

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES |
|----------------------------------|---|--|-----------------------|---------------|---|------------------------------------|-----------------------------|---|
| 156-32 (COR), P.L. 32-080 | Judith T. Won Pat, Ed.D., B. J.F. Cruz, T. R. Muna-Barnes, Chris M. Duenas | 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 | 07/19/13 2:50 p.m. | 07/23/13 | Committee on Municipal Affairs, Tourism, Housing, and Hagatna Restoration and Development Authority | 08/07/13 2:00 p.m. | 10/31/13 9:49 a.m. | Fiscal Note Requested 07/24/13 Fiscal Note Received 08/21/13 |
| | DATE PASSED | TITLE | TRANSMITTED | | DUE DATE | DATE SIGNED BY I MAGA'LAHEN GUAHAN | PUBLIC LAW NO. | NOTES |
| | 11/12/2013 | AN ACT TO ADD A NEW CHAPTER 14 TO TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE GUAM TRADEMARK COMMISSION FOR THE DEVELOPMENT OF A CULTURAL TRADEMARK STATUTE FOR THE PROTECTION AND PRESERVATION OF GUAM'S CHAMORRO CULTURAL ARTS. | 11/15/13 | 11:28 a.m. | 11/27/2013 | 11/27/2013 | 32-080 | As amended on the Floor. |

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

NOV 27 2013

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

32-131033
Office of the speaker
Judith T. Won Pat, Ed. D.
Date 11-29-13
Time 7:50am
Received by [Signature]

2013 NOV 29 AM 11:42

Dear Madame Speaker:

Transmitted herewith is Bill No. 156-32 (COR) "AN ACT TO ADD A NEW CHAPTER 14 TO TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE GUAM TRADEMARK COMMISSION FOR THE DEVELOPMENT OF A CULTURAL TRADEMARK STATUTE FOR THE PROTECTION AND PRESERVATION OF GUAM'S CHAMORRO CULTURAL ARTS" I signed into law on November 27, 2013 as Public Law 32-080.

Senseramente,

EDDIE BAZA CALVO



I MINA TRENDAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

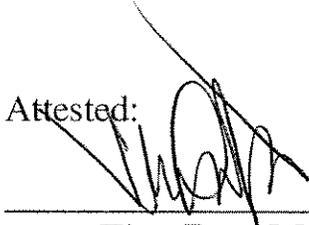
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 156-32 (COR)**, "AN ACT TO ADD A NEW CHAPTER 14 TO TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE GUAM TRADEMARK COMMISSION FOR THE DEVELOPMENT OF A CULTURAL TRADEMARK STATUTE FOR THE PROTECTION AND PRESERVATION OF GUAM'S CHAMORRO CULTURAL ARTS", was on the 12th day of November 2013, duly and regularly passed.



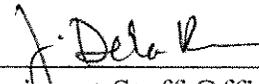
Judith T. Won Pat, Ed.D.
Speaker

Attested:



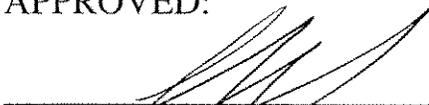
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 15th day of Nov.,
2013, at 11:28 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

NOV 27 2013

Date: _____

Public Law No. 32-080

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 156-32 (COR)

As amended on the Floor.

Introduced by:

Judith T. Won Pat, Ed.D.
B. J.F. Cruz
T. R. Muña Barnes
Chris M. Dueñas
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.

**AN ACT TO ADD A NEW CHAPTER 14 TO TITLE 2,
GUAM CODE ANNOTATED, RELATIVE TO
CREATING THE GUAM TRADEMARK COMMISSION
FOR THE DEVELOPMENT OF A CULTURAL
TRADEMARK STATUTE FOR THE PROTECTION AND
PRESERVATION OF GUAM'S *CHAMORRO*
CULTURAL ARTS.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that
3 intellectual property rights (IP) are the main asset of any company. Trademarks
4 specifically have the purpose of identifying the goods and services of any industry,

1 in addition to representing the capital gain of the business. Locally, businesses or
2 individuals can protect their intellectual property rights, trademarks and copyrights
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4 Trademark Act. However, such filings must be made with the U.S. Federal
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6 In 1995, Public Law 23-62 (Title 5 GCA, Chapter 20, Article 4) was enacted
7 to provide an applicant with the ability to locally register a U.S. trademark, patent
8 or copyright within Guam. The statute further provides for a Guam Certificate of
9 Registration for any person desiring to register any print, label or trademark
10 intended to be attached or applied to goods or manufactured articles, or to bottles,
11 boxes or packages containing the goods or manufactured articles. However, the
12 statute needs to be revisited to provide more comprehensive guidelines and better
13 legal protections for those products made and registered exclusively on Guam.

