

Honolulu, Hawaii

Feb 29, 2008

RE: H.B. No. 3085  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 3085, H.D. 1, entitled:

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

begs 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 (HRS). 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 class C felony penalty for intentional false filings to the existing misdemeanor penalty for negligent false filings;
- (3) Reorganizes Chapter 482, HRS, into four parts entitled "Definitions," "Trade Names," "Trademarks" and "Service Marks," and "Miscellaneous Provisions"; and
- (4) Makes technical, nonsubstantive housekeeping amendments.

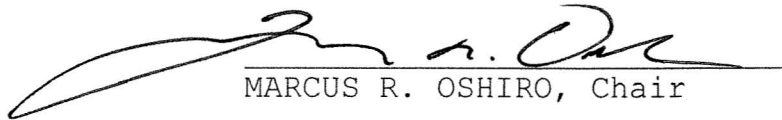


The Office of Administrative Hearings and Business Registration Division of the Department of Commerce and Consumer Affairs supported this bill.

Your Committee has amended this bill by making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3085, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 3085, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Finance,

  
MARCUS R. OSHIRO, Chair



