

UNLAWFUL USE OF NAMES OR INSIGNIA

Act 304 of 1919

AN ACT to prohibit any person, society, association or corporation from adopting or using a name similar to the name of a military, ex-military, patriotic, benevolent, humane, fraternal or charitable organization incorporated or organized under the laws of this or any other state or of the United States; to prohibit the wearing or exhibiting of the recognized or established badge, button, emblem, decoration, insignia or charm of any such organization; to prohibit the assumption or claiming of membership in any such organization; to prohibit the use of the name, emblem or insignia of any such organization in commercial advertising, except on written consent; to provide a remedy by injunction, and to provide a penalty for a violation of the provisions of this act.

History: 1919, Act 304, Eff. Aug. 14, 1919

The People of the State of Michigan enact:

430.101 Name or insignia of certain organizations; protection, priority.

Sec. 1.

No person, society, association or corporation shall assume, adopt or use the name of a military, ex-military, patriotic, benevolent, humane, fraternal or charitable organization incorporated or organized and doing business under the laws of this or any other state of the United States, or a name so nearly resembling the name of such incorporated organization as to be a colorable imitation thereof, or calculated to deceive persons not members, with respect to such corporations. In all cases where 2 or more such societies, associations, corporations or organizations claim the right to the same name or to names substantially similar, as above provided, the organization which was first organized and used the name and first became incorporated or organized under the laws of the United States or of any state in the Union shall be entitled in this state to the prior and exclusive use of such name, and the rights of such societies, associations, corporations or organizations and of their individual members shall be fixed and determined accordingly.

History: 1919, Act 304, Eff. Aug. 14, 1919 ;-- CL 1929, 8991 ;-- CL 1948, 430.101

430.102 Name or insignia of organizations; prohibited use or exhibition.

Sec. 2.

No person shall wear or exhibit the recognized or established badge, button, emblem, decoration, insignia or charm, or shall assume or use the name of any military, ex-military, patriotic, humane, fraternal or charitable corporation or organization incorporated or organized under the laws of this or any other state or of the United States, or shall assume or claim to be a member thereof, or of a military, ex-military, patriotic, benevolent, humane, fraternal or charitable corporation or organization, the name of which shall so nearly resemble the name of any other organization or corporation existing prior to the organization of the corporation, association or organization of which such person may claim to be a member, the name whereof may be calculated to deceive the people with respect to any such prior corporation or organization, unless he shall be authorized under the laws, statutes, rules, regulations and by-laws of such former corporation or organization to wear such recognized or established badge, button, emblem, decoration, insignia or charm, or to use and assume such name as a member thereof.

History: 1919, Act 304, Eff. Aug. 14, 1919 ;-- CL 1929, 8992 ;-- CL 1948, 430.102

430.103 Certain advertisements without consent prohibited.

Sec. 3.

It shall be unlawful for any person, co-partnership or corporation to publish, distribute or post or cause to be published, distributed or posted any commercial advertisement which shall contain the name, or display the emblem or insignia of any military, ex-military, patriotic, humane, fraternal or charitable corporation, organization or society incorporated under the laws of this or any other state or of the United States, without having first obtained the written consent of said corporation, organization or society to such advertisement.

History: 1919, Act 304, Eff. Aug. 14, 1919 ;-- CL 1929, 8993 ;-- CL 1948, 430.103

430.104 Violation of act; injunction.

Sec. 4.

Whenever there shall be an actual or threatened violation of the above act, an application may be made to the court or judge having jurisdiction to issue an injunction upon notice to the defendant or defendants of not less than 5 days, for an injunction so restraining such actual or threatened violation, or if it shall appear to such court or justice that the defendant or defendants is or are in fact using the name of a military, ex-military, patriotic, benevolent, humane, fraternal or charitable corporation or organization, or a name so nearly resembling it as to be calculated to deceive the public, or is wearing or exhibiting the recognized or established badge, insignia or emblem of such corporation or organization without authority thereof and in violation of the above act, an injunction may be issued by said court or justice enjoining or restraining such actual or threatened violation, without requiring proof that any person has in fact been misled or deceived thereby.

History: 1919, Act 304, Eff. Aug. 14, 1919 ;-- CL 1929, 8994 ;-- CL 1948, 430.104

430.105 Violation of act; penalty.

Sec. 5.

Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than 50 dollars or more than 500 dollars, or by imprisonment in the county jail for a period not to exceed 6 months, or by both such fine and imprisonment.

History: 1919, Act 304, Eff. Aug. 14, 1919 ;-- CL 1929, 8995 ;-- CL 1948, 430.105