

STAND. COM. REP. NO.

2185

Honolulu, Hawaii

APR 18 2019

RE: H.C.R. No. 155
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred H.C.R. No. 155 entitled:

"HOUSE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY TASK FORCE TO DEVELOP A SUI GENERIS LEGAL SYSTEM TO RECOGNIZE AND PROTECT NATIVE HAWAIIAN CULTURAL INTELLECTUAL PROPERTY, TRADITIONAL CULTURAL EXPRESSIONS, AND GENETIC RESOURCES,"

begs leave to report as follows:

The purpose and intent of this measure is to urge the establishment of a Native Hawaiian intellectual property task force to develop a sui generis legal system to recognize and protect Native Hawaiian cultural intellectual property, traditional cultural expressions, and genetic resources.

Your Committee received testimony in support of this measure from the Aha Moku Advisory Committee, O'ahu County Democrats Legislative Priorities Committee, Waimea Hawaiian Civic Club, and two individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that the Native Hawaiian people's collective intellectual property rights are based on traditional, cultural knowledge developed over thousands of years and passed down from generation to generation. The western intellectual property system, developed to protect the rights of creators and




inventors, does not adequately protect the rights of indigenous peoples to their collective, traditional knowledge, cultural expressions, and art forms. Consequently, disputes between indigenous peoples and third-party users of indigenous knowledge resources over ownership and control have steadily increased. Your Committee further finds that other indigenous peoples have developed strategies and sui generis legal frameworks or systems to protect their collective intellectual property rights and urges the establishment of a task force to develop a sui generis legal system to recognize and protect Native Hawaiian cultural intellectual property, traditional cultural expressions, and genetic resources.

Your Committee has amended this measure by amending the suggested membership of the task force to include the Aha Moku Advisory Committee.

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 H.C.R. No. 155, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 155, S.D. 1.

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



MAILE S.L. SHIMABUKURO, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:* HCR 155	Committee Referral: HWN	Date: 4/16/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SHIMABUKURO, Maile S.L. (C)	/			
KAHELE, Kaiali'i (VC)				/
IHARA, Jr., Les				/
KEOHOKALOOLE, Jarrett	/			
FEVELLA, Kurt	/			
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes