

Honolulu, Hawaii  
FEB 15, 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 Committees on Consumer Protection & Commerce and  
Judiciary, to which was referred H.B. No. 3085, H.D. 1, entitled:

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

beg 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:

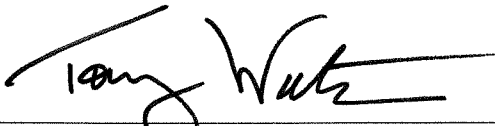
- (1) Distinguishes between the standard for registration of  
trade or entity names ("substantially identical") and  
the standard for determining ownership of trade or  
entity names under the common law ("confusingly  
similar");
- (2) Adds a C felony penalty for intentional false filings to  
the 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 Department of Commerce and Consumer Affairs (DCCA) and Office of Administrative Hearings of DCCA testified in support of this bill.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 3085, H.D. 1, and recommend that it be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committees on Consumer  
Protection & Commerce and  
Judiciary,



TOMMY WATERS, Chair



ROBERT N. HERKES, Chair





