

**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
**SENATE COMMITTEE ON JUDICIARY AND
SENATE COMMITTEE ON HAWAIIAN AFFAIRS**
Thursday, April 20, 2023
10:15 AM
State Capitol, Conference Room 225 and Video conference

In consideration of
HCR 108 HD1
**URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL
PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH
RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.**

Chairs Rhodes and Shimabukuro, Vice Chairs Gabbard and Fevella and members of the Committees. The Department of Business, Economic Development and Tourism (DBEDT) supports HCR 108 HD1, which urges the establishment of a Native Hawaiian Intellectual Property Working Group to discuss policies and legislation with respect to protection of Native Hawaiian intellectual property rights.

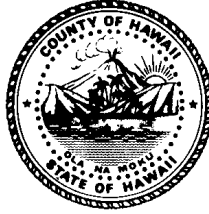
DBEDT and its Creative Industries Division (DBEDT/CID) recognizes the importance of HCR 108, HD1 to establish a body of experts in recognition of the collective intellectual property rights of Native Hawaiian people. These protection mechanisms will help to ensure that traditional laws, customs, and designs are respected and properly attributed to the Native Hawaiian community.

The department respectfully requests the committee consider adopting language as noted in SCR191, SD1 on page 4, lines 14 through 20 which encourages the Native Hawaiian Intellectual Property Working Group “to consult with industry stakeholders, such as the Creative Industries Division of the Department of Business, Economic Development, and Tourism, in addition to other Native Hawaiian communities and organizations deemed appropriate, who are encouraged to cooperate and provide information or input.”

DBEDT/CID looks forward to being of service to the Native Hawaiian IP Working Group and participation in community wide discussions regarding policies, protections and legislation for the recognition and protection of Native Hawaiian intellectual property rights.

Thank you for the opportunity to testify.

Dr. Holeka Goro Inaba
Council Member, District 8, N. Kona



Office: (808) 323-4280
Email: holeka.inaba@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL

County of Hawai'i
West Hawai'i Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai'i 96740

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

COMMITTEE ON HAWAIIAN AFFAIRS
Senator Maile S.L. Shimabukuro, Chair
Senator Kurt Fevella, Vice Chair

April 18, 2023

Re: **Support** for HCR108; URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.
Hearing: Thursday, April 20, 2023 at 10:15 a.m.

Aloha Senators,

On behalf of myself and constituents of Council District 8 in North Kona, I am expressing 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.

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.

I humbly suggest that this committee include a paragraph as follows:

“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.”

While the laws of the State recognize the traditional customary rights of Native Hawaiians, it should also expressly recognize and protect the collective intellectual property rights of Native Hawaiian people. We urge that you pass such a resolution offering such protection.

Sincerely,

DR. HOLEKA GORO INABA, Council Member
District 8, North Kona

**SENATOR KARL RHOADS, CHAIR
SENATOR MIKE GABBARD, VICE-CHAIR
SENATE COMMITTEE ON JUDICIARY**

**SENATOR MAILE S.L. SHIMABUKURO, CHAIR
SENATOR KURT FEVELLA, VICE-CHAIR
SENATE COMMITTEE ON HAWAIIAN AFFAIRS**

TESTIMONY IN STRONG SUPPORT OF HCR 108

**THURSDAY, APRIL 20, 2023 at 10:15 AM
CONFERENCE ROOM 225 & VIDEOCONFERENCE
STATE CAPITOL
415 SOUTH BERETANIA STREET**

Aloha Chair Rhoads, Vice-Chair Gabbard, Chair Shimabukuro, Vice-Chair Fevella & Committee Members,

My name is Zachary Alaka‘i Lum, and **I am testifying today in strong support of HCR 108** 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.

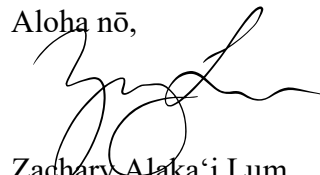
As the executive director of Kāhuli Leo Le‘a, a nonprofit organization dedicated to mele and other cultural practices as a means of composing Lāhui, I have aimed our current and future programming toward the socio-economic resillience of cultural practitioners. We do this in two major ways: 1) providing 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 resillience of cultural practitioners.

Finally, I humbly submit the following proposed amendments for HCR 108:

“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 the members of this Committee for your consideration of this endeavor. **I humbly urge you to pass HCR 108 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



HCR108 HD1
URGING THE ESTABLISHMENT OF
A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP
TO DISCUSS POLICIES AND LEGISLATION
WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.

Senate Committee on Judiciary
Senate Committee on Hawaiian Affairs

April 20, 2023

10:15 AM

Room 225 &
Videoconference

The Council for Native Hawaiian Advancement (CNHA) **STRONGLY SUPPORTS** HCR108 HD1, which proposes to establish a Native Hawaiian Intellectual Property Working Group.

The protection of our culture and our ancestral 'ike from foreign exploitation has long been a priority for the Native Hawaiian community. In the early 2000s, the Native Hawaiian community rose together in response to a series of high-profile cultural appropriation incidents. As a result, our community drafted the Paoakalani Declaration, which still stands today as the definitive position of our people on the protection of our intellectual property rights and the condemnation of the theft of our culture. In pertinent part, the declaration proclaimed that:

We declare our willingness to share our knowledge with humanity provided that we determine when, why, and how it is used. We have the right to exclude from use those who would exploit, privatize, and unfairly commercialize our traditional knowledge, cultural expressions and artforms, natural resources, biological material, and intellectual properties.

CNHA believes the establishment of this working group is critical to advancing the protection of our collective intellectual property rights. CNHA has been a key advocate on this issue for many years. Our Western Regional Native Hawaiian Convention in Las Vegas this June will feature a workshop discussion on this topic with local and national intellectual property experts. This summer's Las Vegas workshop represents a continuation of a series of panel discussions on this topic at convention over the years. Given CNHA's history with this topic, we look forward to participating in the discussions of the working group when it convenes.



In closing, CNHA urges the Committees to pass HCR108 HD1. Mahalo nui loa for the opportunity to provide testimony on this measure.

Respectfully,

J. Kūhiō Lewis, CEO
Council for Native Hawaiian Advancement

About the Council for Native Hawaiian Advancement

The Council for Native Hawaiian Advancement (CNHA) is a member-based 501(c)3 non-profit organization with a mission to enhance the cultural, economic, political, and community development of Native Hawaiians. Headquartered in Kapolei, CNHA is a Native Community Development Financial Institution (CDFI) certified by the U.S. Treasury department and a HUD-Certified Housing Counseling agency. CNHA provides access to capital, financial education and individualized financial counseling services with a focus on low and moderate-income families. CNHA serves as a National Intermediary, providing grants and loans targeting underserved communities in Hawai'i. For more information, visit www.hawaiiancouncil.org.

HCR-108-HD-1

Submitted on: 4/14/2023 9:27:22 PM

Testimony for JDC on 4/20/2023 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Strong Support

HCR-108-HD-1

Submitted on: 4/17/2023 8:33:25 AM

Testimony for JDC on 4/20/2023 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Comments	Remotely Via Zoom

Comments:

Testimony in support with amendment.

There are four resolutions on this subject: SR196, SCR191, HCR108, and HR114, the latter of which has been adopted. Glaringly missing in all of these resolutions is the representation of the Association of Hawaiian Civic Clubs (AHCC), a lead advocate for Intellectual Property Rights. They are listed in the 9th whereas clause of all of the cited resolutions, yet, they are not listed as a member of the proposed Native Hawaiian Intellectual Property Working Group; nor, are they even given the courtesy of being in the Resolved distribution clause. Strongly recommend that this oversight be corrected by inclusion of the AHCC in the working group and in the resolved distribution clause.

