

ACT 140

H.B. NO. 880

A Bill for an Act Relating to the Department of Education.

Be It Enacted by the Legislature of the State of Hawaii:

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

“PART . MARK LICENSING AGREEMENT PROGRAM

§302A-A Definitions. As used in this part, “mark” means any trademark or service mark entitled to registration under chapter 482, whether registered or not.

§302A-B Mark licensing agreement program; established. (a) There is established within the department a mark licensing agreement program to allow the department and a department school to license, as applicable, the department’s or department school’s marks.

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

§302A-C Commercial enterprises. Notwithstanding any law to the contrary, the department may engage in commercial enterprises that are related and incidental to the primary purposes of the department as set forth in this chapter, including the sponsorship of private, cultural, and athletic performances; the sale of goods produced by or for department programs or an individual department school; or the production of goods bearing a department or an individual department school mark.

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

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

- (1) An application process for a mark licensing agreement;
- (2) Standards for potential licensees and selection criteria;
- (3) The appropriateness and quality of proposed licensed products and uses;
- (4) The assessment and collection of fees;
- (5) The disposition of fees and royalties;
- (6) An appeals process for an application for mark licensing that is denied; and
- (7) A process to revoke or suspend a mark licensing agreement.”

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

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

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

(Approved July 10, 2017.)