

MICHIGAN CONSUMER PROTECTION ACT (EXCERPT)
Act 331 of 1976

445.903I Third-party delivery service; prohibition on use of likeness, trademark, or other property of restaurant; written agreement; definitions.

Sec. 31. (1) A third-party delivery service shall not use a likeness, trademark, or other intellectual property belonging to a restaurant without obtaining written consent from the restaurant to use the likeness, trademark, or other intellectual property. Written consent under this subsection must be reflected in a valid agreement.

(2) To enter into a valid agreement under this section, the third-party delivery service must be registered to do business in this state.

(3) An agreement under this section must not require the restaurant to indemnify the third-party delivery service, an independent contractor acting on behalf of the third-party delivery service, or a registered agent of the third-party delivery service for damages or harm that may occur after a product leaves the restaurant's place of business. A provision of an agreement that is contrary to this section is void and unenforceable. This subsection applies only to an agreement that takes effect or is extended, renewed, or modified after the effective date of the amendatory act that added this section.

(4) As used in this section:

(a) "Agreement" means a written contractual agreement between a restaurant and a third-party delivery service.

(b) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

(c) "Customer" means a person that places an order for a restaurant's product through a marketplace.

(d) "Likeness" means an identifiable symbol attributed and easily identified as belonging to a specific restaurant.

(e) "Marketplace" means a third-party delivery service's proprietary online communication platform where customers can view and search the menus of restaurants or place an order for restaurants' products, or both, via the third-party delivery service's website or mobile application for delivery by the third-party delivery service to the customer.

(f) "Restaurant" means a food service establishment defined and licensed under the food law, 2000 PA 92, MCL 289.1101 to 289.8111.

(g) "Third-party delivery service" means a business entity, other than a restaurant, that provides limited delivery services to customers.

History: Add. 2020, Act 296, Eff. April 1, 2021