



HCR108

URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY House Committee on Judiciary & Hawaiian Affairs

March 31, 2023

2:00 PM

Room 325

The Office of Hawaiian Affairs (OHA) offers its **STRONG SUPPORT** for HCR108, which urges the establishment of a Native Hawaiian intellectual property working group to discuss policies and legislation with respect to Native Hawaiian intellectual property.

Native Hawaiians continue to endure inequities and disparities that stem from unresolved historical injustices¹ – injustices that established systems of oppression and institutions of racism that have yet to be dismantled and which persist in their severing of Native Hawaiians from their ancestral lands, their annihilation of Native Hawaiian presence in the Hawaiian Islands, and their attempted erasure of Native Hawaiian identity.² Accordingly, Native Hawaiians have and continue to struggle against the current of settler-colonialism in all attempts to exercise self-determination that includes the freedom from external intervention, which is so often contravened by cultural/identity misappropriation in its many forms.

The State of Hawai'i, on the condition of its admission to the Union,³ was obligated with an extra duty of care to the Native Hawaiian people,⁴ as a result of these historical injustices. The State reinforced that extra duty of care for the betterment of conditions of Native Hawaiians by enshrining this founding principle within the Hawai'i State Constitution.⁵ The State has continuously acknowledged its extra duty of care to the Native Hawaiian people through additional statutory obligations vested in OHA⁶ and in recognition of Native Hawaiians as the only indigenous, aboriginal, and maoli people of Hawai'i.⁷

OHA appreciates the opportunity to testify on this measure and urges the Legislature to **PASS** HCR108 for the betterment of conditions of Native Hawaiians. Mahalo nui loa!

¹ Pub. L. 103-150 (1993), 107 Stat. 1510 “Apology Resolution.”

² “If we are ever to have peace and annexation the first thing to do is to obliterate the past,” stated by Samuel Mills Damon, Vice President of the Provisional Government and Executive Council for the Republic of Hawai'i, Council of State (Provisional Government of the Hawaiian Islands, 1895). 26 November 1895. Hawaii State Archives Series 424 Vol. 4.

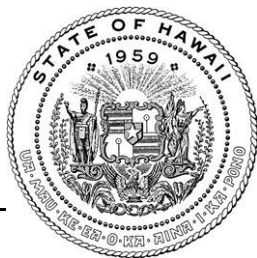
³ Pub. L. 86-3, 73 Stat. 4; Hawai'i Admissions Act of 1959.

⁴ Id. at §5(f).

⁵ Haw. Stat. Con. Art. XII, Section 4-7 (1978).

⁶ Haw. Rev. Stat. §10.

⁷ Haw. Rev. Stat. §10H-1.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**
KA 'OIHANA HO'OMOHALA PĀ'OIHANA, 'IMI WAIWAI
A HO'OMĀKA'IKĀ'I

JOSH GREEN, M.D.
GOVERNOR

CHRIS J. SADAYASU
DIRECTOR

DANE K. WICKER
DEPUTY DIRECTOR

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Statement of
CHRIS J. SADAYASU
Director
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Friday, March 31, 2023
2:00 PM
State Capitol, Conference Room 325, and Video conference

In consideration of
HCR 108 / HR114
**RELATING TO THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL
PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH
RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.**

Chair Tarnas, Vice Chair Takayama and members of the Committee. The Department of Business, Economic Development and Tourism (DBEDT) supports HCR 108 / HR114, which urges the establishment of a Native Hawaiian Intellectual Property Working Group to discuss policies and legislation with respect to Native Hawaiian intellectual property.

DBEDT and its Creative Industries Division (DBEDT/CID) supports the intent of this Concurrent Resolution to discuss policies and legislation that would recognize and protect the collective intellectual property rights of Native Hawaiian people from misappropriation, as well as the ensure that traditional laws, customs, and designs are respected and properly attributed to the Native Hawaiian community.

Through programs like Creative Lab Hawaii, DBEDT/CID has been working to support the recognition of traditional and cultural arts forms of creativity and innovation in all forms, whether in storytelling, design, dance and music, as protectable intellectual property.

As discussed in the prior hearing for the companion Senate measure, DBEDT/CID would welcome the opportunity to engage with the working group in however the Legislature deems appropriate, to support the goals and objectives of HCR108/HR114 continuing the Creative Industries, DBEDT engagement in efforts to protect creative and cultural intellectual property rights.

Thank you for the opportunity to testify.

**REPRESENTATIVE DAVID A. TARNAS, CHAIR
REPRESENTATIVE GREGG TAKAYAMA, VICE-CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**

TESTIMONY IN STRONG SUPPORT OF HCR 108 - HR 114

**TUESDAY, MARCH 31, 2023 at 2:00 PM
CONFERENCE ROOM 325 & VIDEOCONFERENCE
STATE CAPITOL
415 SOUTH BERETANIA STREET**

Aloha Chair Tarnas, Vice-Chair Takayama & Committee Members,

My name is Zachary Alaka'i Lum, and **I am testifying today in strong support of HCR 108 & HR 114** which would establish a Native Hawaiian Intellectual Property Working Group to discuss policies and suggest legislation with respect to Native Hawaiian Intellectual Property. As a Grammy-nominated, 21-time Nā Hōkū Hanohano Award winner and overall cultural practitioner of mele and hula, I can personally attest to the challenges that I and my colleagues face in dealing with a system of property and ownership that does not align with the unique attributes of our cultural practices.

The customs relating to mele, in particular, have often clashed with Western copyright laws. For example, where the repetitious use of words, phrases and music is a long-standing custom of Hawaiian music, current laws may consider this custom copyright infringement. Where many mele are known by various composers, current laws may call consider them “orphan works” – mele who have known composers but cannot be located for licensing and use as provided by current copyright law. While “orphan works” represent a substantial amount of mele we know today, the inability to locate an “owner” leaves music royalty monies on the proverbial table – unclaimed monies that could benefit composers, artists, and mele practitioners. The Native Hawaiian Intellectual Property Working Group can provide next steps toward resolving these and other related issues.

