



Office of Administrative Hearings
Department of Commerce & Consumer Affairs
State of Hawai'i

**HOW TO FILE A PETITION FOR AN ADMINISTRATIVE ORDER
OF ABATEMENT FOR INFRINGEMENT OF CORPORATE NAME**

A. GENERAL INSTRUCTIONS

The party who files the petition for revocation is designated to be the Petitioner. Please refer to the Instructions to Numbered Items in completing the form of petition.

The form should be typed or printed in ink and **verified in the presence of a notary public**. A certified copy of the respondent's articles of incorporation, certificate or statement of partnership, or articles of organization must be attached to the petition.

The original and two copies of the verified petition must be filed with the Office of Administrative Hearings, Department of Commerce and Consumer Affairs ("DCCA"), 335 Merchant Street, Suite 100, Honolulu, Hawai'i 96813.

Please consult the "Uniform Rules of Administrative Procedure for Chapter 482 (Title 16, Chapter 201)" for additional filing requirements. You may purchase a copy of the Uniform Rules from the DCCA cashier, or you may download a copy from the DCCA webpage at www.state.hi.us/dcca/HAR/index.htm

B. INSTRUCTIONS FOR COMPLETING THE PETITION

1. Look up the current addresses and telephone numbers for the Respondent, and the person identified as the Respondent's president, in the telephone directory (if listed), or you may obtain the information from the Business Registration Division of the DCCA at their webpage: www.ehawaii.gov.org/DCCA/biz-name/html/
2. Fill in the full name of the entity against which you are seeking an order of abatement ("Respondent").
3. Fill in the full name of the party submitting the petition ("Petitioner").
4. Place a check mark in front of the appropriate statutory section upon which the petition is based: Hawai'i Revised Statutes §414-53 (corporation for profit); §415A-8.5 (professional corporation); or §415B-8.8 (Nonprofit corporation).

5. Make sure you have the petition verified by a Notary Public before you file the petition with the Office of Administrative Hearings.
6. There is no charge for filing a petition with the Office of Administrative Hearings.

C. OVERVIEW OF THE HEARING PROCESS

The Petitioner has the burden of proof. This means that the Petitioner will have to prove that it has superior rights to the contested name and that the Respondent's corporate name, partnership name or limited liability company name is confusingly similar to or substantially identical to the Petitioner's corporate, partnership or limited liability company name.

If the Petitioner fails to meet the burden of proof, the petition will be denied because it is up to the Petitioner to show why the order of abatement should be issued.

The Respondent should not rely on the Petitioner failing to fulfill its burden of proof and should come to the hearing prepared to show that its name is not confusingly similar or substantially identical to the Petitioner's name.

You have the right to legal counsel at all stages of these proceedings.

D. HOW TO CONTACT US

1. Mailing address: Office of Administrative Hearing
335 Merchant Street, Suite 100 Honolulu, Hawai'i 96813
2. Telephone: (808) 586-2828
3. Fax: (808) 586-3097
4. Email: oah@dcca.hawaii.gov
5. Webpage: www.dcca.hawaii.gov/oah