

6. Paragraph 4: Check the appropriate box(es) for the statutory section Petitioner is relying on for revocation of the contested trade name. If there is/are other statutes not listed, fill in the other statutory section(s) Petitioner is relying on.
7. Paragraph 5: If Petitioner is relying on HRS § 482-6 (non-use), the petition must be **verified**. Attach to this Petition, verification signed before a notary public.
8. Paragraph 6: If Petitioner is relying on HRS § 482-8(a) (confusingly similar), and Petitioner is the owner of a trade name or mark, fill in Petitioner's trade name or mark. If Petitioner is an entity registered or authorized to transact business in the State of Hawaii, fill in the name of Petitioner's entity.
9. Paragraph 7: If Petitioner is relying on HRS § 482-8(b) (substantially identical), fill in the certificate of registration number, date the certification of registration was issued, and the name of Petitioner's registered trade or entity name.
10. Paragraph 8: Fill in the facts that support the petition for revocation. For example, if relying on HRS § 482-6 (non-use), include facts showing that Respondent has not used the contested name for a period of 365 consecutive days immediately preceding the date of filing Petition. Remember, if alleging this statutory section, Petitioner **must** submit a verified petition. If relying on HRS § 482-8(a), include facts showing Petitioner's common law rights of ownership of its trade name or registered entity name, and facts showing that these rights are being infringed upon by the contested name. If relying on HRS § 482-8(b), include facts showing Respondent's subsequently registered trade name is substantially identical to Petitioner's registered trade name or entity name.
11. Fill in the Certificate of Registration Number that you are requesting to be revoked.
12. Petitioner must fill in the applicable city, date, and sign the petition.
13. The original and two copies of the petition must be filed with the Office of Administrative Hearings ("OAH"), Department of Commerce and Consumer Affairs ("DCCA"), 335 Merchant Street, Suite 100, Honolulu, Hawaii 96813.

C. Overview of the Hearings Process

Upon receipt of the original and two copies of the petition, OAH will serve a Notice of Hearing and Pre-Hearing Conference on both parties. If service on the Respondent by registered or certified mail is not successful, Petitioner, at Petitioner's expense, shall notify Respondent of the hearing in the manner prescribed by the director and HRS § 91-9.5, which may include service by publication.

The Petitioner has the burden of proof. 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 contested trade name should be revoked.

Please consult the Administrative Practice and Procedure Rules for OAH contested hearings, Hawaii Administrative Rules (“HAR”) Title 16, Chapter 201 for additional requirements. You may purchase a copy of the Administrative Practice and Procedure Rules from the DCCA cashier, or you may download a copy from the DCCA webpage: cca.hawaii.gov/Hawaii-administrative-rules/

Please remember that you have the right to retain legal counsel at all stages of these proceedings.

D. How to Contact Us

Office of Administrative Hearings
335 Merchant Street, Suite 100
Honolulu, Hawaii 96813
Telephone: 808-586-2828
Fax: 808-586-3097
Email: oah@dccahawaii.gov

You may also find additional information, resources, and prior decisions on our webpage: www.cca.hawaii.gov/oah