The lack of a codified, culturally-appropriate process for engaging mele is actually holding back the progress of the Hawaiian language movement. After decades of progress in the Hawaiian language revitalization movement, mele provide a next step in Hawaiian language acquisition. To move beyond conversational ‘ōlelo Hawai‘i fluency and into further levels of depth and value in our language, we look to mele as a main source. However, the lack of a sui generis, culturally-appropriate process toward engaging mele considered “orphan works” deprives the Hawaiian language movement of this necessary next step in language restoration.

As the executive director of Kāhuli Leo Le‘a, a nonprofit organization dedicated to mele and other cultural practices as a means of composing Lāhui, I have aimed our current and future programming toward the socio-economic resillience of cultural practitioners. We do this in two major ways: 1) providing services to mele practitioners and recording artists to engage existing music royalty revenue streams, and 2) creating a Hawai‘i-based streaming platform for music,

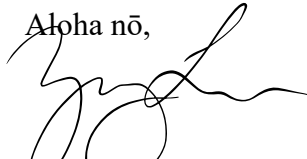
video and other digital media to the specific benefit of Hawai‘i’s practitioners. The findings of the Native Hawaiian Intellectual Property Working Group will be key in providing sustainable career pathways, ensuring that our cultural practices endure through the socio-economic resiliency of cultural practitioners.

Finally, I humbly submit the following proposed amendments for **HCR 108 & HR 114**:

“BE IT FURTHER RESOLVED, that the members of the Native Hawaiian Intellectual Property Working Group and the named organizations and entities will have the authority to include additional organizations and entities in its work at their discretion.”

Mahalo to Chair Tarnas, Vice-Chair Takayama, and the members of this Committee for your consideration of this endeavor. **I humbly urge you to pass HCR 108 & HR 114 as a necessary step toward establishing solutions for a decades-old problem.**

Aloha nō,



Zachary Alaka‘i Lum
Executive Director, Kāhuli Leo Le‘a
zack@kahulileolea.org

Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair

Friday, March 31, 2023

2:00 PM

Conference Room 325, State Capitol, HI
415 South Beretania Street

STRONG SUPPORT: HCR 108 / HR 114, URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.

Aloha, e Chair Tarnas, Vice Chair Takayama, & Committee Members,

My name is Daryl Fujiwara, Pelekikena of the Maui Council of the Association of Hawaiian Civic Clubs and I am testifying in strong support of HCR 108 / HR 114, which would curtail future Native Hawaiian Intellectual Property legal issues, and ensure that such issues are one less thing that Kānaka Maoli will need to struggle with moving forward.

Our Maui Council with the foresight and mechanics of charter club, Kuini Pi‘olani Hawaiian Civic Club, endorsed, lobbied 400+ Kanaka Maoli and passed multiple resolutions at our annual convention as mentioned in the HCR 108/HR 114 including: 2018-43 “URGING THE HAWAI‘I 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...”.

As a practitioner of hula and hana no‘eau as well as music producer, I can attest that Native Hawaiian Intellectual Property abuses and disputes are increasing. These Intellectual Property abuses adversely impact Kanaka Maoli culture which the State has a fiduciary responsibility to uphold and protect. However, the State currently lacks the legal framework to support Native Hawaiian Intellectual Property.

With indigenous Intellectual Property rights being raised in forums around the world, more and more indigenous peoples are forming partnerships with state governments to successfully develop policies unique to their circumstances and needs. Native Hawaiian Intellectual Property has been the subject of discussions and forums in Hawai‘i for over two decades. It is now time to form the means for Native Hawaiian

Intellectual Property to be expressly recognized and protected, beginning with the establishment of a Native Hawaiian Intellectual Property Working Group.

I also request that, if it is helpful, you consider augmenting this resolution with following items to add to the weight of this resolution for more forceful momentum:

* * * * *

WHEREAS, on October 3-5, 2003, the Paoakalani Declaration was compiled at the Native Hawaiian Intellectual Property Rights Conference to express Native Hawaiians' "collective right of self-determination to perpetuate our culture under threat of theft and commercialization of the traditional knowledge of Kanaka Maoli, our wahi pana and nā mea Hawai‘i."

* * * * *

WHEREAS, on August 21-22, 2021, the international coalition of kumu hula, Huamakahikina, convened to form and ratify the Huamakahikina Declaration on the Integrity, Stewardship, and Protection of Hula which states "There is insufficient protection for Kanaka Maoli culture and knowledge maintained, and embodied by, Hula. This includes infringement of the intellectual property rights to which Kumu Hula are entitled with respect to the Hula resources they steward and create."

* * * * *

BE IT FURTHER RESOLVED, that the members of the Native Hawaiian Intellectual Property Working Group and the named organizations and entities will have the authority to include additional Native Hawaiian organizations and entities through consensus at their discretion.

* * * * *

As such, please accept my testimony in strong support of HCR 108 / HR 114.

Mahalo nui for your consideration,

Daryl Fujiwara
Pelekikena
Maui Council
Association of Hawaiian Civic Clubs

HCR-108

Submitted on: 3/30/2023 1:40:30 PM

Testimony for JHA on 3/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
NANCY JONES	Hydroponics Alternatives LLC	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and Honorable Committee Members:

I present this testimony to SUPPORT of HCR 108 / HR 114 — which would establish a Native Hawaiian Intellectual Property Working Group to create policies and legislation to safeguard Native Hawaiian intellectual property.

