

STAND. COM. REP. NO. 1927

Honolulu, Hawaii

APR 20 2023

RE: S.R. No. 196
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred
S.R. No. 196 entitled:

"SENATE RESOLUTION URGING THE ESTABLISHMENT OF A NATIVE
HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS
POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN
INTELLECTUAL PROPERTY,"

begs leave to report as follows:

The purpose and intent of this measure is to urge the
establishment of a Native Hawaiian Intellectual Property Working
Group to discuss policies and legislation with respect to Native
Hawaiian intellectual property.

Your Committee received testimony in support of this measure
from the Department of Business, Economic Development, and
Tourism; Association of Hawaiian Civic Clubs; Office of Hawaiian
Affairs; and two individuals. Your Committee received comments on
this measure from one individual.

Your Committee finds that Native Hawaiians possess collective
intellectual property rights derived from the traditional and
cultural practices that their ancestors developed over thousands
of years and passed down from generation to generation. This
collective intellectual property takes many forms and includes but
is not limited to ka 'ōlelo Hawai'i, hula, mele, mo'olelo, lei
making, kapa making, kākau, weaving, feather work, carving, and



wayfinding. Your Committee finds that increasingly, third-party users of indigenous Native Hawaiian knowledge are seeking to claim ownership of these cultural expressions and that a working group is therefore necessary to investigate and discuss how Native Hawaiian groups can best protect their collective intellectual property rights.

Your Committee has amended this measure by:

- (1) Adding the Association of Hawaiian Civic Clubs to the Native Hawaiian Intellectual Property Working Group;
- (2) Requesting that the Native Hawaiian Intellectual Property Working Group consult with the Creative Industries Division of the Department of Business, Economic Development, and Tourism, in addition to other Native Hawaiian communities and organizations deemed appropriate;
- (3) Adding the President of the Association of Hawaiian Civic Clubs and the Director of Business, Economic Development, and Tourism to the list of certified copy recipients; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 196, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 196, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Hawaiian Affairs,



MAILE S.L. SHIMABUKURO, Chair



