Honolulu, Hawaii

Fe 415, 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



State of Hawaii House of Representatives The Twenty-fourth Legislature

Record of Votes of the Committee on Consumer Protection & Commerce

l l	ee Referral: ,CPC/JUD,F	IN Dat	52/4/0			
☐ The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)						
CPC Members	Ayes	Ayes (WR)	Nays	Excused		
1. HERKES, Robert N. (C)	Y			manicesses serali sceniilres i		
2. McKELVEY, Angus L.K. (VC)	X					
3. EVANS, Cindy	<u> </u>		and the second			
4. GREEN, Josh, M.D.	k					
5. ITO, Ken	- م		Berlin - Prablishersin (17			
6. LUKE, Sylvia	7	An are smaller in the				
7. MORITA, Hermina M.	V V					
8. SONSON, Alex M.				بر		
9. SOUKI, Joseph M.			de Condidada	×		
10. TSUJI, Clift				K		
11. YAMANE, Ryan I.				*		
12. YAMASHITA, Kyle T. 13. MARUMOTO, Barbara C.				٧		
14. THIELEN, Cynthia	T					
14. THELEN, Cynuna	 					
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TOTAL (14)	9	0	()	5		
The recommendation is: Adopted	☐ Not Adopte	ed				
If joint referral			ort recommendation	ı.		
<u> </u>	committee acronym(s	3)				
Vice Chair's or designee's signature:	10					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office						

State of Hawaii House of Representatives The Twenty-fourth Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	EDB, CPC/JUD, FI	l l	Date: 2-14-08		
HB3085, HD1 (HSCR175-08)		LY			
☐ The committee is reconsidering its previous	ous decision on the measure.				
	namended (as is)	s, with amendments			
JUD Members	Ayes	Ayes (WR)	Nays	Excused	
1. WATERS, Tommy (C)				ar el eller	
2. OSHIRO, Blake K. (VC)			Band Control Control		
3. EVANS, Cindy					
4. GREEN, Josh, M.D.			On the part to the second second		
5. ITO, Ken					
6. LUKE, Sylvia					
7. McKELVEY, Angus L.K.					
8. MORITA, Hermina M.					
9. SONSON, Alex M.					
10. SOUKI, Joseph M.					
11. TSUJI, Clift	Verification of the second of				
12. YAMANE, Ryan I.					
13. YAMASHITA, Kyle T.					
14. MARUMOTO, Barbara C.					
15. PINE, Kymberly Marcos				Section 1	
16. THIELEN, Cynthia			/#************************************		

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TOTAL (16)	11	0	0	5	
The recommendation is: Adop If joint re		did not suppo	ort recommendation		
Vice Chair's or designee's signature:	frut Com				
Distribution: Original (White) – Com	mittee Duplicate (Yello	ow) – Chief Clerk's C	Office		