

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
Informational Briefing/ Oversight Hearing / Roundtable Hearing

STANDING COMMITTEE / SENATOR	HEARING	COMMITTEE REPORT	HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
Committee on Heritage and the Arts, Parks, Guam Products, Hagåtña-Revitalization, Self-Determination, and Regional Affairs	Roundtable Hearing	Committee Report on the Guam Trademark Commission Monthly Meeting.	6/26/19 9:00 a.m.	12/20/19 10:17 a.m.	



Senator Kelly Marsh (Taitano), PhD.

Chairwoman of the Committee on Heritage and the Arts, Parks, Guam Products, Hagatna Revitalization, Self-Determination, and Regional Affairs
Assistant Majority Leader
I Mina' Trentai Singko Na Liheslaturan Guåhan

October 16, 2019

Transmitted via hand-delivery

The Honorable Règine Biscoe Lee
Chairperson, Committee on Rules
I Mina' trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Committee Report for the June 26, 2019, Guam Trademark Commission, Regular Monthly Meeting

Buenas Yan Håfa Adai:

The Committee on Heritage and the Arts, Parks, Guam Products, Hagatna Revitalization, Self-Determination, and Regional Affairs, hereby transmits the Committee Report of the **June 26, 2019, Guam Trademark Commission, Regular Monthly Meeting.**

Si Yu'us Ma'åse,

Kelly G. Marsh (Taitano), Ph.D.

Attachments

Committee Membership

Overall Vice-Chair:
Speaker Tina Muña
Barnes

Heritage and the Arts
Vice-Chair:
Senator Amanda L.
Shelton

Self-Determination Vice-
Chair:
Senator Jose "Pedro"
Terlaje

Regional Affairs Vice-
Chair:
Senator Clynt E. Ridgell

Senator Règine Biscoe
Lee

Senator Joe S. San
Agustin

Senator Therese M.
Terlaje

Contact Details

989-5681/3

office.senatorkelly@guamlegislature.org

Guam Congress
Building
163 Chalan Santo Papa
Hagåtña, GU 96910

2019 DEC 20 AM 10:17

RECEIVED
OCT 17 2019
11:02 AM
COMMITTEE ON RULES

Revision's Rec'd: 12/19/19 @ 9:30pm

Senator Kelly Marsh (Taitano), PhD.
Chairwoman of the Committee on Heritage and the Arts, Parks, Guam Products,
Hagatna Revitalization, Self-Determination, and Regional Affairs
I Mina'trentai Singko Na Lihelaturan Guåhan



COMMITTEE REPORT

Commission Meeting

Guam Trademark Commission

Wednesday, June 26, 2019, at 9:00 a.m

I Lihelaturan Guåhan's Public Hearing Room



Roland Villaverde <roland.senatorkelly@gmail.com>

First Notice – Guam Trademark Commission, Monthly Meeting, Wednesday, June 26, 2019, 9:00 a.m.

1 message

Office of Senator Kelly Marsh (Taitano), Ph.D.
<office.senatorkelly@guamlegislature.org>
To: phnotice@guamlegislature.org

Wed, Jun 19, 2019 at
4:01 PM

FOR IMMEDIATE RELEASE

June 19, 2019

MEMORANDUM

To: All Senators, Stakeholders, Media

From: Senator Kelly G. Marsh (Taitano), Ph.D.
Chairperson, Committee on Heritage and the Arts, Parks, Guam Products,
Hagåtña Revitalization, Self-Determination, and Regional Affairs

Subject: First Notice – Guam Trademark Commission, Monthly Meeting, Wednesday, June 26, 2019, 9:00 a.m.

Buenas yan Håfa adai! In accordance to §8103 and §8107 of Title 5 Guam Code Annotated, the Chair of the Committee on Heritage and the Arts, Parks, Guam Products, *Hagåtña* Revitalization, Self-Determination, and Regional Affairs (“Committee”) will convene the monthly meeting of the **Guam Trademark Commission on Wednesday, June 26, 2019, at 9:00 a.m.**, at *Liheslaturan Guåhan’s* Public Hearing Room. Items for discussion are outlined within the attached agenda.

Inquiries may be directed to the Office of Senator Kelly Marsh (Taitano), Ph.D., at 163 Chalan Santo Papa, *Hagåtña*, Guam 96910 or via email to office.senatorkelly@guamlegislature.org. The Guam Trademark Commission Meeting will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and streamed online at www.guamlegislature.org through *Liheslaturan Guåhan’s* live feed.

Individuals requiring special accommodations, auxiliary aids, or services may contact and submit their request to the office of Senator Kelly Marsh (Taitano), Ph.D., at 163 Chalan Santo Papa, *Hagåtña*, Guam 96910, by phone at 472-3455, or by email at office.senatorkelly@guamlegislature.org.

The Guam Trademark Commission meeting is a public meeting. *Un Dångkolo Na Si Yu’os Ma’åse’!*

Attachment



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DuY.jpe
g.jpg

Office of Senator Kelly Marsh (Taitano), PhD
Committee on Heritage and the Arts, Parks, Guam Products,
Hagåtña Revitalization, Self-Determination, and Regional Affairs
I Mina'trentai Singko na Liheslaturan Guåhan | 35th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
Telephone: (671) 989-5681/2



2 attachments

 **190619 Guam Trademark Commission Agenda.pdf**
180K

 **190619 Guam Trademark Commission Meeting First Notice.pdf**
178K

Office of Senator Kelly Marsh (Taitano), PhD.
Chairwoman of the Committee on Heritage and the Arts, Parks, Guam Products,
***Hagåtña* Revitalization, Self-Determination, and Regional Affairs**
Assistant Majority Leader
I Mina'trentai Singko Na Liheslaturan Guåhan



FOR IMMEDIATE RELEASE

June 19, 2019

MEMORANDUM

To: All Senators, Stakeholders, Media

From: Senator Kelly G. Marsh (Taitano), Ph.D. *Km*
Chairperson, Committee on Heritage and the Arts, Parks, Guam Products,
Hagåtña Revitalization, Self-Determination, and Regional Affairs

Subject: First Notice – Guam Trademark Commission, Monthly Meeting, Wednesday,
June 26, 2019, 9:00 a.m.

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Inquiries may be directed to the Office of Senator Kelly Marsh (Taitano), Ph.D., at 163 Chalan Santo Papa, *Hagåtña*, Guam 96910 or via email to office.senatorkelly@guamlegislature.org. The Guam Trademark Commission Meeting will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and streamed online at www.guamlegislature.org through *I Liheslaturan Guåhan’s* live feed.

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The Guam Trademark Commission meeting is a public meeting. *Un Dångkolo Na Si Yu'os Ma'åse'!*

Attachment

Notification, Guam Trademark Commission June 26, 2019, Monthly Meeting

1 message

Office of Senator Kelly Marsh (Taitano), PhD.

Fri, Jun 21, 2019 at

<office.senatorkelly@guamlegislature.org>

4:57 PM


To: Dafne.Shimizu@revtax.guam.gov, AnnMarie Arceo <annmarie.arceo@dca.guam.gov>, Pilar.laguana@visitguam.org, Melanie Mendiola <mel.mendiola@investguam.com>, law@guamag.org, fguerrero671@aol.com, Speaker's Office <speaker@guamlegislature.org>, Louise Muna <senatorlouise@gmail.com>, guampedia.rpn@gmail.com, "Laura M.T. Souder" <souder@betances.com>, Jacqueline Balbas <jacqueline.balbas@caha.guam.gov>, Matthew Baza <mbaza@investguam.com>
Bcc: roland.senatorkelly@gmail.com

Håfa adai:

The Guam Trademark Commission will convene its monthly meeting at 9:00 am, June 26, 2019, at I Liheslaturan Guåhan's Public Hearing Room. I respectfully request your attendance and participation, or that of your representative.

Please review the attachments of last month's Commission minutes, hearing notices and agenda which are beneficial for your review prior to the June 26th meeting. You may contact Mr. Victor Lujan, at 989-9681 should you have any questions or require special accommodations. Si Yu'os Må'ase.



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Office of Senator Kelly Marsh (Taitano), PhD
Committee on Heritage and the Arts, Parks, Guam Products,
Hagåtña Revitalization, Self-Determination, and Regional Affairs
I Mina'trentai Singko na Liheslaturan Guåhan | 35th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
Telephone: (671) 989-5681/2



4 attachments

-  **190619 Guam Trademark Commission Meeting First Notice.pdf**
178K
-  **190619 Guam Trademark Commission Agenda.pdf**
362K
-  **190621 Guam Trademark Commission Commissioner Memorandum.pdf**
392K
-  **Guam Trademark Commission May 6 2019 Committee Digest.pdf**
11499K

Office of Senator Kelly Marsh (Taitano), PhD.
Chairwoman of the Committee on Heritage and the Arts, Parks, Guam Products,
Hagåtña Revitalization, Self-Determination, and Regional Affairs
Assistant Majority Leader
I Mina'trentai Singko Na Liheslaturan Guåhan



June 21, 2019

MEMORANDUM

To: Guam Trademark Commission Board of Commissioners Members and Stakeholders

From: Senator Kelly G. Marsh (Taitano), Ph.D. *KM*
Chairperson, Committee on Heritage and the Arts, Parks, Guam Products,
Hagåtña Revitalization, Self-Determination, and Regional Affairs; and, Guam
Trademark Commission

Re: Notice of June 26, 2019, Guam Trademark Commission Monthly Meeting

Håfa Adai! The Guam Trademark Commission is convening its monthly meeting at 9:00 am, July 26, 2019, at *I Liheslaturan Guåhan*'s Public Hearing Room. We welcome the new Commission members who will be in attendance and who were not able to attend the first Commission meeting. The Commission will continue discussions that were left off from the last meeting. An agenda is also attached for your reference.

Several taskings have been dispensed to the Commissioners at last month's meeting. You may reference the attached agenda and determine whether a task applies to you. We kindly request that you bring any information or materials with you that could be shared with the Commission constructive towards continuing a meaningful dialogue and discussion on the task.

The minutes of last month's meeting is incorporated within a Committee Digest Report that has been filed with *I Liheslaturan Guåhan*, Office of *I Måga'hågan Guåhan*, and an audio recording is filed with the Office of Public Accountability. This is a requirement of law¹. Additionally, the minutes are verbatim transcriptions of the May 6, 2019, Guam Trademark Commission meeting. A digital copy of the Committee Digest² is downloadable on *I Liheslaturan Guåhan*'s website and is also digitally attached for your review. *Si Yu'os Må'ase.*

¹Reporting requirements for Board and Commissions, §8113.1 of Chapter 8, Title 5 GCA

²[http://www.guamlegislature.com/Committee Reports 35th/Informational%20Briefing%20on%20the%20Guam%20Trademark%20Commission,Board%20of%20Commissioners,%20Monthly%20Meeting.pdf](http://www.guamlegislature.com/Committee%20Reports%2035th/Informational%20Briefing%20on%20the%20Guam%20Trademark%20Commission,Board%20of%20Commissioners,%20Monthly%20Meeting.pdf)



Roland Villaverde <roland.senatorkelly@gmail.com>

**Second Notice – Guam Trademark Commission, Monthly Meeting,
Wednesday, June 26, 2019, 9:00 am.**

1 message

Office of Senator Kelly Marsh (Taitano), PhD.

Mon, Jun 24, 2019 at
12:05 AM

<office.senatorkelly@guamlegislature.org>

To: phnotice@guamlegislature.org

Cc: Dafne.Shimizu@revtax.guam.gov, AnnMarie Arceo <annmarie.arceo@dca.guam.gov>, Pilar.laguana@visitguam.org, Melanie Mendiola <mel.mendiola@investguam.com>, law@guamag.org, fgurrero671@aol.com, Speaker's Office <speaker@guamlegislature.org>, Louise Muna <senatorlouise@gmail.com>, guampedia.rpn@gmail.com, "Laura M.T. Souder" <souder@betances.com>, Jacqueline Balbas <jacqueline.balbas@caha.guam.gov>, Matthew Baza <mbaza@investguam.com>
Bcc: roland.senatorkelly@gmail.com

FOR IMMEDIATE RELEASE

June 23, 2019

MEMORANDUM

To: All Senators, Stakeholders, Media

From: Senator Kelly G. Marsh (Taitano), Ph.D.
Chairperson, Committee on Heritage and the Arts, Parks, Guam
Products,
Hagåtña Revitalization, Self-Determination, and Regional Affairs

**Subject: Second Notice – Guam Trademark Commission, Monthly Meeting,
Wednesday, June 26, 2019, 9:00 a.m.**

Buenas yan Håfa adai! In accordance to §8103 and §8107 of Title 5 Guam Code Annotated, the Chair of the Committee on Heritage and the Arts, Parks, Guam Products, *Hagåtña* Revitalization, Self-Determination, and Regional Affairs ("Committee") will convene the monthly meeting of the **Guam Trademark Commission** on **Wednesday, June 26, 2019, at 9:00 a.m.**, at *I Liheslaturan Guåhan's* Public Hearing Room. Items for discussion are outlined within the attached agenda.

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The Guam Trademark Commission meeting is a public meeting. *Un Dångkolo Na Si Yu'os Ma'åse'!*

Attachment



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Office of Senator Kelly Marsh (Taitano), PhD
Committee on Heritage and the Arts, Parks, Guam Products,
Hagåtña Revitalization, Self-Determination, and Regional Affairs
I Mina'trentai Singko na Liheslaturan Guåhan | 35th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
Telephone: (671) 989-5681/2



2 attachments

 **190623 Guam Trademark Commission Meeting Second Notice.pdf**
386K

 **190619 Guam Trademark Commission Agenda.pdf**
370K

Office of Senator Kelly Marsh (Taitano), PhD.
Chairwoman of the Committee on Heritage and the Arts, Parks, Guam Products,
***Hagåtña* Revitalization, Self-Determination, and Regional Affairs**
Assistant Majority Leader
I Mina'trentai Singko Na Liheslaturan Guåhan



FOR IMMEDIATE RELEASE

June 23, 2019

MEMORANDUM

To: All Senators, Stakeholders, Media

From: Senator Kelly G. Marsh (Taitano), Ph.D. *Km*
Chairperson, Committee on Heritage and the Arts, Parks, Guam Products,
Hagåtña Revitalization, Self-Determination, and Regional Affairs

Subject: Second Notice – Guam Trademark Commission, Monthly Meeting, Wednesday,
June 26, 2019, 9:00 a.m.

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Attachment

Guam Congress Building, 163 Chalan Santo Papa, *Hagåtña*, Guam 96910
office.senatorkelly@guamlegislature.org
(671) 989-5681-3



Roland Villaverde <roland.senatorkelly@gmail.com>

Reminder Notification - Guam Trademark Commission 9:00a.m., June 26, 2019, Monthly Meeting

1 message

Office of Senator Kelly Marsh (Taitano), PhD.

Mon, Jun 24, 2019 at
12:24 AM

<office.senatorkelly@guamlegislature.org>

To: Dafne.Shimizu@revtax.guam.gov, AnnMarie Arceo <annmarie.arceo@dca.guam.gov>, Pilar.laguana@visitguam.org, Melanie Mendiola <mel.mendiola@investguam.com>, law@guamag.org, fgurrero671@aol.com, Speaker's Office <speaker@guamlegislature.org>, Louise Muna <senatorlouise@gmail.com>, guampedia.rpn@gmail.com, "Laura M.T. Souder" <souder@betances.com>, Jacqueline Balbas <jacqueline.balbas@caha.guam.gov>, Matthew Baza <mbaza@investguam.com>
Bcc: roland.senatorkelly@gmail.com

June 24, 2019

MEMORANDUM

To: Guam Trademark Commission Board of Commissioners Members and Stakeholders

From: Senator Kelly G. Marsh (Taitano), Ph.D. Chairperson, Guam Trademark Commission

Re: Reminder Notice of June 26, 2019, Guam Trademark Commission Monthly Meeting

Håfa Adai! The Guam Trademark Commission is convening its monthly meeting at 9:00 am, July 26, 2019, at *I Liheslaturan Guåhan's* Public Hearing Room. We welcome the new Commission members who will be in attendance and who were not able to attend the first Commission meeting. The Commission will continue discussions that were left off from the last meeting. An agenda is also attached for your reference.

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Office of Senator Kelly Marsh (Taitano), PhD
Committee on Heritage and the Arts, Parks, Guam Products,
Hagåtña Revitalization, Self-Determination, and Regional Affairs
I Mina'trentai Singko na Liheslaturan Guåhan | 35th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
Telephone: (671) 989-5681/2



Office of Senator Kelly Marsh (Taitano), PhD.
Chairwoman of the Committee on Heritage and the Arts, Parks, Guam Products,
***Hagåtña* Revitalization, Self-Determination, and Regional Affairs**
Assistant Majority Leader
I Mina'trentai Singko Na Liheslaturan Guåhan



FOR IMMEDIATE RELEASE

June 23, 2019

MEMORANDUM

To: All Senators, Stakeholders, Media

From: Senator Kelly G. Marsh (Taitano), Ph.D. *KM*
Chairperson, Committee on Heritage and the Arts, Parks, Guam Products,
Hagåtña Revitalization, Self-Determination, and Regional Affairs

Subject: Second Notice – Guam Trademark Commission, Monthly Meeting, Wednesday,
June 26, 2019, 9:00 a.m.

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Attachment

I Mina'trentai Singko Na Liheslaturan Guåhan

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amcborja@gmail.com	dlmorcilla@hotmail.com
angela@senatorjpterlaje.com	dmgeorge@guampdn.com
ariana.villaverde@guam.gov	edelynn1130@hotmail.com
artemiorh@gmail.com	editor@pacificislandtimes.com
asantos@guamlegislature.org	editor@postguam.com
assist_editor@glimpsesofiguam.com	editor@saipantribune.com
ataligba@gmail.com	eduardo.ordonez@clb.guam.gov
benito.servino@disid.guam.gov	efnapoli@ghura.org
bernice.rivera@guamlegislature.org	egrajek@guamlegislature.org
bertha.duenas@guam.gov	ehaimin@guamlegislature.org
bill.taitingfong@bbmr.guam.gov	eo@guamrealtors.com
bina@ghra.org	familianjusto@gmail.com
bmkelman@guampdn.com	fes22744@gmail.com
bshringi@moylans.net	float51@hotmail.com
businesseditor@glimpsesofiguam.com	francescacc.guamlegislature@gmail.com
carlo.branch@gmail.com	francine@senatorperez.org
carlo.branch@guamlegislature.org	frank.lujan@doa.guam.gov
carlsonc@pstripes.osd.mil	gerard.toves@dol.guam.gov
cathy.sensorsa@gmail.com	gerry@postguam.com
ccastro@guamchamber.com.gu	gerrypartido@gmail.com
ccharfauros@guamag.org	gktv23@hotmail.com
cepeda.alanj@gmail.com	glenn.leonguerrero@dpw.guam.gov
cfvalencia@guamlegislature.org	guam@pstripes.osd.mil
cgogue@guampdsc.net	guamnativesun@yahoo.com
charlene@senatorperez.org	guamprogress@yahoo.com
chirag.speakertmb@gmail.com	hazel.estrellado@guamlegislature.org
chris@senatorjpterlaje.com	Hill.Bruce@abc.net.au
christine.quinata@takecareasia.com	hope.sensorsa@gmail.com
claudia.acfalle@gsa.guam.gov	horeckylaw@teleguam.net
clerks@guamlegislature.org	ian.taitano@guam.gov
clyntridgell@guamlegislature.org	ihernandez@guamlegislature.org
clyntridgellforsenator@gmail.com	info@chinesetimesguam.com
cme.guam@gmail.com	jack.hattig@cltc.guam.gov
coaa.staff@guamlegislature.org	james.mcdonald@cqa.guam.gov

I Mina'trentai Singko Na Lihelaturan Guåhan

PH NOTICE LISTSERV

phnotice@guamlegislature.org

janela.carrera@guam.gov	krystal.paco@guam.gov
jangoco57@gmail.com	krystal.senatorsa@gmail.com
jason@kuam.com	kstokish@gmail.com
jayne.flores@guam.gov	kstone@ite.net
jbenavente@gpagwa.com	lauri.tumaneng@guam.gov
jean@guamlegislature.org	laurie.tumaneng@guam.gov
jennifer.dulla@guam.gov	law@guamag.org
Jennifer.Winn@mail.house.gov	lea.santos@gcec.guam.gov
jermaine.alerta@gddc.guam.gov	legislativecounsel@guamlegislature.org
jessica@ghra.org	lester.carlson@bbmr.guam.gov
joanaguon@gmail.com	life@guampdn.com
joanne.senatorsa@gmail.com	lifestyleeditor@glimpsesofguam.com
joe.mesa@wilcastro.com	liz.senatorsa@gmail.com
joe.san.agustin@gvao.guam.gov	ljalcairo@gmail.com
joe.senatorsa@gmail.com	llewelyn.senatorsa@gmail.com
joejmesa@gmail.com	llmatthews@guampdn.com
joesa@guamlegislature.org	lorilee.crisostomo@energy.guam.gov
joey.sannicolas@gfd.guam.gov	louella@spbguam.com
john@postguam.com	louise.atalig@gmail.com
johnny.sablan@dca.guam.gov	m.salaila@yahoo.com
johntaoconnor@gmail.com	mabuhaynews@yahoo.com
jon.calvo@guam.gov	mahoquinene@guam.net
jonfernandez@gdoe.net	makepeacematthew@gmail.com
jontalk@gmail.com	malainse@gmail.com
joseph.senatorsa@gmail.com	maria.pangelinan@gec.guam.gov
josh.wilson.guamlegis@gmail.com	mark.martinez@guamlegislature.org
joway97@gmail.com	martavictoriapalmertree@gmail.com
jpmanuel@gmail.com	marycamachotorres@gmail.com
jqlizama@guamcourts.org	marycamachotorres@outlook.com
julian.c.janssen@gmail.com	maryfejeran@gmail.com
juliette@senatorada.org	marym@guamlegislature.org
kaitre97@gmail.com	matt.sablan@agriculture.guam.gov
kate.baltazar@gmail.com	mcarlson@guamlegislature.org
kcharfauros74@gmail.com	mcbordallo@guamwaterworks.org
kcn.kelly@gmail.com	mcogadmin@teleguam.net
keepinginformed.671@gmail.com	McPherson.Kathryn@abc.net.au
kelly.toves@mail.house.gov	macruz@hitradio100.com
kevin.kerrigan@grmc.gu	melanie.brennan@dya.guam.gov
kevin@postguam.com	melinda.sanchez@guam.gov
khmg@hbcguam.net	melvin.tabilas@guam.gov
koreannews@guam.net	michael.borja@land.guam.gov
koreatv@kuentos.guam.net	michael.weakley@guam.gov
McPherson.Kathryn@abc.net.au	sabina@senatorperez.org

I Mina'trentai Singko Na Liheslaturan Guåhan

PH NOTICE LISTSERV

phnotice@guamlegislature.org

mis@guamlegislature.org	sabinaefloresperez@gmail.com
mjduenas@ghura.org	sabrina@kuam.com
mlwheeler2000@yahoo.com	sahara.defensor@mail.house.gov
monty.mcdowell@amiguam.com	sarah.elmore@guamlegislature.org
nathan.denight@visitguam.org	sen.cridgell@teleguam.net
neil@postguam.com	sen.wilcastro@gmail.com
news@guampdn.com	senatorbiscoelee@guamlegislature.org
news@spbguam.com	senatorjoessanagustin@gmail.com
norman.aguilar@guamcc.edu	senatorlouise@gmail.com
office.senatorkelly@guamlegislature.org	senatormary@guamlegislature.org
office@senatorperez.org	senatorpedo@senatoripterlaje.com
officeofsenatormoylan@guamlegislature.org	senatortcnelson@guamlegislature.org
officeofsenatorshelton@guamlegislature.org	senatortelot.jason@gmail.com
onohi671@gmail.com	senatortelot.kris@gmail.com
orleen.villasoto@guamlegislature.org	senatortelot.rowena@gmail.com
pacificjournalist@gmail.com	senatortelot@gmail.com
parroyo@k57.com	senatorterlajeguam@gmail.com
pdkprg@gmail.com	senjvespaldon@gmail.com
phill@spbguam.com	sgtarms@guamlegislature.org
pj.senatorsa@gmail.com	sgumataotao@guamcourts.org
pmbblas@ite.net	sheltonforguam@gmail.com
president@ghra.org	siedpocaigne@gmail.com
publisher@glimpsesofiguam.com	sitarose2@yahoo.com
raunderwood@uguam.uog.edu	slimtiaco@guampdn.com
ray@guam-peals.org	sonedera-salas@guamlegislature.org
rennae@guamlegislature.org	speaker@guamlegislature.org
reporter2@glimpsesofiguam.com	sphattori@guampdsc.net
reporter4@glimpsesofiguam.com	stephanie.speakertmb@gmail.com
reporters@kuam.com	stephanie@hinatsalaw.com
responsibleguam@gmail.com	stephen.senatorsa@gmail.com
rey.vega@gbhwc.guam.gov	tcastro@guam.net
richard@senatorperez.org	tcruznelson@gmail.com
rick.agustin@grta.guam.gov	team5andahalfstar@gmail.com
rikki@guamlegislature.org	telo.taitague@visitguam.org
rlimtiaco@guampdn.com	therese.hart.writer@gmail.com
robert@postguam.com	tinamunabarnes@gmail.com
roland.senatorkelly@gmail.com	tjtaitano@cs.com
rollymanuntag@gmail.com	tony.babauta@guam.gov
roryforguam@gmail.com	tony.benavente@guam.gov
rosanne.ada@gddc.guam.gov	tritten@pstripes.asd.mil
rose.senatorsa@gmail.com	ttbenavente@gmail.com
rsimisalas@gmail.com	tterlaje@guam.net
rstopasna@ghura.org	

I Mina'trentai Singko Na Liheslaturan Guåhan

PH NOTICE LISTSERV

phnotice@guamlegislature.org

Vanessa.Cariaso@mail.house.gov
vanessa.senatorsa@gmail.com
vfe.20160904.john.calvo@noaa.gov
walter.leonguerrero@epa.guam.gov
wilcastro671@gmail.com
william.reyes@dpr.guam.gov
winston.senatorsa@gmail.com
xiosormd@gmail.com
xiosormd@yahoo.com
ylee2@guam.gannett.com
yourvoice.guam@gmail.com
youthcongressguam@gmail.com
yvonne.naputi@westcare.com
zpangelinan@gmail.com

Updated as of 4.25.19



Senator Kelly Marsh (Taitano), PhD.

Chairwoman of the Committee on Heritage and the Arts, Parks, Guam Products,
Hagatna Revitalization, Self-Determination, and Regional Affairs
I Mina'trentai Singko Na Liheslaturan Guåhan

Committee Membership

Overall Vice-Chair:
Speaker Tina Muña
Barnes

Heritage and the Arts
Vice-Chair:
Senator Amanda L.
Shelton

Self-Determination Vice-
Chair:
Senator Jose "Pedo"
Terlaje

Regional Affairs Vice-
Chair:
Senator Clynt E. Ridgell

Senator Régine Biscoe
Lee

Senator Joe S. San
Agustin

Senator Therese M.
Terlaje

Contact Details

989-5681

office.senatorkelly@guamlegislature.org

Guam Congress
Building
163 Chalan Santo Papa
Hagåtña, GU 96910

Agenda

Guam Trademark Commission Public Hearing Room – Guam Congress Building Wednesday, June 26, 2019, 9:00 a.m.

I. Call to Order by Chairwoman

II. Old Business

- a. Commissioner enrollment (continuation)
- b. Findings and review on assigned tasks of items 1, 7, 8, and 9 of §14105(b), Title 2 GCA
 - i. GEDA – Use of Trademark
 1. Process for certifying artists
 2. Process for certifying arts organizations
 3. Process for certifying vendors
 - ii. CAHA
 1. Listing of Masters – creation of categorical listing
 2. Types of cultural arts including intangible arts
 - iii. *Kumision I Fino' CHamoru*
 1. Identification of intangible arts
- c. 'Document Listing' handout topics of interest for discussion

III. NEW BUSINESS

- a. Arts Form – Developing definitions
- b. Discussion - Applicability of four subcommittees §14104(k); visual arts, performing arts, literary arts, and demonstration and exhibitions

IV. Open Discussion

V. Adjournment



GUAM TRADEMARK COMMISSION
I Mina'trentai Singko Na Liheslaturan Guåhan
Committee on Heritage and the Arts, Parks, Guam Products,
Hagåtña Revitalization, Self-Determination, and Regional Affairs
 Meeting Sign-in Sheet

Regular Meeting Public Sign-In Sheet

June 26, 2019 • 9:00 A.M. • Guam Congress Building Public Hearing Room

NAME (Please Print Legibly)	AGENCY OR ORGANIZATION (If Any)	CONTACT NUMBER	EMAIL ADDRESS
FRANK RABON	PARAI PROBECHAN'DITaoter-tu	565-9877	frankguachen@yahoo.com
Matthew Biza	GEDA	647-4352	mbiza@investguam.com
Jaeke Balbac	CAHA	300-120406	jacqueline.balbac@caha.guam.gu
CHRIS LIZAMA	GVB	646-5278	chris.lizama@visitguam.com
AUN MARIE AREED	DCA	989-2428	
Rita P. Nawtu	Guampedia	734-0217	rpnowtu@gmail.com
Albert Perez	DRT		albert.perez@reventon.guam.gov
Michael R. Unsioy	DRT	635-7621	michael.unsioy@reventon.guam.gov
ZINA RUIZ	PIFIT	649-7748	zina.ruiz@gmail.com

COMMITTEE REPORT DIGEST

Guam Trademark Commission

Monthly Meeting

June 26, 2019, 9:00 am

I. OVERVIEW

The Committee on Heritage and the Arts, Parks, Guam Products, *Hagåtña* Revitalization, Self Determination, and Regional Affairs, convened the Guam Trademark Commission, monthly meeting on Wednesday, June 26, 2019, 9:00 am, *I Liheslaturan Guåhan*'s, Public Hearing Room.

a. Public Notice Requirements

Notices were disseminated via electronic mail to all senators, stakeholders and primary broadcasting instrumentalities in accordance with the Open Government Law and the 35th Guam Legislature Standing Rules. The first notice was issued on June 19, 2019, and was further amended and resent on the same day meeting the five (5) working day notice period. A second notice was subsequently disseminated on June 24, 2019.

b. Guam Trademark Commissioners Present

- | | |
|--|---------------------------------|
| ● Senator Kelly Marsh (Taitano), Ph.D. | Commission Chair |
| ● Ann Marie Arceo | President, DCA |
| ● Ms. Rita P Nauta | Managing Director, Guampedia |
| ● Albert Perez | DRT Designated Alternate |
| ● Mike Unsiog | DRT Designated Alternate |
| ● Jaqueline Balbas | Acting Executive Director, CAHA |
| ● Chris Lizama | GVB Designated Alternate |
| ● Mathew Baza | GEDA Designated Alternate |
| ● Francisco Rabon | CAHA Designated Alternate |

II. SUMMARY OF TESTIMONY & DISCUSSION

Senator Kelly Marsh (Taitano), Ph.D., Chairperson of the Committee on Heritage and the Arts, Parks, Guam Products, *Hagåtña* Revitalization, Self Determination, and Regional Affairs; and Chair of the Guam Trademark Commission, presided over the monthly meeting. The meeting was called to order at 9:14 am and adjourning at 10:38 am. Items for discussion on the agenda were:

- I. Call to Order by Chairwoman**
- II. Old Business**

- a. Commissioner enrollment (continuation)
 - b. Findings and review on assigned tasks of items 1, 7, 8, and 9 of §14105(b), Title 2 GCA
 - i. GEDA – Use of Trademark
 - 1. Process for certifying artists
 - 2. Process for certifying arts organizations
 - 3. Process for certifying vendors
 - ii. CAHA
 - 1. Listing of Masters – creation of categorical listing
 - 2. Types of cultural arts including intangible arts
 - iii. *Kumision I Fino' CHamoru*
 - 1. Identification of intangible arts
 - c. ‘Document Listing’ handout topics of interest for discussion
- III. NEW BUSINESS**
- a. Arts Form – Developing definitions
 - b. Discussion - Applicability of four subcommittees §14104(k); visual arts, performing arts, literary arts, and demonstration and exhibitions
- IV. Open Discussion**
- V. Adjournment**
- a. **Transcription of Hearing** (block formatted)

The Guam Trademark Commission monthly meeting was called to order on Wednesday, June 26, 2019, at 9:14 am.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: *Hafa Adai Manana Si Yu'os*, thank you for being here today. The Guam Trademark Commission will now be called to order. For the record in accordance with the Open Government Law, meeting notices were given to all Commission and senatorial members, stakeholders and all main media broadcasting outlets. The first notice was sent out on Wednesday, June 19th, 2019, and the second notice went out on Monday, June 24th, 2019. Today is Wednesday, June 26, 2019, and the time is now 9:14. We have nine members present today, which represents a quorum.

Today's meeting is the Commission's second meeting and there are several new faces that we are so pleased to have. I look around and it's such a good composition of board members. We have people representing agencies that are very relevant. And then also, we have people that are just very knowledgeable about their agency and have been a part of this type of work for a very long time. So, we have an excellent set of people that are going to be contributing to the work we're doing. The Committee will be hosting today's and all future meetings of the Commission. All meetings will be held at the Guam Congress Building. The Guam Trademark Commission is required to meet once a month and regular monthly meetings will be convened at the availability of this public hearing room. Perhaps after September, when the legislature completes the fiscal year 2020 budget, we may be able to work amongst ourselves to establish a set and routine schedule.

For introductory purposes, I ask that you introduce yourselves to the Commission and the agency or entity that you represent. So, I'll go ahead and begin on my left.

JACQUELINE BALBAS, ACTING EXECUTIVE DIRECTOR, CAHA: Jackie Balba is from the Guam Council on the Arts and Humanities Agency, CAHA;

ANN MARIE ARCEO, PRESIDENT, DEPARTMENT OF CHAMORU AFFAIRS: Ann Marie Arceo, President, Department of *CHamoru* Affairs;

FRANCISCO RABON, CAHA, DESIGNATED ALTERNATE: Frank Rabon Master of *CHamoru* Dance, *Para I Prubetson I Taotao-ta* Inc,

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: And I believe, are you also representing CAHA today?

FRANCISCO RABON, CAHA, DESIGNATED ALTERNATE: Yes as a board member.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: *Maolek.*

MATHEW BAZA, GEDA, DESIGNATED ALTERNATE: Matthew Baza from the Guam Economic Development Authority.

MRS. RITA P NAUTA, MANAGING DIRECTOR, GUAMPEDIA: Rita Nauta, Managing Director of Guampedia and the official designee for Speaker Muña Barnes's Office.

MIKE UNSIOG, DEPARTMENT OF REVENUE AND TAXATION, DESIGNATED ALTERNATE: Michael Unsiog with the Department of Revenue and Taxation.

CHRIS LIZAMA, GUAM VISITORS BUREAU, DESIGNATED ALTERNATE: I'm Chris Lizama with the Guam Visitors Bureau.

ALBERT PEREZ, DEPARTMENT OF REVENUE AND TAXATION, DESIGNATED ALTERNATE: Albert Perez Department of Revenue and Taxation.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: *Maolek* and we may have some other members joining us a little bit later as well. So an excellent grouping today again. Thank you very much for being here.

I want to bring to your attention the materials provided to you today. So, of the many things that we're going to be looking over in our time together we have for today a copy of the Guam Trademark Commission enabling law. This document has been highlighted in key areas that will

help our discussion in today's meetings. A copy of the Guam Trademark Commission Committee Report and the minutes of the May 6th meeting is transcribed verbatim within the Committee Report. A Committee Report will also be produced for today's meeting and every future Guam Trademark Commission meeting. As required by law, the Committee Report was transmitted and filed with the governor and the legislature and an audio recording of the May 6th Commission meeting was also filed with the office of the public auditor. A listing of all pertinent laws and Department of Revenue and Taxation trademark forms is included within the report. These documents are included within the Committee Report and will be useful references for this Commission. In reconvening this Commission. My office could not locate records of the work previously accomplished by the Commission. In moving forward the Commission will record all of its meetings That our work and our accomplishments can be referenced in the future and built upon.

We are now on item two (a) of the agenda before we continue. I want to ask those Commissioners, especially those who have been appointed to represent their agency heads to please fill out the Commissioner enrollment form. You can begin on that form and then just by the end of the meeting or shortly after the meeting if you could submit those. Commissioners and alternates that filled out an enrollment form at the May 6th Guam Trademark Commission meeting are not required to fill it out again. The enrollment form is necessary for the Commission to contact physically or electronically, any Commissioner or their alternates That everyone stays well informed of the activities and schedule or to allow for the delivery of information from the Commission. Again, I want to emphasize that it is important that the Commissioners from each agency appoint dependable and knowledgeable alternates. The alternates are expected to be consistent in their attendance. We have a lot of ground to cover and additionally you each represent an agency or an entity and you may be deliberating or making decisions through this Commission on matters that might affect or impact your organization or entity That consistency is important.

For item two (b) on the agenda. Just going to make sure I'm going in order here. The Guam Trademark Commission law references the Maori program of New Zealand as a model that the Commission could review while crafting the Guam Cultural Trademark Act. As the Commission moves forward, we will review that model. What we did last time is we got to watch a video it's available online. We can definitely send you the link if you were not able to watch it last time and you can watch it at your leisure to catch up but also maybe to reference again. I've been finding that rereading this information, because there is such a large amount of information, has been very helpful in helping me really understand all the issues as we're going through them. As the Commission moves forward, we will review that model as well as others that our laws or programs that are available and already developed and analyze those for their methodology and their applicability towards promoting and licensing both the people of Guam's trademark, which is one of our goals and then the other for developing and licensing the *CHamoru* Cultural Arts trademark for those items that are manufactured or produced on Guam.

We are now on item two (b) of the agenda. Okay, I had mentioned that already. So please reference the Guam Trademark Commission enabling law provided to you specifically. It has Sections 14105 (b) and there are items 1,7, 8 and 9 that we talked about in the last meeting. However, since we are gathering again together today, I wanted to go over a couple of things. So, maybe if we look together at the enabling law we can just pull out a couple of main points. In that first section: Section 14102 it calls for developing two different trademark acts. The first one is going to be the Guam Trademark and Intellectual Property Rights Act. That one is more general. It's for the people of Guam. And then the second one is the Guam Cultural Arts Trademark Act and that one's going to be more specific to the *CHamoru* people depending how we all decide to move forward. In that enabling act that also lists the Commissioners That you can see all of the entities that are participating. We have a good majority of this here, That's readily understood.

The other part I just wanted to bring up as something for us to be keeping in mind. We mentioned it just briefly last time, but I want to bring it to our attention today. When we're talking about that *CHamoru* Cultural Arts Trademark Act, the way that our legislation is written it is saying that it is specifically for the arts manufactured or produced on Guam; but as we all know there are *CHamorus* of course in the Northern Mariana Islands, there are *CHamorus* in the mainland, in other territories of the US, and of course worldwide. I think that will be something important for us to be thinking about it and maybe when the AG's office is present, they are going to be sending a representative and they are hopefully going to be providing a presentation next month. We can be asking them some of those questions about how do we distinguish or is there a way to broaden that ability and to give us some guidance in that area?

The other point that I wanted to mention is how work like this really opens up our minds. So certainly, as I've been going through our community over the last month. I've really been thinking about...But I've really been thinking about some of the work that we're going to be working on looking at the names the *CHamoru* language usage the visuals of products even just the shapes and weighing out what their potential is for our sort of work. Whether they belong to the *CHamoru* people as a whole as part of their sacred heritage and so forth. And I think that will be something that we all do as we go around is really start to notice that part of our environment around us and help us think through some of those nuances that are going to be part of our work. And just to point out in the enabling legislation that we have nine people here today.

The Quorum is a simple majority, It's six. And then when we vote on items as spelled out, it would be a vote of four to be able to move things along or more depending upon how many are here to vote, but just to make some of that clear.

So since we are in Section two (b), we had talked with GEDA, that being Mr. Matt Baza last month about looking into some of the items in the enabling legislation 1, 7, 8, and 9. And we said that we would be interested in hearing some of their thoughts and research on to...into processes. If we look in our enabling legislation highlighted for you, there are 1, 7, 8 and 9. And it might have been a large amount of homework to assign. If you, Matt could provide us some feedback and let us know how far you've been able to get in that regard and we can hear a little

bit about the processes for certifying artists or organizations or vendors that you've been able to find out.

MATHEW BAZA, GEDA, DESIGNATED ALTERNATE: Good morning, and good morning to the committee. After the meeting we sort of went back and we looked at what do we currently do now with the Guam Product Seal because that is our first...I think it's our easiest method of comparison. And when you look at the Guam Product Seal, there's parameters built into the law as to what will make an item applicable to say it's made in Guam.

You're looking at the landed value of inputs from off-island versus the current wholesale price or the retail price of the item. Because, as what I'm seeing here based on this Section (b) of this Section (b) of 14105 we're looking at it, seems that we're looking at commercial products because says, you know produced on...produced cultural arts manufactured or produced on Guam The Guam Product Seal doesn't differentiate from art doesn't differentiate from cookies or any of that nature. It's just someone wants to say some things made-in-Guam there needs to be no more than 50% of the value can be added from something outside of Guam and there needs to be a substantial transformation. Those metrics probably won't apply to this because now we're talking about art and cultural heritage and absent knowing exactly what we want to trademark or what the parameters are going to be. It's going to be a little bit difficult to pin that down.

So based on how we vet manufacturers is we look at the value of the product, what's added in Guam, what inputs are brought in from off-island, and whether or not a substantial transformation occurs. There's a whole process and I guess we can go through the whole process in the next few months when you want GEDA to present the whole inspection process and all of that kind of stuff and of course, they need a valid one business license.

Whether or not we're going to require each person or this one trademark to have a valid one business license. These are all questions that kind of popped up when we had our little powwow in the office. With regards to art organizations for vendors that use the trademark, right now under the Guam Product Seal law. Like I said, we always reference back to that because that's what we know.

There's no like requirement that a let's say a retail store that's going to carry a made-in-Guam product, like they need to come in and fill out a form and say, "We want to carry Guam products. Can you certify us?" None of that currently exists there are fines and there are violations in law that say if you... There's a fine for the manufacturer. The manufacturer says made-in-Guam without a valid one product sale or if a product says made-in-Guam that isn't made-in-Guam there's fines for that and there are currently fines for a store or a retailer who puts a product or advertises a product as made-in-Guam where it doesn't have a seal or it is in fact not made in Guam.

So what we do on our end is we try our best to let the vendors, especially the ones that try to carry a lot of meaning one products that if they're saying their products made in Guam, please make sure it has a copy of the seal and even if it does have a copy of the seal, please you can always ask for a copy of the permit that GEDA issues to the manufacturer. That is sort of the process we go through it's mainly in informational process. I am not sure how we would say for

store A in order to carry a trademarked are made-in-Guam that they need to do some sort of process. It might be something as simple as making sure the all the retailers are the vendors or art organizations know that if they're going to say this carries a trademark, please get a copy of the document that says they're allowed to use the trademark. That's sort of where we are right now. We're still kind of thinking about it and sort once we figure out what the Commission figures out what we want to trademark the procedures for that. Maybe the parameters of what will be required would flow from that. That's kind of where we are right now.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: *Si Yu'os Må'ase* for that and it sounds like GEDA sat down and very thoughtfully went over this and we really appreciate that. You mentioned several things that I think are really important for us to be thinking about: are we specifically dealing with commercial products? That will be important for us to think about. And also you mentioned with the Guam Product Seal there is that element of the 50% or more added value on Guam and I think that can come into...even if we're talking about commercial items for artists because there are prints that can be made off of an original art piece. There are t-shirts that can be made off of an original painting. I think those are all very good points that you brought up and they will be definitely things that we need to consider and in that idea of; If there is intellectual property that is created here through let's say a painting and that becomes something that's printed on a t-shirt is that substantial transformation still needed on Guam, is that completely up to the artist to have that manufactured elsewhere those will be things I think that are important whether they need a business license if we are dealing with commercial products or whether we are out to safeguard their intellectual property. Whether they are licensed person or not and whether they are creating these for commercial use or not. Let's say if somebody painted a mural, as we're seeing them go up around our island. Is that something that they could trademark without necessarily commercializing it but it's an original art piece. There may be items like that. And certainly I think with *CHamoru* heritage pottery designs, traditional medicines, dance movements. These may be things that the *CHamoru* people want to have some property rights over and then we would have to be thinking about how do *CHamorus* access this and be able to use it. In a variety of ways because it's not necessarily to limit. I think that we're looking at it's just to safeguard in a variety of ways.

Another thought that came to mind, is I wanted to ask you how the enforcement is for the Guam Product Seal. And I think that's something that we'll need to think about as well in developing for the Trademark Acts is how are we going to enforce this? Because I think that ends up being maybe the trickier, more difficult part of all of this is how to enforce it. Ideally I'd like to figure out ways now that may not go into the legislation, but I'd like to figure out ways to incentivize and I know the Guam Product Seal has worked at incentivization as well. But if you could speak a little bit about the enforcement, maybe some incentivization.

MATHEW BAZA, GEDA, DESIGNATED ALTERNATE: Well enforcement for the Guam Products Seal...and I think because it always...the Guam Products Seal deals with manufacturers of products. It's purely meant for people who are dealing in a commercial manner. They need to come in every year and get the permit reissued, just like a Guam business

license and the rules and regulations are very clear that any Guam products so holder that doesn't currently have a valid business license cannot obtain a seal. It's an annual enforcement of the manufacturer that they need to come in every year renew it and then they let us know whether or not we're doing the exact same thing we did the year before and if they're doing the exact same thing they did the year before, you know, we can renew it. But if they said, oh, we're adding a product or we're adding a new product that's totally outside of what we did before it would warrant a re-inspection or a revisit to them and then depending on how that is approved.

If that's approved they'll get a seal for everything or you know, stuff like that. They're also supposed to let us know if they're going to stop making a product or if the business is going to close. That we know that if there's a product on the shelf five years later that claims to be their product, you know, that's a red flag. Like I said with the vendors with the stores or with the retailers that sell the products that one I think is mainly at this point more of an information type thing where we let them know, "Hey just be aware. If you carry a product that has a seal that's not made-in-Guam you're liable for a fine" and they're supposed to pull the product from the shelves. They themselves the vendor less they be fined because usually what happens is more often than not what happens is either a GEDA employee goes out there and see something there like a little bit or someone from the public that's aware of the program calls up and says, "You know, I went to the store and I saw this product does it have a Guam product seal?" Nine times out of ten it does and we just say, "Oh, yes, they do" or on those off cases then we'll say, "Ok let thank you for letting us know." We'll try to inform the vendor that the product is...does not carry a valid permit at this time and they really should pull the product from their shelves.

Because the last thing we want to do is impose a fine on a vendor who's just trying to sell a product. They're not too aware of the program. I'm assuming with this trademark when we get to that point. It's going to be a lot of education a lot of awareness that if something's going to carry that trademark it needs to have some sort of document. You should ask for a document detailing that may be that may be something you want to put in that the whoever has a trademark needs to be able to readily produce it at any time if asked by someone. Kind of like how business licenses need to be posted on a venue. And then getting back to that earlier point you made about if someone's going to make an original work of art and trade market and then put it on a shirt. It was a lot of questions that come up ourselves and in reviewing the Guam products so rules and regulations from way back.

This is when Department of Commerce still had it there's already an exemption in the law that's in the rules and regulations that says original works of art don't need to have the Guam Product Seal unless they want to explicitly advertise that it's produced on Guam. If they want to explicitly advertise that, "I am Matt Baza and I make this art and this art is made-in-Guam" they will need to get a seal, but for an original work of art and they don't want to explicitly state this is produced in Guam. They don't need one. That's sort of where it is with art on the Guam Product Seal right now also like companies with less than \$5,000 in gross sales and a bunch of other stuff, but with regards to art that's where it is right now.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: *Si Yu'os Må'ase* for that you brought up several more excellent points that we need to write into or at least be keeping at the forefront of our thinking that there's going to need to be an extensive awareness and educational program that goes along with this especially if we want it to be something that safeguarding something that's doing something positive and not just penalizing . We want to be doing those positive things for our community. And I think that's a really good way to go about it and you brought up issues like perhaps making sure that there's documentation. Maybe there's some sort of a symbol that could be associated akin to the Guam Product Seal which made me come up with a question.

With the Guam Product Seal does it always need to be on that product or is it okay if they've licensed through the Guam Product Seal Program if they put something out there? Because sometimes I haven't been sure if they're part of the Guam Product seal program and I haven't bought it even though I might have really wanted to buy it. So do they need to have that seal on there or is that an option for them?

MATHEW BAZA, GEDA, DESIGNATED ALTERNATE: I believe the law is clear that if they're gonna say made-in-Guam it needs to have the seal somewhere on the product. It doesn't state that it needs to be like in the front in or the most conspicuous area, but it does need to be on the product.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: Okay, It must be visible in some sense. And That helps give me guidelines there and it was also good to hear about if they stop making a product or they close down their shop that they should notify you and those things are important to be thinking about this over the long term when somebody has a trademark. How long will that be for? Does there need to be any renewal process, things like that? Do they need to document if they no longer are interested in maintaining that or something along those lines? Thank you for all of those excellent points.

And as you mentioned it's important to be hearing about what the parameters are and that's where the next assignment that we had for CAHA really comes in and I think with the work that CAHA is doing, and that's collecting the list of the different types of arts that we have both tangible and intangible. That is something that should be ongoing. I don't think that's something that can be done quickly in a month. I think it needs to have a lot of thought we need to hear from community members from different sectors like just recently I had somebody from the fishing community reach out to me and I hadn't necessarily thought about all of those art forms in detail. I think it gives the community the opportunity to reach out to anyone of us to share some of their art forms and for us to just be continuing to develop that list as time goes on That we're constantly making it as comprehensive as possible.

The last item I wanted to mention that Matt brought up was for the continued work of this task force, you know in my mind I was thinking okay, once we get those acts together, it's like we're done!, but I think with some of the issues that come up from time to time in a program that the

work of the task force might be continuing thereafter to be able to address things that come up as society changes or as laws change and so forth. So again, thank you for bringing that up Matt and then I'll go ahead and...

ANN MARIE ARCEO, PRESIDENT, DEPARTMENT OF CHAMORU AFFAIRS:

Senator, *despensa*. Uh, if I may I just wanted to add that I'm currently in my experience of the last six months of running the *CHamoru* Village that this part of and I know in the future there's plans for us to work very closely with GEDA, and I'm really appreciating that right now because there's dissent and I want to stress how important it is that this Commission really create clear guidelines and encourage that in the direction we're going that when we say maybe almost to the point of being a clearinghouse almost for everything, that we say is made on Guam and to really establish what the definition of "local" means because there seems to be, and not that we want to not be inclusive of everybody on our island being that were melting pot, But *CHamoru* Village for example is one of the few places where we can declare, you know, our identity and to encourage our nation building and encourage our you know, the preserva...promotion of our language and culture. However, there's some you know, there's some thought and perspectives that might be discriminatory.

And I think our Commission can really make clear and establishing going forward how this will...how do I say it encourage that "local" is *CHamoru*? I mean we are the indigenous people of this island if were elsewhere and you know if Japan or Korea wanted to promote their, you know being Korean or being Japanese, I wouldn't feel that's discriminatory against me being a visitor or being a part of the if I ever moved over there, you know because they're that place now. I just wanted to share that. Those are some areas that are very gray or you know, people are using that to move away from what promoting local is. And What is that and I think we really need to define that some running into that. There's a lot of gray areas and so man, I'm really appreciating the Guam Product Seal Program because there's a lot of gray areas in the *CHamoru* Village for example, and the policy it's saying that you know, whatever they sell in the stores have to be a certain percentage, right 85% made on Guam or being local now. What does that mean exactly? It doesn't have any details right. Guam Seal and the *Ifit* wood or whatever that kind of wood is could be made in Bali and brought here and say it's you know, Guam right because it has that kind of marketing that it's a Guam seal. It's a Latte Stone but to what degree, you know, we need to determine to what degree do and do we have those resources and that they need to resource somewhere else.

