



OFFICE OF ADMINISTRATIVE HEARINGS
DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS
STATE OF HAWAII

**INSTRUCTIONS FOR FILING A PETITION FOR ORDER OF ABATEMENT AGAINST
INFRINGEMENT OF CORPORATE, PARTNERSHIP, LIMITED PARTNERSHIP,
OR LIMITED LIABILITY COMPANY NAME**

A. General Instructions

Determine if this is the correct petition form. **Are you requesting an order of ABATEMENT AGAINST INFRINGEMENT OF A CORPORATE, PARTNERSHIP, LIMITED PARTNERSHIP OR LIMITED LIABILITY COMPANY NAME?** (For example: The name of another entity infringing on your company's name) If you are not a Corporation, Partnership, Limited Partnership or Limited Liability Company seeking an order of abatement against infringement of your name, please see other available petition forms.

The party filing this petition is designated as the "Petitioner". The entity allegedly infringing on Petitioner's name is designated as the "Respondent".

The Office of Administrative Hearings does not provide legal advice. If you have any need for legal advice, please consult with your attorney.

Who can file a Petition? A Petitioner can be a domestic or foreign corporation, partnership, limited partnership, limited liability partnership, or limited liability company authorized to transact business in Hawaii.

B. Instructions for Completing the Petition

1. (Case No.): This is for office use. A case number will be assigned when the Petition is filed. Make sure to fill out the Petition correctly and include the infringing entity's ("Respondent") full name (i.e. LLC, Corp., LLP, etc.) so that the appropriate case prefix and number can be assigned.
2. Fill in the caption: In the Matter of the [infringing entity] "_____". This is the name of the infringing entity (Respondent) whom you are seeking an order of abatement against. (Do **not** fill in Petitioner's name.)
3. Fill in the full name of the party submitting the petition ("Petitioner") and the name of Respondent.

4. Paragraph 1: Place a check in front of the applicable box.
5. Paragraph 2: Fill in the address of Petitioner's current principal place of business.
6. Paragraph 3: Fill in Respondent's name and the current address of its principal place of business.
7. Paragraph 4: Fill in the name and current address of Respondent's officer, director, partner, manager, member, or registered agent in the State of Hawaii. [Business registration information may be found on the webpage of the Business Registration Division (BREG) of the Department of Commerce and Consumer Affairs (DCCA): cca.hawaii.gov/breg]
8. Paragraph 7: Check the appropriate box(es) for the statutory section Petitioner is relying on for the order of abatement. If there is/are other statutes not listed, fill in the other statutory section(s) Petitioner is relying on.
9. Paragraph 8: Fill in the facts that support the petition for an order of abatement against infringement of Petitioner's name. Include facts showing that Respondent's name is substantially similar to, or confusingly similar with Petitioner's name, and that further use of the name should be abated. You may attach additional pages to the Petition if necessary.
10. Petitioner must fill in the applicable city, date, and sign the petition.
11. 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 order of abatement should be granted.

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