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# 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     .   SERVICE MARK LICENSING AGREEMENT PROGRAM

5           §302A-A   Service mark licensing agreement program;  
6 establishment. (a) There is established within the department  
7 a service mark licensing agreement program to allow the  
8 department and a department school to license, as applicable,  
9 the department's or department school's service marks.

10           (b) The department may enter into licensing agreements  
11 pursuant to this part and any rules adopted pursuant to section  
12 302A-D.

13           §302A-B   Commercial enterprises. Notwithstanding any law  
14 to the contrary, the department may engage in commercial  
15 enterprises that are related and incidental to the primary  
16 purposes of the department as set forth in this chapter,  
17 including the sponsorship of private, cultural, and athletic



1 performances; the sale of goods produced by or for department  
2 programs or an individual department school; or the production  
3 of goods bearing the department's or an individual department  
4 school's service mark.

5       **§302A-C Service mark registration.** The department may  
6 register with the department of commerce and consumer affairs  
7 any service mark of the department or an individual department  
8 school.

9       **§302A-D Rules.** The department shall adopt rules pursuant  
10 to chapter 91 for the purposes of this part. Rules adopted  
11 pursuant to this section shall address, at minimum:

- 12       (1) An application process for a service mark licensing  
13             agreement;
- 14       (2) Standards for potential licensees and selection  
15             criteria;
- 16       (3) The appropriateness and quality of proposed licensed  
17             products and uses;
- 18       (4) The assessment and collection of fees;
- 19       (5) The disposition of fees and royalties;
- 20       (6) An appeals process for an application for a service  
21             mark licensing agreement that has been denied; and



1 (7) A process to revoke or suspend a service mark  
2 licensing agreement."

3 SECTION 2. In codifying the new sections added by section  
4 1 of this Act, the revisor of statutes shall substitute  
5 appropriate section numbers for the letters used in designating  
6 the new sections in this Act.

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

10 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Jakobi Orr  
T. Stal  
JAN 23 2017



# H.B. NO. 880

**Report Title:**

Service Mark Licensing Agreement; Department of Education

**Description:**

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

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

