

Statement of William G. Meyer III  
before the House Committee on Judiciary and Hawaiian Affairs  
**in strong support of SB 714** (Relating to Publicity Rights)  
Hearing: Tuesday, March 30, 2021, at 2:00pm

Dear Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee on Judiciary and Hawaiian Affairs:

My name is William G. Meyer III, and I hereby express my strong support of SB 714. I have been practicing business law in Honolulu since 1979 with a focus on entertainment and intellectual property law. Over the years I have had the honor and opportunity to represent and assist many noted local artists, entertainers, and public figures and the heirs of such persons.

**Background – The Hawaii Publicity Rights Act (“HPRA”)**

In 2009, HPRA recognized the existence of a property right, known as the “right of publicity,” in a person’s “persona” (i.e., their name, voice, signature, and likeness). The law was originally enacted to address concerns that the personas of Hawaii’s musicians, entertainers, and cultural icons, both living and dead, were being appropriated by third parties for commercial gain without the permission of such persons or their heirs.

The genesis of HPRA was a dispute between a record label and the estate of the iconic Hawaiian artist “Aunty” Genoa Keawe over the use of (the then-deceased) Aunty Genoa’s persona despite the objections of her son, Mr. Eric Keawe. As a result of this dispute, and recognizing that other local artists and their heirs were subject to misappropriation of identity, the estate of Genoa Keawe and the Office of Hawaiian Affairs (“OHA”) pushed for the passage of HPRA to protect the personas of all people, both living and dead, for a period of 70 years after their death. The bill, SB 1005, was part of OHA’s legislative package in 2009.

**The Hawaii Publicity Rights Act Was Always Intended to Protect the Personas of Those Who Died Before it Was Enacted**

From its inception, HPRA was intended to protect the publicity rights of persons such as Aunty Genoa Keawe for a period of 70 years even though they (like she) died prior to the enactment of the law. This fact is evident from the very circumstances that precipitated HPRA in 2009 as well as HPRA’s legislative history and the public testimony submitted in connection therewith.

The community response after HPRA was passed further confirms that the law was understood to protect the personas of those who predeceased its enactment. I have encountered many transactions involving the publicity rights of persons who died before HPRA was enacted and it was commonly understood among attorneys and clients alike that such publicity rights were protected under HPRA.

Notably, almost half of the publicity rights names currently registered with the State of Hawaii, Department of Commerce and Consumer Affairs (“DCCA”) pursuant to HPRA were registered by the heirs and successors of people who predeceased the passage of HPRA. Attached hereto as **Exhibit A** is a printout of the DCCA Publicity Rights Name Registration List,

retrieved from the DCCA website on February 10, 2021 (current as of March 23, 2021). Attached hereto as **Exhibit B** is a table of the DCCA Publicity Rights Name Registrations with a column listing the person's date of death showing that, excluding duplicate registrations, seventeen of the forty-one persons whose publicity rights have been registered are people who died prior to the enactment of HPRA.

### **Why is SB 714 Necessary?**

SB 714 is necessary because a recent case held that HPRA does not protect the personas of people who died before the law was enacted on July 15, 2009, even if the 70-year protection period has not yet expired. See *N. K. Collins, LLC v. William Grant & Sons, et al.*, ECF No. 126, Civ. No. 19-000386-ACK-RT (D. Haw. July 17, 2020).

At issue in that case was the persona of someone who died in 1973. The plaintiff sought relief under HPRA, alleging that a third party was exploiting the deceased's persona for commercial purposes without the heirs' permission. Relevant here is the judge's finding that relief under HPRA was unavailable because the legislature did not adequately express its intent that HPRA was intended to apply retroactively (i.e., to people who died before HPRA was enacted, even if less than 70 years has passed since such person's death). Under Hawaii law, a statute only applies retroactively where the legislative intent is clear.

This court ruling created the same dilemma that the legislatures in California, Washington, and Indiana faced with respect to their right of publicity statutes. Although the legislatures in those states meant for their right of publicity statutes to apply retroactively, courts held that each state's statute lacked sufficient language to demonstrate the legislatures' intent. In response to these rulings, each state passed legislation amending its right of publicity law to clarify that the protection extends to those who died prior to the effective date of the original statute.

Similar to legislative amendments made by California, Washington, and Indiana, SB 714 amends HPRA to clearly express the legislature's intent that the law applies to persons who died before July 15, 2009 (the date HPRA was enacted) so long as the 70-year protection period has not expired.

Unless this legislature passes SB 714, the personas of countless local and other persons who died before July 15, 2009 have no protection under HPRA from misappropriation for commercial purposes. The current situation leaves local icons such as Aunt Genoa Keawe, Don Ho, Eddie Aikau, Israel Kamakawiwo'ole, Patsy Mink, Duke Kahanamoku, and countless others with zero protection under HPRA despite the fact that many have relied on the protections of HPRA for years.

