

SELECTED PROVISIONS OF HAWAII REVISED STATUTES

REGARDING REVOCATION OF TRADE NAMES FOR NONUSE AND OWNERSHIP; APPEAL

§482-6 Revocation of certificate; nonuse. (a) If any trade name is not used by the registrant in accordance with the declaration in this State for a period of three hundred sixty-five consecutive days, the certificate of registration shall be subject to revocation.

(b) Any person desiring such revocation shall file a verified petition in the office of the director, setting forth facts indicating such nonuse for a period of three hundred sixty-five consecutive days immediately preceding the date of the filing of the petition. The petitioner, at the petitioner's expense, shall notify the registrant of the hearing in the manner prescribed by the director and section 91-9.5, and the registrant shall be given the opportunity of a full hearing in accordance with chapter 91.

(c) After granting an opportunity for hearing to the petitioner and the registrant, the director shall grant or deny the petition for revocation, as the facts shall warrant. [L Sp 1933, c 29, pt of §2; RL 1935, §7455; RL 1945, §9290; am L 1947, c 163, pt of §1; RL 1955, §204-6; am L Sp 1959 2d, c 1, §15; am L 1963, c 114, §3; HRS §482-6; am L 1980, c 26, §7; am L 1982, c 204, §8; am L 1983, c 124, §17; gen ch 1985; am L 2001, c 15, §8; am L 2003, c 124, §87]

§482-7 Application of law; reissue on nonuser. (a) Sections 482-1 to 482-9 are applicable to all registrations filed in the office of the director; the intent being that all trade names not used by the applicant in this State may be immediately reissued to such applicant who is actually using the same.

(b) The fact that a trade name has not been used in this State for a period of one year shall be prima facie proof of the fact that the same has not been used elsewhere for such period. [L Sp 1933, c 29, pt of §2; RL 1935, §7456; RL 1945, §9291; RL 1955, §204-7; am L Sp 1959 2d, c 1, §15; am L 1963, c 114, §3; HRS §482-7; am L 1980, c 26, §8; am L 1982, c 204, §8; am L 1983, c 124, §17; am L 2001, c 15, §9; am L 2003, c 124, §88; am L 2004, c 121, §51]

§482-8 Revocation of certificate; ownership. (a) Any person claiming to be the owner of a trade name for which a certificate of registration pursuant to this chapter has been issued to any other person shall file a verified petition in the office of the director for the revocation of the registration of such trade name. The petition shall set forth facts in support of the ownership by such petitioner of such trade name and in support of the claim of the petitioner that the certificate of registration should be revoked.

(b) The petitioner shall, at the petitioner's expense, notify the registrant of the hearing in the manner prescribed by the director and section 91-9.5 and the registrant shall be given the opportunity of a hearing in accordance with chapter 91.

(c) After granting an opportunity for hearing to the petitioner and the registrant, the director shall grant or deny the petition for revocation, as the facts shall warrant. [L 1941, c 75, §1(7456-A); RL 1945, §9292; RL 1955, §204-8; am L Sp 1959 2d, c 1, §15; am L 1963, c 114, §3; HRS §482-8; am L 1980, c 26, §9; am L 1982, c 204, §8; am L 1983, c 124, §17; gen ch 1985; am L 2001, c 15, §10; am L 2003, c 124, §89]

§482-9 Appeal. Any person aggrieved by any action of the director under this chapter in issuing or revoking a certificate of registration of a trade name or in denying an application, within thirty days after the action by the director, or if no order has been entered either granting or denying the application within four months after the filing of the application, may commence proceedings to obtain judicial review thereof by the circuit court of the first circuit by filing in the court a notice of appeal. Proceedings for review by the intermediate appellate court, subject to chapter 602, may be had and taken in the same manner as is provided for a review of a judgment of a circuit court. [L 1941, c 75, §1(7456-B); RL 1945, §9293; RL 1955, §204-9; am L 1965, c 96, §132; HRS §482-9; am L 1980, c 26, §10; am L 1982, c 204, §8; am L 1983, c 124, §17; am L 2001, c 15, §11; am L 2003, c 124, §91; am L 2004, c 202, §51]