I know it's a very gray area that we really need to discuss and work out but I think this is where maybe those things can be clarified and they can be encouraged. They can be...it can be strengthened in that direction.

I just wanted to share it to add onto that how important it is because of my experience with what's going on at the village. And It's very hard for me to mandate or to give direction in that when everybody's you know, the language and the policy so vague that "local" could mean not *CHamoru*, it could mean that you know. You're raised on Guam and you're local so, and that's

okay outside of it. But in places where we do have the opportunity to promote our indigeneity and our *CHamoru*-ness, that we need to establish those, you know boundaries. *Si Yu'os Må'ase*.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: *Si Yu'os Må'ase* for that and I think some of what you're referring to is the enabling legislation or the guidelines and vision for the *CHamoru* Village that it is already spelled out and it's been spelled out perhaps from the very beginning so over the many years, but unless we revisit these things sometimes those things had become lost or muddled and it sounds like some clarity could be brought to that anyway, right? And That's definitely something that we as a body but then also as I continue to work with you, that we could be providing more clarity on and I think it does get back to that...the importance of different programs and the type of awareness that they create.

I think it's true that sometimes it can be lost. We have such a mixed demographic community right now and I think that for the most part that were all with good intentions, but it can be lost that it's an indigenous homeland that with indigenous peoples, there are certain rights that the United Nations has declared and other important considerations that we should all be aware of and all figure into these sort of things. And as you mentioned it's not to be exclusionary. It's to recognize those rights alongside the larger community's rights. Yes...

MIKE UNSIOG, DEPARTMENT OF REVENUE AND TAXATION, DESIGNATED ALTERNATE: Just to clarify some of this stuff that Ann Marie and Matthew was talking about I used to handle the Guam Product Seal back then and just for clarity, it's all about identity. It's all about trying to ensure that the product that you have is actually a locally manufactured product. However, because there's some items that are already distinct they're going out of you know, like you're talking about the Ifit and stuff like that. And the reason why it was 50/50 plus is because you still want to manufacture your product and to do If you have limited resources, of course, you can get it somewhere that's not to say it's not a locally made product. It's just that you're kind of like borrowing it from another place, but still making it a Guam Product Seal Item because it has the authenticity of saying hey if it was made here on Guam...I mean if it is grown here in Guam we turn around and we make plaques out of out of the Ifit and stuff like that.

So that bears the percentage of saying it can bear the Guam Product Seal labeling. At one point in time, there was a hearing a while back. I don't remember I don't recall what legislative session it was where at one point...because went out and we actually did an inspection prior to us giving...handing it over to GEDA and it was to identify whether or not the product was actually a locally made product. And What we did was...we went we did the inspection and only to find out that your portions of it was made and were told to have them take the products down. I agree with Matt when he said our intent is not to find the individual but give them clarity as to what is truly a Guam Product Seal Item and what is not, and if it's not, don't deceive the public by saying it is. Let's go out and let's represent the product as a true Guam product item. And With that, were able to come up with an idea that the stores were going to have a labeling and they're staying in there...like maybe the front entrance of the door where they're going to say, “ We

support the Guam Product Seal” I don't know whatever became of that but that's something maybe that you may want to bring up...

ANN MARIE ARCEO, PRESIDENT, DEPARTMENT OF CHAMORU AFFAIRS:

Senator may I may I clarify or ask a question? Senator, may I have your permission to clarify or ask a question?

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: (Nods in confirmation)

ANN MARIE ARCEO, PRESIDENT, DEPARTMENT OF CHAMORU AFFAIRS: So Matt on the Guam Product Seal. So now this conversation brings to mind because this is what I'm facing now. When you say Guam Product Seal made-here-on-Guam does that mean you're promoting *CHamoru* in that product? Does it necessarily mean that or could I make and produce a Korean doll here on Guam and you know as long as it's Korean and I'm putting...I'm sewing the clothes and I'm making it...does that mean made on Guam or does the Guam Product Seal stand by promoting *CHamoru*? I'm just clarifying. I just wanted to clarify the question.

MATHEW BAZA, GEDA, DESIGNATED ALTERNATE: Well, I mean GEDA's perspective right now is the law just talks about if...it just says a product is to be manufactured in Guam. It doesn't stipulate that it needs to be a *CHamoru* product or a local Guam product. It just says a product. It's really just a way to ensure that if someone's going to make something in Guam and market as such, whatever item it may be that they're...it meets the minimum threshold of qualifying as made-in-Guam. That is where it is and that's why I think in the last meeting I sort of mentioned that this new seal may supplement the Guam Product Seal, not replace. Because if someone's going to say I'm going to produce this local *CHamoru* Heritage product, whatever it may be, and I also want to say that it's made-in-Guam. It could be coming to the point where we can say, “Okay, if you're going to we can maybe change the application form of say are you claiming that? It is a product of true *CHamoru* heritage? Yes. If so provide a copy of your trademark or whatever.” This comes out whatever comes out of this prior to doing that. That's why a lot of times too...we always tell people...because the Guam Seal...the Guam Seal itself is something that is supposed to have some form of control over it and they're supposed to get permission before they use the Guam Seal on a commercial product. It will be similar to that sort of set up, because the Guam Product Seal is not designed strictly for culture. We love it when the item is cultural in nature. That's our favorite item or favorite inspection to make but it's not required.

MIKE UNSIOG, DEPARTMENT OF REVENUE AND TAXATION, DESIGNATED ALTERNATE: If I may Senator also...the actual intent really when the law was made was to encourage local manufacturing In doing It doesn't really per se limit, but it would be ideal of course if you want to manufacture locally made products. That's really truly the intent is to one, promote local manufacturing because it stimulates the economy for one thing secondly, it's to get these creative minds, you know, these young entrepreneurs to create something that is...that can be showcased for the world to see and say hey, it's locally made. Although it may be like

you say Ann Marie, a Korean doll, but all the elements are actually items that were, you know brought out here on Guam like the tree that they may want to you know carve out of Ifit and then put a Korean setting to it. But it is locally made and again it was it was intended...the intention of that Guam Product Seal is to yes, let's showcase it that it was locally made but it was also to encourage more local manufacturers to establish a company or to establish a manufacturing company That one it can employ it can stimulate the economy and it promotes the island.

ANN MARIE ARCEO, PRESIDENT, DEPARTMENT OF CHAMORU AFFAIRS: I support all of that. Yeah. I just maybe the thought that Matt brought that it'll supplement, you know this other seal...

MIKE UNSIOG, DEPARTMENT OF REVENUE AND TAXATION, DESIGNATED ALTERNATE: Right.

ANN MARIE ARCEO, PRESIDENT, DEPARTMENT OF CHAMORU AFFAIRS: ...or Guam Product Seal policy or procedure and process will promote, really local and We can have that on top of that because that's I mean, I agree with the promotion of art the promotion of economy and creativity.

MIKE UNSIOG, DEPARTMENT OF REVENUE AND TAXATION, DESIGNATED ALTERNATE: Maybe that's why if they have that separation of may be identifying and saying, "Yes this is this is manufactured although it's a Japanese doll or whatever and then on this side is a locally manufactured maybe *CHamoru* doll." Then that's something that maybe can be drafted and added into this committee as a body to say let's distinguish. Maybe we can categorize it item one two or three, you know, I don't know but you know, how do we like you say, how do we distinguish and really, how do we determine whether or not we limit only to just local items, although like I said, it will be ideal but it's to encourage manufacturing.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: *Maolek* and one of the things I have had some discussions with the Guam Product Seal folk at GEDA and also under the lieutenant governor. He is the chair of the Guam Product Seal Task Force and in some of those discussions, we've looked at the idea of perhaps having tiers where there might be different as you're talking about, Mike, some different categories there. And That could be something that the task force looks at, some that are artistic some that are *CHamoru* indigenous, some that are food oriented, and I had also suggested some categories that are very community-oriented, that perhaps some of the women's co-op organizations or some of the different sort of programs in need as people are developing crafts to try to get themselves into a sustainable livelihood that. Those might be categories that the Guam Product Seal...but then also for us as well.

Do we need to spell out the different types of categories that can apply to these two different trademarks that we're working on. I really like the idea of being able to have into the work that we do the ability for stores to provide some sort of labeling that you were mentioning Mike That people can know from the forefront that as they're entering the store, this is a store that's really

supporting local. in a variety of ways. And I just think that this work is Important right now because as you guys have mentioned we have a lot of creative entrepreneurs right now, we are seeing them at fairs and in our different shops, they're continually expanding and I think that Such a good movement for us to all be seen.

Last meeting I had stumbled across some of my words and it came out instead of entrepreneurs, “*Art-trepreneurs*”. We have a lot of *Art-trepreneurs* as well as others that are out there from things like *CHamoru* chip cookies and so forth that are really stimulating our economy. We know we need to diversify. I think that this can be part of that diversification and building up of our economy the work that we're doing.

If there's no other discussion, and please feel free at any time to be adding in a comment or raising an issue or question, but we can go ahead and move on to CAHA and be hearing about the Masters that have been listed thus far and maybe other types of cultural arts that they've been able to list for us.

JACQUELINE BALBAS, ACTING EXECUTIVE DIRECTOR, CAHA: Thank you Senator as requested. Here's a listing of all the CAHA Masters, awards that have been awarded in 1996 CAHA initiated a program to honor individuals who have dedicated their life to the perpetuation and promotion of a tradition or an art form. Since the inception of the program in 2010. The Guam Masters award was passed. With the enactment of that law it put more teeth to the award more credibility and what it is, is there was a actual process of selecting these Masters based on years of experience, advocacy, how active they are in the community and so forth. So as of right now the CAHA board is looking to amend that law to strengthen that law as well and maybe Master Frank Rabon can speak to that because he's on the CAHA Board and he's also chairing that specific movement, but these awards were given to people who practice maybe carving or dance or blacksmithing and so forth.

I would think that in essence for maybe authenticity. Maybe the Department of *CHamoru* Affairs would have... should have a say in that as they are the lead in anything that is *CHamoru*. We could probably have discussion more on that with the Department of *CHamoru* Affairs, but you do have a listing there and out of them, Over 60 Masters at that are listed. Maybe we only have twelve percent or less than 10% of them that are alive today. We like to see the continuation of these art forms in our community.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: Si Yu'os Må'ase for the listing and it is very good to go through. We can see quite a range in here between being a *pandanus* leaf weaver, master carver of *Ifit* would to master *achupadot*, *achupadat*, I think is how it would be pronounced a sling maker. I think this will give us some very good material to be looking over and as I mentioned I think we should just be each one of us as is feasible be listening to the community or thinking in our own minds what art forms we can be adding to this. I think this creates a nice foundation that we can definitely be building upon as time goes on.

The other person who was going to be contributing for...was Dr. Laura Souder and she's off-island right now. We were hoping to teleconference with her but that wasn't possible but she will...I'm sure still be continuing to work on her listing as well. As of some of the intangible art forms that we can be adding to this as well as other art forms as she knows them or works on developing that list as well. *Si Yu'os Må'ase* CAHA for that and did anybody at this time have anything they wanted to add or maybe take this list and think about it and see if they have anything to add for next time.

MIKE UNSIOG, DEPARTMENT OF REVENUE AND TAXATION, DESIGNATED

ALTERNATE: Yeah, just going through the listing its kind of scares me because if you notice it a lot of these people are deceased. That's why it's very important that we as a committee, you know need to try to improve what we have so limited off now and like I said, even with the Guam Product Seal and the trademark, I think will all go hand in hand let's try to establish a much stern committee That we can we can start educating and start promoting. What is what will soon be lost because I'm just looking at the list and I see a lot of deceased and if we can get new Masters to come back out and then let's add them on the product list and also on the trademark, that would be very ideal.

ANN MARIE ARCEO, PRESIDENT, DEPARTMENT OF CHAMORU AFFAIRS: I

believe that CAHA is in the middle of revamping the Master's program and Frank sits on the board of CAHA and is kind of leading that committee to do that because the other challenge we have is in all these different areas of art. *Ti me'gai ma'fa'ñanague I pumalu* the apprenticeship. We need to be in a...there needs to be a very strong apprenticeship program that comes with this Master no *che'lu*? As Frank models in having predecessors after them and not wait until you know, somebody's deceased to say, okay, we need to find someone else but from that pool of the apprentices that someday one of those will become the Masters *Si Yu'os Må'ase*.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: I think it really provides a sense of pride for the community, to see the breadth of the indigenous knowledge and skills that are a strong basis, or a strong foundation of what exists and we know that there's so much more out there but in looking through these 63 Masters it...I think that it really provides that sense of pride of understanding and that the more that people understand the breadth of what has existed and we are working to make sure continues to exist is incredibly important for the community.

So with that, if there's no further discussion, we'll go to item two (c) on the agenda. It mentions document listing. We had one hand out. There was the hand-out of the Committee Report, but then...and its associated documents, but then there's also the handout...it's in two parts about the Indian Arts and Crafts Act. There's one from 1935 and I believe one from, oh, I think it's just providing more detail to that act. But that is also referenced as something to be working with and We won't be talking about it today, but I wanted to hand it out because at the next gathering I wanted to invite the AG's office to go over...let me make sure that I reference it correctly...to go over this act to provide an overview, but then also to be providing an overview of one of the other readings that's in our packets.

I let me see if I can come up with that. That would be I think the Guam Trademark Commission Act. With those two, I think it'd be very good to get some legal understanding of what is provided there. It helps us understand what's already in place That we know it's very allowable for us to be building upon those acts and we can see because maybe there's concern out there that for indigenous peoples. How can you... how can a government create a program such as this to safeguard their Cultural Arts and their intellectual property? But we see that as early as 1935 the US has done this for the indigenous peoples of North America those Native Americans living in the United States. I think that's going to be very useful for us to know that this has been successful within the United States and to be getting some guidance through it. And I think what's going to be good about this format of being able to have these people come and provide presentations is we will be able to ask any question that will be helpful for us to consider. We will be able to ask for an understanding of the strengths, perhaps the weaknesses.

This has been around for a long time this Indian Arts and Crafts Act of 1935 and I'm sure that there's been a lot of writing and discussion about its strengths and its weaknesses. But those are things that we can be building upon, understanding the gaps, having these presenters here who are experts in their fields will be allowing us those opportunities to hear all of that and ask anything that we want to.

There also is that listing of the pertinent laws that has been handed out. It was provided to the Commission at the May 6th meeting. This listing is also included within the Committee Report. We're trying to make it super available and the documents that are listed are also included as mentioned, within their Committee Report those documents will be frequently referenced as the Commission moves forward in crafting the Guam Trademark and Intellectual Property Act. But also the Guam Cultural Trademark Act. The Guam Trademark Commission Act provides that the Commission is creating those two trademarks. And that as we mentioned before that, we're going to look at the Maori program and other programs as model laws and acts and programs to be building on. And again just highlighting that it's important that this Trademark Commission is composed of members from a wide range of agencies and interest throughout the community to really try to be as thoughtful as possible as we move forward. Let's go ahead if there's no other discussion.

Let's go ahead and move to items three, New Business on the agenda. So for new business, if I can, I'd like to ask CAHA to be developing definitions for the art forms as we move along.

JACQUELINE BALBAS, ACTING EXECUTIVE DIRECTOR, CAHA: Yes, I can go ahead and do that Senator.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: And some of these may already be listed or excuse me defined. And we can then additionally be adding to those already existing definitions as we move forward. Thank you for that *Si Yu'os Må'ase* Jackie.

The last item that I have for today is the discussion about the applicability of the four subcommittees. I think when this was first envisioned they were trying to think of the work that we're doing as comprehensively as possible and they broke it up into four subcommittees; Visual Arts, Performing Arts, Literary Arts and Demonstrations and Exhibitions. This is...I think typically how the Festival of Pacific Arts is divided up into disciplines, but I'd like us to consider whether that's the most useful way forward or if we'd like to explore some other types of subcommittees. I was thinking a couple of possibilities we could look at for subcommittees is there could be maybe one sub-committee that's looking at that first trademark. Do you want that is for the general population and it has that broader applicability. It's meant to mirror what the US has for trademark and intellectual property rights. Then the second sub-committee could be the one that is focusing specifically on the *CHamoru* Cultural Arts Trademark, that could be one way that we do it. Another one could be, well, I wrote myself a note and then now I'm not sure what it means. It says subcommittee where we oh,... I guess subcommittees where we all are looking at one together and doing this sort of chronologically. Let's look at the general all together and then we could have subcommittees that then look at the second trademark altogether. So any thoughts out there as to how we should be forming some subcommittees?

MIKE UNSIOG, DEPARTMENT OF REVENUE AND TAXATION, DESIGNATED ALTERNATE:

Thank you Senator. You were right when you had mentioned that at the time when the Commission was formed it was because of the FestPAC that just happened recently. I believe in 2016. I sat in several of the session with then speaker Won Pat and the main intent was to protect the integrity of our *CHamoru* culture and the arts and The Commission was then formed for that purpose. To say to maybe combine both of them. I think they work differently in and how it's perceived because with the intellectual property most of the stuff that I do when I record eyepiece, are things of either tangible items that lets say for example, if you are a local individual that is into entrepreneurship and then you want to create products of various kinds and then you want to label those product then that's where the trademark IP comes into play, versus I think trademarking the cultural purpose of what the Trademark Commission was formed for.

So, you know, I the...to...my suggestion basically probably is if you're going to compare the two it would be two totally different type of activity. How do you distinguish this to that and to say that trademarking the cultural performances and stuff like that versus that of intangible that of tangible items is really two totally different concepts. So again that's just my suggestion Senator is when they formed a Commission, honestly, it was just basically just to protect the cultural stuff here in the island because I know they have that in in several islands or countries in the Pacific and I know I believe Fiji and all the other areas like Australia, they have their own protection guidelines.

So it's for that purpose that I think that they formed that Commission and To combine them, I think it's going to be quite a task and that's just my take on what I see with the trademarks.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: So are you saying that the subcommittee idea of having two separate subcommittees, That the kind of kept separate might be a good direction?

MIKE UNSIOG, DEPARTMENT OF REVENUE AND TAXATION, DESIGNATED ALTERNATE: Yes Senator because if you know when the concept of the trademark when it was its first inception, I mean it didn't bloom as what it's doing now. I mean, I've already recorded over a thousand or Trademark although active or inactive you can see that the interest is there to have these young artistic minds put their items to work. And They know and they get so excited and very enthusiastic to want to go out and showcase their new product, although they labeled it, you know, like I couldn't... I can say several of them who have used a lot of the Guam language like *måsmái* and all that and then they want to brand their stuff by putting it on shirts hats you name it, tangible items and that's something to be proud of to know that you're able to come up with local verbiage and add that into your product line and make it not only a learning tool for those visitors who come out here but to showcase it and then they when they take it back like I'll give you one example *Fokai*. *Fokai* is a world known brand already and it's not only locally...no I'll take that back. It's not registered locally, but it's registered with the United States patent and trademark office. There's a difference where the guy who created the *Fokai* now.

I mean they go out there and now there's states that fall under the *Fokai* brand you know, To put them together I would...it would be quite a task. And That's just my take on how I see the Trademark Program.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: That's very good thinking. It's very good background information. And it really it helps us understand the potential of what we're talking about here that could...this could be something like *Fokai* like some of the others that are out there. When I lived in Australia, there was a fellow from Guam who was making some biking socks and they were being sold in Australia. This has national and international implications for our community. I'm glad you brought those points forward. Is there any other discussion or any other thoughts about subcommittees? And we can continue to think about this. I think if we give ourselves some time and we think about these issues that serves us better than trying to rush into something on the spot. If we could continue to think of that and then maybe next month...

Excuse me. If next month, we can see if we're ready to commit to it and then form ourselves into subcommittees. But again, if we take a few months to do this, I think that's being prudent. We're being very thoughtful and we're going to be using this time to understand the lay of the land anyway, There is not necessarily a need to rush into subcommittees. What I'd like to propose for business for next week, excuse me, next month, that's been a little too enthusiastic next week, but for next month is as I said to have that in the back of our minds just to continue to think about how we might best see ourselves as subcommittees. To be hearing some feedback from CAHA on their development of the definitions of the art farm...forms that have been identified thus far.

And for me to write a letter to the AG's office asking them to go over the Guam Trademark Act, the Indian Arts and Crafts Act and then that would mean for us to read those That we're coming armed with some questions that we can ask the AG's office.
If there is no further discussion...

FRANCISCO RABON, CAHA, DESIGNATED ALTERNATE: May I be allowed to ask?

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: Oh great.

FRANCISCO RABON, CAHA, DESIGNATED ALTERNATE: I have one question after listening to all the discussions here with the Trademark Commission and the Guam Product Seal involved. What about the cultural producers now? Where would they go? I hear the Guam Product Seal and I hear that the Guam Product Seal is a very general application so long as it abides by what they stipulate the Trademark Commission has not been in effect at all.

So meanwhile the cultural producers like myself, what tools do we have in protecting our intellectual rights and the intellectual property that we are creating right now as we await finalization in these situations because there are quite a number of us out there that are producing things. Not only are they iconic they're original they're created, and they fit into this category of Guam Product Seal as well as trademark application, but we don't have those tools in place right now. Where do we go?

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: That's an excellent question. I do know through following your group and other groups that are very active. They're developing songs. They're developing chants. They're developing dances and so forth. Mike, do you have any thoughts as to something that they can be doing at this point to protect some of that intellectual property?

MIKE UNSIOG, DEPARTMENT OF REVENUE AND TAXATION, DESIGNATED ALTERNATE: One of the things that I've been struggling with when we're...I'm going...I'm doing the trademark is getting it online actually and then if they identified then they know and much more stringent penalties, especially when it concerns our local products our local marks. The areas of concern where it applies to what he's referring to is one let's... because you know you we have these mandates but with the mandates we don't have funds and I've been I've been trying to get our IT to put that online, but of course that goes with the cost. However to protect that I would say more stringent fines and penalties and also identify intellectual property attorney that would defend the mark.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: I think that's something that we can ask the AG's office when they're here next month. I remember and I'm not saying that this is actually the answer but I think I remember being told that even if you just put the "C" like a copyright after it provides a certain amount of protection, but I'm so glad that you raised that

because this work is going to take us a while and we want to provide some safeguarding as soon as possible. I definitely will put that on my list for us to be asking the AG or a representative when they show up for our meeting next month. *Si Yu'os Må'ase*.

MIKE UNSIOG, DEPARTMENT OF REVENUE AND TAXATION, DESIGNATED ALTERNATE:

Yeah, one of the things that I've always told people whoever comes into our office for suggestions and stuff like that. I always tell them if you have artists work that you've done or you have performed at a certain time frame always cut a newspaper stand up take a picture of that and say at this time it's...so that's why those are identify them identifiable marks that says during that time frame you were you were performing that and therefore any contents that are taken out of out of place without the consent is considered a copyright infringement.

So, you know, I always tell artists, people who write poetry, write songs is you know, show some sort of identification like a newspaper clipping or something like that and stand next to it and perform the song or perform the dance and that's proof that was being done prior to them taking portions of your artistry.

FRANCISCO RABON, CAHA, DESIGNATED ALTERNATE:

I am well

aware of the intangible aspects. You cannot really trademark a dance move because that's very universal all over the world, you know left and right back and front. They're all universal. I was referring to traditional practices that were handed down to members of the cultural houses that exist now such as extracting the raw-hide hibiscus bark *i pokse'* those are traditional practices. And now we have that knowledge and we're producing those kind for our uniforms. Those are tangible things that we can trademark. Okay, because that's traditional knowledge that was handed out and like with the inception of the Masters prior to them departing were able to extract a lot of that knowledge and now we're maintaining it. So even though the cultural houses are known to be just dancers. They are not just dancers they are the cultural keepers of our people's indigenous identity.

We learned everything, you know, and there's a lot of things from the traditional knowledge that really needs to be protected, trademarked or you know, there they fall under Guam Product Seal and they fall under trademark too. There's a lot of things your picture here in this Indian with the Indian basket see those are Indian art forms. Those are traditional knowledge that were handed down but it's a tangible item that can be trademark. Well, we have the same situation. We have weavers that can weave baskets that were produced, you know, 50, 60 years ago and those baskets can be trademarked as something indigenous to the *CHamoru* people.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR:

That's excellent. It's excellent that you're bringing that forward and that gets to the second trademark. That I think we really do want to be looking at those traditional forms. And I understand what you're saying though, that work is probably going to be several months of ways.

There are a couple of things that came to my mind. One is that the United Nations has a register for intangible cultural heritage and I believe for the Pacific it's centered out of Fiji. There's a woman who's been working there. You've maybe even met her, who's been working out of Fiji for quite a while and I can see what we can do about our Commission getting a subscription to... they put out some material on a regular basis, I believe but we could maybe even invite them to come and give us a presentation about how we as a Guam community might be able to tap into what's going on through the United Nations.

I mean we do it we've been given the allowance to do some of that. Outside of our territorial status, we can participate in the Olympics and so forth. We might be able to figure out a way to interact more directly with the United Nations in terms of intangible cultural heritage and some of the other heritage that they take care of.

The other thing that came to mind is for our physical items. We have a local register that goes along the same lines as the national register of historic places. We have our own Guam register of historic places. This is something that the president of the Department of *CHamoru* Affairs could give us some feedback on but if we don't have one we could consider having a register a local register for traditional art forms.

And so as you're mentioning there are the baskets but really it's an intangible cultural heritage the weaving knowledge because that's what needs to be safeguarded because the end product is the basket itself. So president of DCA Miss Ann Marie, Is there a local register like that? Has there been talk of that over the years where we at with that?

