SB2354
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Testimony of Rafael Fernandez,
Recording Industry Association of America
For the
Truth in Music Advertising (TIMA)

Chairman, and Members of the committee, thank you very much for holding this hearing today. Over the past decade and a half, Truth in Music Advertising (TIMA) laws have been passed around the country. These laws seek to prevent "imposter" bands and artists from profiting off the good and valuable name of the real bands or artists. Based on concepts of consumer protection and property rights, these laws enable authorities, and in some cases individuals, to take action against the deceptive acts.

TIMA laws generally provide that a performing group may only use a recording group's name if at least one member of the performing group is or was a member of the recording group and still has the right to use the group's name or trademark. **Otherwise, the performance must be clearly labeled and presented as a <u>tribute or the like</u>.**

Currently, 34 states have some form of TIMA law, while several others have general "deceptive acts" consumer protection laws that may cover this activity. Of those 34 states, nine clearly offer some form of private right of action, typically in addition to the right of the Attorney General to take action.

Hawaii has a rich music culture. Protecting artist, their families and/or their estates is the purpose of this bill. They include:

Arthur Lyman	A Hawaiian instrumentalist.
Betty Loo Taylor	A Hawaiian Pianist known as Hawaii's first lady of jazz.
Charlie "Icarus" Johnson	A former jazz guitarist of the 70s that was raised in Hawaii.
Denis Pavao	A Hawaiian singer.
Don Ho	He was Hawaii's Ambassador of Aloha to the world. A favorite son of Hawaii.
Gabby Pahinui	A famous Hawaiian Guitar Player who made it big in the 60s.
Gabe Baltazar	A Hawaiian Sax player.
Glenn Medeiros	A Hawaiian singer who achieved some hits in the 80s.
Israel Kamakawiwo'ole	A deceased Hawaiian singer known to be the voice of Hawaii.
Keola Beamer	A Hawaiian folk singer and guitar player.
Loyal Garner	a Hawaiian singer from the 70s
Martin Denny	A Hawaiian artist known for popularizing the genre "exotica".
Melveen Leed	A Hawaiian singer.
Myra English	A famous Hawaiian singer who got big in the 70s.
Peter Moon	A Hawaiian ukulele player.
Rene Paulo	A Hawaiian Jazz pianist.
Sol Ho'opii	Virtuoso Hawaiian guitar player
Tau Moe	A famous Hawaiian Musician.