

Chapter 430

NAMES, TITLES, INSIGNIA, AND EMBLEMS

REGISTRATION OF NAMES AND INSIGNIA

Act 281 of 1927

AN ACT to provide for the registration and protection of the names, badges, buttons, decorations, charms, emblems, rosettes and other insignia of associations, lodges, orders, fraternal societies, beneficial societies, or fraternal and beneficial societies or associations, historical, military or veterans' organizations, labor union, foundation, federation, or any other society, organization or association, degree, branch, subordinate lodge or auxiliary thereof; to prohibit the wearing, exhibition, display or use of the same by any person not entitled to wear, exhibit, display or use the same, and fixing a penalty for the violation of this act.

History: 1927, Act 281, Eff. Sept. 5, 1927

The People of the State of Michigan enact:

430.1 Registration or insignia of certain organizations; alteration or cancellation by reregistration; "administrator" defined.

Sec. 1.

(1) Any association, lodge, order, fraternal society, beneficial association, or fraternal and beneficial society or association, historical, military or veterans' organization, labor union, foundation, federation, or any other society, organization, or association, degree, branch, subordinate lodge or auxiliary thereof, whether incorporated or unincorporated, may register in the office of the administrator, a facsimile, duplicate, or description of its name, badge, button, decoration, charm, emblem, rosette, or other insignia, and may by reregistration, alter or cancel the same.

(2) As used in this act, "administrator" means the director of commerce or his or her designated representative.

History: 1927, Act 281, Eff. Sept. 5, 1927 ;-- CL 1929, 8977 ;-- CL 1948, 430.1 ;-- Am. 1984, Act 183, Eff. Oct. 1, 1984

430.2 Application for registration; blanks.

Sec. 2.

Application for such registration shall be made by the chief officer or officers of said association, lodge, order, fraternal society, beneficial association or fraternal and beneficial society or association, historical, military or veterans' organization, labor union, foundation, federation, or any other society, organization, or association, degree, branch, subordinate lodge or auxiliary thereof, upon blanks to be provided by the administrator, and such registration shall be for the use, benefit, and on behalf of all associations, degrees, branches, subordinate lodges and auxiliaries of said association, lodge, order, fraternal society, beneficial association, or fraternal and beneficial society or association, historical, military or veterans' organization, labor union, foundation, federation, or any other society, organization, or association, degree, branch, subordinate lodge or auxiliary thereof and the individual members and those who thereafter become members thereof, throughout the state of Michigan.

History: 1927, Act 281, Eff. Sept. 5, 1927 ;-- CL 1929, 8978 ;-- CL 1948, 430.2 ;-- Am. 1984, Act 183, Eff. Oct. 1, 1984

430.3 Record of registrations.

Sec. 3.

The administrator shall keep a properly indexed record of the registrations provided for by this act, which record shall also show any altered or canceled registration.

History: 1927, Act 281, Eff. Sept. 5, 1927 ;-- CL 1929, 8979 ;-- CL 1948, 430.3 ;-- Am. 1984, Act 183, Eff. Oct. 1, 1984

430.4 Registration of name and insignia of certain organizations; disallowance.

Sec. 4.

No registration shall be granted to any association, lodge, order, fraternal society, beneficial association, or fraternal and beneficial society or association, historical, military, or veterans' organization, labor union, foundation, federation, or any other society, organization or association, degree, branch, subordinate lodge or auxiliary thereof, having a name, badge, button, decoration, charm, emblem, rosette or other insignia similar to, imitating or so nearly resembling as to be calculated to deceive, any other name, badge, button, decoration, charm, emblem, rosette or other insignia whatsoever, already registered pursuant to the provisions of this act.

History: 1927, Act 281, Eff. Sept. 5, 1927 ;-- CL 1929, 8980 ;-- CL 1948, 430.4

430.5 Certificate.

Sec. 5.

Upon granting registration as aforesaid, the administrator shall issue a certificate to the petitioners, showing that a search of his or her records fails to disclose any conflict between the name, badge, button, decoration, charm, emblem, rosette, or other insignia proposed to be registered, and any other name, badge, button, decoration, charm, emblem, rosette, or other insignia registered pursuant thereto.

History: 1927, Act 281, Eff. Sept. 5, 1927 ;-- CL 1929, 8981 ;-- CL 1948, 430.5 ;-- Am. 1984, Act 183, Eff. Oct. 1, 1984

430.6 Wilful unauthorized use of insignia; penalty.

Sec. 6.