As info, the AHCC was founded by Prince Kūhiō in 1918. The Hawaiian Civic Club movement is the oldest Native Hawaiian community-based advocacy movement. The Association of Hawaiian Civic Clubs is a not-for-profit organization that is a confederation of individual and autonomous Hawaiian Civic Clubs located across Hawai‘i and across the continental United States. Our clubs are organized into five councils: Moku o Keawe (Hawai‘i Council), Nā Hono A‘o Pi‘ilani (Maui Council), Ke One o Kākuhihewa (O‘ahu Council), Moku o Manokalanipō (Kaua‘i Council), and Nā Lei Makalapua (Mainland Council). The AHCC is governed by a 18-member volunteer Board of Directors and advocates for improved welfare of Native Hawaiians in culture, health, economic development, education, social welfare, and nationhood, and perpetuates and preserves language, history, music, dance and other Native Hawaiian cultural traditions.

HCR-108-HD-1

Submitted on: 4/18/2023 8:36:30 AM

Testimony for JDC on 4/20/2023 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Awapuhimele Napoleon-O'Brien	Individual	Support	Written Testimony Only

Comments:

SENATOR KARL RHOADS, CHAIR

SENATOR MIKE GABBARD, VICE-CHAIR

SENATE COMMITTEE ON JUDICIARY

SENATOR MAILE S.L. SHIMABUKURO, CHAIR

SENATOR KURT FEVELLA, VICE-CHAIR

SENATE COMMITTEE ON HAWAIIAN AFFAIRS

TESTIMONY IN STRONG SUPPORT OF HCR 108

THURSDAY, APRIL 20, 2023 at 10:15 AM

CONFERENCE ROOM 225 & VIDEOCONFERENCE

STATE CAPITOL

415 SOUTH BERETANIA STREET

Aloha Chair Rhoads, Vice-Chair Gabbard, Chair Shimabukuro, Vice-Chair Fevella & Committee Members,

My name is Awapuhimele Napoleon-O'Brien, and **I am testifying today in strong support of HCR 108** 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 the members of this Committee for your consideration of this endeavor. **I humbly urge you to pass HCR 108 as a necessary step toward establishing solutions for a decades-old problem.**

Mahalo nui,

'Awapuhimele Napoleon-O'Brien

HCR-108-HD-1

Submitted on: 4/18/2023 9:48:00 AM

Testimony for JDC on 4/20/2023 10:15:00 AM

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

Comments:

Aloha Chair Rhoads, Chair Shimabukuro, Vice Chair Gabbard, Vice Chair Fevella, and Honorable Committee Members:

I present this testimony to SUPPORT of HCR 108 — 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, as recently as late 2022, I personally have witnessed an “O’hana” Pinot Grigio label on a wine bottle -- FROM ITALY while shopping in Wai`anae’s Tamura’s Supermarket!! In addition, I was also appalled to find that “Sunset” brand peppers have attempted to trademark “Aloha” with a “TM” as a brand of a 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 to receive 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 usage and/or appropriation of Hawaiian language.

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 with sufficient funding if possible -- 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.

Nancy Jones

Hydroponics Alternatives LLC

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

HCR-108-HD-1

Submitted on: 4/18/2023 10:04:17 AM

Testimony for JDC on 4/20/2023 10:15:00 AM

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

Comments:

Aloha Chair Rhoads, Chair Shimabukuro, Vice Chair Gabbard, Vice Chair Fevella, and Honorable Committee Members:

I submit testimony SUPPORTING HCR 108, HD 1 — 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 appropriating these terms. However, I seriously doubt that these and a host of other companies are compensating the Hawaiian community for this language usage.

For these above reasons, and in order to further safeguard Hawaiian language and culture, I urge your Committee to please pass HCR 108, HD 1 with sufficient funding, if that’s possible -- 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, HD 1.

Zeb Jones

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

HCR-108-HD-1

Submitted on: 4/15/2023 8:24:37 AM

Testimony for JDC on 4/20/2023 10:15:00 AM

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

Comments:

SUPPORT WITH AMENDMENTS:

1) **BE IT RESOLVED, Page 3, Line 14:** Add "PROTECTION OF" after, *with respect to* - the discussion relates to the protection of, but is not defined in title nor in the proposed resolution to the defined challenge.

