# Chapter 649

## 1985 REPLACEMENT PART

# Insignia and Names of Organizations


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**649.010 Definitions for ORS 649.010 to 649.060.** As used in ORS 649.010 to 649.060:

(1) "Organization" includes 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, incorporated or unincorporated, the principles and activities of which are not repugnant to the Constitution and laws of the United States or this state.

(2) "Insignia" includes badge, motto, button, decoration, charm, emblem, rosette or other insignia.

**649.020 Organization may register its name or insignia.** (1) Any organization may register, in the office of the Secretary of State, a facsimile, duplicate or description of its name and insignia, and may, by reregistration, alter or cancel the same. The registration shall be for the use, benefit and on behalf of the organization, the individual members and those who thereafter become members of the organization, throughout the state.

(2) No registration shall be granted or alteration permitted to any organization having a name or insignia similar to, imitating or so nearly resembling as to be calculated to deceive, any other name or insignia already registered pursuant to the provisions of ORS 649.010 to 649.060.

**649.030 Unauthorized use of registered insignia prohibited.** No person shall wilfully wear, exhibit, display, print or use, for any purpose, the insignia of any organization registered under ORS 649.010 to 649.060 unless the person is entitled to use and wear the insignia under the constitution and bylaws, rules and regulations of the organization.

**649.040 Application for registration, alteration or cancellation; certificate of registration; fees.** (1) Application for registration, alteration or cancellation shall be made by the chief officer or officers of the organization upon blanks provided by the Secretary of State. Upon granting registration, the Secretary of State shall issue a certificate to the applicant, setting forth the fact of registration.

(2) The fee of the Secretary of State for registration, alteration, cancellation, searches made by the Secretary of State, and certificates issued by the Secretary of State, pursuant to ORS 649.010 to 649.060, is $2.50.

**649.050 Record of registration.** The Secretary of State shall keep a properly indexed record of the registration provided for by ORS 649.010 to 649.060 and of any altered or canceled registration.

**649.060 Exclusive right to register.** Any organization organized and existing on June 8, 1933, which had adopted any name or insignia has exclusive rights to the registration of such name and insignia officially adopted and in use by it at that time.

**649.070 Protection of distinguishing blanks and marks filed by telegraph company.** The president or secretary of any telegraph company in this state may file in the office of the county clerk of the county in which the principal office of the company is situated, a copy of any printed blank or envelope, picture or device, used or intended to be used by the company, with the certificate of the president or secretary that the same is commonly used, or is intended so to be, in the business of the company, as a distinguishing mark, notice, or index of the business. Thereupon the blank envelope, picture or device shall become the property of the company and no person, unless by the employment or permission of the company, shall wilfully print, publish, distribute or use, or cause to be printed, published, distributed, or used, either of them, or any copy, counterfeit, or imitation thereof.

**649.080 Unauthorized display of insignia or emblem of motor vehicle association prohibited.** No person shall display upon any motor vehicle the insignia or emblem of any motor vehicle club or similar organization unless the person is entitled, under the constitution, bylaws, rules or regulations of the club or organization, to use the insignia or emblem.

**649.990 Penalties.** (1) Violation of ORS 649.030 is punishable, upon conviction, by a fine not to exceed $100. Default in the payment of a fine shall be dealt with as provided in ORS 161.675.

(2) Intentional violation of ORS 649.070 is punishable, upon conviction, by a fine not to exceed $500 or imprisonment not to exceed six months.

(3) Violation of ORS 649.080 is punishable:

(a) Upon conviction, by a fine of not more than $100 or by imprisonment for not more than 10 days.

(b) Upon a second such conviction within one year after the first conviction, by a fine of not more than $200 or by imprisonment for not more than 20 days, or both.

(c) Upon a third or subsequent conviction within one year after the first conviction, by a fine of not more than $500 or by imprisonment for not more than six months, or both. [Amended by 1971 c.743 §403; 1983 c.740 §238; 1983 c.338 §962; 1985 c.16 §475]