Any person who shall wilfully wear, exhibit, display, or use for any purpose, the badge, button, decoration, charm, emblem, rosette or other insignia of any such association or organization herein mentioned, duly registered hereunder, unless he or she shall be entitled to use and wear the same under the constitution and by-laws, rules and regulations of such association and organization, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding 100 dollars, and in default of payment, committed to jail for a period of not to exceed 60 days.

History: 1927, Act 281, Eff. Sept. 5, 1927 ;-- CL 1929, 8982 ;-- CL 1948, 430.6

430.7 Fees; payment; disposition.

Sec. 7.

There shall be paid to the administrator the sum of \$5.00 for each registration and search made by him or her and certificates thereof issued, pursuant to the provisions of this act. The sum of \$5.00 shall be paid at the time the registration or search is applied for; all sums paid to the administrator for registrations and searches shall be paid into the general fund of this state and become a part of the general fund.

History: 1927, Act 281, Eff. Sept. 5, 1927 ;-- CL 1929, 8983 ;-- CL 1948, 430.7 ;-- Am. 1984, Act 183, Eff. Oct. 1, 1984

PROTECTION OF NAMES AND EMBLEMS

Act 269 of 1929

AN ACT to protect benevolent, humane, fraternal or charitable corporations in the use of their names and emblems; to provide penalties for the violation thereof; and to repeal Act No. 255 of the Public Acts of 1909.

History: 1929, Act 269, Eff. Aug. 28, 1929

The People of the State of Michigan enact:

430.51 Protection of corporate name; priority; "historically black college or university" designation requirements.

Sec. 1.

(1) A person, society, association, or corporation shall not assume, adopt, or use the name of a benevolent, humane, fraternal, or charitable organization, including an educational corporation, incorporated under the laws of this or any other state, or of the United States, or a name so nearly resembling the name of the incorporated organization as to be a colorable imitation of the incorporated organization's name, or calculated to deceive persons not members, with respect to the incorporated organization. If 2 or more societies, associations, or corporations claim the right to the same name, or to names that are substantially similar, the organization that was first organized and used the name, and first became incorporated under the laws of the United States or of any state of the United States, is entitled in this state to the prior and exclusive use of the name, and the rights of the societies, associations, or corporations, and of their individual members, shall be fixed and determined accordingly.

(2) A person, society, association, or corporation shall not assume, adopt, or use the designation "historically black college or university" unless the person, society, association, or corporation is a part B institution as that term is defined under 20 USC 1061, or an educational corporation that was reopened under section 171 of 1931 PA 327, MCL 450.171.

History: 1929, Act 269, Eff. Aug. 28, 1929 ;-- CL 1929, 8985 ;-- CL 1948, 430.51 ;-- Am. 2021, Act 151, Eff. Mar. 30, 2022

Former Law: See Act 255 of 1909, being CL 1915, §§ 10638 to 10641.

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

Sec. 2.

No person shall wear or exhibit the badge, button, emblem, decoration, insignia, or charm, or shall assume or

use the name of any benevolent, humane, fraternal, or charitable corporation incorporated 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 benevolent, humane, fraternal or charitable corporation, the name of which shall so nearly resemble the name of any other corporation existing prior to the organization of the corporation or association 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, unless he shall be authorized under the law, statutes, rules, regulations and by-laws of such former corporation, to wear such badge, button, emblem, decoration, insignia, or charm, or to use and assume such name as a member thereof.

History: 1929, Act 269, Eff. Aug. 28, 1929 ;-- CL 1929, 8986 ;-- CL 1948, 430.52

430.53 Repealed. 2013, Act 158, Imd. Eff. Nov. 5, 2013.

Compiler's Notes: The repealed section pertained to prohibited display of emblem or insignia on motor vehicle.

430.54 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 of not less than 5 days, restraining such actual or threatened violation, or if it shall appear to such court or justice that the defendant is in fact using the name of such a benevolent, humane, fraternal or charitable corporation, incorporated as aforesaid, or a name so nearly resembling it as to be calculated to deceive the public, or is wearing or exhibiting the badge, insignia, or emblem, of such corporation 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: 1929, Act 269, Eff. Aug. 28, 1929 ;-- CL 1929, 8988 ;-- CL 1948, 430.54

430.55 Violation of act; penalty.

Sec. 5.

Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, fined not exceeding 100 dollars, or imprisonment in the county jail not exceeding 90 days, or both such fine and imprisonment.