**Accordingly, I strongly urge this Committee to pass SB 714 so that the heirs and legal representatives of those who have passed prior to July 15, 2009 may be protected under HPRA.**

Respectfully submitted,

Bill Meyer

**EXHIBIT A**

Department of Commerce and Consumer Affairs  
Business Registration

[Home](#) » [Online Services](#) » Publicity Rights Name Registration

**PUBLICITY RIGHTS NAME REGISTRATION**

ID NUMBER	APPLICANT'S NAME AND ADDRESS	FILE NUMBER	STATUS	REGISTRATION DATE	EXPIRATION DATE	PUBLICITY RIGHTS NAME	PURPOSE	CERTIFICATE NUMBER
1	Cyril Pahinui 94-870 Lumiaua St. K-104, Waipahu HI 96797		E	8/14/2009	8/13/2014	GABBY PAHINUI PUBLICITY RIGHTS	Entertainment/Event & Collateral Services	270001
2	Don Ho Revocable Living Trust of October 29, 1992 P. O. Box 61236, Honolulu HI 96839		E	8/20/2009	8/19/2014	DONALD TAI LOY HO PUBLICITY RIGHTS	Entertainment, general business, merchandising	270002
3	Michael A. Cobb 91-1121 Keoneula Blvd. L4, Ewa Beach HI 96706		E	8/26/2009	8/25/2014	MICHAEL ANTONIO COBB PUBLICITY RIGHTS	Entertainer, Entertainment, Music	270003
4	William Grant & Sons Limited  The Glenfiddich Distillery, Dufftown Banffshire, United Kingdom		A	9/18/2009	9/17/2024	NORMAN KEITH COLLINS (A/K/A SAILOR JERRY) PUBLICITY RIGHTS	Alcoholic beverages, clothing and accessories, footwear, jewelry, travel bags and tote bags, housewares, smokers articles, books, calendars, posters, postcards, stickers, emblems, patches, glassware, playing cards, aftershave, gifts and merchandise; entertainment and information services general business services and retail services, including internet retail services.	270004
5	GENOA KEAWE RECORDS, INC. 2283 Tantalus Drive, Honolulu HI 96813	14527D1	E	12/30/2009	12/29/2014	GENOA LEILANI KEAWE PUBLICITY RIGHTS	Recording, Entertainment, Producer, Product Wholesale and Retail Sales	270005
6	AIKAU FAMILY, LLC 352 Auwaiolimu Street, Honolulu HI 96813	38340C5	E	2/25/2010	2/24/2015	EDWARD RYON MAKUAHANAI "EDDIE" AIKAU PUBLICITY RIGHTS	Clothing, general merchandise, sports competitions including surf competitions, nonprofit fundraising, charitable work, books, documentaries, movies, videos and other entertainment, photographs, sculptures and other artwork, and other uses including other promotional uses.	270006
7	Sydney Lehua Iaukea P. O. Box 10373, Honolulu, HI 96816		E	3/4/2010	3/3/2015	CURTIS PIEHU IAUKEA PUBLICITY RIGHTS	Literary works, film, entertainment, merchandising and general business.	270007
8	Kuulei N. Mitchell – Personal Representative Heirs of Leilani Hia'a Kalaeloa Mitchell 91-204 Piliplii Uia Place, Kapolei HI 96707		E	6/21/2010	6/20/2020	LEILANI HIA'A KALAELOA MITCHELL PUBLICITY RIGHTS	Gift items, accessories, books, Modeling Art Paintings or Images, Entertainment Music Records, and photograph and family names, her name, of her foundation.	270008

