



EXECUTIVE SUMMARY

The Native Hawaiian Cultural Trademark Study (the “Study”) was conducted by the Hale Ku'ai Study Group (the “Study Group”), co-chaired by Maile Andrade, Professor of Hawaiian Studies at UH, and Maile Meyer, co-founder of retail stores Native Books / Na Mea Hawai'i. It was funded with a grant from OHA, and its Fiscal Sponsor was PA'I Foundation, a qualified 501(c)(3) charitable non-profit organization, with Victoria Holt Takamine, Executive Director.

The Study took place over a 12-month period from November 2005 to October 2006. It included extensive research on the opinions of Native Hawaiian artists and the community at large, legal research, interviews of leading artists, community meetings to explain a native cultural trademark program with artists in the four counties of the State, a survey of a majority of the estimated number of practicing native artists conducted with assistance of the PA'I Foundation, and a public conference to present and discuss the Study with Native Hawaiian artists, arts organizations, and the larger law, business, and governmental communities. The Study Findings show that Native Hawaiian artists generally favor the use of a cultural trademark program to help protect native cultural arts against misappropriation and degradation by using a trademark (designator) of cultural authenticity to distinguish native artworks and products from fakes and imitations.

Based on the Study Findings and discussion herein, the Study Group recommend three primary activities as the next phase of this general project: (a) convening an ad hoc Steering Committee comprised of leading figures of Native Hawaiian artists, arts organizations, and cultural arts fields to develop initial guidelines for a Native Hawaiian cultural trademark program; (b) sourcing a trademark image that reflects the goal of protecting and promoting our cultural arts; and (c) sponsoring a "First Awards" event to recognize notable master artists in our native arts fields. The cultural trademark program should be implemented in a manner that facilitates transfer to a duly constituted Native Hawaiian cultural arts board which will assume a full scope of sovereign functions to protect and promote Native Hawaiian cultural arts.