14 Guam's unique *Chamorro* culture is evident in our island's cultural arts,
15 traditions, and expressions that span thousands of years. Ancient *Chamorros*
16 practiced sustainable land use and resource management through irrigated farming,
17 land cultivation, fishpond building, near-shore fishing conservation, and legendary
18 seafaring navigation utilizing the world renowned *Chamorro Proa* design.

19 In the expressive cultural arts, *Chamorros* developed highly refined art
20 forms, including weaving; wood, bone and stone carving; tattooing; adornments;
21 clothing; musical instruments; weaponry; medicines; and healing arts.

22 The cultural arts of *Chamorros* practiced today are a vital and authentic
23 expression of a dynamic culture. The practice of these customary arts are visible in
24 daily practices through ceremonies of dance, music, and sacred rites. Many
25 *Chamorro* native artists today are actively rediscovering and reviving their cultural
26 traditions.

1 *Chamorro* cultural arts are being lost through limited access to raw
2 materials, a flood of imitations in the marketplace, and stereotyped overuse or
3 culturally inappropriate use in public environments. As is the case for many
4 indigenous peoples throughout the world, *Chamorros* are in danger of losing these
5 unique cultural practices through assimilation into the dominant Westernized
6 society.

7 A new generation of local artists and entrepreneurs are engaged in
8 revitalization of our culture through their artwork, handcrafted gift items, carvings,
9 jewelry making, t-shirt designs, music, dance, film, paintings, photography, and
10 other locally made products. Many local artists struggle to maintain authentic
11 cultural practices and preserve the viability of supporting themselves as artists
12 against the pressures of mass tourism and related commoditization and labeling of
13 all things “*Chamorro*” or “Made in Guam” to the million visitors who come to
14 Guam every year.

15 Purchasers oftentimes cannot distinguish (or appreciate the difference)
16 between a hand-made necklace of unique shells or other authentic artifacts
17 gathered from the shores of Guam, having a value of several hundred of dollars,
18 from one made of look-alike plastic molded shells strung together in a “copycat
19 style” made in Taiwan or the Philippines.

20 This type of uninformed purchasing by visitors (and even local residents)
21 repeated every day for practically every item of the cultural arts across the entire
22 tourism industry results in the devaluing of authentic native cultural artworks and
23 the inability of native cultural artisans making quality products to support
24 themselves through their art.

25 In 1986, the 18th Guam Legislature recognized that identification and
26 protectionist measures needed to be instituted to protect products made in Guam,
27 and offer the pride and proof that comes with boasting of an authentic product of

1 Guam. The creation of the Guam Product Seal permit program was intended to
2 address this concern, and provide island pride in Guam-made products. The
3 enabling legislation that provided for a Guam Product Seal program was contained
4 in Public Law 18-42.

5 In 2012, Public Law 31-150 established the Guam Product Seal Task Force
6 to reenergize the Guam Product Seal concept and revisit, some twenty-five (25)
7 years later, the mandate and its accompanying administrative rules, in order to
8 provide incentives for permit holders, ensure compliance and enforcement by
9 stakeholders and the retail industry in Guam, and to actively engage in the
10 promotion of the Guam brand by emphasizing the distinctiveness of offerings that
11 proudly carry the “Made in Guam” label.

12 As a result of the work and findings of the Task Force, Public Law 31-136
13 was passed promulgating the rules and regulations to prohibit any retail store,
14 wholesaler, manufacturer, importer, distributor, or business establishment to sell
15 any consumer commodity that has the word “Guam” or “Chamorro,” or a
16 derivation of such words, on the packaging of the product, if such product was *not*
17 manufactured in Guam, unless the place where the product was manufactured is
18 clearly and permanently labeled on the product.

