

ASSOCIATION OF HAWAIIAN CIVIC CLUBS

A RESOLUTION

No. 2018 – 44

URGING THE U.S. GOVERNMENT TO ESTABLISH A TASK FORCE TO SUPPORT NATIVE HAWAIIAN INTELLECTUAL PROPERTY RIGHTS AND TRADITIONAL CULTURAL EXPRESSIONS TO PROMOTE PRODUCTIVITY, COMPETITIVENESS, AND ECONOMIC GROWTH

WHEREAS, the Constitution of the Association of Hawaiian Civic Clubs, Article II, Section 2.g stipulates that the objective of the Association is to “actively assert and defend the cultural, traditional knowledge, and intellectual property rights of the Native Hawaiian people, of Kūpuna, and cultural practitioners”; and

WHEREAS, the Association of Hawaiian Civic Clubs has passed resolutions in the recent past concerning intellectual property rights, calling for the creation of task forces and urging the Hawai‘i State Legislature to support indigenous intellectual property rights and traditional cultural expressions (“TCEs”) in our fashion industry; and

WHEREAS, in 2003, Native Hawaiian cultural practitioners, artists, and kūpuna convened for the Ka ‘Aha Pono Native Hawaiian Intellectual Property Rights Conference and produced the Paoakalani Declaration to assert self-determination rights of Native Hawaiians over our TCEs and advocate for a system to empower Native Hawaiians to protect those rights; and

WHEREAS, the 2004 Hawai‘i State Legislature adopted the Paoakalani Declaration; and

WHEREAS, as stated in the Paoakalani Declaration: “Kanaka Maoli have the right of self-determination. By virtue of that right we freely determine our political status and freely pursue our economic, social, and cultural development, which includes determining appropriate use of our traditional knowledge, cultural expressions and artforms, and natural and biological resources.”; and

WHEREAS, in 2018, a company called Aloha Poke Holdings LLC, relying on its trademark granted by the United States Patent and Trademark Office, began sending cease-and-desist letters to various businesses around the country that used the term “aloha” in connection with selling poke; and

WHEREAS, the current legal system, although complex, does little to protect and support indigenous intellectual property rights and cultural expressions; and

WHEREAS, the Native Hawaiian Chamber of Commerce has recently passed a resolution urging the U.S. Government to establish a task force to support Native Hawaiian

Intellectual Property rights and traditional cultural expressions to promote productivity, competitiveness and economic development.

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 59th Annual Convention in Kalapaki, Kaua'i, in the malama of Welehu and the rising of 'Olepau, this 17th day of November 2018, urging the U.S. Government to establish a task force to support Native Hawaiian intellectual property rights and traditional cultural expressions to promote productivity, competitiveness and economic growth; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to members of Hawai'i's Congressional Delegation, as well as the Governor of the State of Hawai'i, President of the State Senate, Speaker of the State House of Representatives, Chair of the State Senate Committee on Hawaiian Affairs, Chair of the State House Committee on Ocean, Marine Resources & Hawaiian Affairs, Chair of the Board of Trustees of the Office of Hawaiian Affairs, and all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted in the malama of Welehu and the rising of 'Olepau on the 17th day of November 2018, at the 59th Annual Convention of the Association of Hawaiian Civic Clubs in Kalapaki, Kaua'i.


Annelie C. Amaral, President