Native Hawaiian intellectual property urgently needs protections in place – perhaps in the form of geographic appellations – much like the French region of Champagne protects champagne (the product) and Parma Ham and Parmesan cheese are similarly protected in Italy. There is the egregious case of “Aloha Poke” in Chicago – of ALL places – issuing “cease and desist” letters to small poke food businesses in Hawai’i and across the nation from using the words “Aloha” and “Poke”—essentially claiming ownership of these cultural expressions. However, I personally have witnessed an “O’hana” Pinot Grigio label on a wine bottle -- FROM ITALY in Tamura’s Supermarke in Wai`anae in late 2022!! In addition, I was also appalled to see that “Sunset” brand peppers have attempted to trademark “Aloha” with a “TM” as a brand of newer variety of bell peppers they’re marketing. At the very LEAST, the Native Hawaiian community deserves to be asked permission for such usage AND monetary compensation for appropriation of these terms. However, I seriously doubt that these and a host of other companies are compensating the Hawaiian community for using these terms.

For all of the above reasons, and in order to further safeguard Hawaiian language and culture, I urge your Committee to please pass HCR 108 / HR 114 with sufficient funding-- and to please change the effective date to ideally 07/01/2023, BUT not later than 07/01/2024 to benefit the Hawaiian community.

Mahalo for this opportunity to present this testimony supporting HCR 108 / HR 114.

Nancy Jones

Hydroponics Alternatives LLC

PO Box 1472, Wai`anae, HI 96792 / Email: nancyhydroalt@gmail.com

HCR-108

Submitted on: 3/29/2023 3:54:39 PM

Testimony for JHA on 3/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Pueo Pata	Individual	Support	Written Testimony Only

Comments:

Committee on Judiciary & Hawaiian Affairs

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

Tuesday, March 31, 2023

2:00 PM

Conference Room 325, State Capitol, HI

415 South Beretania Street

STRONG SUPPORT: HCR 108 / HR 114, URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.

Aloha, e Chair Tarnas, Vice Chair Takayama, & Committee Members,

STRONG SUPPORT: HCR 108 / HR 114, URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.

Aloha, e Chair Tarnas, Vice Chair Takayama, & Committee Members,

My name is Cody Pueo Pata and I am the kumu hula of Hālau Hula ‘o Ka Malama Mahilani. I am also a Hawaiian language teacher, a Hawaiian music recording artist, a classically-trained haku mele, and an experienced practitioner of several hana no‘eau.

I have been actively engaged as a practitioner in these pursuits since 1991. All of my training was conducted in traditional master-apprentice fashion through which not only were the tangible aspects of these ‘oihana and hana no‘eau transmitted, but so too were the intangible values,

wisdom, perspectives, and logic that allow these pursuits to be identified as uniquely Hawaiian. These latter subjects fall under the modern term of Intellectual Property (IP). My experiences in all of these areas, along with my exposure to various IP abuses, have led me to write to you in **strong support of HCR 108 / HR 114** with the hopes of curtailing future Hawaiian IP legal issues, and ensuring that such issues are one less thing that Kānaka Maoli will need to struggle with moving forward.

I also request that, if it is helpful, you consider augmenting this resolution with following items to add to the weight of this resolution for more forceful momentum:

* * * * *

WHEREAS, on October 3-5, 2003, the Paoakalani Declaration was compiled at the Native Hawaiian Intellectual Property Rights Conference to express Native Hawaiians' "collective right of self-determination to perpetuate our culture under threat of theft and commercialization of the traditional knowledge of Kanaka Maoli, our wahi pana and nā mea Hawai‘i."

* * * * *

WHEREAS, on August 21-22, 2021, the international coalition of kumu hula, Huamakahikina, convened to form and ratify the Huamakahikina Declaration on the Integrity, Stewardship, and Protection of Hula which states "There is insufficient protection for Kanaka Maoli culture and knowledge maintained, and embodied by, Hula. This includes infringement of the intellectual property rights to which Kumu Hula are entitled with respect to the Hula resources they steward and create."

* * * * *

BE IT FURTHER RESOLVED, that the members of the Native Hawaiian Intellectual Property Working Group and the named organizations and entities will have the authority to include additional Native Hawaiian organizations and entities through consensus at their discretion.

* * * * *

I thank you for your time and consideration in reviewing my testimony and suggestions in **STRONG SUPPORT** of HCR 108 / HR 114.

Me ka ‘oia‘i‘o,

na Cody Pueo Pata

Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair

Thursday, March 31, 2023
2:00 PM
Conference Room 325, State Capitol, HI
415 South Beretania Street

STRONG SUPPORT: HCR 108 / HR 114, URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.

Aloha, e Chair Tarnas, Vice Chair Takayama, & Committee Members,

I am **Kumu Hula Mehanaokala Hind** and I am testifying in strong support of HCR 108 / HR 114, which would curtail future Native Hawaiian Intellectual Property legal issues, and ensure that such issues are one less thing that Kānaka Maoli will need to struggle with moving forward.

As a practitioner of hula and hana no‘eau, I can attest that Native Hawaiian Intellectual Property abuses and disputes are increasing. These Intellectual Property abuses adversely impact Kanaka Maoli culture which the State has a fiduciary responsibility to uphold and protect. However, the State currently lacks the legal framework to support Native Hawaiian Intellection Property.

With indigenous Intellectual Property rights being raised in forums around the world, more and more indigenous peoples are forming partnerships with state governments to successfully develop policies unique to their circumstances and needs. Native Hawaiian Intellectual Property has been the subject of discussions and forums in Hawai‘i for over two decades. It is now time to form the means for Native Hawaiian Intellectual Property to be expressly recognized and protected, beginning with the establishment of a Native Hawaiian Intellectual Property Working Group.

I also request that, if it is helpful, you consider augmenting this resolution with following items to add to the weight of this resolution for more forceful momentum:

* * * * * WHEREAS, on October 3-5, 2003, the Paoakalani Declaration was compiled at the Native Hawaiian Intellectual Property Rights Conference to express Native Hawaiians' "collective right of self-determination to perpetuate our culture under threat of theft and commercialization of the traditional knowledge of Kanaka Maoli, our wahi pana and nā mea Hawai‘i."