19 Although the Guam Product Seal Program offers some regulatory control
20 and protection of products made in Guam, *I Liheslatura* finds that we must further
21 protect our native *Chamorro* culture, traditional practices, and new and evolving
22 cultural practices (art, music, dance, lyrics, video, film, photography, etc.) through
23 a comprehensive local intellectual property rights and cultural trademark statute.

24 Internationally, protection of surviving expressions of native cultures, and
25 traditional cultural expressions (acronym “TCE” or “TKE”) has been studied at the
26 highest levels by the World Intellectual Property Organization (WIPO) under a
27 mandate from the World Convention on Biodiversity of 1992 that was signed by

1 187 countries, including the United States. WIPO is a specialized agency of the
2 United Nations dedicated to developing a balanced and accessible international
3 intellectual property (IP) system that rewards creativity, stimulates innovation and
4 contributes to economic development worldwide, while safeguarding the public
5 interest. It studies and recommends international treaty regimes to member states
6 to promote the protection of intellectual property rights worldwide through
7 cooperation among states and in collaboration with international organizations.

8 For decades, American Indian tribes also experienced a long period during
9 which cultural arts were degraded by outside producers making imitation “Indian”
10 products and selling them in markets catering to Indian reservation visitors. The
11 U.S. Congress first enacted the Indian Arts and Crafts Act (IACA) in 1935, and it
12 was reauthorized in 1990 with several significant changes to the original statute.
13 The IACA reserved to tribal members the exclusive use of designations of “Indian
14 Made” and specific tribal trademarks for authentic products hand-made by Native
15 Americans, providing for civil and criminal penalties of up to \$250,000 in fines
16 and 5 years in prison for individuals, and fines of up to \$1,000,000 for businesses.

17 Under federal U.S. trademark law, a trademark may certify products or
18 services as endorsed, approved by, or associated with a particular group of people,
19 even a racial or ethnic group. For example, service marks such as “NAACP”,
20 “Knights of Columbus”, “Daughters of the American Revolution”, or “Chinese
21 Chamber of Commerce” are *not* illegal or unconstitutional even if the service
22 organization has a membership that is limited to a particular race or ethnicity.

23 One of the most successful examples of a cultural (certification) trademark
24 program has been the Maori “ToiIho” program in New Zealand. Initial legislation
25 was enacted to undertake a process of consultation with the Maori artists and tribal
26 communities for consensus building beginning in Year 2000, funded with about
27 \$NZ 2 million. The ToiIho cultural trademark program was implemented through

1 legislation enacted in 2002, and is administered through the Arts Council of New
2 Zealand in consultation with its parallel Maori arts agency, the TeWakaToi
3 Cultural Arts Board. In a short time, the ToiIho program has become successful in
4 establishing the ToiIho Logo as a symbol of excellence in Maori cultural arts.

5 In 2016, Guam will host the 12th Festival of Pacific Arts. The Festival
6 brings together artists and cultural practitioners from around the Pacific region for
7 two weeks of festivities. The Festival is recognized as a major regional cultural
8 event, and is the largest gathering in which the people of the Pacific unite to
9 enhance their respect and appreciation of one another. The Festival has been held
10 every four years since 1972, and delegations from 27 Pacific Island Nations and
11 Territories have come together to share and exchange their cultures at each Pacific
12 Arts Festival. Guam expects a delegation of over 2,500 performers, artists and
13 cultural practitioners, in addition to thousands of visitors from Asia and Festival
14 followers. Public Law 30-83 created the 12th Festival of Pacific Arts Coordinating
15 Committee, with the duties of organizing and planning the Festival. It was
16 discussed in these planning meetings that it is imperative, prior to this Festival, that
17 Guam have a local statute in place for the protection of local intellectual property
18 rights and cultural trademarks for Guam and other participating countries.

19 **Section 2.** A new Chapter 14 is hereby *added* of Title 2, Guam Code
20 Annotated, to read:

21 **“CHAPTER 14**

22 **GUAM TRADEMARK COMMISSION**

- 23 § 14101. Short Title.
24 § 14102. Guam Trademark Commission, Established.
25 § 14103. Convening of the Guam Trademark Commission.
26 § 14104. Composition of Guam Trademark Commission.
27 § 14105. Duties of Commission.

1 § 14106. Conduct of Meetings.

