
A BILL FOR AN ACT

RELATING TO SCHOOLS.

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 the department's or department school's marks.

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

15 **§302A-C Commercial enterprises.** Notwithstanding any law
16 to the contrary, the department may engage in commercial
17 enterprises that are related and incidental to the primary



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

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

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

- 13 (1) An application process for a mark licensing 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 mark
21 licensing that is denied; and



1 (7) A process to revoke or suspend a mark licensing
2 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 its effective date.

10 SECTION 4. This Act shall take effect on July 1, 2051.



Report Title:

Mark Licensing Agreements; Department of Education

Description:

Establishes a mark licensing agreement program within the Department of Education. Authorizes the Department to register trademarks and service marks for department programs and individual department schools and enter into licensing agreements for their use. (SB1099 HD1)

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