



**HCR155**  
**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**  
Senate Committee on Hawaiian Affairs

April 16, 2019

1:15 p.m.

Room 414

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The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on this measure:

OHA appreciates the intent of this resolution, which seeks to protect Native Hawaiians' cultural intellectual property, traditional cultural expressions, and genetic resources. This subject is of great concern to many beneficiaries of OHA.

Native Hawaiians continue to experience harms to their 'ike kupuna (ancestral knowledge, practices, and traditions) as a result of the existing western legal system, which does not protect Native Hawaiians' cultural intellectual property, traditional cultural expressions, and genetic resources. The idea to develop a sui generis (one-of-a-kind) legal system to protect the cultural interests of indigenous peoples stems from the difficulty of relying on existing Western laws for that protection. Developing a sui generis system would be complex and intellectually challenging. Accordingly, OHA appreciates the legislature's exploration of ideas to address this complicated issue.

Mahalo for the opportunity to testify on this measure.



**Department of Land and Natural Resources  
Aha Moku Advisory Committee  
State of Hawaii  
Post Office Box 621  
Honolulu, Hawaii 96809**

Testimony of  
Aha Moku Advisory Committee

Before the House Committee Water, Land & Hawaiian Affairs

Tuesday, April 16, 2019  
1:15 p.m.  
State Capitol, Conference Room 414

**In SUPPORT OF HCR 155 HSCR 2058**

**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.**

Restored from the 9<sup>th</sup> Century by the translations of ancient oral chants by John Kaimikaua, a deeply respected kumu and historian, the Aha Moku Process (Aha Moku) was brought forward by over 200 kupuna and expert practitioners of many native Hawaiian traditional disciplines from each of the main Hawaiian Islands, in a series of public puwalo and countless community meetings from 2004 to 2012. The Aha Moku was transformed into law via Act 288, SLH 2012, §171.4-5 HRS through the efforts of the Association of Hawaiian Civic Clubs. The Aha Moku is comprised of the archipelago of Hawaii – all the Hawaiian Islands including *Moku Manamana* (Northwest Hawaiian Islands). The traditional names used by each of the islands, prior to 1778 are: *Moku O Keawe* (Hawai'i Island), *Moku O Pi'ilani* (Maui), *Moku O Kanaloa* (Kaho'olawe), *Nana'i Kaula* (Lana'i), *Moloka'i Pule O'o* (Moloka'i), *Moku O Kakuhihewa* (Kaho'olawe), *Manokalanipo* (Kaua'i), and *Ka Aina O Kawelonakala* (Ni'ihau).

Each of the islands consist of moku and ahupua'a. Collectively, there are eight (8) *mokupuni* (islands) with their attached 46 *moku* (larger land districts) and 606 *ahupua'a* (smaller land districts) throughout the *Pae'Aina*. Each of the *moku* and *ahupua'a* have the traditional families still there, who have held on to the generational knowledge of their natural and cultural resources, their customs, and practices. And while collectively, as stated in HCR 155, cultural expressions and art forms are expressed generally throughout the islands, it must be noted that every island is unique in their cultural expressions and dialects. These exclusive island-specific expressions and dialects must also be included in the protection of the Intellectual Property Task Force before they are forever lost, or misappropriated by researchers, authors, scientists, biotechnology corporations, universities, fashion and others.

**Aha Moku is in strong support of HCR 155 HSCR 2058** because a Native Hawaiian Intellectual Property Task Force that should develop ways to protect Native Hawaiian cultural property, expressions, and genetic resources is critically needed. We believe this task force will be able to protect not only the most well-known and general cultural expressions of Hawaii as a whole, but also to begin to recognize the unique differences in cultural practices and vocabularies that are exclusive and site-specific to each island. **Aha Moku does not wish to offend any of the notable organizations that are listed in the BE IT RESOLVED clause, but because the Aha Moku is already a law via Act 288 SLH 2012, §171.4-5, and has access to the generational families of many of the ahupua'a within the State of Hawaii, we ask that we be added to the group from which the Task Force members will be selected.**

Respectfully yours,

Leimana DaMate  
Aha Moku Advisory Committee, Phone: 808-640-1214, Email: Leimana.k.damate@hawaii.gov

Committee on Hawaiian Affairs, Tuesday, April 16, 2019, Conference Room 414, State Capital  
415 South Beretania Street, Honolulu, Hawai`i 96813

HCR 155 (HSCR2058) 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.

Aloha Chair S. L. Shimabukuro, Vice-Chair Kaiali`i Kahele, and honorable members:

The Waimea Hawaiian Civic Club wholeheartedly SUPPORTS THE INTENT OF HCR 155 / HSCR2058. The bill calls for the creation of the 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 by various stakeholders and State agencies. At its 59th Annual Convention of the Association of Hawaiian Civic Clubs, the Association passed Resolution 2018-43, urging the State legislature to fund and establish 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. The development of a sui generis legislative system in the State of Hawaii could provide recognition of the full range of Native Hawaiian cultural products and expressions, and thus, empower the Native Hawaiian community to have better control of their culture. Moreover, a sui generis legislative system is one of the few ways to achieve a just solution to the problems faced by Native Hawaiians given the long-time exploitation of their intellectual property rights by others. The Waimea Hawaiian Civic Club therefore respectfully urges this Committee to PASS HCR155 (HSCR 2058). Mahalo nui loa a me ke aloha, Edith K. Kawai, President, [edithkawai@gmail.com](mailto:edithkawai@gmail.com). Mailing address: P O Box 6305, Kamuela, HI 96743.

**HCR-155**

Submitted on: 4/10/2019 7:37:40 PM

Testimony for HWN on 4/16/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Benton Kealii Pang, Ph.D.	Individual	Support	Yes

Comments:

I support HCR155. The Hawaiian community and businesses need to work together to come up with mutually beneficial agreements for the use of Hawaiian logos, names, characters, and other intellectual property. A task force will help in this regard. Please pass HCR155. Mahalo.

**HCR-155**

Submitted on: 4/11/2019 1:49:22 PM

Testimony for HWN on 4/16/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lahela Jarrett Holmwood	Individual	Support	No

Comments:

I strongly support HCR155.