2 § 14101. **Short Title.** This Chapter *shall* be known as the *Guam*
3 *Trademark Commission Act.*

4 § 14102. **Guam Trademark Commission, Established.** The
5 Guam Trademark Commission is hereby established for the special purpose
6 of developing policy direction and recommendations relative to
7 coordination, planning, implementation, administration, promotion,
8 compliance and enforcement of the “Guam Trademark and Intellectual
9 Property Rights Act” and the “Guam Cultural Trademark Act.”

10 § 14103. **Convening of the Guam Trademark Commission.**
11 The Guam Trademark Commission *shall* be under the direction of the
12 Chairperson of the Legislative Committee with oversight over Cultural
13 Affairs, and convened pursuant to provisions of this Act.

14 § 14104. **Composition of Guam Trademark Commission.** The
15 composition of the Commission *shall* be as follows:

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

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

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

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

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

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

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

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

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

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

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

1 **§ 14105. Duties of the Commission.** The Commission *shall* work
2 collaboratively to create policy recommendations, rules and legislation for
3 two (2) specific areas in defining and developing a Guam Trademark Law:

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

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

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

22 (2) Criteria for lineage of cultural knowledge
23 qualifying for use of trademark.

24 (3) Criteria for authenticity of works qualifying for
25 use of trademark.

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

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

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

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

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

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

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

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

19 **§ 14106. Conduct of Meetings, Quorum.** The Commission *shall*
20 meet once a month to discuss and assess progress and recommendations.

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

24 **Section 3. Appropriation.** The sum of Fifty Thousand Dollars (\$50,000)
25 is hereby appropriated from the Tourist Attraction Fund (TAF) to the Guam
26 Trademark Commission to fulfill the requirements of §14105 in Section 2 of this
27 Act. Any unexpended funds remaining in the Commission’s budget at the

1 conclusion of its studies *shall* be deposited to the Guam Economic Development
2 Authority for the Guam Product Seal Program.

3 **Section 4. Effective Date.** The provisions of this Act *shall* take effect
4 upon enactment into law. The first meeting of the Guam Trademark Commission
5 *shall* take place *no later than* twenty (20) days after enactment. If the twentieth
6 (20th) day of the first meeting and subsequent meetings fall on a Saturday, Sunday
7 or a government of Guam holiday, then the first meeting of the Commission *shall*
8 take place on the next available business day.

9 **Section 5. Sunset Provision.** The Guam Trademark Commission *shall*
10 remain in effect until the recommendations of the Guam Trademark Commission
11 are approved by *I Liheslaturan Guåhan*.

12 **Section 6. Severability.** *If* any provision of this Act or the application
13 thereof to any person or circumstance is held invalid, such validity shall not affect
14 other provisions or applications of the Act which can be given effect without the
15 invalid provision or application, and to this end the provisions of this Act are
16 severable.



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

November 13, 2013

The Honorable Edward J.B. Calvo
I Maga'lahren Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES
J. Dela Rosa
RECEIVED BY
TIME 11:28 AM DATE 11/13/13

Dear Maga'lahi Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

Tina Rose Muña Barnes
Legislative Secretary

Enclosures (38)

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

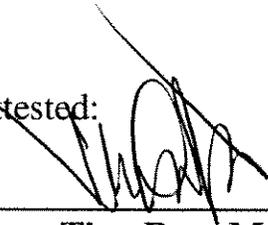
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Tina Rose Muña Barnes
Legislative Secretary

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Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
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Date: _____

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6 to reenergize the Guam Product Seal concept and revisit, some twenty-five (25)
7 years later, the mandate and its accompanying administrative rules, in order to
8 provide incentives for permit holders, ensure compliance and enforcement by
9 stakeholders and the retail industry in Guam, and to actively engage in the
10 promotion of the Guam brand by emphasizing the distinctiveness of offerings that
11 proudly carry the “Made in Guam” label.

12 As a result of the work and findings of the Task Force, Public Law 31-136
13 was passed promulgating the rules and regulations to prohibit any retail store,
14 wholesaler, manufacturer, importer, distributor, or business establishment to sell
15 any consumer commodity that has the word “Guam” or “Chamorro,” or a
16 derivation of such words, on the packaging of the product, if such product was *not*
17 manufactured in Guam, unless the place where the product was manufactured is
18 clearly and permanently labeled on the product.

