

STAND. COM. REP. NO.

1746

Honolulu, Hawaii

APR 03 2019

RE: S.C.R. No. 204

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Judiciary, to which was referred S.C.R. No. 204 entitled:

"SENATE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY TASK FORCE TO DEVELOP A SUI GENERIS LEGAL SYSTEM TO RECOGNIZE AND PROTECT NATIVE HAWAIIAN CULTURAL INTELLECTUAL PROPERTY, TRADITIONAL CULTURAL EXPRESSIONS, AND GENETIC RESOURCES,"

beg leave to report as follows:

The purpose and intent of this measure is to urge the establishment of a Native Hawaiian intellectual property task force to develop a sui generis legal system to recognize and protect Native Hawaiian cultural intellectual property, traditional cultural expressions, and genetic resources.

Your Committees received testimony in support of this measure from the O'ahu County Democrats Legislative Priorities Committee and two individuals. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find the Native Hawaiian people's collective intellectual property rights are based upon the traditional, cultural knowledge developed over thousands of years and passed down from generation to generation and includes ka 'ōlelo Hawai'i, hula, mele, mo'olelo, lei making, kapa making, kākau, weaving, feather work, carving, and wayfinding. However, your Committees find the western intellectual property system was developed to



protect the rights of creators and inventors and was not developed to protect the rights of indigenous peoples to their collective, traditional knowledge, cultural expressions, and art forms. Other indigenous peoples have developed strategies and sui generis legal frameworks or systems to protect their collective intellectual property rights and knowledge, including the Indian Arts and Crafts Board and the Toi Iho registered trademark for Maori art and artists. Your Committees find that this measure urges the establishment of a task force to develop a sui generis legal system to recognize and protect Native Hawaiian cultural intellectual property, traditional cultural expressions, and genetic resources.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Judiciary that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 204 and recommend its adoption.

Respectfully submitted on
behalf of the members of the
Committees on Hawaiian Affairs
and Judiciary,



KARL RHOADS, Chair



MAILE S.L. SHIMABUKURO, Chair



