

STAND. COM. REP. NO. 3280

Honolulu, Hawaii

APR 01 2008

RE: H.B. No. 3085
H.D. 2
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committees on Commerce, Consumer Protection, and Affordable Housing and Judiciary and Labor, to which was referred H.B. No. 3085, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose of this measure is to correct a notable ambiguity in the law governing trade names by clarifying ownership rights and registration rights with respect to trade names.

Specifically, this measure:

- (1) Lays out the "confusingly similar" standard with respect to ownership rights and the "substantially similar" standard with respect to registration rights, and clarifies the manner in which each standard relates to the appeal of a registered trade name or entity name;
- (2) Clarifies and corrects inconsistencies, ambiguities, and errors under chapter 482, Hawaii Revised Statutes; and
- (3) Revises the penalties for false filings to the Director of Commerce and Consumer Affairs, and clarifies that aggrieved filers may seek injunctive relief in a court of competent jurisdiction.



Testimony in support of this measure was submitted by the Department of Commerce and Consumer Affairs.

There has been an increase in the number of trade name cases filed with the Office of Administrative Hearings at the Department of Commerce and Consumer Affairs as more and more businesses look to the Department to resolve their trade name disputes. Your Committees find that inconsistencies and ambiguities with respect to chapter 482, Hawaii Revised Statutes, relating to the registration and protection of trademarks deserve clarification for more efficient implementation.

Your Committees have amended this measure by deleting its contents and replacing it with the contents of S.B. No. 3007, S.D. 1, which are substantially similar, except for technical differences.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Affordable Housing and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 3085, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 3085, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Commerce,
Consumer Protection, and
Affordable Housing and
Judiciary and Labor,


BRIAN T. TANIGUCHI, Chair


RUSSELL S. KOKUBUN, Chair