History: 1929, Act 269, Eff. Aug. 28, 1929 ;-- CL 1929, 8989 ;-- CL 1948, 430.55

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

UNLAWFUL WEARING OF BADGE OR BUTTON

Act 109 of 1905

AN ACT to prevent persons from unlawfully using or wearing the badge or button of the Grand Army of the Republic, the Loyal Legion of the United States, the United Spanish War Veterans, Military Order of Foreign Wars, or the American Legion, or of any legally incorporated organization composed of honorably discharged veterans of any war in which the United States has been, or may be, a participant, and to repeal section 11768 of the Compiled Laws of 1897.

History: 1905, Act 109, Imd. Eff. May 10, 1905 ;-- Am. 1921, Act 6, Eff. Aug. 18, 1921

The People of the State of Michigan enact:

430.151 Unauthorized wearing of veteran's society badge or button; penalty.

Sec. 1.

Any person who shall wear the badge or button of the Grand Army of the Republic, the Loyal Legion of the United States, the United Spanish War Veterans, Military Order of Foreign Wars, or the American Legion, or of any legally incorporated organization composed of honorably discharged veterans of any war in which the United States has been, or may be, a participant, without being entitled to use or wear the same under the rules and regulations of such several organizations, or who shall use or wear the badge or button thereof to obtain aid or assistance thereby within the state of Michigan shall be guilty of a misdemeanor, and if convicted thereof, shall be punished by imprisonment in the county jail for a term not exceeding 30 days, or a fine not exceeding 20 dollars.

History: 1905, Act 109, Imd. Eff. May 10, 1905 ;-- CL 1915, 15579 ;-- Am. 1921, Act 6, Eff. Aug. 18, 1921 ;-- CL 1929, 8996 ;-- CL 1948, 430.151

FRAUDULENT USE OF NAMES, TITLES, OR COMMON DESIGNATIONS

Act 46 of 1911

AN ACT relative to the fraudulent use of names, titles or common designations of fraternities and unions, and providing a penalty therefor.

History: 1911, Act 46, Eff. Aug. 1, 1911

The People of the State of Michigan enact:

430.201 Fraudulent obtaining of application or property for pretended lodge membership; penalty.

Sec. 1.

Whoever, wilfully, by color or aid of any false token or writing or other false pretense or false statement, verbal or written, or without authority of the grand or supreme governing lodge, council, union or other governing body hereinafter mentioned, obtains the signature of any person to any written application or obtains any money or property for any alleged or pretended degree or for any alleged or pretended membership in any fraternity, association, society, order, organization or union having a grand or supreme governing lodge, council, union or other governing body in this state or in any subordinate lodge or body thereof, shall be punished by imprisonment for not more than 1 year or by a fine of not more than 500 dollars, or by both such fine and imprisonment.

History: 1911, Act 46, Eff. Aug. 1, 1911 ;-- CL 1915, 15581 ;-- CL 1929, 8998 ;-- CL 1948, 430.201

430.202 Fraudulent and unauthorized use of lodge name or imitation; penalty.

Sec. 2.

Whoever in a newspaper or other publication, or in any written or printed letter, notice, matter or device, without authority of the grand or supreme governing lodge, council, union or other governing body hereinafter mentioned, fraudulently uses or aids in any way in the use of the name, title or common designation of any fraternity, association, society, order, organization or union which has a grand or supreme governing lodge, council, union or other governing body, having priority in such use in this state, or any name, title or designation so nearly resembling the same as to be calculated or likely to deceive; and whoever without such authority fraudulently publishes, sells, circulates or distributes any written or printed letter, notice, matter or device in any way soliciting members for such fraternity, association, society, order, organization or union, or for any alleged or pretended fraternity, association, society, order, organization or union, using any such name, title, designation, or near

resemblance thereto; and whoever therein or thereby in any way without such authority fraudulently offers to sell, confer, communicate or give information where, of whom or by what means any degree or work in whole or in part of such fraternity, association, society, order, organization or union or of any alleged or pretended fraternity, association, society, order, organization or union using any such name, title or designation or near resemblance thereto, can or may be obtained, conferred or communicated, shall be punished by imprisonment for not more than 1 year or by a fine of not more than 500 dollars, or by both such fine and imprisonment.

History: 1911, Act 46, Eff. Aug. 1, 1911 ;-- CL 1915, 15582 ;-- CL 1929, 8999 ;-- CL 1948, 430.202