* * * * *

WHEREAS, on August 21-22, 2021, the international coalition of kumu hula, Huamakahikina, convened to form and ratify the Huamakahikina Declaration on the Integrity, Stewardship, and Protection of Hula which states "There is insufficient protection for Kanaka Maoli culture and knowledge maintained, and embodied by, Hula. This includes infringement of the intellectual

property rights to which Kumu Hula are entitled with respect to the Hula resources they steward and create."

* * * * *

BE IT FURTHER RESOLVED, that the members of the Native Hawaiian Intellectual Property Working Group and the named organizations and entities will have the authority to include additional Native Hawaiian organizations and entities through consensus at their discretion.

* * * * *

As such, please accept my testimony **in strong support of HCR 108 / HR 114.**

Me ke aloha,
Kumu Hula Mehanaokala Hind
Honolulu, O'ahu

HCR-108

Submitted on: 3/29/2023 5:15:49 PM

Testimony for JHA on 3/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rachel Aquino	Individual	Support	Written Testimony Only

Comments:

I support HCR108

Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair

Tuesday, March 31, 2023

2:00 PM

Conference Room 325, State Capitol, HI
415 South Beretania Street

STRONG SUPPORT: HCR 108 / HR 114, URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.

Aloha, e Chair Tarnas, Vice Chair Takayama, & Committee Members,

My name is Hideharu Yoshikawa and I am testifying in strong support of HCR 108 / HR 114, which would curtail future Native Hawaiian Intellectual Property legal issues, and ensure that such issues are one less thing that Kānaka Maoli will need to struggle with moving forward.

As a practitioner of hula and hana no'eau, I can attest that Native Hawaiian Intellectual Property abuses and disputes are increasing. These Intellectual Property abuses adversely impact Kanaka Maoli culture which the State has a fiduciary responsibility to uphold and protect. However, the State currently lacks the legal framework to support Native Hawaiian Intellection Property.

With indigenous Intellectual Property rights being raised in forums around the world, more and more indigenous peoples are forming partnerships with state governments to successfully develop policies unique to their circumstances and needs. Native Hawaiian Intellectual Property has been the subject of discussions and forums in Hawai'i for over two decades. It is now time to form the means for Native Hawaiian Intellectual Property to be expressly recognized and protected, beginning with the establishment of a Native Hawaiian Intellectual Property Working Group.

I also request that, if it is helpful, you consider augmenting this resolution with following items to add to the weight of this resolution for more forceful momentum:

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WHEREAS, on August 21-22, 2021, the international coalition of kumu hula, Huamakahikina, convened to form and ratify the Huamakahikina Declaration on the Integrity, Stewardship, and Protection of Hula which states "There is insufficient protection for Kanaka Maoli culture and knowledge maintained, and embodied by, Hula. This includes infringement of the intellectual property rights to which Kumu Hula are entitled with respect to the Hula resources they steward and create."

* * * * *

BE IT FURTHER RESOLVED, that the members of the Native Hawaiian Intellectual Property Working Group and the named organizations and entities will have the authority to include additional Native Hawaiian organizations and entities through consensus at their discretion.

* * * * *

As such, please accept my testimony in strong support of HCR 108 / HR 114.

Mahalo nui for your consideration,

Hideharu Yoshikawa 3/29/23

**Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair**

Friday, March 31, 2023

2:00 PM

**Conference Room 325, State Capitol, HI
415 South Beretania Street**

STRONG SUPPORT: HCR 108 / HR 114, URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.

Aloha, e Chair Tarnas, Vice Chair Takayama, & Committee Members,

My name is Satoko Yoshikawa and I am testifying in strong support of HCR 108 / HR 114, which would curtail future Native Hawaiian Intellectual Property legal issues, and ensure that such issues are one less thing that Kānaka Maoli will need to struggle with moving forward.

As a practitioner of hula and hana no'eau, I can attest that Native Hawaiian Intellectual Property abuses and disputes are increasing. These Intellectual Property abuses adversely impact Kanaka Maoli culture which the State has a fiduciary responsibility to uphold and protect. However, the State currently lacks the legal framework to support Native Hawaiian Intellectual Property.

With indigenous Intellectual Property rights being raised in forums around the world, more and more indigenous peoples are forming partnerships with state governments to successfully develop policies unique to their circumstances and needs. Native Hawaiian Intellectual Property has been the subject of discussions and forums in Hawai'i for over two decades. It is now time to form the means for Native Hawaiian Intellectual Property to be expressly recognized and protected, beginning with the establishment of a Native Hawaiian Intellectual Property Working Group.

I also request that, if it is helpful, you consider augmenting this resolution with following items to add to the weight of this resolution for more forceful momentum:

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WHEREAS, on August 21-22, 2021, the international coalition of kumu hula, Huamakahikina, convened to form and ratify the Huamakahikina Declaration on the Integrity, Stewardship, and Protection of Hula which states "There is insufficient protection for Kanaka Maoli culture and knowledge maintained, and embodied by, Hula. This includes infringement of the intellectual property rights to which Kumu Hula are entitled with respect to the Hula resources they steward and create."

* * * * *

BE IT FURTHER RESOLVED, that the members of the Native Hawaiian Intellectual Property Working Group and the named organizations and entities will have the authority to include additional Native Hawaiian organizations and entities through consensus at their discretion.

* * * * *

As such, please accept my testimony in strong support of HCR 108 / HR 114.

Mahalo nui for your consideration,

Satoko Yoshikawa 3/29/23

Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair

Friday, March 31, 2023

2:00 PM

Conference Room 325, State Capitol, HI
415 South Beretania Street

STRONG SUPPORT: HCR 108 / HR 114, URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.