Registration Number	Registrant Name	Business Type	Start Date	End Date	Registrant Address	Business Description	Registration Number	
9	Russ K. Keaulana	A	5/5/2011	5/4/2017	84-708 Upena St., Makaha, HI 96792	Promotional purposes as well as surf competitions and merchandise	270009	
						RUSS K. KEAULANA aka RUSS K., RUSS K. MAKAHA and RUSTY KEAULANA		
10	Sarah Piiiani Smith	E	10/4/2011	10/3/2016	P. O. Box 2519 Honolulu HI 96804	Entertainment, merchandising & general business	270010	
						SARAH PIILANI SMITH		
11	Leonard G. Horowitz	E	5/31/2012	5/30/2017	13-3775 Kalapana Hwy Pahoia HI 96778	Journalism	270011	
						DR. LEONARD HOROWITZ		
12	Sherri Kane	E	5/31/2012	5/30/2017	P O Box 75104 Honolulu HI 96836	Journalism	270012	
						SHERRI KANE		
13	Abigail Kionoiki Kekaulike Kawananakoa	E	8/23/2012	8/22/2017	420 Kekau Place Honolulu HI 96817	Charitable and philanthropic activities including those directed to preserving and enriching cultural and historic knowledge, and general business.	270013	
						ABIGAIL KINOIKI KEKAULIKE KAWANANAKOA		
14	Jeff Apaka	E	9/17/2012	9/16/2017	2140 Kuhio Avenue Suite 2310 Honolulu, Hawaii 96815	Entertainment, General Business, Merchandising	270014	
						ALFRED APAKA PUBLICITY RIGHTS		
15	Lei Mamo Howell	E	7/26/2013	7/25/2018	1164 Kealaolu Avenue Honolulu HI 96816	Clothing and fashion design and production, merchandising, general business	270015	
						LEI MAMO HOWELL		
16	Dana-Li Annette Kwai Tsin Dung	E	8/2/2013	8/1/2018	2303 Ho'onanea Street Honolulu HI 96822	Entertainment, events, merchandising, music, promotional purposes and general business	270016	
						DANA-LI DUNG		
17	Darah Dung	E	8/2/2013	8/1/2018	2303 Ho'onanea Street Honolulu HI 96822	Entertainment, events, merchandising, music, promotional purposes and general business	270017	
						DARAH DUNG		
18	Denby Dung	E	8/2/2013	8/1/2018	2303 Ho'onanea Street Honolulu HI 96822	Entertainment, events, merchandising, music, promotional purposes and general business	270018	
						DENBY DUNG		
19	Angelica Ionananimakamae Marrero	E	12/3/2013	12/2/2018	1204 Kuokoa Street Pearl City HI 96782	Retail, merchandise, promotions, advertising, movies, photos, films, images and music for any organization or product being sold for profit. Sports competitions including surf competitions, nonprofit fundraising, charitable work, and sculptures and other art work. All and anything pertaining to my father.	270019	
						MONTGOMERY ERNEST THOMAS KALUHIOKALANI A.K.A. BUTTONS A.K.A. BUTTONS KALUHIOKALANI PUBLICITY RIGHTS NAME		
20	AIKAU FAMILY, LLC	38340C5	A	10/24/2014	10/23/2024	352 Auwailimu Street, Honolulu HI 96813	Clothing, general merchandise, sports competitions including surf competitions, nonprofit fundraising, charitable work, books, documentaries, movies, videos and other entertainment, photographs,	270020
						EDWARD RYON MAKUAHANAI "EDDIE" AIKAU		

<u>EXHIBIT A</u>						sculptures and other artwork, and other uses including other promotional uses.	
21	The Howard Hughes Company, LLC	E	3/3/2015	3/2/2020	HOWARD ROBARD HUGHES, JR.	real estate development; real estate leasing; real estate management	270021
	13355 Noel Road, 22nd Floor, Dallas Texas 75240						
22	Don Ho Revocable Living Trust	A	9/23/2015	9/22/2020	DON TAI LOY HO PUBLICITY RIGHTS	entertainment, general, business, merchandising	270022
	P O Box 61236, Honolulu HI 96839						
23	Estate of Jose Manuel Figueroa, PlainsCapital Bank Temporary Trustee	A	10/05/2015	10/04/2020	JOSE MANUEL FIGUEROA ALSO KNOWN AS JOAN SEBASTIAN	celebrity personality	270023
	7201 N. 10th Street, McAllen TX 78504						
24	Tatsuya Yamamoto	A	10/26/2015	10/25/2025	TATSUYA YAMAMOTO AKA "EDDY Y"	graphic design for fabric, clothing, bags and other consumer goods	270024
	92-1509 Aliinui Dr 9C, Kapolei HI 96707						
25	Daniilo Couto	A	04/01/2016	03/31/2021	DANILO COUTO	promotional purposes as well as surf competitions and merchandise	270025
	59-608 Kam Hwy., Haleiwa HI 96712						
26	Ramona Charlene Evans Dickens	A	08/01/2016	07/31/2021	JAMES CECIL DICKENS P/K/A LITTLE JIMMY DICKENS	entertainment industry	270026
	5010 West Concord Road Brentwood, TN 37027						
27	The George Richard Chamberlain Revocable Living Trust dtd December 13, 1982 as amended and restated	A	09/08/2016	09/07/2021	GEORGE RICHARD CHAMBERLAIN	entertainment	270027
	c/o Cades Schutte LLP 1000 Bishop Street, 12th floor Honolulu, HI 96813						
28	Joanne Marroni	A	04/24/2017	04/23/2022	DANE KEALOHA	entertainment, general business, merchandising	270028
	P.O. Box 791125 Paia, HI 96779						
29	Vicki L. Borges	A	04/25/2017	04/24/2022	JAMES J. BORGES III AKA JIMMY BORGES	musical entertainment, general business, merchandising	270029
	1561 Kanunu Street #505 Honolulu, HI 96814						
30	JWCF, LP	A	07/14/2017	07/13/2022	JOHNNY CARSON AKA JOHN W. CARSON	entertainment and licensing	270030
	16000 Ventura Blvd., Suite 900 Encino, CA 91436						
31	MOTION PICTURE ASSOCIATES, LLC	A	12/18/2017	12/17/2022	CECIL B. DEMILLE	entertainment and licensing	270031
	223 West Alameda Ave., #101 Burbank, CA 91502						
32	TRUSTEES OF THE PARKER RANCH FOUNDATION TRUST	A	6/13/2018	6/12/2023	RICHARD SMART	As licensed	270032
	66-1304 Mamelahoa Highway, Kamuela Hawaii 96743						
33	THE LOUIS ARMSTRONG	A	10/11/2018	10/10/2023	LOUIS DANIEL ARMSTRONG	entertainment, general business,	270033