ANN MARIE ARCEO, PRESIDENT, DEPARTMENT OF *CHAMORU* AFFAIRS: No, there isn't one not out of Department of *CHamoru* Affairs at least and I'm not aware of any conversations in the past being just coming in the last six months. There's no record of any registry. However, I'd like to inform the committee also that there is, just as we speak, there's currently a big reorganization for the Department of *CHamoru* Affairs that's happening. Some of these things might and I think the direction of where it's going will cultivate these areas where we could have focused look at, you know, something like a registry. So but as far as I know there are none, yeah.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: You mentioned something that is very recent and I did want to bring it to our attention. So for the Department of *CHamoru* Affairs, there is a reorganization going on and it's meant to be an opportunity as the president was saying to focus and really highlight and strengthen some programs. This will allow the Department of *CHamoru* Affairs to be able to focus more so on indigenous rights issues in digging indigenous language concerns and so forth. And With that I have a copy of the executive order here that was issued. Let's see just a couple of days ago on June 24th. So just a couple of days ago.

It's executive order 2019 - 14 and its relative to the re-establishment of the Guam Public Library system and the Guam Council on the Arts and Humanities Agency. So as being outside of the Department of *CHamoru* Affairs, With that not only for the Department of *CHamoru* Affairs, but it's going to create opportunity, I think to look at our public library system. And as we see even in our public schools, they are reimagining the ways that they can be serving our community and some of that direction as I understand it is that its opening it up to being a multi resource community center and that makes it much more interactive. It makes it much more available to the community in a variety of ways. And That is one direction that they've gone in and then the other is for the Council on the Arts and Humanities for them to perhaps be able to be focusing on ways that they can be strengthening themselves as an agency that serves our artistic and humanities portions of our community which benefits us all I would say.

And then there's a second part to this executive order 2019-15 Relative to Creating the Governor's Task Force on *CHamoru* Heritage and Cultural Advancement to Examine the Status of the Department of *CHamoru* Affairs and Guam Cultural Heritage Agencies and Develop Recommendations to Enhance their Missions Operations and Effectiveness. I think those are two movements that were really serve our community well and it perhaps gives us some of these forums then to take something like an intangible cultural heritage registry and see if that is something that they will now have the capacity to work with.

Okay, That was very good discussion. I'm glad that we had that *Si Yu'os Må'ase*. Frank for bringing that to our attention and having us discuss that issue. It's a very important one for us to have looked at. Is there anything else we'd like to cover before? Yes Matt?

MATHEW BAZA, GEDA, DESIGNATED ALTERNATE: Yeah. I just wanted to bring to the committee's attention. We've been talking a lot about what we're going to trademark, the products, the intangible things, but we have to keep into the back of our mind who's going to get the trademark at the end of the day and I think a lot of it's going to be a non-profit or a sole proprietor manufacturer or sole proprietor artist or someone that does not have a lot of resources. A lot of the Guam Product Seal holders are sole proprietors or peddlers.

There's very small business. I think we need to keep in the back of our mind kind of like Mr. Unsiog said about resources. A lot of them may not have the full resources that are needed to let's say get the trademark they may not have the technical knowledge or the you know, the financial resources that may be needed to do some of the things I think that's something that the committee needs to keep in the back of the back burner that we think about that because like we see with the Guam Product Seal a lot of them are very small They don't have much more in the way of "I can make a product and I can afford to get the seal" and they can't move forward from that.

So that's something that we need to keep in the back...I don't see at the get-go a lot of big companies coming in saying, "I want to get a trademark because I'm going to do these big grandiose things." I have a feeling in the front and it's going to be small groups or nonprofit

groups cultural groups that want to come in and get a trademark. I think that's something we need to keep in the back of our minds.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: That's a very important point that you bring up and when I had those meetings with the Guam Product Seal, one of the things that they had emphasized was keeping the application very affordable at \$25 and I think that will be key one of the things that's key in formulating this that we're creating a process that's very accessible that maybe we're creating a process where there's a lot of assistance to it somehow that there were putting that into the enabling legislation that there's going to be funding for the mandates if needed or there are agencies involved that can provide assistance something that's really going to be helping our community members. Thank you so much Matt for bringing that up. That's really important for us to be considering. So if there are no further items, can I hear somebody call for an adjournment?

ALBERT PEREZ, DEPARTMENT OF REVENUE AND TAXATION, DESIGNATED ALTERNATE: I'm sorry. Can I just ask the committee chair? What is are you entertaining any ideas for next agenda or how do we...

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: Yes, please.

ALBERT PEREZ, DEPARTMENT OF REVENUE AND TAXATION, DESIGNATED ALTERNATE: Okay.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: Did you have a suggestion for the next agenda? We can add it on. I mean is there a process? Do we just send an email to you and recommend any items to be included in the agenda or...

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: Sure. That's a good point. If there's something that comes to mind especially as you're reading through these items or just interacting with the community or doing your work at hand if there's something that comes to mind, we can be adding it to the agenda. It's something that we're building up pretty much until just shortly before the meeting We can be adding it on thank you for bringing that to our attention and making sure that we all have that understanding that you can be adding that in. Is there a call for an adjournment?

FRANCISCO RABON, CAHA, DESIGNATED ALTERNATE: I move for an adjournment.

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: All those in favor.

ALL: Aye

SENATOR KELLY MARSH (TAITANO), PHD., CHAIR: Motion carries to adjourn this Guam Trademark Commission meeting and before we run away. I just really want to thank you all so much. You're Thoughtful you come with such important background. I just am incredibly appreciative for all that you bring with you. The time is now 10:38. Have a good day.

The Guam Trademark Commission monthly meeting was adjourned at 10:38 am.

III. FINDINGS & RECOMMENDATIONS

The Committee on Heritage and the Arts, Parks, Guam Products, *Hagåtña* Revitalization, Self Determination, and Regional Affairs, hereby reports out for public record the June 26, 2019, Committee Digest and transcription of the Guam Trademark Commission monthly meeting.

Guam Trademark Commission
Chairwoman Senator Kelly Marsh (Taitano), PhD.



Commission Member

Name: _____ Agency/Organization: _____

Email: _____ Title: _____

Address: _____

Office Number: _____

Cell Number: _____

Alternate Designee

Name: _____ Agency/Organization: _____

Email: _____ Title: _____

Address: _____

Office Number: _____

Cell Number: _____

§ 14105. Duties of the Commission.

The Commission shall work collaboratively to create policy recommendations, rules and legislation for two (2) specific areas in defining and developing a Guam Trademark Law:

- (a) A new "Guam Trademark and Intellectual Property Rights Act" to create and regulate the trademark law in Guam as it relates to or mirrors the current applicable U.S. Trademark and Intellectual Property Rights statute, and provide additional statutes as needed.
- (b) A cultural (certification) trademark program, titled, the "Guam Cultural Trademark Act" (similar to that of the Maori "Toiho" program in New Zealand), to promote and license Chamorro cultural arts manufactured or produced on Guam. The Commission may hire professional legal or technical services to assist and perform studies, roundtables, conduct polls, surveys and/or conferences to report findings and present initial guidelines for a Guam Cultural Trademark program so that a proposal can be presented to the broader community as a concrete, well-considered, and cohesive program. Guidelines should be discussed to include, but not be limited to, the following types of issues:

- (1) Identification of initial types of cultural arts for use of trademark.
- (2) Criteria for lineage of cultural knowledge qualifying for use of trademark.
- (3) Criteria for authenticity of works qualifying for use of trademark.
- (4) Criteria for quality of works qualifying for use of trademark.
- (5) Criteria for cultural content qualifying for use of trademark.
- (6) Sources, meanings and extrinsic functions of proposed trademark image.
- (7) Proposed process for certifying artists for use of trademark.
- (8) Proposed process for certifying arts organizations for use of trademark.
- (9) Proposed process for certifying vendors for use of trademark.
- (10) Proposed terms for use of trademark in advertising, marketing, and sales.

The Commission shall submit proposed legislation after its study for a new "Guam Trademark and Intellectual Property Rights (IP) Act" and the "Guam Cultural Trademark Act" to *I Liheslaturan Gudhan* no later than one hundred eighty (180) calendar days from the date of enactment of this Act, and shall be subject to legislative approval and perform all functions necessary to effectuate the mission of the Commission as adopted.

§ 14104. Composition of Guam Trademark Commission.

The composition of the Commission shall be as follows:

- (a) The Legislative Chairperson with oversight over Cultural Affairs shall serve as the Chairperson of the Commission;
- (b) The Director of the Department of Revenue and Taxation (DRT), or his assigned representative, shall serve as the Vice- Chairperson. DRT is empowered to enforce regulations and collect levies and fines from companies found in violation of the law;
- (c) The President of the Department of Chamorro Affairs (DCA), or his assigned representative. DCA can offer insight into the uniqueness of the Guam brand and the importance of protecting the aspects of the Chamorro culture and heritage;
- (d) The General Manager of the Guam Visitors Bureau (GVB), or his assigned representative. GVB is tasked with promoting the Guam brand in its entirety;
- (e) The Administrator of the Guam Economic Development Authority (GEDA), or his assigned representative. GEDA offers programs and opportunities for economic development;
- (f) The Attorney General of Guam (AGO), or his designated legal representative from the Office of the Attorney General. The AGO shall provide guidance on intellectual property rights relative to the Guam brand, and legal opinions as requested;
- (g) The Chairperson of the Guam Council on the Arts and Humanities (CAHA), or an assigned representative;
- (h) One (1) member of *I Liheslatura* Majority appointed by the Speaker. The Speaker may appoint herself, or a designee;
- (i) One (1) member of *I Liheslatura* Minority appointed by the Speaker;
- (g) Two (2) members appointed by the Speaker of *I Liheslatura*, representing organizations active in the promotion of Chamorro Cultural Arts on Guam.
- (k) The Commission shall include additional public and private sector members to serve on subcommittees in the four areas of visual arts, performing arts, literary arts, and traditional arts, demonstration and exhibitions, or elect them as committee members, provided that they possess significant background, knowledge and experience with locally produced products; and the Commission may prescribe special procedures for their participation.

GUAM TRADEMARK COMMISSION
Office of Senator Kelly Marsh (Taitano), PhD.

I Mina' Trentai Singko Na Liheslaturan Guåhan



Document Listing

1. Guam Trademark Commission Act – 5 GCA, Chapter 14
2. Patents, Trademarks and Copyrights – 5 GCA, Chapter 20, Article 4
3. Guam Product Seal – 12 GCA, Chapter 20, Article 2
4. The Guam Product Seal Task Force Act – 5 GCA, Chapter 2, Article 2
5. Made in Guam Incubator Program – 12 GCA, Chapter 1, Article 4
6. Trademark Counterfeiting Act – 9 GCA, Chapter 47
7. Dept. of Revenue and Taxation, Guam Trademark and Service Mark Registration Application
8. Dept. of Revenue and Taxation, Guam Trademark and Service Mark Renewal Application
9. Protecting Intellectual Property, Summary Workshop Report, August 10, 2013

GUAM TRADEMARK COMMISSION
Office of Senator Kelly Marsh (Taitano), PhD.
I Mina' Trentai Singko Na Liheslaturan Guåhan



Guam Trademark Commission Act
5 GCA, Chapter 14

CHAPTER 14
GUAM TRADEMARK COMMISSION

- § 14101. Short Title.
- § 14102. Guam Trademark Commission, Established.
- § 14103. Convening of the Guam Trademark Commission.
- § 14104. Composition of Guam Trademark Commission.
- § 14105. Duties of Commission.
- § 14106. Conduct of Meetings.

§ 14101. Short Title.

This Chapter shall be known as the Guam Trademark Commission Act.

§ 14102. Guam Trademark Commission, Established.

The Guam Trademark Commission is hereby established for the special purpose of developing policy direction and recommendations relative to coordination, planning, implementation, administration, promotion, compliance and enforcement of the "Guam Trademark and Intellectual Property Rights Act" and the "Guam Cultural Trademark Act."

NOTE: The Guam Trademark Commission shall remain in effect until its recommendations described in 2 GCA § 14105 are approved by the Guam Legislature, pursuant to P.L. 32-080:5 (Nov. 27, 2013).

§ 14103. Convening of the Guam Trademark Commission.

The Guam Trademark Commission shall be under the direction of the Chairperson of the Legislative Committee with oversight over Cultural Affairs, and convened pursuant to provisions of this Act.

§ 14104. Composition of Guam Trademark Commission.

The composition of the Commission shall be as follows:

(a) The Legislative Chairperson with oversight over Cultural Affairs shall serve as the Chairperson of the Commission;

(b) The Director of the Department of Revenue and Taxation (DRT), or his assigned representative, shall serve as the Vice-Chairperson. DRT is empowered to enforce regulations and collect levies and fines from companies found in violation of the law;

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(c) The President of the Department of Chamorro Affairs (DCA), or his assigned representative. DCA can offer insight into the uniqueness of the Guam brand and the importance of protecting the aspects of the Chamorro culture and heritage;

(d) The General Manager of the Guam Visitors Bureau (GVB), or his assigned representative. GVB is tasked with promoting the Guam brand in its entirety;

(e) The Administrator of the Guam Economic Development Authority (GEDA), or his assigned representative. GEDA offers programs and opportunities for economic development;

(f) The Attorney General of Guam (AGO), or his designated legal representative from the Office of the Attorney General. The AGO shall provide guidance on intellectual property rights relative to the Guam brand, and legal opinions as requested;

(g) The Chairperson of the Guam Council on the Arts and Humanities (CAHA), or an assigned representative;

(h) One (1) member of *I Liheslatura* Majority appointed by the Speaker. The Speaker may appoint herself, or a designee;

(i) One (1) member of *I Liheslatura* Minority appointed by the Speaker;

(j) Two (2) members appointed by the Speaker of *I Liheslatura*, representing organizations active in the promotion of Chamorro Cultural Arts on Guam.

(k) The Commission shall include additional public and private sector members to serve on subcommittees in the four areas of visual arts, performing arts, literary arts, and traditional arts, demonstration and exhibitions, or elect them as committee members, provided that they possess significant background, knowledge and experience with locally produced products; and the Commission may prescribe special procedures for their participation.

§ 14105. Duties of the Commission.

The Commission shall work collaboratively to create policy recommendations, rules and legislation for two (2) specific areas in defining and developing a Guam Trademark Law:

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(a) A new "Guam Trademark and Intellectual Property Rights Act" to create and regulate the trademark law in Guam as it relates to or mirrors the current applicable U.S. Trademark and Intellectual Property Rights statute, and provide additional statutes as needed.

(b) A cultural (certification) trademark program, titled, the "Guam Cultural Trademark Act" (similar to that of the Maori "ToiIho" program in New Zealand), to promote and license Chamorro cultural arts manufactured or produced on Guam. The Commission may hire professional legal or technical services to assist and perform studies, roundtables, conduct polls, surveys and/or conferences to report findings and present initial guidelines for a Guam Cultural Trademark program so that a proposal can be presented to the broader community as a concrete, well-considered, and cohesive program. Guidelines should be discussed to include, but not be limited to, the following types of issues:

(1) Identification of initial types of cultural arts for use of trademark.

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(4) Criteria for quality of works qualifying for use of trademark.

(5) Criteria for cultural content qualifying for use of trademark.

(6) Sources, meanings and extrinsic functions of proposed trademark image.

(7) Proposed process for certifying artists for use of trademark.

(8) Proposed process for certifying arts organizations for use of trademark.

(9) Proposed process for certifying vendors for use of trademark.

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(10) Proposed terms for use of trademark in advertising, marketing, and sales.

The Commission shall submit proposed legislation after its study for a new "Guam Trademark and Intellectual Property Rights (IP) Act" and the "Guam Cultural Trademark Act" to *ILiheslaturan Guåhan* no later than one hundred eighty (180) calendar days from the date of enactment of this Act, and shall be subject to legislative approval and perform all functions necessary to effectuate the mission of the Commission as adopted.

§ 14106. Conduct of Meetings, Quorum.

The Commission shall meet once a month to discuss and assess progress and recommendations.

A simple majority of members of the Commission shall constitute a quorum to do business; any action taken by the Commission shall be by a simple majority of the members.

GUAM TRADEMARK COMMISSION
Office of Senator Kelly Marsh (Taitano), PhD.
I Mina' Trentai Singko Na Liheslaturan Guåhan



Patents. Trademarks and Copyrights
5 GCA, Chapter 20

5 GCA GOVERNMENT OPERATIONS
CH. 20 DEPARTMENT OF ADMINISTRATION

ARTICLE 4
PATENTS, TRADEMARKS & COPYRIGHTS

- § 20401. Definitions.
- § 20402. United States Patents and Copyrights: Registration.
- § 20403. Renewed United States Patents, Copyrights or Trademarks.
- § 20404. Application to Register United States Patents, Copyrights or Trademarks.
- § 20405. Guam Certificate of Registration.
- § 20406. Duration of Protection.
- § 20407. Record: Issuance and Effect of Guam Certificate.
- § 20408. Penalty for False Applications.
- § 20409. Certain Prints, Labels Trademarks, Service Mark and Tradenames not to be Adopted or Used.
- § 20410. Penalty - Injunctions; Unlawful Use.
- § 20411. Revocation of Guam Certificate; Nonuse.
- § 20412. Application of Law; Reissue on Nonuser.
- § 20413. Revocation of Guam Certificate: Ownership.
- § 20414. Appeal.

§ 20401. Definitions.

As used in this Chapter, unless the context otherwise requires:

(a) Director means the Director of the Department of Commerce of the government of Guam.

(b) Person means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

(c) Trade name means a word or name used by a person to identify the person's business, vocation or occupation and distinguish it from the business, vocation or occupation of others.

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(d) Trademark means any word name, symbol or device or any combination thereof adopted and used by a person to identify goods and distinguish them from the goods of others.

(e) Print means any original artwork, design, poster, lithograph or literary work.

SOURCE: GC § 6400 added by P.L. 2-93. Amended by P.L. 20-103:3. Public Law 22-112 split the former Customs & Quarantine Division of the Department of Commerce from that Department, making it a separate Department within the government. This section amended by P.L. 20-103 was repealed/reenacted by P.L. 23-62 (Dec. 1995).

NOTE: P.L. 23-63:1 contains the following Legislative Intent:

Legislative Findings: The Legislature finds that an increasing number of the residents of Guam are more than ever before expressing their thoughts and opinions by becoming creative resulting in the creation of original designs. In order to ensure that individual artworks are protected, the Legislature finds that it is necessary to implement a law which provides such protection. Under current law, local artists have to apply for protection through the United States Patent Office and present a copy of the certificate granted by that office of the Department of Administration in order to be assured protection locally.

The Legislature further finds that this is a cumbersome and expensive process for most local businesses and manufacturers. As opposed to overall protection throughout the United States, local businesses and manufacturers need the protection right within the Territory of Guam.

2013 NOTE: Subsection designations were added to adhere to the Compiler's alpha-numeric scheme in accordance to 1 GCA § 1606.

§ 20402. United States Patents and Copyrights: Registration.

The owner of a patent, copyright, or trademark registered with the United States Patent and Trademark Office, who desires to register it in the Territory of Guam, may do so by complying with the following provisions:

(a) By supplying a certified copy of the United States Registration of such patent, copyright or trademark, to the Director.

(b) By paying to the Director the sum of Fifty Dollars (\$50) for the requisite filing with the Department of Revenue

5 GCA GOVERNMENT OPERATIONS
CH. 20 DEPARTMENT OF ADMINISTRATION

and Taxation which shall be deposited in the General Fund of the Territory of Guam.

SOURCE: GC § 6401 amended by P.L. 3-14. R/R by P.L. 23-63:2.

§ 20403. Renewed United States Patents, Copyrights or Trademarks.

Patents, copyrights or trademarks renewed in the United States Patent and Trademark Office must likewise be renewed with the government of Guam, and the procedure as set forth in § 20402 of this Chapter is required for such renewal, with the addition that a certified copy of the renewal granted by the United States Patent and Trademark Office must be furnished; provided, that if a certified copy of the original registration has been filed in Guam, then in another copy need not be furnished with the notice of renewal.

§ 20404. Application to Register United States Patent, Copyright or Trademark.

When other than the owner of a patent, copyright or trademark applies for registration or renewal of the same, documentary evidence satisfactory to the Director setting forth the right of the applicant to such registration or renewal must be furnished prior to the granting of the registration or renewal requested, unless such documentary evidence has been previously supplied to the Director.

SOURCE: Added by P.L. 20-103:1. R/R by P.L. 23-62:2.

§ 20405. Guam Certificate of Registration.

(a) Any person desiring to register any print, label or trademark intended to be attached or applied to goods or manufactured articles or to bottles, boxes or package containing the goods or manufactured articles to indicate the name of the manufacturer and any person desiring to register a service mark or a trade name in the manner hereinafter provided.

(b) Before any person may receive a Guam certificate or registration of a print, label or trademark, the person shall file in the office of the Director, an application for the registration of such print, label or trademark with a declaration, certified by the applicant, stating that the applicant is the sole and original proprietor or authorized user of this print, label or trademark and

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describing the goods or manufactured articles for which the print, label or trademark is used, and stating the manner in which the print, label or trademark is used. Before any person may receive a Guam certificate of registration of a service mark or trade name, the person shall file in the office of the Director an application for the registration thereof, with a declaration, certified as aforesaid, stating that the person is the sole and original proprietor of the service mark or tradename, or the assign of the proprietor or authorized user and setting the nature of the business in which the service mark or tradename is used. Upon filing the application, the applicant shall pay to the Director a fee of One Hundred Dollars (\$100), which shall be deposited in the General Fund of the Territory of Guam. When other than the sole and original proprietor of a print, label, trademark, service mark or tradename applies for the registration of the same, documentary evidence, satisfactory to the Director explicitly setting forth the right of the applicant to use such print, label, trademark, service mark or tradename must be furnished to the Director prior to the granting of the registration or renewal requested.

SOURCE: Added by P.L. 23-62:3.

§ 20406. Duration of Protection.

Unless otherwise provided in this Act, the filing of an application as provided in § 20405 shall remain in full force and effect for a period of five (5) years.

SOURCE: Added by P.L. 23-62:3.

§ 20407. Record: Issuance and Effect of Guam Certificate.

Upon receiving the application accompanied by the fee, the Director shall cause the print, label, trademark, service mark or tradename to be filed with the Department of Commerce and shall issue to the regulations as may be necessary to carry out the purposes of this section in accordance with the Territory of Guam's Administrative Adjudication Law.

SOURCE: Added by P.L. 23-62:3.

§ 20408. Penalty for False Applications.

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(a) Any person who signs and certifies as correct any application filed pursuant to this Chapter, knowing the same to be false in any material particular, shall be fined not more than Thirty Thousand Dollars (\$30,000).

(b) Any person who negligently, but without intent to defraud, signs and certifies as correct any application filed pursuant to this Chapter, which application is false in any material particular, shall be fined not more than Three Thousand Dollars (\$3,000).

SOURCE: Added by P.L. 23-63:3.

§ 20409. Certain Prints, Labels, Trademarks, Service Mark and Tradenames Not to be Adopted or Used.

It shall be unlawful for any person to adopt or use a print, label, trademarks, service mark or tradename which is identical to or confusingly similar with any registered print, label, trademark, service mark or tradename or the name of any person.

SOURCE: Added by P.L. 23-62:3.

§ 20410. Penalty – Injunctions; Unlawful Use.

(a) Any person using such identical or similar print, label, trademark, service mark, or tradename as set forth in Section [20409], shall be fined not less than Ten Thousand Dollars (\$10,000).

(b) The Superior Court of Guam shall have the power to grant injunctions, according to principals of equity and upon such terms as the court may deem reasonable, to prevent the violation of any right of a registered owner of a print, label trademark, service mark, or tradename registered with the Department of Commerce.

SOURCE: Added by P.L. 23-62:3.

2010 NOTE: Reference herein to "Section 20408" appears to be a manifest error by P.L. 23-62:3. Section 20409 of this article appropriately describes subject matter. Correction made by Compiler.

§ 20411. Revocation of Guam Certificate; Nonuse.

If any print, label, trademark, service mark, or tradename is not used by the registrant in accordance with the declaration

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either in the Territory of Guam or elsewhere in the United States for a period exceeding three hundred and sixty-five (365) consecutive days, and the print, label, service mark, trademark, or tradename has not been registered in the name of the registrant in the Patent and Trademark Office of the United States, the Guam certificate of registration may be immediately revoked by the Director. Any person desiring such revocation shall file a verified petition in the office of the Director. Any person desiring such revocation shall file a verified petition in the office of the Director in such form as the Director may provide, setting forth facts indicating such nonuse for a period exceeding three hundred and sixty-five (365) consecutive days immediately preceding the date of the filing of the petition, and alleging the nonregistration in the Patent and Trademark Office of the United States. The petitioner shall at the petitioner's expense notify the registrant of the hearing in the manner prescribed by the Director, and the registrant shall be given the opportunity of a full hearing.

After granting an opportunity for hearing to the petitioner and the registrant, the Director shall grant or deny the petition for revocation, as the fact shall warrant.

SOURCE: Added by P.L. 23-62:3.

§ 20412. Application of Law; Reissue on Nonuser.

This Chapter is applicable to all registrations filed with the Office of the Director of the Department of Commerce; the intent hereof being that all prints, labels, trademarks, service marks, or tradenames not used by the applicant in the Territory of Guam or elsewhere in the United States and not registered in the name of the applicant in the Patent and Trademark Office of the United States may be reissued to such applicant who is actually using the same.

The fact that a print, label, trademark, service mark, or tradename has not been used in the Territory of Guam for a period exceeding three hundred sixty-five (365) consecutive days shall be prima facie proof of the fact that the same has not been used elsewhere for such period.

SOURCE: Added by P.L. 23-62:3.

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§ 20413. Revocation of Guam Certificate: Ownership.

Any person claiming to be the owner of a print, label, service mark, trademark, or tradename for which a Guam certificate of registration pursuant to this Chapter has been issued to any other person shall file a verified petition in the Office of the Director of the Department of Commerce in such form as the Director may provide forth revocation of the registration of such print, label, service mark, trademark, or tradename and in support of the claim of the petitioner that the Guam certificate of registration should be revoked.

After granting an opportunity for hearing to the petitioner and the registrant, the Director shall grant or deny the petition for revocation, as the facts warrant.

SOURCE: Added by P.L. 23-62:3.