Aloha, e Chair Tarnas, Vice Chair Takayama, & Committee Members,

My name is Kapualoke Lightsy and I am testifying in strong support of HCR 108 / HR 114, which would curtail future Native Hawaiian Intellectual Property legal issues, and ensure that such issues are one less thing that Kānaka Maoli will need to struggle with moving forward.

As a practitioner of hula and hana no‘eau, I can attest that Native Hawaiian Intellectual Property abuses and disputes are increasing. These Intellectual Property abuses adversely impact Kanaka Maoli culture which the State has a fiduciary responsibility to uphold and protect. However, the State currently lacks the legal framework to support Native Hawaiian Intellection Property.

With indigenous Intellectual Property rights being raised in forums around the world, more and more indigenous peoples are forming partnerships with state governments to successfully develop policies unique to their circumstances and needs. Native Hawaiian Intellectual Property has been the subject of discussions and forums in Hawai‘i for over two decades. It is now time to form the means for Native Hawaiian Intellectual Property to be expressly recognized and protected, beginning with the establishment of a Native Hawaiian Intellectual Property Working Group.

I also request that, if it is helpful, you consider augmenting this resolution with following items to add to the weight of this resolution for more forceful momentum:

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WHEREAS, on October 3-5, 2003, the Paoakalani Declaration was compiled at the

Native Hawaiian Intellectual Property Rights Conference to express Native Hawaiians' "collective right of self-determination to perpetuate our culture under threat of theft and commercialization of the traditional knowledge of Kanaka Maoli, our wahi pana and nā mea Hawai'i."

* * * * *

WHEREAS, on August 21-22, 2021, the international coalition of kumu hula, Huamakahikina, convened to form and ratify the Huamakahikina Declaration on the Integrity, Stewardship, and Protection of Hula which states "There is insufficient protection for Kanaka Maoli culture and knowledge maintained, and embodied by, Hula. This includes infringement of the intellectual property rights to which Kumu Hula are entitled with respect to the Hula resources they steward and create."

* * * * *

BE IT FURTHER RESOLVED, that the members of the Native Hawaiian Intellectual Property Working Group and the named organizations and entities will have the authority to include additional Native Hawaiian organizations and entities through consensus at their discretion.

* * * * *

As such, please accept my testimony in strong support of HCR 108 / HR 114.

Mahalo nui for your consideration,

Kapualoke Lightsy

Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair

Friday, March 31, 2023
2:00 PM
Conference Room 325, State Capitol, HI
415 South Beretania Street

STRONG SUPPORT: HCR 108 / HR 114, URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.

Aloha Chair Tarnas, Vice Chair Takayama, and Committee Members,

My name is Julian Keikilani Ako. I am a composer of Hawaiian mele, an ongoing student as well as speaker of ‘ōlelo Hawai‘i and a student of hula. Although I currently serve as Vice President of the Hawai‘i Academy of Recording Arts and Pelekikena of the Kuini Pi‘olani Hawaiian Civic Club, I am not submitting this testimony in strong support of HCR 108/HR 114 on behalf of either organization but rather on my own behalf.

For far too long elements of our kānaka ‘ōiwi (most commonly referred to in English as “native Hawaiian”) cultural practices which encompass our ‘ike kūpuna have been misappropriated and monetized without our expressed consent. My hope is that, in the long term, the establishment of the Native Hawaiian Intellectual Property Working Group called for by HCR 108/HR 114 will lead to policies and legislation to protect our kānaka ‘ōiwi intellectual property. As a cultural practitioner, I can personally attest to the challenges that I and our people face in dealing with a Western system of ownership that does not align with the unique attributes of our cultural practices.

The existing Western legal framework does not effectively protect our traditional and customary practices which include mele, hula, and more. As this resolution begins to outline, cultural practitioners often face issues of ownership, authority, and misappropriation given this framework. This working group will provide an important opportunity to convene subject matter experts, as well as cultural practitioners and leaders, to have a *proactive* conversation about the practices that make Hawai‘i, Hawai‘i. Building on the work of those who have come before us, this proposed Native Hawaiian Intellectual Property Working Group can identify significant issues, articulate culturally-appropriate solutions, and provide meaningful next steps toward resolving these issues.

I also request that, if it is helpful, you consider augmenting this resolution with the following items to add to the weight of this resolution for more forceful momentum:

* * * * *

WHEREAS, on October 3-5, 2003, the Paoakalani Declaration was compiled at the Native Hawaiian Intellectual Property Rights Conference to express Native Hawaiians' "collective right of self-determination to perpetuate our culture under threat of theft and commercialization of the traditional knowledge of Kanaka Maoli, our wahi pana and nā mea Hawai'i."

* * * * *

WHEREAS, on August 21-22, 2021, the international coalition of kumu hula, Huamakahikina, convened to form and ratify the Huamakahikina Declaration on the Integrity, Stewardship, and Protection of Hula which states "There is insufficient protection for Kanaka Maoli culture and knowledge maintained, and embodied by, Hula. This includes infringement of the intellectual property rights to which Kumu Hula are entitled with respect to the Hula resources they steward and create."

* * * * *

BE IT FURTHER RESOLVED, that the members of the Native Hawaiian Intellectual Property Working Group and the named organizations and entities will have the authority to include additional Native Hawaiian organizations and entities through consensus at their discretion.

Mahalo to Chair Tarnas, Vice Chair Takayama, and the members of this important Committee for your consideration of this endeavor. I humbly urge you to support passage of HCR 108/HR 114 as a necessary step toward establishing solutions for a decades-old problem.

Mahalo nui loa.



