(18) Medicines and pharmaceutical preparations.~~
- 18 ~~(19) Vehicles.~~
- 19 ~~(20) Linoleum and oiled cloth.~~
- 20 ~~(21) Electrical apparatus, machines and supplies.~~
- 21 ~~(22) Games, toys and sporting goods.~~
- 22 ~~(23) Cutlery, machinery and tools, and parts thereof.~~
- 23 ~~(24) Laundry appliances and machines.~~
- 24 ~~(25) Locks and safes.~~
- 25 ~~(26) Measuring and scientific appliances.~~
- 26 ~~(27) Horological instruments.~~
- 27 ~~(28) Jewelry and precious-metal ware.~~
- 28 ~~(29) Brooms, brushes and dusters.~~
- 29 ~~(30) Crockery, earthenware and porcelain.~~

- 1 ~~(31) Filters and refrigerators.~~
- 2 ~~(32) Furniture and upholstery.~~
- 3 ~~(33) Glassware.~~
- 4 ~~(34) Heating, lighting and ventilation apparatus.~~
- 5 ~~(35) Belting, hose, machinery packing, and nonmetallic tires.~~
- 6 ~~(36) Musical instruments and supplies.~~
- 7 ~~(37) Paper and stationery.~~
- 8 ~~(38) Prints and publications.~~
- 9 ~~(39) Clothing.~~
- 10 ~~(40) Fancy goods, furnishings and notions.~~
- 11 ~~(41) Canes, parasols and umbrellas.~~
- 12 ~~(42) Knitted, netted and textile fabrics, and substitutes~~
- 13 ~~therefor.~~
- 14 ~~(43) Thread and yarn.~~
- 15 ~~(44) Dental, medical and surgical appliances.~~
- 16 ~~(45) Soft drinks and carbonated waters.~~
- 17 ~~(46) Foods and ingredients of foods.~~
- 18 ~~(47) Wines.~~
- 19 ~~(48) Malt beverages and liquors.~~
- 20 ~~(49) Distilled alcoholic liquors.~~
- 21 ~~(50) Merchandise not otherwise classified.~~
- 22 ~~(51) Cosmetics and toilet preparations.~~
- 23 ~~(52) Detergents and soaps.~~
- 24 ~~(b) Services:~~
- 25 ~~(100) Miscellaneous.~~
- 26 ~~(101) Advertising and business.~~
- 27 ~~(102) Insurance and financial.~~
- 28 ~~(103) Construction and repair.~~
- 29 ~~(104) Communication.~~

- 1 ~~(105) Transportation and storage.~~
- 2 ~~(106) Material treatment.~~
- 3 ~~(107) Education and entertainment.~~