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	EDUCATIONAL FOUNDATION, INC.					merchandising, music, promotional purposes, education	
	c/o Howard Schain, 10 E. 40th St., Suite 2710, New York NY 10016						
34	CHELLE C PAHINUI	A	1/22/2019	1/21/2024	CYRIL LANI PAHINUI	website & music publishing	270034
	P O Box 29693, Honolulu HI 96820						
35	RONALD REAGAN PRESIDENTIAL FOUNDATION AND INSTITUTE	A	5/2/2019	5/1/2024	NANCY DAVIS REAGAN	educational and entertainment and collateral services, merchandising and general business, retail services, charitable and philanthropic activities	270035
	40 Presidential Drive, Simi Valley, CA 93065						
36	RONALD REAGAN PRESIDENTIAL FOUNDATION AND INSTITUTE	A	5/2/2019	5/1/2024	RONALD WILSON REAGAN	educational and entertainment and collateral services, merchandising and general business, retail services, charitable and philanthropic activities	270036
	40 Presidential Drive, Simi Valley, CA 93065						
37	THE ESTATE OF JAMES BROWN	A	6/18/2019	6/17/2024	JAMES JOSEPH BROWN	Entertainment, general business, merchandising, music, promotional purposes, education	270037
	C/O SWEENY, WINGATE & BARROW, P.A., 1515 Lady Street, Columbia, SC 29201						
38	N.K. COLLINS, LLC	A	6/14/2019	6/13/2024	NORMAN KEITH COLLINS AKA SAILOR JERRY	General business, merchandising, art, education and licensing	270038
	900 FORT STREET MALL, SUITE 1800, HONOLULU, HI 96813						
39	PETER LEE MERRIMAN	A	11/06/2019	11/05/2024	PETER LEE MERRIMAN	Bar and restaurant services, cookbooks, food products, clothing, general merchandise, promotional purposes and general business	270039
	50 Nonoho Place, Paia, Hawaii 96779						
40	ESTATE OF ARETHA FRANKLIN	A	11/15/2019	11/14/2024	ARETHA LOUISE FRANKLIN	Entertainment, general business, merchandising, music, promotional purposes, education	270040
	c/o Thav Gross, 30150 Telegraph Rd. Ste 444 Bingham Farms, MI 48025 attn: David Bennett, Esq.						
41	BRANDON NACAPOY	A	2/3/2020	2/2/2025	BRANDON NACAPOY AKA BRAHJ	General Business	270041
	46-114 Nahewai Place, Kaneohe HI 96744						
42	BRANDON NACAPOY	A	2/3/2020	2/2/2025	BRANDON NACAPOY AKA BRAHJAH	General Business	270042
	46-114 Nahewai Place, Kaneohe HI 96744						
43	BARRY WHITE FAMILY TRUST	A	2/4/2020	2/3/2025	BARRY EUGENE WHITE P/K/A/ BARRY WHITE	Entertainment, general business, merchandising, music, promotional purposes, education	270043
	c/o JACK PERRY, 15021 Ventura Blvd., Suite 799,						

Sherman Oaks, CA 91403		<b>EXHIBIT A</b>					
44	ALICE INOUE	A	2/5/2020	2/4/2025	ALICE INOUE	Services and products that offer life guidance	270044
	560 North Nimitz Hwy., #220, Honolulu HI 96817						
45	Vanessa Bryant, Trustee of the Bryant Community Property Trust	A	3/11/2020	3/10/2025	Kobe Bryant, aka Kobe Bean Bryant and Kobe B. Bryant	Entertainment, merchandising and general business	270045
	c/o Leah M. Bishop, Esq., Loeb & Loeb LLP, 10100 Santa Monica Blvd., Ste 2200, Los Angeles, CA 90067						
46	KUULEI N.MITCHELL	A	8/27/2020	8/26/2025	LEILANI HIA'A KALUHIUOKALANI MITCHELL KALAKAUA EHU "KALAELOA"	Books, modeling, art, paintings or images, photo's, entertainment music records	270046
	c/o 91-204 Piliipili Ula Place, Kapolei HI 96707						
47	ANDREANNA KALUHIOKALANI	A	11/10/2020	11/9/2025	MONTGOMERY ERNEST THOMAS KALUHIOKALANI AKA BUTTS, AKA BUTTONS, AKA BUTTONS KALUHIOKALANI	Retail items or merchandise, promotions, advertisements, movies, films, images, music, concerts, clothing, for any organization, corporation, LLC, LLP or product being sold for profit, sports competitions including surf competitions, nonprofit fundraising, charitable work, and sculptures & other artwork. All and anything pertaining to our father.	270047
	95-534 Limahana Place, Waipahu HI 96797						

