

STAND. COM. REP. NO.

1747

Honolulu, Hawaii

APR 03 2019

RE: S.R. No. 164

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

Sir:

Your Committees on Hawaiian Affairs and Judiciary, to which was referred S.R. No. 164 entitled:

"SENATE 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,"

beg 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 Committees received testimony in support of this measure from the O'ahu County Democrats Legislative Priorities Committee, Ho'omanapono Political Action Committee, and one individual. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find the Native Hawaiian people's collective intellectual property rights are based upon the traditional, cultural knowledge developed over thousands of years and passed down from generation to generation and includes ka 'ōlelo Hawai'i, hula, mele, mo'olelo, lei making, kapa making, kākau, weaving, feather work, carving, and wayfinding. However, your Committees



find the western intellectual property system was developed to protect the rights of creators and inventors and was not developed to protect the rights of indigenous peoples to their collective, traditional knowledge, cultural expressions, and art forms. Other indigenous peoples have developed strategies and sui generis legal frameworks or systems to protect their collective intellectual property rights and knowledge, including the Indian Arts and Crafts Board and the Toi Iho registered trademark for Maori art and artists. Your Committees find that this measure 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.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Judiciary that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 164 and recommend its adoption.

Respectfully submitted on
behalf of the members of the
Committees on Hawaiian Affairs
and Judiciary,



KARL RHOADS, Chair



MAILE S.L. SHIMABUKURO, Chair



The Senate
 Thirtieth Legislature
 State of Hawai'i

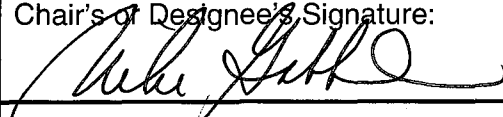
Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:* SR 164	Committee Referral: HWN/JDC	Date: 3/28/19		
<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 checked="checked" type="checkbox"/> Pass, unamended 2312 <input 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	/			
KEOHOKALOLE, Jarrett	/			
FEVELLA, Kurt				/
TOTAL	3			2
Recommendation: <input checked="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

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:	Committee Referral:	Date:		
SB 164	HWN/JDC	3/29/19		
<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 checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313	
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
FEVELLA, Kurt	✓			
TOTAL	4	—	—	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy				

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