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TO THE HOUSE CONSUMER PROTECTION AND COMMERCE
AND HOUSE JUDICIARY COMMITTEES

THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010

Date: Monday, March 29, 2010
Time: 2:00 p.m.
Conference Room: 325

**TESTIMONY ON SENATE BILL NO. 2775, SD 1, HD 1
RELATING TO PUBLICITY RIGHTS NAMES AS DISTINGUISHED
FROM TRADE NAMES AND SPECIFYING REGISTRATION PROCEDURES
FOR PUBLICITY RIGHTS NAMES BY AMENDING CHAPTER 482P**

TO THE HONORABLE ROBERT N. HERKES, CHAIR, THE HONORABLE JON RIKI KARAMATSU,
CHAIR, AND MEMBERS OF THE COMMITTEES:

Thank you for giving me the opportunity to testify. My name is Tung Chan, head of the Business Registration Division, Department of Commerce and Consumer Affairs ("Department"). The Department strongly supports this bill which is primarily a clean up bill to clarify language regarding business registration law. The Department strongly supports the Senate Draft 1 version, which is very similar to an administration bill, H.B. No. 2543. The Department also supports House Draft 1 and its technical, nonsubstantive amendments, but would ask that the House Draft 1 defective effective date of July 1, 2112 be changed to "upon approval."

This bill proposes to distinguish publicity rights trade names ("PRTNs") established under chapter 482P, Hawaii Revised Statutes, from traditional trade names, which are governed by chapter 482, Hawaii Revised Statutes. The bill accomplishes this goal by renaming PRTNs to "publicity rights names" and specifying the Department's ability to implement business registration procedures for publicity rights names.

The intent of the name change is to prevent confusion on the part of those who wish to register publicity rights names instead of trade names. To accomplish this delineation between the two different types of registrations, this bill also: (1) inserts language to permit the Department to implement the technical changes of establishing a publicity rights name registration separate from traditional trade names; (2) clarifies that DCCA's role is purely ministerial in nature and that the Director has discretion to implement the registration procedures in an efficient manner; and (3) deletes language that refers to trade name registrations under chapter 482, HRS, which are separate and distinct from publicity rights name registrations.

We respectfully request that the Committee either: (1) adopt the language from Senate Draft 1; or (2) change the effective date of House Draft 1 to "upon approval".
Thank you for this opportunity to testify.