**EXHIBIT B**

**Hawaii Publicity Rights Name Registrations**

Registered rights for those who died before the Hawaii Publicity Rights Act was enacted on July 15, 2009 are indicated in **BOLD and HIGHLIGHTED**

<b>ID</b>	<b>REGISTERED PUBLICITY RIGHTS NAME</b>	<b>DATE OF DEATH</b>	<b>APPLICANT NAME</b>	<b>REGISTRATION DATE</b>	<b>CERTIFICATE NUMBER</b>
1	<b>GABBY PAHINUI PUBLICITY RIGHTS</b>	<b>10/13/1980</b>	Cyril Pahinui	8/14/2009	270001
2	<b>DONALD TAI LOY HO PUBLICITY RIGHTS</b>	<b>4/14/2007</b>	Don Ho Revocable Living Trust of October 29, 1992	8/20/2009	270002
3	MICHAEL ANTONIO COBB PUBLICITY RIGHTS	N/A	Michael A. Cobb	8/26/2009	270003
4	<b>NORMAN KEITH COLLINS (A/K/A SAILOR JERRY) PUBLICITY RIGHTS</b>	<b>6/12/1973</b>	William Grant & Sons Limited	9/18/2009	270004
5	<b>GENOA LEILANI KEAWE PUBLICITY RIGHTS</b>	<b>2/25/2008</b>	GENOA KEAWE RECORDS, INC.	12/30/2009	270005
6	<b>EDWARD RYON MAKUAHANAI "EDDIE" AIKAU PUBLICITY RIGHTS</b>	<b>3/17/1978</b>	AIKAU FAMILY, LLC	2/25/2010	270006
7	<b>CURTIS PIEHU IAUKEA PUBLICITY RIGHTS</b>	<b>3/5/1940</b>	Sydney Lehua Iaukea	3/4/2010	270007
8	<b>LEILANI HIA'A KALAELOA MITCHELL PUBLICITY RIGHTS</b>	<b>4/11/2009</b>	Kuulei N. Mitchell – Personal Representative Heirs of Leilani Hia'a Kalaeloa Mitchell	6/21/2010	270008
9	RUSS K. KEAULANA aka RUSS K., RUSS K. MAKAHA and RUSTY KEAULANA	N/A	Russ K. Keaulana	5/5/2011	270009
10	SARAH PIILANI SMITH	N/A	Sarah Piilani Smith	10/4/2011	270010
11	DR. LEONARD HOROWITZ	N/A	Leonard G. Horowitz	5/31/2012	270011
12	SHERRI KANE	N/A	Sherri Kane	5/31/2012	270012
13	ABIGAIL KINOIKI KEKAULIKE KAWANANAKOA	N/A	Abigail Kinoiki Kekaulike Kawananakoa	8/23/2012	270013
14	<b>ALFRED APAKA PUBLICITY RIGHTS</b>	<b>1/30/1960</b>	Jeff Apaka	9/17/2012	270014
15	LEI MAMO HOWELL	1/30/2020	Lei Mamo Howell	7/26/2013	270015
16	DANA-LI DUNG	N/A	Dana-Li Annette Kwai Tsin Dung	8/2/2013	270016



**EXHIBIT B**

<b>ID</b>	<b>REGISTERED PUBLICITY RIGHTS NAME</b>	<b>DATE OF DEATH</b>	<b>APPLICANT NAME</b>	<b>REGISTRATION DATE</b>	<b>CERTIFICATE NUMBER</b>
17	DARAH DUNG	N/A	Darah Dung	8/2/2013	270017
18	DENBY DUNG	N/A	Denby Dung	8/2/2013	270018
19	MONTGOMERY ERNEST THOMAS KALUHIOKALANI A.K.A. BUTTONS A.K.A. BUTTONS KALUHIOKALANI PUBLICITY RIGHTS NAME	11/2/2013	Angelica Ionananimakamae Marrero	12/3/2013	270019
20	<b>EDWARD RYON MAKUAHANAI "EDDIE" AIKAU</b>	<b>3/17/1978</b>	<b>AIKAU FAMILY, LLC</b>	<b>10/24/2014</b>	<b>270020</b>
21	<b>HOWARD ROBARD HUGHES, JR.</b>	<b>4/5/1976</b>	<b>The Howard Hughes Company, LLC</b>	<b>3/3/2015</b>	<b>270021</b>
22	<b>DON TAI LOY HO PUBLICITY RIGHTS</b>	<b>4/14/2007</b>	<b>Don Ho Revocable Living Trust</b>	<b>9/23/2015</b>	<b>270022</b>
23	JOSE MANUEL FIGUEROA ALSO KNOWN AS JOAN SEBASTIAN	7/13/2015	Estate of Jose Manuel Figueroa, PlainsCapital Bank Temporary Trustee	10/05/2015	270023
24	TATSUYA YAMAMOTO AKA "EDDY Y"	N/A	Tatsuya Yamamoto	10/26/2015	270024
25	DANILO COUTO	N/A	Danilo Couto	04/01/2016	270025
26	JAMES CECIL DICKENS P/K/A LITTLE JIMMY DICKENS	1/2/2015	Ramona Charlene Evans Dickens	08/01/2016	270026
27	GEORGE RICHARD CHAMBERLAIN	N/A	The George Richard Chamberlain Revocable Living Trust dtd December 13, 1982 as amended and restated	09/08/2016	270027
28	DANE KEALOHA	N/A	Joanne Marroni	04/24/2017	270028
29	JAMES J. BORGES III AKA JIMMY BORGES	5/30/2016	Vicki L. Borges	04/25/2017	270029
30	<b>JOHNNY CARSON AKA JOHN W. CARSON</b>	<b>1/23/2005</b>	<b>JWCF, LP</b>	<b>07/14/2017</b>	<b>270030</b>
31	<b>CECIL B. DEMILLE</b>	<b>1/21/1959</b>	<b>MOTION PICTURE ASSOCIATES, LLC</b>	<b>12/18/2017</b>	<b>270031</b>
32	<b>RICHARD SMART</b>	<b>11/13/1992</b>	<b>TRUSTEES OF THE PARKER RANCH FOUNDATION TRUST</b>	<b>6/13/2018</b>	<b>270032</b>

**EXHIBIT B**

<b>ID</b>	<b>REGISTERED PUBLICITY RIGHTS NAME</b>	<b>DATE OF DEATH</b>	<b>APPLICANT NAME</b>	<b>REGISTRATION DATE</b>	<b>CERTIFICATE NUMBER</b>
33	<b>LOUIS DANIEL ARMSTRONG</b>	<b>7/6/1971</b>	THE LOUIS ARMSTRONG EDUCATIONAL FOUNDATION, INC.	10/11/2018	270033
34	CYRIL LANI PAHINUI	11/17/2018	CHELLE C PAHINUI	1/22/2019	270034
35	NANCY DAVIS REAGAN	3/6/2016	RONALD REAGAN PRESIDENTIAL FOUNDATION AND INSTITUTE	5/2/2019	270035
36	<b>RONALD WILSON REAGAN</b>	<b>6/5/2004</b>	RONALD REAGAN PRESIDENTIAL FOUNDATION AND INSTITUTE	5/2/2019	270036
37	<b>JAMES JOSEPH BROWN</b>	<b>12/25/2006</b>	THE ESTATE OF JAMES BROWN	6/18/2019	270037
38	<b>NORMAN KEITH COLLINS AKA SAILOR JERRY</b>	<b>6/12/1973</b>	N.K. COLLINS, LLC	6/14/2019	270038
39	PETER LEE MERRIMAN	N/A	PETER LEE MERRIMAN	11/06/2019	270039
40	ARETHA LOUISE FRANKLIN	8/16/2018	ESTATE OF ARETHA FRANKLIN	11/06/2019	270040
41	BRANDON NACAPOY AKA BRAHJ	N/A	BRANDON NACAPOY	2/3/2020	270041
42	BRANDON NACAPOY AKA BRAHJAH	N/A	BRANDON NACAPOY	2/3/2020	270042
43	<b>BARRY EUGENE WHITE P/K/A/ BARRY WHITE</b>	<b>7/4/2003</b>	BARRY WHITE FAMILY TRUST	2/4/2020	270043
44	ALICE INOUE	N/A	ALICE INOUE	2/5/2020	270044
45	Kobe Bryant, aka Kobe Bean Bryant and Kobe B. Bryant	1/26/2020	Vanessa Bryant, Trustee of the Bryant Community Property Trust	3/11/2020	270045
46	<b>LEILANI HIA'A KALUHIUOKALANI MITCHELL KALAKAUA EHU "KALAELOA"</b>	<b>4/11/2009</b>	KUULEI N.MITCHELL	8/27/2020	270046
47	MONTGOMERY ERNEST THOMAS KALUHIOKALANI AKA BUTTS, AKA BUTTONS, AKA BUTTONS KALUHIOKALANI	11/2/2013	ANDREANNA KALUHIOKALANI	11/10/2020	270047

Statement of Julia Brotman  
before the  
**HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**  
Tuesday, March 30, 2021, at 2:00 PM  
Via Videoconference

in consideration of  
**SB 714 - RELATING TO PUBLICITY RIGHTS**

Aloha Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee Judiciary & Hawaiian Affairs,

I am testifying to express my strong support of SB 714. Through my work as a business and intellectual property attorney in Hawai'i and as an active board member of the Kaua'i Music Festival (a nonprofit that supports the music community), I have become familiar with the intellectual property issues that often arise in the local business, entertainment, and creative industries. Relevant to SB 714, I have worked on several matters involving the "right of publicity," i.e., the intellectual property right in a person's name, image, signature, voice, or likeness (their "Persona"), particularly with respect to the publicity rights of local artists, musicians, entertainers, and cultural icons.

The Hawaii Publicity Rights Act, enacted in 2009 and codified at HRS 482P (the "HPRA"), generally requires third parties to obtain consent in order to exploit a Persona for commercial purposes. Recognizing the cultural importance of preventing third parties from misappropriating the Personas of our kūpuna and local icons, the HPRA protects a person's Persona throughout their life and for seventy years after death. This postmortem term allows a person's heirs or chosen successors to exercise and enforce the right of publicity under the HPRA, thereby ensuring that the heirs/successors – and not unauthorized third parties – are the ones to control and enjoy the benefits of the person's legacy.

Since its enactment, the HPRA and its seventy-year postmortem term have been important tools used to prevent third parties from exploiting the Personas of local folks who died in the last several decades without permission. In my experience, it has been generally understood among intellectual property attorneys, right of publicity owners, and other interested parties that the HPRA protects the Personas of all people for seventy years after death, regardless of when they died. This is consistent with the legislative history from 2009, which demonstrates the drafters' understanding that the HPRA would apply retroactively to prevent unauthorized third parties from exploiting the Personas of people who died before the law was enacted on July 15, 2009.

However, a federal judge recently found that the HPRA is ambiguous on this point, and therefore held that the heirs of a person who died in 1973 could not use the HPRA to enforce their publicity rights. In light of this ruling, nothing in the HPRA is currently prohibiting unauthorized third parties from misappropriating the Personas of those who passed away before the HPRA was enacted, even over the explicit objections of their heirs and successors. This ruling jeopardizes the rights of countless local families who have, for years, been exercising their rights under the HPRA and relying on the HPRA to protect the legacies of those who died before July 15, 2009. It disrupts existing contractual arrangements involving the license or assignment of such persons' publicity rights, and also calls into question the existing State of Hawai'i, Department of Commerce and Consumer Affairs registrations for publicity rights of people who predeceased the HPRA.

I support the amendment set forth in SB 714 because it resolves all of these issues, addresses the concerns raised by the judge in the above-referenced lawsuit, and confirms the general understanding among the community and the 2009 legislature that the HPRA applies retroactively. This bill is necessary to clarify that the statutory postmortem right of publicity in Hawai'i protects the Personas of all deceased persons for seventy years after death, not just those who passed away after the statute was enacted.

**Accordingly, I strongly urge the members of this Committee to join me in supporting SB 714.**

Mahalo,

Julia Brotman

**SB-714-HD-2**

Submitted on: 3/29/2021 11:08:09 AM

Testimony for JHA on 3/30/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
mailani makainai	Individual	Support	No

Comments:

My name is a Mailani Maka'Āna'i and I have been a part of Hawai'i's Entertainment industry more specifically music industry since 1996 - 25 years ago. Luckily I am a 6 time NA• HÅ• kÅ« Award Winner and have volunteered on the board for the Hawaii Academy of Recording Arts. Music has been in my family and I have given much of my life and career to our music industry and will continue to.

SB 714 is important to Hawaii's entertainment community because it will ensure that the name, image, and likeness of countless local heroes and cultural icons who died before July 15, 2009 cannot be misappropriated by third parties for commercial gain.

Mahalo,

Mailani

**SB-714-HD-2**

Submitted on: 3/29/2021 11:55:21 AM

Testimony for JHA on 3/30/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Makana Reeves	Individual	Support	No

Comments:

I support this bill- we must protect the memory of our dear kÅ«puna, especially from being co-opted for commercial purposes not in alignment with their actual persons and values. Our culture is NOT for sale without consent!

