
A BILL FOR AN ACT

RELATING TO MUSICAL PERFORMANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 481B, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§481B- Truth in music advertising act; additional
5 remedies. (a) This section shall be known and may be cited as
6 the "Hawaii Truth in Music Advertising Act".

7 (b) No person shall advertise or conduct a live musical
8 performance or production in the State through the use of a
9 false, deceptive, or misleading affiliation, connection, or
10 association between a performing group and a recording group,
11 unless:

12 (1) The performing group is the authorized registrant and
13 owner of a federal service mark for the group
14 registered in the United States Patent and Trademark
15 Office;

16 (2) At least one member of the performing group was a
17 member of the recording group and has a legal right by



1 virtue of use or operation under the name of the
2 recording group without having abandoned the name or
3 affiliation with the recording group;

4 (3) The live musical performance or production is
5 identified in all advertising and promotion as a
6 salute or tribute, and the name of the performing
7 group is not so closely related or similar to the name
8 used by the recording group that it would tend to
9 confuse or mislead the public;

10 (4) The advertising does not relate to a live musical
11 performance or production taking place in the State;
12 or

13 (5) The performance or production is expressly authorized
14 by the recording group.

15 (c) In civil actions brought to restrain and prevent a
16 violation of this section by the attorney general or the office
17 of consumer protection, the court may include in its orders or
18 judgments such provisions as may be necessary to effect
19 restitution in accordance with section 487-14.

20 (d) Each performance or production in violation of
21 subsection (b) constitutes a separate violation.



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1 (e) For purposes of this section:

2 "Performing group" means a vocal or instrumental group of

3 one or more members that intends to advertise or perform under

4 the name of a recording group or performer or a name

5 substantially similar to a recording group or performer.

6 "Recording group" means a vocal or instrumental group of

7 one or more members, whereby at least one member has previously

8 released a commercial sound recording under that group's name

9 and at least one member has a legal right by virtue of use or

10 operation under the group name without having abandoned the name

11 or affiliation with the group.

12 "Sound recording" means a work that results from the

13 fixation of a series of musical, spoken, or other sounds,

14 regardless of the nature of the material object, such as

15 phonograph, disc, tape, wire, digital storage, or other medium,

16 in which the sounds are embodied."

17 SECTION 2. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

19

INTRODUCED BY:

RCM
R. J. ...

JAN 14 2020

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Report Title:

Truth in Music Advertising Act; Performing Groups; Recording Groups; Restitution

Description:

Prohibits a person from advertising or conducting a live musical performance or production through the use of a false, deceptive, or misleading affiliation, connection, or association with a performing group and recording group. Allows a court to grant restitution.

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