STAND. COM. REP. NO. 1927

Honolulu, Hawaii
APR 2 N 2023

RE: S.R. No. 196

S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2023 State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred S.R. No. 196 entitled:

"SENATE RESOLUTION URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY,"

begs leave to report as follows:

The purpose and intent of this measure is to urge the establishment of a Native Hawaiian Intellectual Property Working Group to discuss policies and legislation with respect to Native Hawaiian intellectual property.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Association of Hawaiian Civic Clubs; Office of Hawaiian Affairs; and two individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that Native Hawaiians possess collective intellectual property rights derived from the traditional and cultural practices that their ancestors developed over thousands of years and passed down from generation to generation. This collective intellectual property takes many forms and includes but is not limited to ka 'ōlelo Hawai'i, hula, mele, mo'olelo, lei making, kapa making, kākau, weaving, feather work, carving, and

wayfinding. Your Committee finds that increasingly, third-party users of indigenous Native Hawaiian knowledge are seeking to claim ownership of these cultural expressions and that a working group is therefore necessary to investigate and discuss how Native Hawaiian groups can best protect their collective intellectual property rights.

Your Committee has amended this measure by:

- (1) Adding the Association of Hawaiian Civic Clubs to the Native Hawaiian Intellectual Property Working Group;
- (2) Requesting that the Native Hawaiian Intellectual Property Working Group consult with the Creative Industries Division of the Department of Business, Economic Development, and Tourism, in addition to other Native Hawaiian communities and organizations deemed appropriate;
- (3) Adding the President of the Association of Hawaiian Civic Clubs and the Director of Business, Economic Development, and Tourism to the list of certified copy recipients; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.R. No. 196, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 196, S.D. 1.

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

MAILE S.L. SHIMABUKURO, Chair

The Senate Thirty-Second Legislature State of Hawaiʻi

Record of Votes Committee on Hawaiian Affairs HWN

Bill / Resolution No.:*	Committee Referral:			Date:		
SR 196	HWN		April 17, 2023			
The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:						
The Recommendation is:						
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313						
Members		Aye	Aye (W	R)	Nay	Excused
SHIMABUKURO, Maile S.L. (C)		X				-
FEVELLA, Kurt (VC)		X				
IHARA, Jr., Les						X
KEOHOKALOLE, Jarrett		<u> </u>				
RICHARDS, III, Herbert M. "Tim"						
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TOTAL		4				
Recommendation: Adopted Not Adopted						
Chair's or Designee's Signature:						
Distribution: Original File with Committee Re	Yellow Pink Goldenrod port Clerk's Office Drafting Agency Committee File Copy			Ï		

*Only one measure per Record of Votes