Julian Keikilani Ako

HCR-108

Submitted on: 3/30/2023 5:11:25 AM

Testimony for JHA on 3/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lehua Kalima Alvarez	Individual	Support	Written Testimony Only

Comments:

REPRESENTATIVE DAVID A. TARNAS, CHAIR

REPRESENTATIVE GREGG TAKAYAMA, VICE-CHAIR

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TESTIMONY IN STRONG SUPPORT OF HCR 108 - HR 114

TUESDAY, MARCH 31, 2023 at 2:00 PM

CONFERENCE ROOM 325 & VIDEOCONFERENCE

STATE CAPITOL

415 SOUTH BERETANIA STREET

Aloha Chair Tarnas, Vice-Chair Takayama, & Committee Members,

My name is Lehua Kalima Alvarez, and **I am testifying today in strong support of HCR 108 & HR 114** which would establish a Native Hawaiian Intellectual Property Working Group to discuss policies and suggest legislation with respect to Native Hawaiian Intellectual Property. As a cultural practitioner, I can personally attest to the challenges that I and my colleagues face in dealing with a system of ownership that does not align with the unique attributes of our cultural practices.

The existing Western legal framework does not always align with our traditional and customary practices, including mele, hula, and more. As this resolution begins to outline, cultural practitioners often face issues of ownership, authority, and appropriation given this framework. This working group would provide an important opportunity to convene subject matter experts as well as cultural practitioners and leaders to have a *proactive* conversation about the practices that make Hawai‘i, Hawai‘i. Building on the work of those who have come before us, this proposed Native Hawaiian Intellectual Property Working Group can first, identify significant issues, articulate culturally-appropriate solutions, and provide meaningful next steps toward resolving these issues.

Finally, given the plethora of experts and practitioners that may contribute to this conversation, I humbly ask this committee include the following amendment to add:

“BE IT FURTHER RESOLVED, that the members of the Native Hawaiian Intellectual Property Working Group may have the authority to include additional organizations and individuals in its work at their discretion.”

Mahalo to Chair Tarnas, Vice-Chair Takayama, and the members of this important Committee for your consideration of this endeavor. **I humbly urge you to pass HCR 108 & HR 114 as a necessary step toward establishing solutions for a decades-old problem.**



ELENA K. FARDEN

31 Malaki 2023 |  Written Testimony of Elena K. Farden for HCR108 / HR114 |  lenafarden@gmail.com

Aloha Chair Tarnas, Vice Chair Takayama, and Committee Members:

My name is Elena Farden and I submit this testimony in my individual capacity as a Kanaka and doctorate of education student. My dissertation focuses on cultural intellectual property (IP), Traditional Cultural Expressions (TCEs), Traditional Knowledge (TK), and genetic resources and their role as community wealth indicators of Kanaka 'Ōiwi Knowledge Systems Towards Aesthetic Sovereignty.

*I am in **STRONG SUPPORT with a FRIENDLY AMENDMENT to HCR108/HR114** urging the establishment of a Native Hawaiian intellectual property working group to discuss policies and legislation with respect to Native Hawaiian intellectual property, with consideration to amend: **Page 3, line (25) to include an additional named organization, including transmittal of certified copies, to be: The Association of Hawaiian Civic Clubs (AOHCC), specifically representative(s) from Kuini Pi'olani Hawaiian Civic Club.***

The AOHCC has had long-standing advocacy support of cultural IP since 2002, and most recently with their establishment of a sub-committee of Native Hawaiian IP under the umbrella of their economic development committee. The work of this sub-committee has hosted training and workshops for its members to elevate awareness and understanding of cultural IP issues. Additionally, the original resolution was authored by Kuini Pi'olani Hawaiian Civic Club and later adopted as Senate Concurrent Resolution 164 in 2019 urged the establishment of a Native Hawaiian intellectual property task force to develop a sui generis legal system to recognize and protect Native Hawaiian IP.

As our world grows smaller, and technology like AI moves our lives faster, the globalization of culture and demands for possession of our collective cultural IP and identity will only increase at our doorstep. According to the World Intellectual Property Organization (WIPO), in 2003, the year Hawai'i State Legislature adopted the Paoakalani Declaration from the 'Aha Pono Native Hawaiian Intellectual Property Rights Conference, there were 1,100 IP dispute cases. Last year in 2022 alone, there were a staggering 5,764 IP dispute cases.

It is imperative to all of Hawai'i that this working group is established to lead, guide, and shape Kanaka 'Ōiwi-centric policies and legislation for Native Hawaiian cultural intellectual property that impacts Hawai'i's cultural capital, social capital, and intellectual capital.

I implore the Committee to support HCR108 / HR114 with the amendment to include the Association of Hawaiian Civic Clubs representatives from Kuini Pi'olani Hawaiian Civic Club.

Me ka mahalo ha'aha'a,

Elena K. Farden

Elena K. Farden

HCR-108

Submitted on: 3/30/2023 8:48:00 AM

Testimony for JHA on 3/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marion K A Kapuniai	Individual	Support	Written Testimony Only

Comments:

SUPPORT ONLY WITH THE FOLLOWING AMENDMENTS:

1) ADD 8) ASSOCIATION OF HAWAIIAN CIVIC CLUBS

2) INCLUDE IN THE 5TH "BE IT FURTHER RESOLVED", THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

THIS COMMITTEE SHALL RECOGNIZE THE EFFORTS OF THE AOHCC TO BRING THIS IMPORTANT ISSUE TO LIGHT, ENOUGH TO WARRANT A HCR.

DO THE RIGHT THING!

Thank you, M Kapuniai

HCR-108

Submitted on: 3/30/2023 9:15:28 AM

Testimony for JHA on 3/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sheena Lopes	Individual	Support	Written Testimony Only

Comments:

Aloha, e Chair Tarnas, Vice Chair Takayama, & Committee Members,

My name is Sheena Lopes and I am testifying in strong support of HCR 108 / HR 114, which would curtail future Native Hawaiian Intellectual Property legal issues, and ensure that such issues are one less thing that Kānaka Maoli will need to struggle with moving forward.