§ 20414. Appeal. Any person aggrieved by any action of the Director under this Chapter in issuing a Guam certificate of registration of a print, label, trademark, service mark, or tradename or in revoking any such certificate of registration or in denying an application may, within thirty (30) days after action by the Director, or in the event no order has been entered either granting or denying the application within thirty (30) days after the filing of the application, commence proceedings to obtain judicial review thereof by the Superior Court of Guam by filing in the court a notice of appeal.

SOURCE: Added by P.L. 23-62:3.

ARTICLE 5
SURPLUS PROPERTY (FEDERAL)

- § 20501. Surplus Property Agency Designation.
- § 20502. Functions.
- § 20503. Rules and Regulations.
- § 20504. Certifications, Actions and Reports.
- § 20505. Contract and Cooperative Agreements.
- § 20506. Authority to Acquire, Hold and Improve Property.
- § 20507. Personnel.

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(d) Delivery Period/Dissemination. GEDA shall publicly disseminate the RFI in a manner to solicit the broadest number of qualified interested respondents. Registries, direct mailings, and other methods, at a minimum, shall be utilized to maximize the potential number of responses to the RFI.

(e) GEDA shall adhere to the following schedule:

(1) within sixty (60) days from enactment of this Act, develop and publish the Request for Information (RFI);

(2) provide for a fifteen (15) day question period, Saturday, Sunday, and government holidays excepted, commencing from the date of publication, for requested clarification(s) on the RFI from interested parties/potential respondents;

(3) provide a thirty (30) day period, Saturday, Sunday, and government holidays excepted, after the close of the question period for submission to the RFI by respondents;

(3) compilation by GEDA of the RFI submissions by respondents; and

(4) transmittal of the RFI compilation/results from GEDA to *I Maga'låhen Guåhan* and *I Liheslaturan Guåhan* no more than thirty days (30) days after the receipt of information to the RFI.

SOURCE: Added by P.L. 33-143:2 (Apr. 12, 2016) as 12 GCA Chapter 68A. Renumbered to this section by the Compiler pursuant to authority granted by 1 GCA § 1606.

ARTICLE 2
GUAM PRODUCT SEAL

SOURCE: This Article was added by P.L. 26-76:38 as part of the transfer of the Department of Commerce activities to GEDCA.

- § 50201. Seal Created.
- § 50202. Administration.
- § 50203. Guam Product Seal Fund.
- § 50204. Responsibilities.
- § 50205. Definitions.
- § 50206. Eligibility.

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- § 50207. Violations.
- § 50208. Fines.
- § 50209. Recovery of Merchandise.
- § 50210. Penalty.
- § 50211. Collection.

§ 50201. Seal Created.

There is created a Guam Product Seal to identify products manufactured on Guam.

§ 50202. Administration.

The Guam Economic Development and Commerce Authority ('Authority') shall administer the provisions of this Chapter and shall promulgate rules and regulations, in accordance with the Administrative Adjudication Law, to carry out the purposes of this Chapter.

§ 50203. Guam Product Seal Fund.

There is established a fund to be known as the Guam Product Seal Fund, which shall be maintained separate and apart from any other funds of the government of Guam. Independent records and accounts shall be maintained in connection therewith. Funds of the Guam Product Seal Fund shall be used exclusively for the administration and operations of the Guam Product Seal Program. All funds collected from fees, charges or fines levied pursuant to this Chapter shall be deposited into the Guam Product Seal Fund.

§ 50204. Responsibilities.

The Authority shall:

- (a) develop, or have developed, a design for the Guam Product Seal;
- (b) assess the local value added in the production processes of manufacturers applying for permission to place the seal upon their products;
- (c) issue permits for use of the seal to eligible applicants;
- (d) ensure ongoing compliance with the eligibility requirements by all manufacturers who have been issued permits;

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(e) conduct field investigations of products bearing the seal, both on its own initiative and in response to information and complaints received from the public;

(f) levy fines on manufacturers, importers, distributors and retailers found to be in violation of this Chapter;

(g) transmit information regarding the levy of fines to the Department of Revenue and Taxation; and

(h) take appropriate steps to notify businesses about the requirements of this Chapter.

§ 50205. Definitions.

For purposes of this Chapter:

(a) 'Value added' shall be the difference between the wholesale price of the product, if sold at wholesale, or the retail price of the product, if sold directly by the manufacturer, and the sum of both the total landed cost of all material components of the product that have been brought into Guam and the total landed cost of materials, excluding machinery used in the production process that have been brought into Guam.

(b) 'Substantial transformation' shall mean the conversion of commodities into products of a different and distinguishable commercial use or character.

(c) "Article" shall mean the commodity or product in a package or container that is available for purchase by the consumer.

(d) "Perishable consumer commodity" shall mean an article packaged and offered for consumption as a food product or for use by individuals for the purpose of personal care or in the performance of services ordinarily rendered in or about the household in connection with personal possessions; and is intended to have a limited shelf life, including, but not limited to, articles such as baked goods, dairy products, cut or dried flowers, fruits, vegetables and meats; coffee, candies, cookies, jams, jellies, juices, oils, nuts, or such similar products.

(e) "Standard Labeling Practices" shall be defined by the most current rules and regulations that have been established by the United States Food and Drug Administration relative to General Food Labeling Requirements.

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(f) "Permanent" refers to the print on the article's packaging or container designed to remain until received by the end user or ultimate purchaser at the point of sale in a retail establishment.

(g) "Legible" shall mean markings which are clearly identified and which can be read without strain.

(h) "Conspicuous" shall be reflected by markings which appear on the article's packaging or container in a place which is readily accessible, and where the marking noting the product's origin can be found upon casual examination.

SOURCE: Subsections (c) through (h) added by P.L. 31-136:2 (Nov. 17, 2011), effective no later than (280) days after enactment into law, pursuant to P.L. 31-136:4 and further extended to March 17, 2013, pursuant to P.L.31-233:XII:21 (Sept. 7, 2012).

§ 50206. Eligibility.

The Guam Product Seal may be used only on a product manufactured on Guam that results from a substantial transformation of the materials used in the creation of the product and for which a minimum of fifty percent (50%) of the value of the product has been added on Guam. To obtain a permit to use the seal, a manufacturer must apply to the Authority. A permit to use the Guam Product Seal shall be effective for one (1) year.

§ 50207. Violations.

(a) It shall be unlawful for any business to place a Guam Product Seal on a product if the business does not have a current permit allowing the product to have such a seal.

(b) It shall be unlawful for any business establishment to state or imply in an advertisement or display of any type, including packaging, that a manufactured product is made on Guam if the product does not have a Guam Product Seal on it.

(c) It shall be unlawful for persons or any retail store, wholesaler, manufacturer, importer, distributor or business establishment to sell a any article(s) offered as a perishable consumer commodity that has the word "Guam" or "Chamorro," or a derivation of such words, on the packaging of the product, if such product was not manufactured in Guam, unless the place where the product was manufactured is clearly and permanently labeled on the product.

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(d) Any use of the word "Guam" or "Chamorro," or a derivation of such words, on the exterior packaging of perishable consumable commodities at the point of sale, if such product was not manufactured in Guam or if the product is not a registered commodity under the Guam Product Seal Permit, shall have the phrase, "Made in . . .," or "Product of . . .," followed by the country of origin, clearly labeled on the package or container of an article, e.g. "Made in U.S.A.", "Made in China", "Made in Philippines", etc; or "Product of the U.S.A.", "Product of China", "Product of the Philippines", etc.

(e) The "Made in . . ." or "Product of . . ." phrase shall be included on the packaging or container of an article in legible and permanent print located in the front of the article's package. Such words and fonts shall be equal in length, and no less than half the width in approximate size of the word "Guam" or "Chamorro," or any derivatives used, and shall be conspicuous and legible to the average consumer.

(f) The origin of the article shall also be included in the back or side of the packaging in conformance with standard labeling practices.

SOURCE: Subsection (c) amended by P.L. 31-136:3 (Nov. 17, 2011), effective no later than (280) days after enactment into law, pursuant to P.L. 31-136:4 and further extended to March 17, 2013, pursuant to P.L.31-233:XII:21 (Sept. 7, 2012). Subsections (d), (e) and (f) added by P.L. 31-136:3 (Nov. 17, 2011), effective no later than (280) days after enactment into law, pursuant to P.L. 31-136:4 and further extended to March 17, 2013, pursuant to P.L.31-233:XII:21 (Sept. 7, 2012).

§ 50208. Fines.

For each violation of Subsection (a) of § 50207 of this Chapter, the Authority shall levy a fine against the firm in an amount equal to or greater than Two Thousand Five Hundred Dollars (\$2,500.00), but not to exceed Five Thousand Dollars (\$5,000.00) per type of product. For each violation of § 50207(b) or (c) of this Chapter, the Authority shall levy a fine against the firm in an amount equal to or greater than Five Hundred Dollars (\$500.00), but not to exceed Two Thousand Dollars (\$2,000.00) per type of product. Separate fines shall be levied each separate time a business is found to have violated § 50207 of this Chapter. Such fines shall be payable to the Department of Revenue and Taxation and shall be credited to the Guam Product Seal Fund.

§ 50209. Recovery of Merchandise.

In the case of any violation of § 50207(a) of this Chapter, the Authority shall order the firm to recover from wholesalers and retailers

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and to take off the market all products sold with a Guam Product Seal for which the firm did not have a permit when the seal was placed upon the product.

§ 50210. Penalty.

(a) The Department of Revenue and Taxation shall revoke the business license of any firm if, after a hearing, it determines that the firm:

(1) failed to pay a fine levied pursuant to § 50208 of this Chapter within ninety (90) days after the fine was levied; or

(2) failed to recover merchandise in accordance with an order issued pursuant to § 50209 of this Chapter within ninety (90) days after the order was issued.

(b) The Department of Revenue and Taxation shall not renew the business license of any business if the business has not paid a fine levied pursuant to this Chapter.

§ 50211. Collection.

The Department of Revenue and Taxation is responsible for the collection of all fines levied by the Authority pursuant to § 50208 of this Chapter.

ARTICLE 3

**GUAM ROAD CONSTRUCTION MITIGATION
GRANT AND LOAN GUARANTEE PROGRAM**

SOURCE: Article 3 added by P.L. 31-013:2 (Mar. 30, 2011).

2011 NOTE: Article 3 was formerly entitled "Public Market" which was repealed by P.L. 28-068:IV:54 (Sept. 30, 2005).

- § 50301. Establishment.
- § 50302. Definitions.
- § 50303. Administration.
- § 50304. Eligibility.
- § 50305. Applications.
- § 50306. Application for Program Grants.
- § 50307. Application for Program Loans.

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to this section by the Compiler.

2017 NOTE: P.L. 34-009:5 stated the following:

Section 5. Effective Date. Notwithstanding any other provision of law, rule or regulation to the contrary, the provisions of this Act *shall* become effective ten (10) days after enactment.

ARTICLE 2
THE GUAM PRODUCT SEAL TASK FORCE ACT

SOURCE: Article 2 added by P.L. 31-150:2 (Nov. 21, 2011).

- § 2201. Short Title.
- § 2202. Guam Product Seal Task Force, Established.
- § 2203. Convening of the Guam Product Seal Task Force.
- § 2204. Composition of Guam Product Seal Task Force.
- § 2205. Duties of Task Force.
- § 2206. Conduct of Meetings.

§ 2201. Short Title.

This Chapter shall be known as *The Guam Product Seal Task Force Act*.

§ 2202. Guam Product Seal Task Force, Established.

(a) The Guam Product Seal Task Force is established for the special purpose of protecting the Guam brand by restricting and or limiting the use of the word "Guam" or "*Chamorro*", or a derivation of such words, on consumable commodities *not* made in Guam in order to promote and enhance the "Made in Guam" label and experience.

(b) The Task Force *shall* provide policy direction and recommendations relative to coordination, planning, implementation, administration, promotion, compliance and enforcement of the Guam Product Seal Permit program and accompanying administrative rules and regulations.

2017 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 2203. Convening of the Guam Product Seal Task Force.

The Guam Product Seal Task Force *shall* be under the direction of

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the Office of *I Segundu Na Maga'lahi* (the Lt. Governor) and convened pursuant to the provisions of this Act.

§ 2204. Composition of Guam Product Seal Task Force.

The composition of the Guam Product Seal Task Force *shall* be as follows: *I Segundu Na Maga'lahen Guåhan* (the Lieutenant Governor of Guam), who *shall* also serve as the Chairperson; the designated Program Coordinator of the current Guam Product Seal Permit program from the Department of Revenue and Taxation (DRT), who *shall* also serve as Vice Chair; the Department Directors, or their assigned representative, of the Guam Customs and Quarantine Agency (CQA), the Department of Revenue and Taxation (DRT), the Department of *Chamorro* Affairs (DCA), the Guam Visitors Bureau (GVB), the Guam Economic Development Authority (GEDA), and Department of Public Health and Social Services (DPHSS); the President of the Mayors Council of Guam (MCOG), or its assigned member representative; a representative from the Office of the Attorney General of Guam, designated by the Attorney General, who may appoint himself; two (2) currently licensed holders of the Guam Product Seal appointed by *I Maga'lahi* (the Governor); a member from the Guam Chamber of Commerce as designated by the Chamber; and one (1) member from the island community appointed by *I Maga'lahi* (the Governor); a counselor or representative from the Small Business Development Center of the School of Business and Public Administration, University of Guam.

(a) The Task Force may invite additional public and private sector members to serve on sub-committees, *provided*, that they possess significant background, knowledge and experience with locally produced products; and the Task Force may prescribe special procedures for their participation.

(b) The Office of *I Segundu Na Maga'lahi* (the Lt. Governor) *shall* support the administrative needs of the Task Force.

§ 2205. Duties of Task Force.

(a) The Task Force *shall* work collaboratively to create recommendations that will develop a comprehensive Guam Product Seal Permit Program with the overall goal of enhancing and better promoting products that are "Made in Guam."

(b) Its function *shall* include, but is *not* limited to, recommending policy and adoption of a comprehensive Guam Product Seal Program

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that promotes the Guam brand in products manufactured in Guam or "Made in Guam". The Task Force *shall* address the following in its findings and recommendations:

(1) to create a mission statement and objective of the Guam Product Seal Program;

(2) the assignment of the administrative functions of the Guam Product Seal (GPS) Program; i.e., which Agency shall have administrative oversight over the Program; the Office of the Lt. Governor may decide to retain administrative functions of the program;

(3) address intellectual property rights and concerns relative to the term "Guam," "*Chamorro*," or derivations of either Guam or *Chamorro*;

(4) develop a feasible program funding and continuity plan, and a budgetary proposal;

(5) evaluate the design of the current GPS label, and recommission if necessary;

(6) clearly mark the delineation and assignment of the compliance and enforcement responsibilities, and the authorities of respective regulatory and enforcement agencies relative to the provisions of the GPS program; i.e. complaints, investigations and enforcement requirements;

(7) identify and record all Guam Product Seal holders, and businesses that manufacture commodities for sale in the tourism industry;

(8) identify incentives and advantages that encourage participation in the program;

(9) review the structure of fines and penalties to ensure maximum deterrence for violating the GPS mandate. Visit issues such as asset forfeiture; costs for additional CQA cost recovery (administrative, destruction, storage, etc.); penalties (civil and criminal) for repeat offenders; title and transfer of seized property *not* in compliance with the GPS statute;

(10) make appropriate recommendations for legislation to improve the Guam Product Seal Permit Program; recommendations *shall* include the following:

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- (A) address country of origin label concerns;
 - (B) address the use of the words "Guam" and "Chamorro" and derivations of;
 - (C) develop minimum standards, font size, and location of product origin on labels of consumable goods sold on Guam;
 - (D) develop retail partnership and community buy-in for Guam products;
 - (E) propose "Made in Guam" incentives/programs;
 - (F) strengthen compliance and enforcement schedules and guidelines; and
 - (G) review the applicability of copyright and intellectual property infringement and trademark violations.
- (11) formulate an updated version of the Guam Product Seal Permit Program. Such plan *shall* be submitted to *I Liheslaturan Guåhan* no later than one hundred twenty (120) days from the date of enactment of this Act;
- (12) execute fines for non-compliance of the Guam Product Seal mandates and its accompanying administrative rules and regulations; and
- (13) perform all functions necessary to effectuate the mission of the Task Force as adopted.

2017 NOTE: Subsection designations added/alterd pursuant to the authority of 1 GCA § 1606.

§ 2206. Conduct of Meetings, Quorum.

- (a) The Task Force *shall* meet *no less than* once every month, and as needed to discuss and assess progress and recommendations.
- (b) A simple majority of members of the Task Force who are present and voting *shall* constitute a quorum to do business; and any action taken by the Task Force *shall* be by a simple majority of the members.

2017 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

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Made in Guam Incubator Program
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any such fire, or who shall disobey any lawful command of the Officer of the Unit in charge at the scene of such fire, or of the Guam Fire Department or the Guam Police Department in cooperating with them, shall be guilty of a misdemeanor.

ARTICLE 4

“MADE IN GUAM” INCUBATOR PROGRAM

SOURCE: Article 4 added by P.L. 32-068:XII:28 (Sept. 11, 2013).

- § 1401. Establishment.
- § 1402. Description.
- § 1403. Program Rules and Regulations
- § 1404. Product Mix.
- § 1405. Incentives.
- § 1406. Grant Program.
- § 1407. Other Funding Sources.

§ 1401. Establishment.

There is hereby established within the Antonio B. Won Pat International Airport Authority, Guam (Authority), the “Made in Guam” Business Incubator Program (Program). The Program shall be under the overall supervision of the Executive Manager who shall execute the intent of this Program.

SOURCE: Added by P.L. 32-068:XII:28 (Sept. 11, 2013).

§ 1402. Description.

The Program is intended to serve as a business incubator for those businesses offering products that are made on Guam and which display the Guam Product Seal. Products that are not made on Guam are not eligible for this Program. The Executive Manager shall ensure that the products being offered by Program participants do not infringe on the master concessionaire agreement for exclusive products, and that the master concessionaire does not infringe on products being offered by businesses in the Program. The Program is designed to provide incentives to participate including, but not limited to, up to two

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(2) years of reduced business licensing fees as an incentive to participating businesses. In addition, the Executive Manager shall designate floor space within the Antonio B. Won Pat Guam International Air Terminal for use by Program participants and, to the extent allowable, shall charge the lowest possible percentage of gross sales for up to two (2) years and may charge a graduated rate as a percentage of gross sales after the two (2) year period, not to exceed ten percent (10%), in lieu of a charge per square foot, for lease or use of space. The Executive Manager may reduce or waive any other charges that may be imposed on each participating business.

The Authority is urged to make available to each vendor a kiosk display area that showcases the Chamorro culture, such as a kiosk designed in the form of the karetan carabao, and the use of indigenous materials in the branding of each vendor's display area. The Authority shall collaborate with the Department of Chamorro Affairs and shall collaborate with the Guam Visitors Bureau to assist with the branding of the vendors' display areas, and to ensure a quality image is portrayed to both visitors and residents utilizing the terminal facilities. The Authority may seek financial assistance from the Guam Visitors Bureau in the procurement of the display areas and the materials to be used in the branding of these areas. The Authority and the Guam Economic Development Authority shall establish a grant program for businesses participating in the incubator program.

SOURCE: Added by P.L. 32-068:XII:28 (Sept. 11, 2013).

§ 1403. Program Rules and Regulations.

The Program shall be under the overall supervision of the Executive Manager, and shall conform to all applicable local and federal government laws, rules and regulations, including the Individuals with Significant Disabilities Vending Act. Program participants will be allowed to participate in the Program for a maximum of five (5) years and upon completion may be allowed to continue to operate, but not under this Program, and will be subject to the terms and conditions established by the Authority. The Authority is authorized to promulgate rules and regulations specific to the Program in conformance with Article 3 of Chapter 9, Title 5, Guam Code Annotated, which shall include an

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CH. 1 GUAM AIRPORT AUTHORITY

adjudication process to address appeals to the GIAA Board relative to determination made by the Executive Manager in the administration of this Program, no later than 180 days after enactment. The Program shall not start until said rules and regulations are promulgated.

SOURCE: Added by P.L. 32-068:XII:28 (Sept. 11, 2013).

§ 1404. Product Mix.

(a) The mix of products shall be determined by the Executive Manager, but generally the Program participants shall not provide products that directly compete with products offered by other Program participants unless substantially separated as to allow for each participant to succeed, or by the holder of the master concessionaire agreement. The master concessionaire shall not offer products that directly compete with the Program participants.

(b) Advisory Board. An Advisory Board is created herein that shall assist the Executive Manager in creating and maintaining a quality image that will ensure consistency in the representation of our island culture and the branding consistent with GVB's initiative among all the participants in the Program. The Board shall consist of: the Authority's Executive Manager, or his designee, who shall chair the Advisory Board; the General Manager of the Guam Visitors Bureau, or his designee; a member designated by the master concessionaire; the Administrator of the Guam Economic Development Authority, or his designee; and the President of the Department of Chamorro Affairs or his designee. The Board shall develop its procedures for carrying out this function.

SOURCE: Added by P.L. 32-068:XII:28 (Sept. 11, 2013).

§ 1405. Incentive(s).

(a) Each business participating in the "Made in Guam" Incubator Program shall only pay one-half (1/2) of the total amount payable for the business license needed to transact business at the Antonio B. Won Pat Guam International Air Terminal. This partial payment shall be made available for a period of two (2) tax years from the date of entry into the

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program. Thereafter, the licensee will pay the full cost of the business license.

(b) Each participant, to the extent the Authority is allowed, shall be charged the lowest possible percentage of gross sales for up to two (2) years and may be charged a graduated rate as a percentage of gross sales after the two (2) year period, not to exceed ten percent (10%), in lieu of a charge per square foot, for lease or use of space. The Executive Manager may reduce or waive any other charges that may be imposed on each participating business.

SOURCE: Added by P.L. 32-068:XII:28 (Sept. 11, 2013).

§ 1406. Grant Program.

The Authority and the Guam Economic Development Authority shall jointly develop a grant program for businesses participating in the "Made in Guam" Business Incubator Program. Grants may be made available to participating businesses and qualified participants of the "Individuals with Significant Disabilities Vending Act." as described in Section 2. Article 7 of Chapter 41, Division 5 of Title 17 Guam Code Annotated, with the proceeds being used to defray the startup costs of product development, marketing and sale of the item(s) that meet the definition for products that may display the Guam Product Seal. The maximum grant award shall not exceed Ten Thousand Dollars (\$10,000.00). The terms and conditions for the grant program shall be developed by the Guam Economic Development Authority, who shall be responsible for the screening of each business's grant application, making a determination on the amount of the grant award, and ensuring the proceeds from each grant are spent in accordance with the approved terms and conditions. The Guam Economic Development Authority may receive up to five percent (5%) of the total amount appropriated to fund administrative costs for the grant program. Grant funds shall come from GEDA's operating budget and shall not exceed One Hundred Thousand Dollars (\$100,000), throughout the inception of this Act.

Twenty Thousand Dollars (\$20,000) in grants will be awarded to persons with disabilities.

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SOURCE: Added by P.L. 32-068:XII:28 (Sept. 11, 2013).

§ 1407. Other Funding Sources.

The Authority may request financial assistance from the Guam Visitors Bureau in the procurement of display areas and the indigenous materials to be used to brand the display areas. Participating businesses will also be directed to apply for funding under the State Trade and Export Promotion (STEP) Grant Program administered by the Guam Economic Development Authority. The Authority may also request financial assistance from the Economic Development Administration, U.S. Department of Commerce, in securing grants related to the establishment and operation of the proposed incubator program.

SOURCE: Added by P.L. 32-068:XII:28 (Sept. 11, 2013).

GUAM TRADEMARK COMMISSION
Office of Senator Kelly Marsh (Taitano), PhD.
I Mina' Trentai Singko Na Liheslaturan Guåhan



Trademark Counterfeiting Act
9 GCA, Chapter 47

9 GCA CRIMES AND CORRECTIONS
CH. 47 TRADEMARK COUNTERFEITING ACT

CHAPTER 47
TRADEMARK COUNTERFEITING ACT

SOURCE: Added by P.L. 27-72:3.

- § 47.10. Definitions.
- § 47.20. Counterfeiting of Registered Trademarks.
- § 47.30. Trafficking of Counterfeited Goods.
- § 47.40. Aiding and Abetting the Trafficking of Counterfeit Goods.
- § 47.50. Defenses, Affirmative Defenses, and Limitations on Remedies.
- § 47.60. Enforcement.
- § 47.70. Restitution.
- § 47.80. Protection for Landlords.

§ 47.10. Definitions.

For purposes of the Trademark Counterfeiting Act,

(a) the term '*registered mark*' means:

- (1) a trademark or trade name registered in the United States and Trademark Office, or in any State, Commonwealth or Territory of the United States, or registered in Guam pursuant to §20401 *et seq.* of Title 5, Guam Code Annotated, or in any other country, or protected by the *Amateur Sports Act of 1978*, 36 U.S.C. §380, or recognized by common law, whether or not the defendant knew such trademark or trade name was so registered or protected; and
- (2) used without the consent of the registrant;

(b) the term '*counterfeit mark*' means:

- (1) a spurious mark,
 - (i) that is used in connection with trafficking goods or services;
 - (ii) that is identical with, or substantially indistinguishable from, a mark registered for those goods or services on the principal register in the United States Patent and Trademark Office or registered with the Administrator of the Guam Economic Development and Commerce Authority ('GEDCA') and with the Department of Revenue and Taxation of the government of Guam, or in any other State, Commonwealth or Territory of the United States,

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CH. 47 TRADEMARK COUNTERFEITING ACT

whether or not the defendant knew such mark was so registered; and

(iii) the use of which is likely to cause confusion, to cause mistake, or to deceive; or

(2) a spurious designation that is identical with, or substantially indistinguishable from, a designation as to which the remedies of the *Lanham Act* are made available, but such term does not include any mark or designation used in connection with goods or services of which the manufacture or production in question authorized to use the mark or designation for the type of goods or services so manufactured or produced, by the holder of the right to use such mark or designation;

(c) the term '*traffic*' means to transport, transfer, or otherwise dispose of, to another, in consideration for anything of value, or to make or obtain control of, with the intent to transport, transfer, or dispose of;

(d) the term '*Lanham Act*' means the Act entitled '*An Act To Provide For The Registration And Protection Of Trademarks Used In Commerce, To Carry Out The Provisions Of Certain International Conventions, And For Other Purposes,*' approved July 5, 1946 (15 U.S.C. §1051 *et. seq.*);

(e) the term '*cumulative retail sale value*' of counterfeit goods or services means a value equivalent to the cumulative price or fair market value of the article as of the time of the crime.

