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Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Commerce, Consumer Protection, and Health
Wednesday, March 11, 2020
9:30 a.m.
State Capitol, Conference Room 229**

**On the following measure:
H.B. 1678, H.D. 1, RELATING TO MUSICAL PERFORMANCES**

Chair Baker and Members of the Committee:

My name is Stephen Levins, and I am the Executive Director of the Department of Commerce and Consumer Affairs' (Department) Office of Consumer Protection (OCP). The Department supports this bill.

The purposes of this bill are to: (1) prohibit a person from advertising or conducting a live musical performance through the use of a false, deceptive, or misleading affiliation, connection, or association with a performing group; and (2) allow a court to grant restitution.

This bill seeks to protect the intellectual property of musical artists and to protect consumers from deceptive practices by prohibiting advertising or conducting live performances of legacy performing groups, unless the performance includes one member of the original group, is identified as a tribute band, or the group is an authorized owner of a federal service mark for the original group. Honolulu has several famous legacy musical acts scheduled to perform in 2020 at venues as intimate as the

Blue Note Hawaii in Waikiki to large arenas like the Neal S. Blaisdell Center. The musical acts performing in Hawaii this year include '80s bands Kool and the Gang and Hall & Oates, as well as '90s all-female hip-hop trio TLC and boy band 98 Degrees. As such, the Department believes that consumers will benefit from this bill because they will know with certainty whether the band is the original one or instead a tribute act.

Thank you for the opportunity to testify on this bill.