As a practitioner of hula and hana no‘eau, I can attest that Native Hawaiian Intellectual Property abuses and disputes are increasing. These Intellectual Property abuses adversely impact Kanaka Maoli culture which the State has a fiduciary responsibility to uphold and protect. However, the State currently lacks the legal framework to support Native Hawaiian Intellection Property.

With indigenous Intellectual Property rights being raised in forums around the world, more and more indigenous peoples are forming partnerships with state governments to successfully develop policies unique to their circumstances and needs. Native Hawaiian Intellectual Property has been the subject of discussions and forums in Hawai‘i for over two decades. It is now time to form the means for Native Hawaiian Intellectual Property to be expressly recognized and protected, beginning with the establishment of a Native Hawaiian Intellectual Property Working Group.

I also request that, if it is helpful, you consider augmenting this resolution with following items to add to the weight of this resolution for more forceful momentum:

* * * * * WHEREAS, on October 3-5, 2003, the Paoakalani Declaration was compiled at the Native Hawaiian Intellectual Property Rights Conference to express Native Hawaiians' "collective right of self-determination to perpetuate our culture under threat of theft and commercialization of the traditional knowledge of Kanaka Maoli, our wahi pana and nā mea Hawai‘i."

* * * * *

WHEREAS, on August 21-22, 2021, the international coalition of kumu hula, Huamakahikina, convened to form and ratify the Huamakahikina Declaration on the Integrity, Stewardship, and Protection of Hula which states "There is insufficient protection for Kanaka Maoli culture and knowledge maintained, and embodied by, Hula. This includes infringement of the intellectual

property rights to which Kumu Hula are entitled with respect to the Hula resources they steward and create."

* * * * *

BE IT FURTHER RESOLVED, that the members of the Native Hawaiian Intellectual Property Working Group and the named organizations and entities will have the authority to include additional Native Hawaiian organizations and entities through consensus at their discretion.

* * * * *

As such, please accept my testimony in strong support of HCR 108 / HR 114.

Mahalo nui for your consideration,

Sheena Lopes

REPRESENTATIVE DAVID A. TARNAS, CHAIR
REPRESENTATIVE GREGG TAKAYAMA, VICE-CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

TESTIMONY IN STRONG SUPPORT OF HCR 108/HR 114

FRIDAY, MARCH 31, 2023 AT 2:00PM
CONFERENCE ROOM 325 & VIDEOCONFERENCE
HAWAI'I STATE CAPITOL
415 SOUTH BERETANIA STREET

Aloha mai e Chair Tarnas, Vice-Chair Takayama, & Committee Members,

Mahalo for the opportunity to testify in strong support of both HCR108/HR114. My name is U'ilani Tanigawa Lum and I am a hula practitioner and an Assistant Professor of Law at Ka Huli Ao Center for Excellence in Native Hawaiian Law at the William S. Richardson School of Law. I am testifying today in my personal capacity. As a cultural practitioner, I can personally attest to the challenges that I and my colleagues face in dealing with a system of ownership that does not always align with the unique attributes of our cultural practices.

Along with my experience as a hula practitioner, I also founded Kāhuli Leo Le'a, Native Hawaiian-managed and serving 501(c)(3) non-profit organization, aimed at catalyzing aloha 'āina through the education, composition, and presentation of mele and other cultural practices. The establishment of this organization grew out of the strong belief that our constitutionally protected traditional and customary practices not only directly inform Kānaka Maoli identity, but make Hawai'i, Hawai'i. Given these important roles in Hawai'i, Kāhuli Leo Le'a has worked to create infrastructure that promotes and advances these practices for our broader community. Issues around Intellectual Property has been a consistent roadblock to these efforts. Often times, the existing western legal framework does not align with, or is in opposition to our customs and practices.

As this resolution begins to outline, cultural practitioners often face issues of ownership, authority, and appropriation. This resolution would build on the work of those who came before us, including, for example: the Paoakalani Declaration, the Huamakahikina Declaration, and more. Given the wide-ranging implications, conversations to identify culturally-appropriate solutions will require subject matter experts in law, 'ōlelo Hawai'i, mele, policy, and more. Given the plethora of experts and practitioners that may contribute to this conversation, I humbly ask this committee include the following amendment to add:

“BE IT FURTHER RESOLVED, that the members of the Native Hawaiian Intellectual Property Working Group may have the authority to include additional organizations and individuals at their discretion.”

Mahalo to Chair Tarnas, Vice-Chair Takayama, and the members of this important Committee for your consideration of this endeavor. **Please advance HCR108/HR114 as a necessary step toward establishing solutions for a decades-old problem.** Mahalo nui for your work on behalf of our communities!

Mahalo nui,



U'ilani Tanigawa Lum

**Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair**

**Thursday, March 31, 2023
2:00 PM**

**Conference Room 325, State Capitol, HI
415 South Beretania Street**

STRONG SUPPORT: HCR 108 / HR 114, URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.

Aloha, e Chair Tarnas, Vice Chair Takayama, & Committee Members,

My name is U'i Kahue-Cabanting and I am testifying in strong support of HCR 108 / HR 114, which would curtail future Native Hawaiian Intellectual Property legal issues, and ensure that such issues are one less thing that Kānaka Maoli will need to struggle with moving forward.

As a practitioner of 'ulana and hana no'eau, I can attest that Native Hawaiian Intellectual Property abuses and disputes are increasing. These Intellectual Property abuses adversely impact Kanaka Maoli culture which the State has a fiduciary responsibility to uphold and protect. However, the State currently lacks the legal framework to support Native Hawaiian Intellection Property.

With indigenous Intellectual Property rights being raised in forums around the world, more and more indigenous peoples are forming partnerships with state governments to successfully develop policies unique to their circumstances and needs. Native Hawaiian Intellectual Property has been the subject of discussions and forums in Hawai'i for over two decades. It is now time to form the means for Native Hawaiian Intellectual Property to be expressly recognized and protected, beginning with the establishment of a Native Hawaiian Intellectual Property Working Group.