SOURCE: Added by P.L. 27-72:3.

§ 47.20. Counterfeiting of Registered Trademarks.

Whoever intentionally and knowingly reproduces, counterfeits, copies, or colorably imitates a registered mark and applies such reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles or advertisements, to be specifically used in commerce upon, or in connection with the sale, offering for sale, distribution, or advertising of goods or services or in connection with such use, shall be guilty of the crime of counterfeiting. The crime of counterfeiting shall be punishable as follows:

(a) Misdemeanor. A person shall be convicted of a misdemeanor if the goods or services to which the forged or counterfeit trademarks

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CH. 47 TRADEMARK COUNTERFEITING ACT

or service marks are attached, affixed, or used in connection with, or to which the defendant intended they be attached, affixed, or used in connection with, have a cumulative retail sale value of Five Hundred Dollars (\$500) or less.

(b) Third Degree Felony. A person shall be convicted of a third degree felony if the goods or services to which the forged or counterfeit trademarks or service marks are attached, affixed, or used in connection with, or to which the defendant intended they be attached, affixed, or used in connection with, have a cumulative retail sale value in excess of Five Hundred Dollars (\$500) but less than One-Thousand Five Hundred Dollars (\$1,500).

(c) Second Degree Felony. A person shall be convicted of a second degree felony if the goods or services to which the forged or counterfeit trademarks or service marks are attached, affixed, or used in connection with, or to which the defendant intended they be attached, affixed, or used in connection with, have a cumulative retail sale value of One Thousand Five Hundred Dollars (\$1,500) or more.

SOURCE: Added by P.L. 27-72:3.

§ 47.30. Trafficking of Counterfeit Goods.

Whoever intentionally and knowingly transports, transfers, or otherwise disposes of counterfeit goods to another, in consideration for anything of value, or makes or obtains control of counterfeit goods with intent to transport, transfer, or dispose of such goods, shall be guilty of the crime of trafficking of counterfeit goods. Goods bearing a counterfeit mark in the possession of a person who intends personal use and not resale are permitted. The crime of trafficking of counterfeit goods shall be punishable as follows:

(a) Misdemeanor. A person shall be found guilty of a misdemeanor if the trafficked goods or services to which the forged or counterfeit trademarks or service marks are attached, affixed, or used in connection with, or to which the defendant intended they be attached, affixed, or used in connection with, have a cumulative retail sale value of Five Hundred Dollars (\$500) or less.

(b) Third Degree Felony. A person shall be guilty of a third degree felony if the trafficked goods or services to which the forged or counterfeit trademarks or service marks are attached, affixed, or used in connection with, or to which the defendant intended they be

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attached, affixed, or used in connection with, have a cumulative retail sale value in excess of Five Hundred Dollars (\$500) but less than One Thousand Five Hundred Dollars (\$1,500).

(c) Second Degree Felony. A person shall be guilty of a second degree felony if the trafficked goods or services to which the forged or counterfeit trademarks or service marks are attached, affixed, or used in connection with, or to which the defendant intended they be attached, affixed, or used in connection with, have a cumulative retail sale value of One Thousand Five Hundred Dollars (\$1,500) or more.

SOURCE: Added by P.L. 27-72:3.

§ 47.40. Aiding and Abetting the Trafficking of Counterfeit Goods.

A person is guilty of aiding or abetting the trafficking of counterfeit goods who:

(a) solicits a person to purchase counterfeit goods; or

(b) knowingly and for the purpose of trafficking of counterfeit goods, transports any person into, out of or within Guam, or who procures or pays for the transportation of any person into, out of or within Guam for the purpose of trafficking counterfeit goods.

SOURCE: Added by P.L. 27-72:3.

§ 47.50. Defenses, Affirmative Defenses, and Limitations on Remedies.

All defenses, affirmative defenses, and limitations on remedies that would be applicable in an action under the *Lanham Act*, (15 U.S.C. §1051 *et seq.*), shall be applicable in a prosecution under this Chapter.

SOURCE: Added by P.L. 27-72:3.

§ 47.60. Enforcement.

(a) Except as otherwise provided in this Chapter, any goods to which a forged or counterfeit trademark or service mark is attached or affixed, or any tools or other reproduction materials for the reproduction of any specific forged or counterfeit trademark or service mark, which are produced or possessed in violation of this Chapter shall be seized by any law enforcement officer. Upon a determination by a preponderance of the evidence that any articles in the possession of the defendant in a prosecution under this Chapter bears a counterfeit mark, the Attorney General may obtain an order from the Court for the destruction of the counterfeit goods, unless the owner of the registered or protected trademark or service mark

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CH. 47 TRADEMARK COUNTERFEITING ACT

which has been forged or counterfeit approves a different disposition.

(b) Any personal property, including, but not limited to, cash, currency or monies received by or in connection with a violation of this Chapter, or any item, object, tool, machine, or vehicle of any kind, employed as an instrumentality in the commission of, or in aiding or abetting in the commission of the crime counterfeiting, trafficking in counterfeit goods, or any other violation of this Chapter, may be seized and is subject to forfeiture by the Courts of Guam.

SOURCE: Added by P.L. 27-72:3.

§ 47.70. Restitution.

In addition to any punishment ordered under §§ 47.20, 47.30 and 47.40, the Court shall order any person found in violation of this Chapter to make restitution to the government of Guam or to the Customs and Quarantine Agency, as the case may be, for the cost of storage and destruction of the counterfeit or forged goods. Such person shall be jointly and severally liable for any restitution.

SOURCE: Added by P.L. 27-72:3.

§ 47.80. Protection for Landlords.

No owner, officer, employee, or agent who provides, rents, leases, licenses, or sells real property upon which a violation of § 47.20 or § 47.30 occurs, and who is charged with a violation of § 47.40, shall be subject to criminal penalty under this Chapter unless he or she is proven to have actual knowledge that the mark is counterfeit and is either a principal to the offense or an accessory.

SOURCE: Added by P.L. 27-72:3.

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required to be kept or filed under this Act, or a record required to be kept by this Act; or

(5) possess a false or fraudulent prescription or alter an otherwise valid prescription with intent to obtain a controlled substance.

(b) Any person who violates this Section is guilty of a felony of the third degree.

§ 67.404. Counterfeit Substance Prohibited; Penalty.

(a) A person may not knowingly or intentionally make or distribute or possess a punch, die, plate, stone or other thing designed to print, imprint or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or a likeness of any of the foregoing upon any drug or container or labeling of it without authorization.

(b) Any person who violates this Section is guilty of a felony of the third degree.

§ 67.405. Imitation Controlled Substances Prohibited; Penalty.

(a) A person may not knowingly or intentionally deliver, or possess with intent to deliver, a noncontrolled substance representing it to be a controlled substance.

(b) A person may not knowingly or intentionally deliver or possess with intent to deliver, a noncontrolled substance intending it to be used or distributed as a controlled substance or under circumstances in which the person has reasonable cause to believe that the noncontrolled substance will be used or distributed for use as a controlled substance.

(c) It is not a defense that the accused believed the noncontrolled substance to be a controlled substance.

(d) A person who violates this Section is guilty of a felony of the second degree.

§ 67.406. Conspiracy; Solicitation; Attempt; Penalty.

Any person who conspires, solicits or attempts to commit any offense

GUAM TRADEMARK COMMISSION
Office of Senator Kelly Marsh (Taitano), PhD.
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Dept. of Revenue and Taxation
Guam Trademark and Service Mark
Registration Application



**Department of Revenue and Taxation
Government of Guam**

**Filling Out and Submitting Application/Renewal Form for Guam Trademark and
Service Mark (Guam Registration)**

*Detach and read these instructions before completing this form.
Make sure all applicable spaces have been filled in before you submit this form.*

This application form is to be used for a Territory of Guam *local* registration or renewal of a trademark and/or service mark. Protection of *local* trademark/service mark rights under provisions of Guam law does not extend to any other jurisdiction outside of Guam.

LINE-BY-LINE INSTRUCTIONS

(Please type or print using black ink)

1. MARK

Please fill in mark to be registered. A trademark is any word, name, symbol or device or any combination thereof adopted and used by a person to identify goods and distinguish them from the goods of others. Service marks may also be registered under this Chapter, with the primary difference being in distinguishment of services.

2. NAME AND ADDRESS OF APPLICANT

Please fill in name and address exactly as they should appear on the Guam Certificate of Registration.

3. APPLYING PARTY

Please indicate by checking the appropriate box whether the party applying for registration or renewal of trademark/service mark is the applicant applying on own behalf, or attorney or authorized agent applying on behalf of the applicant, and follow respective instructions.

4. POWER OF ATTORNEY OR AUTHORIZATION OF AGENT *(Must be answered if attorney in fact or authorized agent is applying on behalf of applicant)*

Please indicate whether a Power of Attorney or Authorization of Agent is being submitted with this application or if one has been previously submitted by checking the appropriate box and supplying any requested information.

Please also indicate if all correspondence concerning application is to be directed to applicant stated in Space 2, or to attorney in fact or authorized agent, and provide name and mailing address.

Pursuant to §20405(a) and (b), Ch. 20, Title 5, GCA, when other than the sole and original proprietor or authorized user of a trademark or service mark applies for registration of the same, documentary evidence must be furnished prior to the granting of the registration or renewal requested unless previously supplied to the Director of Revenue and Taxation.

Such documentation may include either of the following:

(a) *Power of Attorney (Must name specific attorney and/or law firm)*

(b) *Authorization of Agent (Must name specific agent)*

Note: Any limits stated or implied on either of the above documents may respectively limit scope of transactions to be carried out by attorney or agent on behalf of the sole and original proprietor or authorized user of the trademark and/or service mark.

5. APPLICANT'S ENTITY TYPE

Please indicate whether application is being made by an individual, partnership, corporation or other type of entity, and supply any requested information.

6. TYPE OF REGISTRATION

Please indicate whether application is for a trademark registration, a service mark registration or both, by placing a checkmark in the appropriate boxes.

7. GOODS AND/OR SERVICES

Please indicate the specific goods and/or services which the trademark/service mark is to be used for. **SPECIFIC GOODS AND/OR SERVICES MUST BE ENTERED.**

8. BASIS FOR APPLICATION

Please check appropriate box on whether registration of trademark/

service mark is based on present usage in commerce transactions or a reservation based on a bona fide intention to use the trademark/service mark in commerce, and supply any requested information. **ONLY ONE BOX MAY BE CHECKED. PLEASE ATTACH THREE (3) SPECIMENS OF THE MARK BEING REGISTERED OR RESERVED.**

Please note that in accordance with §20411, Ch. 20, Title 5, GCA, a reservation of trademark/service mark may be revoked by the Director of Revenue and Taxation for non-use after three-hundred sixty-five (365) consecutive days. **IF A RESERVATION OF TRADEMARK/SERVICE MARK IS GRANTED, APPLICANT MUST NOTIFY AND PROVIDE EVIDENCE TO THE DEPARTMENT OF REVENUE AND TAXATION IN THE EVENT RESERVED TRADEMARK/SERVICE MARK IS USED WITHIN THREE-HUNDRED SIXTY-FIVE (365) DAY PERIOD FROM DATE OF REGISTRATION ON GUAM CERTIFICATE OF REGISTRATION.** An *Amendment to Registration* form, also available from the Department of Revenue and Taxation, must be filled out and submitted, providing date of first use of trademark/service mark in commerce.

9. REGISTRATION CATEGORY

Please check appropriate box as to whether application is for *First Registration/Reservation or Renewal* of Guam Certificate of Registration.

For *Renewal*, please also provide the respective Guam Certificate of Registration No. for due processing.

10. DECLARATION

Please fill in name of applicant and check appropriate box indicating whether applicant is either the sole and original proprietor or the authorized user of the trademark/service mark being registered. Applicant or authorized representative must sign the Declaration and have it notarized. Please also refer to the next section, **SUBMITTING APPLICATION FORM**, for further instructions in regard to Declarations.

SUBMITTING APPLICATION FORM

TO RECEIVE A FILING DATE, THE APPLICATION MUST BE COMPLETED AND SIGNED BY THE APPLICANT AND SUBMITTED ALONG WITH:

1. The prescribed fee for *First Registrations, Renewals or Reservations*: One-hundred dollars (\$100) for each trademark; one-hundred dollars (\$100) for each service mark; if application is for both trademark and service mark, application fee for each must be included. Checks must be made payable to the **TREASURER OF GUAM**.

2. **THREE (3) SPECIMENS** (evidence) of the mark as used in commerce or being reserved for all goods/services listed in the application. All three specimens may be the same. Examples of good specimens include: (a) clean copy showing the mark which is placed on the goods, (b) drawings or other medium which may be photocopied or scanned.

3. An **APPLICATION WITH DECLARATION** (this form) - The application must be signed in order for the application to receive a filing date. Only the applicant or an authorized representative may sign the declaration.

4. Power of Attorney or Authorization of Agent, if required. Please refer to item 4 of previous section in regard to such documents.

**SEND APPLICATION FORM, FEE, SPECIMENS AND OTHER
REQUIRED DOCUMENTS TO:**

Department of Revenue and Taxation
Government of Guam
1240 Route 16 (Price Smart Building)
Barrigada Heights, Guam U.S.A. 96920

For additional information, please contact the General Licensing and Registration Branch at Tel: 1 (671) 635-1826/28 or 29 and Fax: 1 (671) 633-2643.

Note: Incomplete applications will be returned to applicant.



**DIPATTAMENTON KONTRIBUSION YAN ADU'ANA
DEPARTMENT OF REVENUE AND TAXATION**



**GOBETNON GUAHAN
GOVERNMENT OF GUAM**

GUAM TRADEMARK AND SERVICE MARK APPLICATION/RENEWAL FORM <i>(Guam Registration)</i> WITH DECLARATION	1. MARK (Word(s) and/or Design):
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2. NAME AND ADDRESS OF APPLICANT

APPLICANT'S NAME (Display name exactly as it should appear on Guam Certificate of Registration):

APPLICANT'S MAILING ADDRESS (Display address exactly as it should appear on Guam Certificate of Registration):

3. APPLYING PARTY

Applicant applying on own behalf (Please skip to Space 5)

Attorney or Authorized Agent applying on behalf of applicant (Please proceed to Space 4)

4. POWER OF ATTORNEY OR AUTHORIZATION OF AGENT (Must be answered by attorney in fact or authorized agent)

Power of Attorney or Authorization of Agent required pursuant to §20405 (a) and (b), Ch. 20, Title 5, GCA, when other than sole and original proprietor or authorized user of trademark/service mark is applying for registration or renewal. *Note: Any limits stated or implied may respectively limit scope of transactions to be carried out by attorney in fact or agent.*

Submitted With This Application

Submitted Previously *Date Submitted:*

Please direct all correspondence to applicant stated in Space 2

Please direct all correspondence to attorney in fact or authorized agent (State name and address):

5. APPLICANT'S ENTITY TYPE (Check one and supply any requested information)

Individual

Partnership - State where organized (Country, if appropriate):
Names of General Partners:

Corporation - State place of incorporation:

Other (Specify Nature of Entity and Domicile):

6. TYPE OF REGISTRATION

Trademark

Service Mark

Note: You may check both Trademark and Service Mark if applying for both.

7. GOODS AND/OR SERVICES

Applicant requests registration of the trademark/service mark shown in attached specimens in the Guam Registry of Trademarks established by §20405, Ch. 20, Title 5, GCA for the following goods/services (**SPECIFIC GOODS AND/OR SERVICES MUST BE INSERTED HERE**):

8. BASIS FOR APPLICATION (Check box which applies, but never both (a) and (b), and supply requested information related to each box checked)

(a) Applicant is using the mark in commerce on or in connection with the identified goods/services in this application (§20405(b), Ch. 20, Title 5, GCA). (Please attach THREE (3) SPECIMENS of the mark)

- Date of first use of trademark/service mark in commerce:
- Specify manner or mode of use of mark on or in connection with the goods/services (for example, trademark will be applied to labels, service mark will be used in advertisements).

(b) Applicant has a bona fide intention to use the trademark/service mark in commerce or in connection with the identified goods/services in this application (§20405(a), Ch. 20, Title 5, GCA). Please note that in accordance with §20411, Ch. 20, Title 5, GCA, such registration of trademark/service mark may be revoked by the Director of Revenue and Taxation for non-use after three-hundred sixty-five (365) consecutive days. **IF SUCH REGISTRATION IS GRANTED, APPLICANT MUST NOTIFY AND PROVIDE EVIDENCE TO THE DEPARTMENT OF REVENUE AND TAXATION IN THE EVENT RESERVED TRADEMARK/SERVICE MARK IS USED WITHIN THREE-HUNDRED SIXTY-FIVE (365) DAY PERIOD FROM DATE OF REGISTRATION ON GUAM CERTIFICATE OF REGISTRATION.** Please refer to the instructions attached at the beginning of this form. (Please attach THREE (3) SPECIMENS of the mark)

- Specify manner or mode of use of mark on or in connection with the goods/services (for example, trademark will be applied to labels, service mark will be used in advertisements).

9. REGISTRATION CATEGORY.

First Registration/Reservation

Renewal *Guam Certificate of Registration No. to be renewed:*

10. DECLARATION

NAME OF APPLICANT: _____

The undersigned applicant or *authorized* representative of the applicant, hereby declares and states under penalty of perjury under the laws of the United States and of Guam, that the applicant is in fact the

sole and original proprietor or

authorized user

of the described trademark/service mark stated in this application, and that all of the other information contained herein is true and correct.

DATE

SIGNATURE

TELEPHONE NUMBER

PRINT OR TYPE NAME AND POSITION

"In and for the Island of Guam) ss

County of _____

On this _____ day of _____, 2006, Before me a Notary Public in and for Guam, U.S.A. personally appeared: _____
acknowledged to me that (He) (She) (They) executed the same.

IN WITNESS WHEREOF, I have hereunto set my set my hand and affixed by OFFICIAL SEAL the day and year first above written.

By: _____

Official Signature and Seal of Notary

Notes: As stated in §20405(a) and (b), Ch. 20, Title 5, GCA, Declaration must be certified by applicant. In addition, pursuant to §20408 (a) and (b) of the aforementioned code, anyone giving false information on application is subject to penalties under the law.

Protection of local trademark/service mark rights under provisions of Guam law does not extend to any other jurisdiction outside of Guam.

For Department of Revenue and Taxation Internal Use Only:

Application Complete *Filing Date:* _____ *Filing Control No.:* _____

Application Incomplete *Needed Document(s):* _____

Application Returned *Date Sent To Applicant:* _____

Document Control No.: _____

Reason(s): _____

Application: Accepted Rejected *Date Letter of Rejection Sent:* _____

Document Control No.: _____

Guam Registration No.: _____

Guam Registration Date: _____

Guam Expiration Date: _____

If rejected, state reason(s): _____

SEND APPLICATION FORM, FEE, SPECIMENS AND OTHER REQUIRED DOCUMENTS TO:

**Department of Revenue and Taxation
Government of Guam**

Note: Incomplete applications will be returned to applicant.

GUAM TRADEMARK COMMISSION
Office of Senator Kelly Marsh (Taitano), PhD.
I Mina' Trentai Singko Na Liheslaturan Guåhan



Dept. of Revenue and Taxation, Guam
Trademark and Service Mark Renewal
Application



Department of Revenue and Taxation
Government of Guam

Filing Out and Submitting Application/Renewal Form for Guam Trademark and
Service Mark (Deposit of USPTO Registered Mark)

*Detach and read these instructions before completing this form.
Make sure all applicable spaces have been filled in before you submit this form.*

This application form is to be used for deposit of marks registered with the United States Patent and Trademark Office (USPTO) into the Guam registry. Individual U.S. state registrations and foreign registrations of trademarks and service marks are not eligible for deposit under provisions of the Guam Chapter on Trademarks and Service Marks.

Please refer to *Application/Renewal Form for Guam Trademark and Service Mark (Guam registration)* in seeking trademark/service mark protection in Guam not covered in this application form.

LINE-BY-LINE INSTRUCTIONS

(Please type or print using black ink)

1. MARK

Please fill in mark registered with the USPTO to be deposited in the Guam registry.

2. NAME AND ADDRESS OF APPLICANT

Please fill in name and address exactly as they should appear on the Guam Certificate of Registration.

3. APPLYING PARTY

Please indicate by checking the appropriate box whether the party applying for registration or renewal of U.S. trademark/service mark is the applicant applying on its own behalf, or attorney or authorized agent applying on behalf of the applicant, and follow respective instructions.

4. POWER OF ATTORNEY OR AUTHORIZATION OF AGENT *(Must be answered if attorney in fact or authorized agent is applying on behalf of applicant)*

Please indicate whether a Power of Attorney or Authorization of Agent is being submitted with this application or if one has been previously submitted by checking the appropriate box and supplying any requested information.

Please indicate if all correspondence concerning application is to be directed to applicant stated in Space 2, or to attorney in fact or authorized agent, and provide name and mailing address.

Pursuant to §20404 Chapter 20, Title 5, Guam Code Annotated (GCA), when other than the owner of a U.S. trademark or service mark applies for registration of the same, documentary evidence must be furnished prior to the granting of the registration or renewal requested, unless previously supplied to the Director of Revenue and Taxation.

Such documentation may include either of the following:

(a) Power of Attorney (Must name specific attorney and/or law firm)

(b) Authorization of Agent (Must name specific agent)

Note: Any limits stated or implied on either of the above documents may respectively limit scope of transactions to be carried out by attorney or agent on behalf of the sole and original proprietor or authorized user of the trademark and/or service mark.

5. APPLICANT'S ENTITY TYPE

Please indicate whether application is being made by an individual, partnership, corporation or other type of entity, and supply any requested information.

6. TYPE OF REGISTRATION

Please indicate whether application is for a trademark registration, a service mark registration or both, by placing a checkmark in the appropriate boxes, and supplying requested information. Please also attach certified copy of corresponding United States Certificate of Registration.

Note: Both U.S. Trademark and U.S. Service Mark Registration may be checked simultaneously, provided that both share the same registration number on the corresponding certified copy of the USPTO Registration Certificate.

7. REGISTRATION CATEGORY

Please check appropriate box as to whether application is for *First Registration* or *Renewal of Guam Certificate of Registration*.

For *Renewal*, please also indicate the respective Guam Certificate of Registration number for due processing.

Note: For amendments such as change of name, change of address, alleged used of reserved mark, etc., an *Amendment to Registration* form, also available from the Department of Revenue and Taxation, must be filled out and submitted, providing respective details on the type of amendment sought.

8. DECLARATION

Please fill in name of applicant. Applicant or authority representative must sign the Declaration and have it notarized. By signing and notarizing this Declaration, applicant or authorized representative states that the applicant is in fact the *owner* of the USPTO Trademark/Service Mark being registered. Please also refer to the next section, *SUBMITTING APPLICATION FORM*, for further instructions in regard to Declarations.

SUBMITTING APPLICATION FORM

TO RECEIVE A FILING DATE, THE APPLICATION MUST BE COMPLETED AND SIGNED BY THE APPLICANT AND SUBMITTED ALONG WITH:

1. The prescribed fee for *First Registrations* or *Renewals*: Fifty dollars (\$50) for each trademark; Fifty dollars (\$50) for each service mark; if application is for both trademark and service mark, application fee for each must be included. Checks must be made payable to the TREASURER OF GUAM.

2. Certified copy of the United States Registration of Trademark and/or Service Mark.

3. An **APPLICATION WITH DECLARATION** (this form) - The application must be signed in order for the application to receive a filing date. Only the applicant or an authorized representative may sign the declaration.

4. Power of Attorney or Authorization of Agent, *if required*, unless either has been previously submitted. *Please refer to item 4 of previous section in regard to such documents.*

**SEND APPLICATION FORM, FEE, SPECIMENS AND OTHER
REQUIRED DOCUMENTS TO:**

Department of Revenue and Taxation
Government of Guam
1240 Route 16 (Price Smart Building)
Barrigada Heights, Guam U.S.A. 96910

For additional information, please contact the General Licensing and Registration Branch at
Tel: 1 (671) 635-1826/28 or 29 and Fax: 1 (671) 633-2643.

Note: *Incomplete applications will be returned to applicant.*



**DIPĀTTAMENTON KONTRIBUSION YAN ADU'ĀNĀ
DEPARTMENT OF REVENUE AND TAXATION**



**GOBETNON GUAHĀN
GOVERNMENT OF GUAM**

<p>GUAM TRADEMARK AND SERVICE MARK APPLICATION/RENEWAL FORM <i>(Deposit of USPTO Registered Mark)</i> WITH DECLARATION</p>	<p>1. MARK (Word(s) and/or Design):</p>
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2. NAME AND ADDRESS OF APPLICANT

APPLICANT'S NAME (Display name exactly as it should appear on Guam Certificate of Registration):

APPLICANT'S MAILING ADDRESS (Display address exactly as it should appear on Guam Certificate of Registration):

3. APPLYING PARTY

Applicant applying on own behalf (Please skip to Space 5)

Attorney or Authorized Agent applying on behalf of applicant (Please proceed to Space 4)

4. POWER OF ATTORNEY OR AUTHORIZATION OF AGENT (Must be answered by attorney in fact or authorized agent)

Power of Attorney or Authorization of Agent required pursuant to §20405 (a) and (b), Ch. 20, Title 5, GCA, when other than sole and original proprietor or authorized user of trademark/service mark is applying for registration or renewal. *Note: Any limits stated or implied may respectively limit scope of transactions to be carried out by attorney in fact or agent.*

Submitted With This Application

Submitted Previously *Date Submitted:*

Please direct all correspondence to applicant stated in Space 2

Please direct all correspondence to attorney in fact or authorized agent (State name and address):

5. APPLICANT'S ENTITY TYPE (Check one and supply any requested information)

Individual

Partnership - State where organized (Country, if appropriate):
Names of General Partners:

Corporation - State place of incorporation:

Other (Specify Nature of Entity and Domicile):

6. TYPE OF REGISTRATION

Trademark No.: _____ Expiration Date: _____

Service Mark No.: _____ Expiration Date: _____

NOTE: U.S. Trademark and Service Mark registration may be checked simultaneously, provided that both share the same registration number on the corresponding certified copy of the United States Patent and Trademark Office (USPTO) Registration Certificate.

