



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

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Statement of
CHRIS J. SADAYASU
Director
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON HAWAIIAN AFFAIRS
Monday, April 17, 2023
10:30 AM
State Capitol, Conference Room 225 and Video conference

In consideration of
SR 196
**URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL
PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH
RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.**

Chair Shimabukuro, Vice Chair Fevella and members of the Committee. The Department of Business, Economic Development and Tourism (DBEDT) supports SR 196, 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 this measure to establish this body in recognition of the collective intellectual property rights of Native Hawaiian people and protection mechanisms from misappropriation, as well as ensuring that traditional laws, customs, and designs are respected and properly attributed to the Native Hawaiian community.

The department respectfully recommends 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.



Testimony of the Association of Hawaiian Civic Clubs
To the Senate Committee on Hawaiian Affairs
On SR 196 - URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN
INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND
LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY

Monday, April 17, 2023

10:30 am, State Capitol, Conference Room 225

Aloha Chair Shimabukuro, Vice-Chair Fevella and members of the Senate Committee on Hawaiian Affairs:

The Association of Hawaiian Civic Clubs **SUPPORTS** SR 196 and requests your committee consider an amendment to this resolution.

This resolution establishes a working group to discuss much needed policies and legislation to protect Native Hawaiian Intellectual Property rights. Native Hawaiian people's intellectual property rights are based upon the generational knowledge developed and passed along over centuries. The State of Hawaii has long recognized the traditional customary rights of Native Hawaiians, and this resolution will expressly recognize and protect the collective intellectual property rights of the Native Hawaiian people.

The Association of Hawaiian Civic Clubs requests to be identified and included as a member of the working group as our organization has a long-standing track record of advocacy in this matter. As noted in the resolution, the Association has passed at its annual conventions resolutions including 2018-43, and all urge legislative action be taken to protect Native Hawaiian Intellectual Property. In 2019, the Hawaii State Legislature adopted Senate Concurrent Resolution 204, Senate Resolution 164, and House Resolution 142, and we believe these resolutions are based on the Association's resolutions and that these are the basis for SR 196.

Thus, the Association respectfully urges the committee to **PASS** SR 196 with our requested amendment.

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 61 individual and autonomous Hawaiian Civic Clubs located across Hawai‘i and across the continental United States. With more than 3,000 members, we advocate for improved welfare of Native Hawaiians in culture, health, economic development, and education.

Mahalo for your consideration of our testimony.

SR-196

Submitted on: 4/12/2023 2:57:43 AM

Testimony for HWN on 4/17/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Comments	In Person

Comments:

ALOHA,

I am going to make every effort to attend this hearing since my written testimonies in support with amendment on other similar resolutions seem to have been ignored. I have recommended that the Association of Hawaiian Civic Clubs be a member on the NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP consistent with the 9th Whereas clause of the resolution: "WHEREAS, the Association of Hawaiian Civic Clubs previously adopted Resolution Nos. 02-08, 03-13, and 17-57 to protect Native Hawaiian cultural intellectual property and resources and urge the Legislature to enact legislation, in consultation with Native Hawaiians, that recognizes and protects the Native Hawaiian people's collective intellectual property rights; " and the AHCC has been instrumental in having SR196 and similar resolutions introduced, yet for some reason legislators have chosen to not include them on the working group. Why? **Please amend this resolution to include the AHCC on the working group.**

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.



SR196

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 Hawaiian Affairs

April 17, 2023

10:30 AM

Room CR 225

The Office of Hawaiian Affairs (OHA) offers its **STRONG SUPPORT** for SR196, 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** SR196 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.

SR-196

Submitted on: 4/12/2023 10:59:57 AM

Testimony for HWN on 4/17/2023 10:30:00 AM

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

Comments:

STRONG SUPPORT WITH THE FOLLOWING AMENDMENT TO:

2ND BE IT FURTHER RESOLVED - ADD THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

7TH BE IT FURTHER RESOLVED - ADD THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

WHERE AS #9 REFERS TO THREE RESOLUTIONS ADOPTED AT THREE ANNUAL CONVENTIONS HELD BY THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS, WHICH DIRECTLY ADDRESSES PROTECTION OF INTELLECTUAL RIGHTS.

Thank you, M Kapuniaia

SR-196

Submitted on: 4/12/2023 5:39:30 PM

Testimony for HWN on 4/17/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Julia Estigoy-Kahoonei	Individual	Support	Written Testimony Only

Comments:

All things Hawaiian need to be protected and misappropriation of the culture needs to stop. I support whatever it takes to accomplish this, to preserve the culture and maintain the integrity of its rich history