I also request that, if it is helpful, you consider augmenting this resolution with following items to add to the weight of this resolution for more forceful momentum:

* * * * *

WHEREAS, on October 3-5, 2003, the Paoakalani Declaration was compiled at the

Native Hawaiian Intellectual Property Rights Conference to express Native Hawaiians' "collective right of self-determination to perpetuate our culture under threat of theft and commercialization of the traditional knowledge of Kanaka Maoli, our wahi pana and nā mea Hawai'i."

* * * * *

WHEREAS, on August 21-22, 2021, the international coalition of kumu hula, Huamakahikina, convened to form and ratify the Huamakahikina Declaration on the Integrity, Stewardship, and Protection of Hula which states "There is insufficient protection for Kanaka Maoli culture and knowledge maintained, and embodied by, Hula. This includes infringement of the intellectual property rights to which Kumu Hula are entitled with respect to the Hula resources they steward and create."

* * * * *

BE IT FURTHER RESOLVED, that the members of the Native Hawaiian Intellectual Property Working Group and the named organizations and entities will have the authority to include additional Native Hawaiian organizations and entities through a democratic consensus at their discretion.

* * * * *

As such, please accept my testimony in strong support of HCR 108 / HR 114.

Mahalo nui for your consideration,

U'i Kahue-Cabanting

Lot 25 Pu'ukapele Ave, #351
Ho'olehua, Hawai'i 96729

Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair

Friday, March 31, 2023

2:00 PM

Conference Room 325, State Capitol, HI
415 South Beretania Street

STRONG SUPPORT: HCR 108 / HR 114, URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.

Aloha, e Chair Tarnas, Vice Chair Takayama, & Committee Members,

My name is J. Ku‘uleialoha Alcomindras-Palakiko and I am testifying in strong support of HCR 108 / HR 114, which would curtail future Native Hawaiian Intellectual Property legal issues, and ensure that such issues are one less thing that Kānaka Maoli will need to struggle with moving forward.

As a practitioner of hula and hana no‘eau, I can attest that Native Hawaiian Intellectual Property abuses and disputes are increasing. These Intellectual Property abuses adversely impact Kanaka Maoli culture which the State has a fiduciary responsibility to uphold and protect. However, the State currently lacks the legal framework to support Native Hawaiian Intellection Property.

With indigenous Intellectual Property rights being raised in forums around the world, more and more indigenous peoples are forming partnerships with state governments to successfully develop policies unique to their circumstances and needs. Native Hawaiian Intellectual Property has been the subject of discussions and forums in Hawai‘i for over two decades. It is now time to form the means for Native Hawaiian Intellectual Property to be expressly recognized and protected, beginning with the establishment of a Native Hawaiian Intellectual Property Working Group.

I also request that, if it is helpful, you consider augmenting this resolution with following items to add to the weight of this resolution for more forceful momentum:

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WHEREAS, on October 3-5, 2003, the Paoakalani Declaration was compiled at the Native Hawaiian Intellectual Property Rights Conference to express Native Hawaiians' "collective right of self-determination to perpetuate our culture under threat of theft and commercialization of the traditional knowledge of Kanaka Maoli, our wahi pana and nā mea Hawai‘i."

* * * * *

WHEREAS, on August 21-22, 2021, the international coalition of kumu hula, Huamakahikina, convened to form and ratify the Huamakahikina Declaration on the Integrity, Stewardship, and Protection of Hula which states "There is insufficient protection for Kanaka Maoli culture and knowledge maintained, and embodied by, Hula. This includes infringement of the intellectual property rights to which Kumu Hula are entitled with respect to the Hula resources they steward and create."

* * * * *

BE IT FURTHER RESOLVED, that the members of the Native Hawaiian Intellectual Property Working Group and the named organizations and entities will have the authority to include additional Native Hawaiian organizations and entities through consensus at their discretion.

* * * * *

As such, please accept my testimony in strong support of HCR 108 / HR 114.

Mahalo nui for your consideration,

J. Ku‘uleialoha Alcomindras-Palakiko

HCR-108

Submitted on: 3/30/2023 1:43:23 PM

Testimony for JHA on 3/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Zeb Jones	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and Honorable Committee Members:

I submit testimony SUPPORTING HCR 108 / HR 114 — in order to establish a Native Hawaiian Intellectual Property Working Group to create policies and legislation to safeguard Native Hawaiian intellectual property.

Native Hawaiian intellectual property urgently needs protections in place – perhaps in the form of geographic appellations – much like the French region of Champagne protects champagne (the product) and Parma Ham and Parmesan cheese are similarly protected in Italy. There is the egregious case of “Aloha Poke” in Chicago – of ALL places – issuing “cease and desist” letters to small poke food businesses in Hawai’i and across the nation from using the words “Aloha” and “Poke”—essentially claiming ownership of these cultural expressions. However, I personally have witnessed an “O’hana” Pinot Grigio label on a wine bottle -- FROM ITALY in Tamura’s Supermarke in Wai`anae in late 2022!! In addition, I was also appalled to see that “Sunset” brand peppers have attempted to trademark “Aloha” with a “TM” as a brand of newer variety of bell peppers they’re marketing. At the very LEAST, the Native Hawaiian community deserves to be asked permission for such usage AND monetary compensation for appropriation of these terms. However, I seriously doubt that these and a host of other companies are compensating the Hawaiian community for using these terms.

For these above reasons, and in order to further safeguard Hawaiian language and culture, I urge your Committee to please pass HCR 108 / HR 114 with sufficient funding-- and to please change the effective date to ideally 07/01/2023, BUT not later than 07/01/2024 to benefit the Hawaiian community.

Mahalo for this opportunity to present this testimony supporting HCR 108 / HR 114.

Zeb Jones

PO Box 1462/ Wai`anae, HI 96792 / Email: zebbe3442@gmail.com