

TRADEMARKS AND SERVICE MARKS (EXCERPT)
Act 242 of 1969

429.32 Registration of certain marks prohibited.

Sec. 2.

A mark by which the goods or services of an applicant for registration may be distinguished from the goods or services of others shall not be registered if the mark:

- (a) Consists of or comprises immoral, deceptive, or scandalous matter.
- (b) Consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt or disrepute.
- (c) Consists of or comprises the flag, coat of arms, or other insignia of the United States, or of a state or municipality, or of a foreign nation, or a simulation thereof.
- (d) Consists of or comprises the name, signature, or portrait of a living individual, except with the individual's written consent.
- (e) Consists of a mark which, when applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of the goods or services, or when applied to the goods or services of the applicant, is primarily geographically descriptive or deceptively misdescriptive of them, or is primarily merely a surname. This subsection shall not prevent the registration of a mark used in this state by the applicant which has become distinctive of the applicant's goods or services. The administrator may accept as evidence that the mark has become distinctive, as applied to the applicant's goods or services, proof of continuous use thereof as a mark by the applicant in this state or elsewhere for 5 years immediately preceding the date of the filing of the application for registration.
- (f) Consists of or comprises a mark which so resembles a mark registered in this state, or a mark or trade name previously used in this state by another person and not abandoned, as to be likely, when applied to the goods or services of the applicant, to cause confusion, mistake, or to deceive.

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