2) **BE IT FURTHER RESOLVED #2 AND #8:** Add "THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS"

Thank you, M Kapuniai

SENATOR KARL RHOADS, CHAIR
SENATOR MIKE GABBARD, VICE-CHAIR
SENATE COMMITTEE ON JUDICIARY

SENATOR MAILE S. L. SHIMABUKURO, CHAIR
SENATOR KURT FEVELLA, VICE-CHAIR
SENATE COMMITTEE ON HAWAIIAN AFFAIRS

TESTIMONY IN STRONG SUPPORT OF HCR 108

THURSDAY, APRIL 20, 2023 AT 10:15AM
CONFERENCE ROOM 225 & VIDEOCONFERENCE

Aloha Chair Rhoads, Vice-Chair Gabbard, Chair Shimabukuro, Vice-Chair Fevella, & Committee Members,

Mahalo for the opportunity to testify in strong support of HCR108. 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 iā ‘oukou for your consideration of this endeavor. **Please pass HCR108 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

HCR-108-HD-1

Submitted on: 4/18/2023 11:18:36 PM

Testimony for JDC on 4/20/2023 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
La'amea Paleka	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice-Chair Gabbard, Chair Shimabukuro, Vice-Chair Fevella & Committee Members,

My name is La'amea Paleka, and I am testifying today in strong support of HCR 108 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 the members of this Committee for your consideration of this endeavor. I humbly urge you to pass HCR 108 as a necessary step toward establishing solutions for a decades-old problem.

Mahalo nui,

HCR-108-HD-1

Submitted on: 4/19/2023 5:14:36 AM

Testimony for JDC on 4/20/2023 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Del Beazley	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice-Chair Gabbard, Chair Shimabukuro, Vice-Chair Fevella & Committee Members,

My name is ___Del Beazley_____, and **I am testifying today in strong support of HCR 108** 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 the members of this Committee for your consideration of this endeavor. **I humbly urge you to pass HCR 108 as a necessary step toward establishing solutions for a decades-old problem.**

I strongly support HCR108 as it will provide a voice for our people to determine what is Pono, for our Lahui and the generations to come

with great Aloha

Respectfully submitted by, Del Beazley

Mahalo nui,

HCR-108-HD-1

Submitted on: 4/19/2023 7:27:00 AM

Testimony for JDC on 4/20/2023 10:15:00 AM

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

Comments:

SENATOR KARL RHOADS, CHAIR

SENATOR MIKE GABBARD, VICE-CHAIR

SENATE COMMITTEE ON JUDICIARY

SENATOR MAILE S.L. SHIMABUKURO, CHAIR

SENATOR KURT FEVELLA, VICE-CHAIR

SENATE COMMITTEE ON HAWAIIAN AFFAIRS

TESTIMONY IN STRONG SUPPORT OF HCR 108

THURSDAY, APRIL 20, 2023 at 10:15 AM

CONFERENCE ROOM 225 & VIDEOCONFERENCE

STATE CAPITOL

415 SOUTH BERETANIA STREET

Aloha Chair Rhoads, Vice-Chair Gabbard, Chair Shimabukuro, Vice-Chair Fevella & Committee Members,

I am Kumu Hula Cody Pueo Pata, and **I am testifying today in strong support of HCR 108** 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 the members of this Committee for your consideration of this endeavor. **I humbly urge you to pass HCR 108 as a necessary step toward establishing solutions for a decades-old problem.**

Mahalo nui,

Cody Pueo Pata

HCR-108-HD-1

Submitted on: 4/19/2023 9:29:55 AM

Testimony for JDC on 4/20/2023 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim-Hee Wong	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Kim-Hee Kanoemakali‘i Wong, and **I am testifying today in strong support of HCR 108.** I believe that a Native Hawaiian Intellectual Property Working Group should be established 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.

Additionally, 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 the members of this Committee for your consideration of this endeavor. **I humbly urge you to pass HCR 108 as a necessary step toward establishing solutions for a decades-old problem.**

Mahalo nui,

Kim-Hee Kanoemakali‘i Wong