7. REGISTRATION CATEGORY

First Registration

Renewal *Guam Certificate of Registration Number to be renewal:*

8. DECLARATION

NAME OF APPLICANT: _____

The undersigned applicant of *authorized* representative of the applicant, hereby declares and states under penalty of perjury under the laws of the United States and of Guam, that the applicant is in fact the *owner* of the described United States Trademark/Service Mark stated in this application, and that all of the other information contained herein is true and correct.

Date

Signature

Telephone Number

Print or Type Name and Position Attorney

Signature and Stamp of Notary Public

Place and Date

For Department of Revenue and Taxation Internal Use Only:

Application Complete *Filing Date:* _____ *Filing Control No.:* _____

Application Incomplete *Needed Document(s):* _____

Application Returned *Date Sent To Applicant:* _____

Document Control No.: _____

Reason(s): _____

Application: Accepted Rejected *Date Letter of Rejection Sent:* _____

Document Control No.: _____

Guam Registration No.: _____

Guam Registration Date: _____

Guam Expiration Date: _____

If rejected, state reason(s): _____

SEND APPLICATION FORM, FEE, SPECIMENS AND OTHER REQUIRED DOCUMENTS TO:

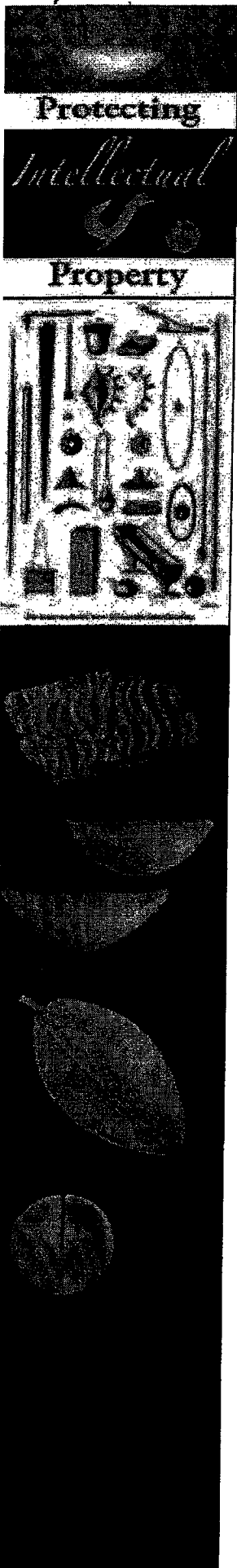
**Department of Revenue and Taxation
Government of Guam
Building 31-1 2nd Floor Mariner Avenue
Tiyán, Guam 96913 U.S.A.**

Note: Incomplete applications will be returned to applicant.

GUAM TRADEMARK COMMISSION
Office of Senator Kelly Marsh (Taitano), PhD.
I Mina' Trentai Singko Na Liheslaturan Guåhan



**Protecting Intellectual Property, Summary
Workshop Report, August 10, 2013**



Protecting Intellectual Property

Saturday, August 10, 2013

8:00 am - 12:00 pm

Terlaje Professional Building, Hagåtña

Summary Workshop Report

Written and presented by

Guampedia.com

Sponsored by:



Summary Workshop Report

Protecting Intellectual Property

August 10, 2013

**The Guam Council on the Arts and Humanities Agency (CAHA) Gallery
Terlaje Professional Building, Hagåtña, Guam**

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Introduction

A three-hour workshop on intellectual property (IP) was held on 10 August 2013 at the Guam Council on the Arts and Humanities Agency (CAHA) gallery, located on the first floor of the Terlaje Professional Building in Hagåtña, Guam. Participants from the local arts community of Guam attended the workshop, which consisted of presentations by Attorney Vince Camacho from Carlsmith Ball, LLP; Monique Storie, Interim Director of the Micronesian Area Research Center (MARC); Robert Tupaz, a representative from Speaker Judith Won Pat's office at the Guam Legislature; and Leo Babauta, a popular blogger and author from Guam now based in San Francisco. The workshop was the second in a series of educational workshops entitled, *Cultural Design with History in Mind*, targeted to Guam's local arts community in preparation for the 2014 opening of the Guam and Chamorro Educational Facility (Guam Museum) and the 2016 Festival of the Pacific Arts (FESTPAC), which Guam is hosting.

The goal of the IP workshop was to provide information about intellectual property rights and protections as they can be applied to artists and other cultural works. The term **intellectual property** refers to the property of one's mind or proprietary knowledge. Intellectual property can be a trademark, an invention, a design or the practical application of one's idea. A useful knowledge of IP rights can help artists understand how their work can be protected or effectively marketed. The various topics covered in the workshop included legal definitions, the use and protection of archival materials, proposed legislation to create a Guam trademark commission, and an innovative approach called uncopyrighting.

Participants: About 70 members of the Guam arts community, including artists, artisans, and cultural producers and educators.

Facilitator: Monica Okada Guzman, Chairperson, Guam Council on the Arts and Humanities (CAHA) Board of Directors

Hosted by: Guam Council on the Arts and Humanities Agency (CAHA), a division of the Department of Chamorro Affairs, the Guam Preservation Trust (GPT) and the Guampedia Foundation, Inc.

Presenters: Vince C. Camacho, Esq., Carlsmith Ball, LLP

Monique Storie, PhD, Interim Director, Richard F. Taitano Micronesian Area Research Center, University of Guam

Robert Tupaz, representing Judith T. Won Pat, EdD, Speaker, 32nd Guam Legislature

Leo Babauta, author/blogger, *ZenHabits.net*

Welcome

Monica Guzman, Guam Council on the Arts and Humanities Agency (CAHA) Board Chair welcomed and thanked the workshop participants. Guzman asserted this workshop was very important—important enough to hold on a Saturday so more people could attend. Guzman then invited Zina Ruiz, a cultural arts teacher from Pa'a Taotao Tano', to open the workshop with a chant of blessing in Chamorro. Ruiz began by explaining that Chamorros have always been rooted in the land and how important it was for them to always ask permission from the ancestors to use it. She wanted, therefore, to use the words of the ancestors for this blessing.

After the blessing, Guzman then proceeded to explain that the workshop was a collaboration between CAHA, Guam Preservation Trust and Guampedia. She introduced Guampedia staff members Rita Nauta and Dominica Tolentino who provided technical assistance during the workshop presentations. Guzman then explained that the presentations and other materials would be made available to the participants on a CD distributed after the workshop, as well as online at Guampedia (<http://Guampedia.com>). Other people acknowledged at the workshop included CAHA staff Jackie Balbas, Sherry Barcinas, Paul Cruz, Mark Duenas, and new staff member Bria. The workshop speakers were also introduced: Vince Camacho, an attorney from Carlsmith Ball; Robert Tupaz from Speaker Judi Won Pat's office; Monique Storie from the Micronesian Area Research Center; and author Leo Babauta, who participated via Internet video call. Also present were Stephanie Flores, chief of staff for Senator Tina Muña-Barnes, and Therese Hart, chief of staff for Speaker Won Pat.

Presentation One

“Protecting Intellectual Property”

By Vince C. Camacho, Esq.

Carlsmith Ball, LLP

This presentation by Attorney Vince Camacho focused on United States federal government copyright laws. Camacho noted that although these laws may not necessarily protect people outside of US jurisdictions, he wanted to highlight what laws are already in place and what protections Guam resident artists may have under the US intellectual property (IP) scheme. The US IP scheme protects residents in the US, its territories and jurisdictions. The copyright law also applies in foreign places if the US has a treaty with their respective governments.

Camacho explained that **intellectual property** generally characterizes the non-physical property that is the product of individual thought and ideas, i.e., what’s in your head. The rights that protect IP involve the control of those ideas, the ability for you to protect those ideas and what you produce from those ideas—in other words, the physical manifestation of those ideas. For example, if one expresses their ideas and produces a piece of work, whether it is a written work, a play, a song or a picture, etc., that is what IP laws will protect—the right to ideas by protecting the right to produce and control the physical manifestations of those ideas.

Camacho then explained the different forms of IP: **Copyright**, generally distinguished by the symbol ©; **patents**; **trade secrets**, **trademarks** (™) and **service marks** (SM). Trademarks and service marks are unregistered. However, the symbol ® indicates that a trademark is registered with the US Trademark and Patent Office.

Copyright is the first form of IP that is protected under the federal IP scheme. It is a form of protection provided to authors of original works of authorship—the operative word is **original**. This protection is available for published and unpublished works if they arise from an original thought. Copyrights, therefore, protect literary works, musical works (including the accompanying words), dramatic works, pantomimes and choreographed works, pictorial works, graphics, sound recordings, sculptural works, motion pictures and other audio-visual works.

Camacho asked, “Does everyone need a copyright?” The misnomer is, yes, you do need a copyright, but the true answer is, you don’t. He explained, when one looks at copyright, the question should be, “Do you have to register the copyright?” Camacho answered, no, you can have a copyright without registering it with the US Copyright Office. What the copyright actually does is, it gives the owner the exclusive right to do—and authorizes others to do—the following (limited in scope, with some exceptions):

- Copyright allows the “owner” to reproduce the work, or prepare derivative works. Camacho noted that copyrights are transferrable; you may be the original copyright holder, but because it has value, you can also transfer it with its value. Therefore, the “owner” of a copyright is not always the same person who came up with work of art. Camacho also defined derivative works as based on the original work but that are different from the original in some shape, form or fashion. They are derived from original.

-
- Copyrights also allow the owner to distribute copies, by sale (for example to transfer the copyright), or by rental, lease or lending.
 - Copyrights also allow the owner to perform the work publicly, or display the work publicly.

Camacho also explained what copyrights do not protect:

- Copyrights do not protect works that are not fixed in a tangible form. These are ideas that are still in your mind. For example, if you discuss an issue with someone and that someone else produces the work, it was not copyrighted, so there is no protection.
- Titles, names, phrases and short slogans are also not copyrightable.
- Familiar symbols and designs, variations of ornamentation and coloring of lettering, and the listing of ingredients are not copyright protected. However, there may be other protections offered, such as under trademark law, if not copyright law.

Camacho then explained the limitations: not all copyrights are protected 100% for the exclusive use of its author or by the owner of the copyright. The US government provides what is called **fair use** for education or community purposes through which works of art may be reproduced. Reproductions by libraries and archives, such as MARC, are allowed, as well as the effect of transfer of phonograph records, certain performances and displays, and secondary transmissions of broadcast programming by cable. If an individual tries to issue a cause of action against another for infringement for doing any of these things, these are their defenses—fair use, for public education or community purposes, reproduction for library or archive, etc.

Camacho reiterated that one does not have to register a copyright with the US Copyright Office; they can just put a “c” on their work. But to enforce any infringement action the copyright has to have been registered. In other words, registration with the Copyright Office is the “teeth”—the legal formality intended to make a public record of the copyright, so everyone is given notice that the work is copyrighted and protected. Due process in a court case requires notice, so copyright registration gives the public notice.

One advantage for copyright registration is that it is on public record, because before you can file any infringement suit, you have to register with the US Copyright Office. If registration is done before or within five (5) years of publication of a work, this provides *prima facie* evidence of the validity of the copyright, meaning, it is a fact. If it is made within three (3) months after publication of your work, or prior to infringement, statutory damages and attorney fees are available. Having a copyright also allows the owner to record the registration with US Customs for protection (so that if works of art are coming from outside the US and these items are infringing on a copyright protected work, then they can be stopped). This is a big advantage for us in the Asia-Pacific region.

Camacho then emphasized that it is the owner of the copyright who enforces it—there is no federal agency or local entity that enforces copyright protection.

Camacho explained that **patents** protect inventions and the discovery of new and useful properties or processes, machines, articles of manufacture or compositions of matter. This is the strongest form of protection available. In order to get a patent, a design has to be novel or

new; it cannot be a derivative of another machine or article of manufacture. Patents give the exclusive monopoly for 20 years for any expression or implementation of a protected work. While copyrights have exceptions like fair use and public archives, the owner has full control over patents—there are no exceptions.

There are two types of patents: utility and design. **Utility patents** protect any new, useful non-obvious process, machine, article of manufacture or composition of matter or improvement. These have to be original. **Design patents** protect any new, original, and ornamental design for an article of manufacture.

Camacho further mentioned that patents require usefulness—the works have to be useful, novel and non-obvious (original). The “useful” requirement is met if an invention meets one of its intended purposes. So in the application process, the applicant has to identify the intended purpose, the process, and what you intend to protect. He explained, you may not actually be trying to protect the *item*, but rather, protecting the *process* in creating that item. In fact, an invention may be invalidated if the item was made known publicly before the patent was allowed.

Camacho pointed out that the patent process is lengthy; it can take a long time to complete the application process. Again, the invention must be non-obvious to anyone who is familiar enough with the idea you are trying to patent. For example, if you are coming up with a new engineering design to lift a bridge, other engineers have to find that process novel, and that it has not been used before in world of engineering.

Camacho mentioned that a patent holder has the right to make, use and sell or authorize others to sell the item, while precluding others from doing the same thing. The patent owner has exclusive control. Utility and design patents lapse after 20 years. Farmers or horticulturalists can patent a plant, such as a new hybrid; this protection is up to 14 years.

Camacho then reviewed the differences between a copyright and a patent. Copyrights are for works that are creative or artistic in nature, and in a fixed medium. They extend beyond the life of the creator, so they can be deeded, gifted, willed or given in trust to a charity or someone else—a copyright can be bequeathed as part of your estate. With a copyright, there is automatic protection, although there are limitations (e.g., doctrine of fair use). Patents, on the other hand, are granted to inventions not known before; they must be applied for and awarded before one gains exclusive right; in other words, one has to apply and get approval before they get the authority for exclusive use. The patent process is more time consuming, expensive, and inventions cannot be used without permission from the holder without infringement. Copyrights do not have to be registered, but patents do have to be registered.

Camacho then went over trade secrets. **Trade secrets** are nonpublic information, for example, the recipe for Coca-Cola, or cooking recipes with secret ingredients. The listing of ingredients, however, is not protected; if they are listed, then the ingredients are not considered a trade secret, especially if they are known to the public. Therefore, they are not protectable. Trade secrets are things to keep close to your heart and make sure no one has access to them. Trade secrets that are sufficiently valuable can be used in the operation of a business or enterprise—they add a value to your service; they must be secret and offer a competitive advantage over others. The owners of trade secrets have exclusive rights to make and use the secret, so long as it remains a secret—otherwise, if they become public they are no longer protectable and no longer of value. That is why major companies like Coca-Cola spend millions of dollars to protect the formula for Coke.

Trademarks are any word, name, symbol or device or combination thereof adopted by a manufacturer or merchant to identify goods and distinguish them from goods produced by others. With copyrights, words, phrases, symbols and certain fonts were not protected. But when talking about trademarks, these compilations are protected.

A **service mark** refers to a service provider. For example, Detry Plumbing is a service provider. They can protect their name or logo, so it is not necessarily a product. Protection is limited and may be waived, in cases where a mark ceases to represent a company or interest, or if it becomes entrenched as part of the common language or culture. For example, Xerox, a company that manufactures photocopying machines, is now commonly used as a term for photocopies. As a result, Xerox believes this usage devalues their company and their products, so they have spent lots of money to protect their company name.

Camacho explained that selecting a mark for a trademark must be done with very distinct care. If you try to file it for protection, the US Trademark and Patent Office actually publishes what you are trying to file and then anyone in the US can challenge it. While not every mark can be registered, there may be cases where one might not necessarily want to register a mark. Also, not every mark is protectable, so not every mark can be used as the basis of a legal claim to keep others from using similar marks on related goods and services. For example, using the word "hot" on a cup for coffee; someone may try to register that, but it might not be cost effective to go through the process to protect its use.

Camacho also indicated that there is a hierarchy of marks leading to greater protection: **fanciful or arbitrary marks** are more likely registrable and likely to get the okay from the US Trademark Office. **Suggestive marks** suggest but do not describe the qualities or connection of the services or goods; they may or may not be strong enough to trademark. **Descriptive marks** are words that describe goods and services. For example, "creamy yogurt." This is a descriptive mark because of the word "creamy," so it may or may not get protected. Compare that to the mark, "Humatak Ice Cream Parlor." This mark is fanciful and arbitrary because the terms "ice cream parlor" and "Humatak" are not necessarily related. It also is not suggestive—one cannot only get ice cream in Humatak; but it is also not descriptive, nor generic, because Humatak does not describe an ice cream store.

Like copyrights, trademarks are not required to be registered. Although putting a TM or SM lets people know that this is someone else's mark, it is not necessarily protected by the US's scheme. Registration, though, has advantages: there is the legal presumption of ownership; the exclusive right to use the mark in the US (although it is not protected outside the US unless there is some form of a treaty between the US and the other country). Camacho pointed out that Guam has its own registration statute in Article 4 of 5, GCA, Chapter 20. It does not do a lot but it recognizes US trademark registrations. If the mark is registered in Guam, then it is only protected in Guam.

Nevertheless, registering a trademark provides due process and public notice of a claim of ownership of the mark. It is listed in the US Patent Office and Trademark databases. It is able to be recorded with US Customs, so that items coming in with that mark can be seized and one can file action on infringement. An owner can also use the registered trademark symbol ®; and in federal court cases, the trademark can be used as a basis to obtain other protections in other countries should the product or service be exported out of the US.

A question was asked about the term "patent pending," and why items like that are allowed in the market? Camacho explained that you are not protected by a patent until it is approved. But a business might have a product they want to get out into the market but they believe they are giving people notice that there is a patent pending in the US Patent Office by indicating it on the product.

Another participant brought up as a follow up question, but, what if there is a malicious company that wants to take advantage of a huge sale of an item and they say that they have a patent pending, will it confuse the Patent Office? Camacho asserted that, no, adding that individual may not have standing in court to file an infringement on the patent because the patent has not been approved. More than likely, he explained, once you register or apply for a patent, it is in the Patent Office files, so more than likely, your patent will come out first. When you indicate something is "patent pending" you have to have filed it.

A participant asked a question regarding her mother's artwork. She had had it copied, but someone had printed the artwork and put it on a website in Germany. The artwork has her mother's signature. She understands this is not a copyright but shows that it is her work. What rights is she entitled to with her signature on her work? Camacho replied, none unless, if she is still living, she can register for a copyright for protection with the US Office and then go seek an infringement action. He added, if your work goes to a foreign country, there may be no cause of action. Leo Babauta will talk about the advantages of not having a copyright. So, there is still room for good for the participant's mother.

Another participant asked if the list of things a copyright owner can do, is actually saying that the people who do not own the work or copyright cannot do these things. Camacho replied that the list only applies if you are protected. A simple "C" mark will give notice to the public. You have the copyright symbol © to show that it is copyrighted, because to get any of these legal protections the work will have to be registered. The US might have a treaty with Germany that covers copyrights, but probably not with Asian countries, that is why there are a lot of counterfeits produced there.

A question was asked under trademarks, if one of the exclusions is common language or culture, how about an indigenous Chamorro word, for example, *chelu*? "Chelu" is popular locally and stateside. Can someone put a trademark on that word? Camacho answered that in the process of registering a trademark, if one uses a foreign language or characters, the general rule is they have to translate that word or character into English, and if the translation in English is protectable, then the Office would register it. Unfortunately, in the Trademark or Patent Office, Chamorro may not be a known language or it may not be seen as a foreign language. Being able to translate something into English accurately or appropriately may also be a challenge. The participant followed up if a particular font or the way the word Chelu was written would make a difference? Camacho replied that it could, and that is the difficult part of registering a trademark. He recounted trying to get a Japanese company to register a mark and the description of the logo or characters that had to be provided was extensive and the vocabulary used was difficult. So for example, if your mark has a blue circle and you need to describe it, you realize there are different ways to describe a blue circle. Or in naming a font, it could be called something else. In some cases you actually have to measure the diameter of circles or the length of the lines used. So it is a very difficult, detailed process, and it goes back and forth.

The participant asked another question about the design of a hook, which happens to be a popular design for artists who carve. Does that fall under common language or culture that

could be an exclusion to a trademark? He recounted how he had tried to use the word *chelu* and hook, and other things that are local on Guam in creating his work. Camacho replied by asking if what the artist is trying to protect is the hook or the process of creating the hook? The participant answered, he was trying to trademark the work itself, the artwork of the hook. Camacho said that this can actually pass muster because the font is different, the way the hook is used in the design—it really depends on the design. The participant responded with an example of having already used the word *chelu* with the hook for three years in Las Vegas, and then was sued by a storeowner on Guam to stop using it. But he is looking at it as a local cultural expression that is an exclusion to the trademark law. Camacho answered that when you are talking about the cultural aspect of art, you are talking about something like the *Inifresi*, for example; it is commonly used in the culture, everyone uses it. But it does not represent a product or service, it represents culture. If we are going to protect the word *chelu* with a hook, that is a business venture, so there is a distinguishing mark between something used in culture and a non-business form, versus protecting that symbol for business purposes.

Another question regarding trademark was asked, if the Guam trademark only applies to Guam, if someone brings that product to the States and reproduces it, is there no protection? Camacho responded that there is no cause of action in the US but there is protection here. In dealing with issues of exploitation, he asks his clients if they only want to register their work here at the Guam Department of Revenue & Taxation, where it is only \$50? But, with e-commerce nowadays and how many things can be sold outside of this jurisdiction, he advises his clients to consider the dangers and risks of only registering on Guam.

Another participant asked what the ballpark figure for recording copyrights and patents might be; also, regarding e-commerce, if someone can claim the title of a website and sell that domain name to another, does that apply here if we are to copyright locally? Do federal laws supersede Guam laws regarding copyrights and patents? Camacho replied, yes, the federal statute supersedes the local statute. He explained, there are advantages to copyrighting here if you are doing business here, and do not foresee your work being a multimillion dollar product or service. The reason why we have all these copyrights protected is because they have value. For businesses regarding trademarks, it is all about branding, and so these businesses and companies spend millions to create and to protect the brand because it has value to them. As far as costs, it really depends. With trademarks, you can file for a trademark, but someone may oppose it, and then you spend years fighting out the issues with the trademark office.

A participant asked in the case of the brand, I Love Guam (I ♥ Guam) is that not common enough? Camacho replied that actually, it is registered and what makes it unique is the heart and the font; it is not just the phrase, it is the picture and the design. You can write "I Love Guam" in script. All those "I love (heart) ..." are protectable.

Another participant asked if someone on Guam comes up with an idea and registers it on Guam, and someone takes it to the States and registers it there, does the federal copyright supersede Guam's? Camacho responded that generally, federal law supersedes local, but when the copyright was placed on file, it put everyone on notice. They have the right to oppose awarding of that protection. If your product was in commerce before theirs, including on Guam, which is part of the US, you can file and say your product was in commerce earlier and be protected. For example, the brand Hydrox cookies uses packaging that reminds people of Oreos. There is no conflict because Hydrox came out into the market before Oreos, but they had filed for protection, so when Oreos came out, Hydrox claimed they were protected from any infringement.

Another participant asked about any copyrights before the I ♥ Guam—do they have any protection in this case? Camacho replied they do not because the copyright does not protect the I ♥ image, but rather, the phrase. The owner of I ♥ Guam has a lot of brand value and financial value they will want to protect. Camacho reiterated it is the owner who enforces copyright. If the owner does not find it infringing or lacks the resources to enforce infringement action, then the federal government will not either. Another question was asked if all the elements of a symbol have to be used to be considered infringement? Camacho answered that when one files for trademark protection, the questions that you are asked are endless. The elements have to work together in their entirety. If you have gone through the process you have to provide the actual mark in use and that is what is protected, the mark in use. So if they take the derivative of that, and if you have enough money, you can fight it. Camacho reminded, you can protect derivative works; if you consider it derivative of your mark, you might take action, but it is up to the courts to decide in the end.

Another participant asked if someone has a signature that is a registered trademark, would it affect her artwork if she placed her signature on them? Camacho responded that this was important because many might have patent, a trademark and copyright application for the same product—and the reason is because the trademark protects your logo, name, brand; copyright protects whatever you may write in that particular product or service; and the patent will protect the process. In some cases, some artists may have a product or a specific process they are trying to protect, so they will have a patent, a trademark, and may, or may not, have a copyright protection.

A question was raised if an artist passes away, will the copyright automatically transfer to a spouse or children? Camacho answered that copyrights are protected for the life of the owner and for a few years after their death, depending on what kind of work is being protected. Copyrights can be deeded—they are bequeathable. The participant then asked if master paintings, such as those by Van Gogh, are copyrighted? Camacho replied that they are not, they were not painted in the US and besides, the artists are dead. The owners of the originals cannot file for registration. For American artists they have to be alive to apply for protection, but it is not necessarily infringing if someone makes a copy of their work. The infringement is in the commercial use of a work, if someone is making money off of it.

A participant asked about surrendering copyrights, for example, in the media. When writing his column he has to surrender his right to the *Pacific Daily News* (PDN). Camacho explained the reason why the media does this is because it is a public work. When that article is printed in the newspaper, it becomes public domain and archives, which are exceptions to copyright. When you are asked to surrender your copyright this is so you will not have any action against someone doing research with your work or going back to public records. He added, you can still use your work, but it does not give the publisher exclusive rights to only use your work, and you can publish it somewhere else. But it depends on your agreement. In terms of protection you are surrendering to them because your work is going into public domain, but it depends on the agreement with the publisher.

