

Honolulu, Hawaii

Feb 6, 2008

RE: H.B. No. 3085  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Economic Development & Business Concerns,  
to which was referred H.B. No. 3085 entitled:

"A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION,"

begs leave to report as follows:

The purpose of this bill is to resolve inconsistencies, gaps,  
and ambiguities in the law allowing registration and protection of  
trademarks, service marks, and trade names in chapter 482, Hawaii  
Revised Statutes (chapter 482). Among other things, this bill:

- (1) Distinguishes between the standard for registration of  
trade or entity names ("substantially identical") and  
the standard for determining ownership of trade or  
entity names under the common law ("confusingly  
similar");
- (2) Adds a C felony penalty for intentional false filings to  
the existing misdemeanor penalty for negligent false  
filings;
- (3) Reorganizes chapter 482 into four parts entitled  
Definitions, Trade Names, Trademarks and Service Marks,  
and Miscellaneous Provisions; and
- (4) Makes technical, nonsubstantive housekeeping amendments.



The Office of Administrative Hearings and Business Registration Division of the Department of Commerce and Consumer Affairs testified in support of this bill.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2034, to facilitate further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Development & Business Concerns that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3085, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3085, H.D. 1, and be referred to the Committees on Consumer Protection & Commerce and Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Economic  
Development & Business  
Concerns,

  
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KYLE T. YAMASHITA, Chair



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

Record of Votes of the Committee on Economic Development & Business Concerns

<b>Bill/Resolution No.:</b> HB 3085	<b>Committee Referral:</b> EDB, CPC/JUD, FIN	<b>Date:</b> 1/31/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>EDB Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. YAMASHITA, Kyle T. (C)	✓			
2. WAKAI, Glenn (VC)	✓			
3. BERG, Lyla B., Ph.D.				✓
4. BROWER, Tom	✓			
5. CHANG, Jerry L.	✓			
6. HANOHANO, Faye P.	✓			
7. HERKES, Robert N.	✓			
8. MANAHAN, Joey	✓			
9. TSUJI, Clift	✓			
10. YAMANE, Ryan I.	✓			
11. CHING, Corinne W.L.				✓
12. MARUMOTO, Barbara C.	✓			
<b>TOTAL (12)</b>	10	0	0	2
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) did not support recommendation.				
<b>Vice Chair's or designee's signature:</b> _____				
<b>Distribution:</b> Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				