
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . **MARK LICENSING AGREEMENT PROGRAM**

5 **§302A-A Definitions.** As used in this part, "mark" means
6 any trademark or service mark entitled to registration under
7 chapter 482, whether registered or not.

8 **§302A-B Mark licensing agreement program; established.**

9 (a) There is established within the department a mark licensing
10 agreement program to allow the department and a department
11 school to license, as applicable, the department's or department
12 school's marks.

13 (b) The department may enter into licensing agreements
14 pursuant to this part and any rules adopted pursuant to section
15 302A-E.

16 **§302A-C Commercial enterprises.** Notwithstanding any law
17 to the contrary, the department may engage in commercial
18 enterprises that are related and incidental to the primary



1 purposes of the department as set forth in this chapter,
2 including the sponsorship of private, cultural, and athletic
3 performances; the sale of goods produced by or for department
4 programs or an individual department school; or the production
5 of goods bearing a department or an individual department school
6 mark.

7 **§302A-D Mark registration.** The department may register
8 with the department of commerce and consumer affairs any mark of
9 the department or an individual department school.

10 **§302A-E Administrative rules.** The department shall adopt
11 rules pursuant to chapter 91 for the purposes of this part.

12 Rules adopted pursuant to this section shall address, at
13 minimum:

- 14 (1) An application process for a mark licensing agreement;
- 15 (2) Standards for potential licensees and selection
16 criteria;
- 17 (3) The appropriateness and quality of proposed licensed
18 products and uses;
- 19 (4) The assessment and collection of fees;
- 20 (5) The disposition of fees and royalties;



- 1 (6) An appeals process for an application for mark
- 2 licensing that is denied; and
- 3 (7) A process to revoke or suspend a mark licensing
- 4 agreement."

5 SECTION 2. In codifying the new sections added by section
6 1 of this Act, the revisor of statutes shall substitute
7 appropriate section numbers for the letters used in designating
8 the new sections in this Act.

9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun, before the effective date of this Act.

12 SECTION 4. This Act shall take effect on July 1, 2017.



Report Title:

Mark Licensing Agreement; Department of Education

Description:

Establishes a Mark Licensing Agreement Program within the Department of Education and authorizes the Department of Education to register trademarks and service marks for department programs and individual department schools and enter into licensing agreements for their use. (HB880 CD1)

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