Regarding anthologies and literary collections, Camacho explained that if you are dealing with books or works of art, you do that because the publisher pays you a royalty. The copyright is transferable, and you are transferring the right to them to publish. That is a contract issue outside copyright protection law. A participant added, this would be just like printing a painting in the newspaper. The artist may claim that the painting be used only for

that issue; but they need to be specific where the publisher has the right to print their work, just like photographs. If you had registered the copyright, then that is a different issue.

A question was asked, in the case of I ♥ Guam, if one hypothetically had a bumper sticker from a decades old political campaign, can one use that mark if they are the individual who created that design? Camacho responded there might be statute of limitation issue, depending on how far back the mark went. But since they registered it, you had had a chance to oppose it.

Another participant asked if their work as an artist was signed, but it is not registered, do they have protection if their work is photocopied, and would there be grounds for a suit? Camacho answered there may be, but in order for that to happen, the artist needs to have had it registered. They have to have given public notice; they can have protection but they cannot sue them in court. Another participant gave an example of her brother who had made a map and copyrighted it, and a foreign company copied it and made money off of the copied design. Her brother approached the company personally and proved they had copied it. He was protected and they could not continue using it.

Another participant asked, does each product that you produce have to be registered, for example photographs? Camacho answered that yes, they do. But the photographer could also take their pictures and put a "c" on them, so everyone knows that they are protected, then register those pictures. Or if they see their photos being used without permission, register those specific photos. Registering them allows the owner to sue if needed. The "c" has to be in front and noticeable; it has to be on the original work of art, because whoever holds the copyright has the exclusive control over it. In the event that someone is infringing, the artist can register the work and then sue.

A participant asked, what if one went ahead and got the federal trademark and received certification and the local trademark, and they find out later that someone is infringing on their rights but they do not want to sue? Camacho recommended that they go meet with the person and have a discussion; an attorney could send a cease and desist letter, and then take them to court. There is no one at the Attorney General's Office who will pursue this. The owner has to be the one to take action. They can hire an attorney who will sue on their behalf.

Regarding the location of the copyright sign, Camacho said for a painting, it has to be in front; on a sculpture it is different because the copyright applies to the whole thing; jewelry, too, can have a small "c," usually on the clasp. For sculpted works, the mark must be on the piece itself and not the platform or plaque, and held in place by whatever means will keep it there.

A question was asked regarding unpublished work, or a film script or idea, short of registering, can that script be mailed to oneself, having gone through the postal system and marked, would that provide a similar copyright protection? Camacho replied that you do not have to do that, just show that this work was created on a particular date. To show the date of creation, for example, writers have their notes and research, or a compiled file that can prove that this work of art was created before any other work of art. Especially if you have a manuscript then if someone copies it, you can show that it is actually your work of art. You have to have standing in court, and the way you have standing is to be registered to sue for infringement.

Camacho added that with today's technology people need to know how to protect themselves from hackers stealing important files and other work. Finally, Camacho commented that plagiarism is one of the highest forms of infringement.

Presentation Two

“Bill 156-32: An Act to Create the Guam Trademark Commission for the Development of a Cultural Trademark Statute for the Protection and Preservation of Guam’s Chamorro Cultural Arts”

**By Robert Tupaz, Office of Speaker Judith Won Pat
32nd Guam Legislature**

Robert Tupaz from the Guam Legislature presented a brief overview of Bill 156-COR, which is an act to create a Guam Trademark Commission. The Speaker, along with Senators B. J. Cruz, Tina Muna-Barnes and Chris Duenas, introduced Bill 156 COR in light of the upcoming Festival of the Pacific Arts in 2016. The bill already had a public hearing which was held on Wednesday, August 7, 2013. According to the bill, in recognition of the need to protect the cultural arts of Guam, the Guam Trademark Commission will have the special purpose of:

“...developing policy direction and recommendations relative to coordination, planning, implementation, administration, promotion, compliance and enforcement of the ‘Guam Trademark and Intellectual Property Rights Act’ and the ‘Guam Cultural Trademark Act.’”

Tupaz explained the trademark registration process will be two-fold, and entails a local process to register trademarks (with the issuance of a certificate of registration) and a federal registration, which would cover any registration from Guam. The aim is to develop a policy and process that will bridge the local and federal registration processes. Basically, one would register at the trademark office with the Guam Department of Revenue & Taxation, and a synchronized process would then facilitate the federal registration, so that one can be registered at both the local and federal levels. In doing the research for this bill they found a dispute case currently being heard in court where there is a product registered in the States and one on Guam, but the product on Guam has been in existence longer.

Tupaz then mentioned the other area of consideration for this bill is in traditional cultural expression or traditional cultural art and to ensure their protection. In the public hearing held by Senator Barnes there were two testimonies submitted regarding the bill. Tupaz urged the participants to submit testimony as well. The cut off date for this was Saturday, August 17, 2013. He asserted that the bill is necessary for Guam to have better protection of its cultural trademarks. The participants were informed that testimony should be sent to Senator Vicente Pangelinan, Chair of the Committee on Appropriations, before the budget session on Monday, August 20, 2013. Tupaz emphasized that the funding for the commission would be discussed in the budget session, and may be affected, such as funding for consulting attorney fees.

The bill itself has about five and a quarter pages of finding and intent, and talks about cultural expression, the registration process and differences between Guam and the United States. The bill entails the formation of an 11-person commission, chaired by the senator that heads the committee with legislative oversight, which at this time is Senator Cruz. The commission will also include the director of Rev and Tax or their representative, who will be the vice-chair; the president of the Department of Chamorro Affairs, who will help with the “Guam” branding; and representatives from the Guam Visitors Bureau and Guam Economic Development Authority; the Attorney General of Guam to provide legal guidance regarding intellectual property rights and artisans’ potential rights; the Chair of CAHA or a representative; a member each of the legislative majority and the minority; and then three members appointed by the Speaker from different arts/cultural associations. The commission chairperson will have the power to impanel subcommittees. The commission will have a six-month timeline to do its job: if they need legal advice. in addition to the AG. they may also hire private counsel.

The duties of the commission will be: to develop a new Guam Trademark law that mirrors federal trademark and intellectual property rights statutes; a cultural certification trademark program, similar to the program in New Zealand; to license and promote cultural arts manufactured or produced in Guam. The commission will also identify initial types of cultural arts for use of trademark; develop criteria for lineage of cultural knowledge qualifying for use of trademark; develop criteria for authenticity of works qualifying for use of trademark; and develop criteria for quality of works qualifying for use of trademark. The commission will also work on the criteria for cultural content, sources, meanings and functions of the proposed trademark image, and the proposed process for certifying artists, arts organizations and vendors. It will also work on the proposed terms for use of the trademark in advertising, marketing and sales.

A participant asked about the timing for the testimony and hearings. Tupaz answered that the public hearing has just taken place; legislative policy has a 10-day courtesy rule to gather additional testimony. Already testimony has been submitted by the president of Chamorro Affairs and by the Small Business Development Workshop in support of the legislation. What is needed is a bigger push for the bill.

A participant asked if the process will be like a "One Stop" place to register, and will it be automatic? Tupaz answered it mostly will be a way to facilitate the process of federal registration. Another participant asked if all the other involved government agencies support the bill? Tupaz replied, yes, that this bill complements the Guam Product Seal Law, and the other agencies are agreeable. Another participant asked, if they have a work of art, they can come in and register it? Tupaz responded that the commission will explore the possibilities of registration; you can register with Rev & Tax on Guam but you may not necessarily get protection in the United States, but you can get advice on that as well. The participant commented that it should be more than just getting advice on how to register, but should be more concrete. Tupaz responded the vision is to get this Guam office going to facilitate the process. To get the commission started, there needs to be more favorable testimony for the bill. Tupaz emphasized, the more support the better. Since the bill has been heard, it can be included in the budget talks, but what is needed is written testimony in support of the measure. Further questions can be sent to the Speaker's office at speaker@judiwonpat.com.

Workshop Break

Presentation Three

“Art & the Archives: Intellectual Property Rights in the Library and Archival Settings”

By Monique Storie, PhD, Interim Director

Richard F. Taitano Micronesian Area Research Center (MARC)

University of Guam

Monique Storie’s presentation addressed the issue of copyright and intellectual property in libraries and archives from two perspectives: as an artist-patron, and then as a contributor. She explained, when referring to the artist as a patron, this is somebody who is seeking information and looking at how to use that information in various forms of art production, creation or performance. She emphasized that libraries and archives are set up to provide access to the community; they seek to assist patrons in finding information. When we think of a library we think of a building and books, but library staff are trained to help find materials. Staff sometimes will have to ask a patron a lot of questions, and sometimes they will send the patron elsewhere to another department. Storie explained that some people get confused about that, but the library really is a point of entry into the information-seeking process. Libraries also store, safeguard, and make available to the community information and materials that have historical, social, cultural and community interest or significance.

Storie explained that when an artist goes to the library, it is usually to do research for art. They may want to look at what the cultural context was for the art. This is also an opportunity to do the research necessary towards copyright and patents. If you start to do the research you can see what other people have already created and so ensure your item is unique.

People also come to the library to get creative inspiration. For example, if you want to depict a mural of a particular time or to create a sense of what a particular period in Guam history might look like, MARC has a fair number of photographs to look at, but also there are various things that can be read that can give more information one can incorporate into their art.

Using archive information can also help an artist develop a sense of accuracy. Storie explained, sometimes we have romantic images of what life was like, for example, during World War II, or the Spanish period. It is good to take our romantic and creative side and juxtapose that with the analytical side to get to the crux of what you want to say in your art pieces.

Storie then discussed copyright in libraries. Copyright is designed to do two things: to provide protection for the people who create particular art works, and also to encourage the production of new creative works. Fair use is one way to encourage the development of new creative works. Libraries have the role of “gatekeeper” to information, but really it comes down to fair use. Fair use is about how you can access information in such a way to spur on new information, but still honor what has been done by previous scholars or artists.

If someone wants to copy something for inspiration or to examine it for their work, MARC encourages patrons to consider four things if they want to make a copy (if that is allowable), keeping in mind that libraries are set up for educational purposes:

- **Purpose of Use:** What do you intend to use the information for: is it for your own research, or will it be incorporated into a commercial design?

- **Nature of Publication:** What is the nature of the publications you are researching? For example, if you are looking at a book, how would that information help you in terms of meeting your information needs?
- **Amount Used:** How much do you really need in order to answer your question? For example, if you want to do a picture of a 19th century woman who is going to church, you might ask questions like, did she wear a scapular or cross, did she wear her hair up or down? Do you need to photocopy the entire work of Freycinet or CAHA's masters series? In other words, how much is really needed to answer your questions?
- **Effect on the market for the work:** This is related to the idea of intellectual property. When making copies, what you are doing may have some impact on the market. Sometimes it is a positive impact: if I make a copy (of a book, for example) and share it with my friends more people might be interested and buy the book. On the other hand if I make a copy for myself, I am not going to go buy the book.

Storie pointed out these are the types of questions librarians and their patrons go through. They ask, can I make a copy of a particular piece in a library? Sometimes these might be hard questions. After all, it is just a picture. But artists realize works like these are your passion, life, and creative work. The library or archive staff should try to help patrons balance what is needed and protecting everybody's rights and access to information.

Storie then talked about an artist as a contributor or a creator of information. She said, at some point in time, an artist might want to put their work into a library, museum or archive. If so, there are some things to think about. Storie explained, when considering making a donation, from the MARC perspective, copyright and subsidiary rights are important. When you create something, you have the right to make a copy or authorize someone to make a copy. You have mechanical reproduction rights that affect how your work can be reproduced. You also have the right to decide how much of your work can be copied. For example, if you have 300 photographs, but only want to copy ten of them, then you can make this determination— this is a digest right. There are also electronic rights that deal with putting things on the Internet and making them available online.

A lot of collecting institutions like MARC have particular criteria and rules. There is an acquisition policy. Specifically, MARC archives items that are written by or about someone from Guam or Micronesia. These items must have historical, cultural, political or social significance. If they do not, the MARC may reject or may accept them, but then release parts of works to other collecting institutions. So, when thinking of where to place your works, think about the institution's acquisition policies, what are the conditions for the things they may want to keep, and what are the conditions that they may return something back to you or give it away.

When MARC accepts an item as a donation, they request a **deed of gift**. This says that MARC has all rights to that material. Storie explained, the reason MARC asks this is because if anytime someone wants to photocopy a large section of your work, the artist would have to be contacted to provide written permission to allow MARC to make a copy. In other words, the deed of gift provides easier access under fair use; with the artist's permission, then MARC does not have to play the "middle man." MARC can also add it into the cultural record and make it available for others to do research. It provides a level of protection and a way to get information out to others easily.

A participant asked if there was a certain method to find information faster; in other words, what would the staff need to know to find information? Storie replied that the more information of what an artist has in mind, the better, but MARC does have a reference process where they will ask questions about what you want to do and what the final form of your art piece will look like. This will help MARC guide you in the right direction. For example, if you want to do picture of Sumay church, photographs might be better to go through than written documents.

Another participant asked about continuing use of reference materials or if one has to come up with new materials for every project. Storie responded that there is a statute of limitations to holding onto information; the quick answer, however, is you have access to the information for as long as you need it.

Another participant asked if there is something that MARC or a library would have but that item is also something one has in their personal collection (maybe because someone in their family had a copy of it), do they still need permission from MARC to use it? Storie replied that this goes back to who exactly is the owner of the copyright. For example, if you have a photograph from Manny Crisostomo who decided to give up photography and deeded his pictures to MARC, then MARC would need to figure out if the work given to you falls under MARC's ownership. In general, however, if you have a copy that you receive from another source, that is yours and you do not need to get permission from MARC to use it.

A participant asked if MARC purchases documents or if they are donated? Storie answered that MARC does both. They attempt to purchase at least three copies of new works. She explained further, when MARC was established in 1967, it was set up as a place to do research. Its focus was on historical documents, and this distinction was made to complement the focus of the Guam museum. The idea was that MARC would deal with documents for research purposes, and the museum would be the place for artifacts and artwork for display and for research purposes. Storie mentioned that MARC does get things from various avenues, but they focus their efforts on things in print, such as magazines, photos, and on occasion, they will accept illustrations, usually as part of an archival collection based on an individual, as opposed to an art collection. MARC is under the University of Guam, so they have staff that are UOG personnel. The library collection does seek out grants for preservation of materials, or to produce information.

A participant asked if all the journals or publications at MARC have been digitized? Storie replied that not all their publications have been digitized, but they are working with particular copyright owners to get that information. They are already working on UOG publications, for example, *Xanadu* and *The Guam Recorder*, which were published in the 1970s. These are actively getting online. They have also worked with the late Tony Palomo to get *Pacific Profiles* online, so they are trying to find out what MARC can put online, and supplement what is already available. If something is online, MARC will try to point you there. Some old issues of the *Guam Newsletter* and the *Guam Recorder*, for example, are online already.

A participant asked if they have pictures from the library, can they paint exactly what is in the picture? Vince Camacho pointed out that the operative word is "original." The participant clarified that they want the picture to be real; what if they just painted the whole picture exactly, in other words, replicate the photograph's image but in a different medium? Camacho replied that if the copyright holder is no longer alive, the image is in the public domain and there is no protection of that image, but the artist would still need to verify that. Storie added that if a picture comes from the MARC library files, she can find out if the original artist/

photographer is alive. Some of MARC's photographs are from the National Archives, so if the photos were done by the military, they might be public domain.

Another participant commented a photographer has the right to make derivative works. The photographer might have had a vision for their image, so copying it might be an issue. Storie responded that on the archive side that is where the deed of gift is. An item is donated just for research purposes as opposed to granting full access rights. Another participant asked if an image is copied but not exactly and there are some changes made, is the artist still liable? Camacho replied that this depends on the copyright holder. Derivative works are also protected; there is no yes or no answer, as it depends on the holder of the copyright.

Presentation Four

“Why You Should Consider Uncopyright for Your Art”

By Leo Babauta, author/blogger

ZenHabits.net

Leo Babauta's presentation focused on “uncopyright,” a term that refers to not registering or copyrighting one's creative works. Babauta described his background: he started his blog *ZenHabits* in 2007 while working at the Guam Legislature. The website took off quickly, and he soon had over 26,000 subscribers from all over the world. Babauta then quit his day job and found he made enough money from sales of his e-book and print book when he signed with a publisher in New York. The sales and blogging full-time helped support his wife and six children in Guam. For him as a writer it was a dream come true and an interesting experiment learning how to make money online, reach a broad audience and share what he was learning with other people.

Babauta then decided to try what he called an “uncopyright experiment.” He was one of the first writers to do this. The idea came from the open source software world, which is the opposite of companies like Microsoft, where they make the program and no one else can get the code. Rather, open source software is when others make the program code and everyone else can access it, make it their own, change it and reuse it.

He explained the philosophy is beautiful in that everyone benefits from your work and then everyone contributes to this “global library” of amazing work that people are doing. He believed this was enriching people's lives and code that people are writing.

Babauta decided to try to uncopyright his writing. He did this because he found that even though he had copyright on his blog, people were stealing his material and putting it on other sites with ads on it and making money using his work without permission. This was piracy and Babauta would contact these individuals and angrily try and get them to stop but would be ignored. He found it took a lot of time and energy to fight this. So, based on an inspiration from open source software, he wondered what would happen if he let go of the idea of copyrighting his material. Babauta explained that he first thought he would not be able to make money as a writer anymore and would have to give up his dream job. To his amazement, however, nothing bad happen, and amazingly, good things happened: he did not lose revenue and actually gained readers. He went from 26,000 subscribers in 2007 to 300,000 subscribers and more than 1,000,000 readers today. Letting go of the copyright, he felt, helped him by removing the barriers for sharing his work.

Babauta gave as an example trying to reprint the work of Harry Potter series author J.K. Rowling. There are lots of barriers to do that, and they probably would say no. But Babauta asks, what if you could take that art and reuse it and make something new with it? This has been done with uncopyrighted work for hundreds of years. Charles Dickens, for example, had copyright problems, but before that, people like Leonardo Da Vinci would have his work taken by people who reused them in their art. This turned out to be something good for the art world. For Babauta, he believed that not only has his work grown, but he has made more money, and people have let him know that his work is useful to them, which amazes him. People think his work is good enough to use in newsletters, book chapters, websites, etc., and also to make money.

Babauta stated he was glad he put his work out there and let people reuse it, and saw this as a way of giving back to the community of writers and artists that he has personally benefited

from. He explained he was inspired by the people before him. He took ideas from great people, reused them in his own way, and now, this was his way of giving back. Babauta believes that the arts community is not here to selfishly guard their ideas but rather to help each other do what we love to do and start a conversation—to enrich each other with ideas.

Babauta claimed that he has seen other people being inspired to do the same thing, and they, too, had the same great results. He encouraged the participants that if they think they could try this as an experiment in their own work, they might find the same feeling—the feeling that comes from knowing that people are grateful for your work.

A participant asked if Babauta charges for his subscriptions. He answered that his subscriptions are free, and that he makes his money from selling his e-books. For example, one could buy one of his e-books for \$10. But since these are uncopyrights, they can be shared. One may argue that Babauta is losing money when people buy his book and share it, but he believes that while he may not be making money, he is gaining readers, reaching more people and a new audience. And if they like his work they might share it with more people. He sees this as a way to spread his work by removing the barriers. Babauta also has a membership program, where he charges \$10 to help people change their habits and their lives. He does videos or conducts online courses using live videos, answers questions, writes articles, and does interviews that focus on teaching people how to do things. In other words, Babauta says he can use any kind of medium and teach online and share information.

Another participant asked if in his field of work infringement is getting out of hand. Babauta replied that it was when he first started. People did not need to copy and paste his work, they could get programs that steal files directly from websites. He found it was hard to get a lawyer to go after them, and did not want to do that, nor spend his time trying to track people to protect his work. Lawyers have better things to do. Although he does not know the current state of online infringement anymore he imagines it is just as bad, but with uncopyrighting, he took that out of his life and focuses on creating what he wants.

A participant asked if the people that use his open source system give reference to having taken part of his work and used it? Babauta replied that 99% of the time they do; they will link back to him and his website, and he is fine with that because people may want to go and look for more on his site. Because his site is uncopyrighted, people can take whatever they want. There are some licenses out there where things can be shared without permission, but sources need to be given credit (these are called “creative commons” licenses which allow for free access but some rights are retained). For Babauta, it is not required, but he is grateful when people do give him credit for his work that they use.

A participant commented that as a teacher at Guam Community College she does use Babauta’s website, and is glad he is not copyrighted. She said his essays on *Zen.Habits* are great ideas and great for teaching about writing. She also appreciates his ideas on uncopyrighting and openly sharing his work, which is a great resource for teachers. She also expressed her appreciation for the fact that Babauta is “homegrown,” he is from Guam and a real inspiration for artists and writers here. Babauta responded that he is glad she appreciates and is sharing his work. He added, if any of the participants would like to talk about making money online, although he is not in the business of making money, he can help.

Babauta mentioned that if you release the copyright of your work, and sell digital and video copies of your work, while you may think that is dangerous, people will generally want to come to the source. He explained, if there are ten copies out there of the same writing or

video, he has found that people go to the trusted sources—they go to the person they trust most, who is likely the creator of the work. Because the creator has shared their work with others, users are grateful and likely will want to donate and contribute to their efforts. For example, some buy his e-books just to say thanks for the free stuff he gives them through his website. He emphasized if you are the creator and a trusted source online people will come to you versus an untrusted source. He advised participants to always be trustworthy when they are online. A lot of “spam sites” will try to sell bad things and put pop-up ads all over—to him, that is a signal they are not trustworthy. Babauta reiterated he is not trying to sell anything, but rather he wants people to read and benefit from the free things he offers and send the signal that “I am trustworthy.”

Babauta further mentioned that for musicians copyright is something that protects these works of art. However, copyright, to him, does not protect the musician but the giant corporations and labels they are signed under. These are the ones with the money to pursue copyright infringement. Musicians, however, have survived without copyrights. He said, “If people like your stuff they will go to find you live, or listen to your music live, or see your artwork live.” For Babauta, audiences pay for this live conversation and enjoy the added value of the free stuff he has given away. This is what builds their trust in him. He has something audiences want to read, and it shows that they are willing to pay to talk to him for that live interaction, which is more valuable, the one-on-one conversation. He said, “Go live if you want to make a living; free is the way to go if you want to prove that you are worth seeing live.”

A participant asked about the term “copyleft.” Babauta explained there are a number of different terms in the open source world, and “copyleft” may actually be the same thing as “uncopyright.” There are also GPL and MIT licenses, which are kind of confusing.

Babauta reiterated he is not trying to sell the participants on this idea of uncopyrighting, as there are a lot of important things to learn in this workshop about copyrights. But, he realized that as he was worrying about whether he was infringing on others or if others were infringing on his work, it caused him problems, stress and anger. He found when he gave those away, he found himself happier and free to focus and create the content he wanted to create. He was also grateful to receive the gratitude of people who liked his work and him for sharing it.

Shannon Murphy, Managing Editor at Guampedia (and Babauta’s mother) stated that Babauta actually had helped create Guampedia when the project became its own nonprofit, using open source software, and making the content open as well. The exception is the photographs and images which need permissions for use, usually from MARC. Murphy emphasized the information on Guampedia about Guam history and culture is not something to be held onto, but to be used and spread everywhere.

A participant asked if Guampedia follows the uncopyright principle. Murphy replied that it does, in a way. They want people to use the information on the site, so there is no license. Rita Nauta added that the things up on the Guampedia website, such as images and people’s work, Guampedia has gotten permission to use them, and so others have to get the permission as well from the proper sources. In a sense Guampedia is a like a library or repository, an entry way for researchers. Guampedia, though, does have original work for which they do want credit as the source. For example, on Guam History Day events, people will comment that everything they saw on the students’ projects was from Guampedia. Nauta said, “In a way this validates our existence. This is what we are here for. Guampedia has been around since 2008 to be a free community resource, a trusted scholarly resource, because that is something

we want to distinguish us from [other sites like] Wikipedia. Everything except interpretive essays go through a peer review process.”

The workshop ended with a few more questions and answers:

Nauta reminded the participants that the deadline for submitting testimony regarding Bill 156 and the creation of a Guam Trademark Commission was Saturday, August 17, 2013. Once the commission is established it will have six months to work on creating the policy for the trademark registration process.

A question was asked regarding where people can go to see what kinds of patents, trademarks or copyrights are pending and what others are doing. Camacho replied that the US Patent and Trademark Office has a site: <http://uspto.com>, as well as the US Copyright Office. He advised, the first step is to go onto the website with your idea in mind and see if anyone is registered or in the process of registration. If so, then the process stops there, unless you want to do something else. The website has a search engine that can be used in different ways, such as searches based on industry, product, or types of commodities. For example, if someone wants to create a company and the commodity is women’s clothing, there are categories that can be looked up for skirts, blouses, shoes etc., on this website. If one is interested in finding existing trademarks, there is a search function for that as well. Camacho advised, even if you are going to register your mark only on Guam, this is a good place to start and then to also do a search at Rev & Tax.

Guzman then demonstrated several quick searches using variations of “I Love Guam” and the Two Lovers Point legend on the website. Camacho pointed out that folktales and myths are not copyrighted because they are in the public domain. A work has to be unique or original, or they could place the story elsewhere or in a fictional place. Regarding slogans, Camacho added that one would have to look on the system to see what is actually protected and use that as a guide. The US Patent Office will also assist in searches, as these offices employ hundreds of attorneys that work in this area. Indeed, when an individual fills out an application they will be assigned an attorney. In response to another question, Camacho added that Rev & Tax will assign a name when you are registered, not for copyright purposes, but to ensure that there is no confusion over the name of a company and that there is enough differentiation.

Closing

In closing, Nauta thanked the presenters and everyone at CAHA and Guzman, as well as Guam Preservation Trust for providing the refreshments at the workshop. She stated this workshop was a cooperative effort leading up to the 2016 FESTPAC to showcase Guam to those people that are coming to visit during the festival. She reminded participants to complete the evaluation form and provide feedback. The information from the workshop as well as other resources on intellectual property was made available on the distributed CDs and will be on the Guampedia website (<http://Guampedia.com>).

Protecting

Intellectual

Property