Mahalo! Makana

**SB-714-HD-2**

Submitted on: 3/29/2021 11:59:31 AM

Testimony for JHA on 3/30/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Piilani Smith	Individual	Support	No

Comments:

Statement of Piilani Smith before the

**HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**

Tuesday, March 30, 2021, at 2:00 PM

**SB 714 - RELATING TO PUBLICITY RIGHTS**

Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee on Judiciary & Hawaiian Affairs:

I am writing in STRONG support of SB 714 because I believe it is important for the Hawaii Publicity Rights Act to protect the personas of people who died prior to the enactment of the law on July 15, 2009, as the legislature intended when the law was passed. If this bill is not passed, the personas of countless local icons who died before July 15, 2009 could be misappropriated for commercial purposes without the consent of their heirs or successors. I strongly urge this Committee to support SB 714 in order to protect these folks' legacies, preserve local culture, and to ensure that in Hawai'i, heirs and successors maintain control of their deceased loved ones' personas.

Many Native Hawaiian artists' works, likeness, voices have been misappropriated before this laws enactment and its application to protect those who have works, whose images are knowingly appropriated for commercial gain continues world wide. The artists' heirs and estates of those who passed before the law was enacted, which includes my `ohana, must be protected. I have experienced appropriation of my image by a person who photographed me, sold my image to a company in Canada and US. These companies in turn attempted to sell articles such as mugs, t-shirts and the like with my image out my consent or knowledge. Under the authority of this law, a cease and desist letter stopped the misappropriation. The same rights must be available to heirs and estates to protect the works of artists who passed before the measure's enactment.

Mahalo for the opportunity to testify on this measure.



Statement of Eric K. Keawe  
before the

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Tuesday, March 30, 2021, at 2:00 PM  
Via Videoconference  
in consideration of

SB 714 - RELATING TO PUBLICITY RIGHTS

Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee on Judiciary & Hawaiian Affairs:

I am writing in support of SB 714 because I believe it is important for the Hawaii Publicity Rights Act to clarify and protect the personas of people who died prior to the enactment of the law on July 15, 2009, as the legislature intended when the law was passed. If this bill is not passed, the personas of countless local icons who died before July 15, 2009 could be misappropriated for commercial purposes without the consent of their heirs or successors. I strongly urge this Committee to support SB 714 in order to protect these folks' legacies, preserve local culture, and to ensure that in Hawai'i, heirs and successors maintain control of their deceased loved ones' personas.

I am Eric Keawe, the son/heir/successor of Genoa Keawe, who passed away on 2/28/2008 before the Hawaii Publicity Rights Act was enacted on July 15, 2009. I am the president of Genoa Keawe Records, Inc. I registered the publicity rights of Genoa Keawe with DCCA pursuant to the Hawaii Publicity rights Act. It was I and another concerned musician responsible for the enactment of the Publicity Rights legislation in 2009.

Based on my understanding that the Hawaii Publicity Rights Act protects the personas of all persons living and dead for a term of 70 years after death (even those who died before the statute was enacted), I relied upon the Hawaii Publicity Rights Act to enforce and protect the publicity rights of Genoa Keawe who died before the statute was enacted on July 15, 2009.

Thank you for the opportunity to testify on this measure.

Sincerely,  
Eric K. Keawe



Statement of Meriel Jane Collins and Gloria Fornasier  
before the  
**HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**  
Tuesday, March 30, 2021, at 2:00 PM  
Via Videoconference

in consideration of  
**SB 714 - RELATING TO PUBLICITY RIGHTS**

Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee on Judiciary & Hawaiian Affairs:

We are writing in support of SB 714 because we believe it is important for the Hawaii Publicity Rights Act to protect the personas of people who died prior to the enactment of the law on July 15, 2009, as the legislature intended when the law was passed. If this bill is not passed, the personas of countless local icons who died before July 15, 2009 could be misappropriated for commercial purposes without the consent of their heirs or successors. We strongly urge this Committee to support SB 714 in order to protect these folks' legacies, preserve local culture, and to ensure that in Hawai'i, heirs and successors maintain control of their deceased loved ones' personas.

We are the daughters of Norman Kieth Collins, aka Sailor Jerry, who passed away on June 12, 1973, before the Hawaii Publicity Rights Act was enacted on July 15, 2009.

Based on our understanding that the Hawaii Publicity Rights Act protects the personas of all persons living and dead for a term of 70 years after death (even those who died before the statute was enacted), I have relied upon the Hawaii Publicity Rights Act to enforce and protect the publicity rights of Norman Kieth Collins, aka Sailor Jerry] who died before the statute was enacted.

Thank you for the opportunity to testify on this measure.

Signed,

Meriel Jane Collins  
290 Karsten Drive  
Wahiawa, HI 96786

and

Gloria Fornasier  
1803 SE 176<sup>th</sup> Place  
Vancouver, WA 98683

**SB-714-HD-2**

Submitted on: 3/30/2021 7:16:12 AM

Testimony for JHA on 3/30/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John D. Smith	Individual	Support	No

Comments:

I support this bill and pass it through.