

Honolulu, Hawaii

FEB 12 2008

RE: S.B. No. 3007
S.D. 1

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

Madam:

Your Committee on Commerce, Consumer Protection, and
Affordable Housing, to which was referred S.B. No. 3007 entitled:

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

begs 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
Business Registration Division, Department of Commerce and



Consumer Affairs; and the Office of Administrative Hearings,
Department of Commerce and Consumer Affairs.

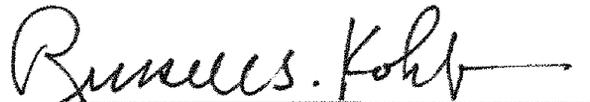
There has been an increase in the number of trade name cases filed with the Office of Administrative Hearings at the Department of Commerce and Consumer Affairs as more and more businesses look to the Department to resolve their trade name disputes. Your Committee finds that inconsistencies and ambiguities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

Your Committee has amended this measure by making technical, nonsubstantive amendments to correctly reflect the language in the Hawaii Revised Statutes and to add missing statutory language.

Your Committee believes that clarifying ownership rights and registration rights with respect to trade names fulfills the intent of the measure, which is to correct a notable ambiguity in the law governing trade names.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Affordable Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3007, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3007, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Affordable
Housing,



RUSSELL S. KOKUBUN, Chair



