

JAN 25 2017

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 . **SERVICE MARK LICENSING AGREEMENT PROGRAM**

5 **§302A-A Service mark licensing agreement program;**

6 **established.** (a) There is established within the department a
7 service mark licensing agreement program to allow the department
8 and a department school to license the department's or
9 department school's service marks.

10 (b) The department may enter into licensing agreements
11 pursuant to this part and subject to rules adopted under 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 sponsorship of private, cultural, and athletic



1 performances, sale of goods produced by or for department
2 programs or an individual department school, or goods bearing a
3 department or individual department school service mark.

4 **§302A-C Service mark registration.** The department may
5 register with the department of commerce and consumer affairs
6 any service mark of the department or an individual department
7 school.

8 **§302A-D Administrative rules.** The department may adopt
9 rules pursuant to chapter 91 for the purposes of this part.
10 Rules adopted pursuant to this section shall address at a
11 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 service mark
21 licensing that is denied; and



S.B. NO. 1099

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 its effective date.

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

11

INTRODUCED BY: Michelle R. Tedani

James W. Dale

Mike Hubbard

Eric Johnson

Will Egan

Randy H. Baker



S.B. NO. 1099

Report Title:

Service Mark Licensing Agreements; Department of Education

Description:

Establishes a service mark licensing agreement program within the department of education and authorizes the department 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.