19 Although the Guam Product Seal Program offers some regulatory control
20 and protection of products made in Guam, *I Liheslatura* finds that we must further
21 protect our native *Chamorro* culture, traditional practices, and new and evolving
22 cultural practices (art, music, dance, lyrics, video, film, photography, etc.) through
23 a comprehensive local intellectual property rights and cultural trademark statute.

24 Internationally, protection of surviving expressions of native cultures, and
25 traditional cultural expressions (acronym “TCE” or “TKE”) has been studied at the
26 highest levels by the World Intellectual Property Organization (WIPO) under a
27 mandate from the World Convention on Biodiversity of 1992 that was signed by

1 187 countries, including the United States. WIPO is a specialized agency of the
2 United Nations dedicated to developing a balanced and accessible international
3 intellectual property (IP) system that rewards creativity, stimulates innovation and
4 contributes to economic development worldwide, while safeguarding the public
5 interest. It studies and recommends international treaty regimes to member states
6 to promote the protection of intellectual property rights worldwide through
7 cooperation among states and in collaboration with international organizations.

8 For decades, American Indian tribes also experienced a long period during
9 which cultural arts were degraded by outside producers making imitation “Indian”
10 products and selling them in markets catering to Indian reservation visitors. The
11 U.S. Congress first enacted the Indian Arts and Crafts Act (IACA) in 1935, and it
12 was reauthorized in 1990 with several significant changes to the original statute.
13 The IACA reserved to tribal members the exclusive use of designations of “Indian
14 Made” and specific tribal trademarks for authentic products hand-made by Native
15 Americans, providing for civil and criminal penalties of up to \$250,000 in fines
16 and 5 years in prison for individuals, and fines of up to \$1,000,000 for businesses.

17 Under federal U.S. trademark law, a trademark may certify products or
18 services as endorsed, approved by, or associated with a particular group of people,
19 even a racial or ethnic group. For example, service marks such as “NAACP”,
20 “Knights of Columbus”, “Daughters of the American Revolution”, or “Chinese
21 Chamber of Commerce” are *not* illegal or unconstitutional even if the service
22 organization has a membership that is limited to a particular race or ethnicity.

23 One of the most successful examples of a cultural (certification) trademark
24 program has been the Maori “ToiIho” program in New Zealand. Initial legislation
25 was enacted to undertake a process of consultation with the Maori artists and tribal
26 communities for consensus building beginning in Year 2000, funded with about
27 \$NZ 2 million. The ToiIho cultural trademark program was implemented through

1 legislation enacted in 2002, and is administered through the Arts Council of New
2 Zealand in consultation with its parallel Maori arts agency, the TeWakaToi
3 Cultural Arts Board. In a short time, the ToiIho program has become successful in
4 establishing the ToiIho Logo as a symbol of excellence in Maori cultural arts.

5 In 2016, Guam will host the 12th Festival of Pacific Arts. The Festival
6 brings together artists and cultural practitioners from around the Pacific region for
7 two weeks of festivities. The Festival is recognized as a major regional cultural
8 event, and is the largest gathering in which the people of the Pacific unite to
9 enhance their respect and appreciation of one another. The Festival has been held
10 every four years since 1972, and delegations from 27 Pacific Island Nations and
11 Territories have come together to share and exchange their cultures at each Pacific
12 Arts Festival. Guam expects a delegation of over 2,500 performers, artists and
13 cultural practitioners, in addition to thousands of visitors from Asia and Festival
14 followers. Public Law 30-83 created the 12th Festival of Pacific Arts Coordinating
15 Committee, with the duties of organizing and planning the Festival. It was
16 discussed in these planning meetings that it is imperative, prior to this Festival, that
17 Guam have a local statute in place for the protection of local intellectual property
18 rights and cultural trademarks for Guam and other participating countries.

19 **Section 2.** A new Chapter 14 is hereby *added* of Title 2, Guam Code
20 Annotated, to read:

21 **“CHAPTER 14**

22 **GUAM TRADEMARK COMMISSION**

- 23 § 14101. Short Title.
- 24 § 14102. Guam Trademark Commission, Established.
- 25 § 14103. Convening of the Guam Trademark Commission.
- 26 § 14104. Composition of Guam Trademark Commission.
- 27 § 14105. Duties of Commission.

1 § 14106. Conduct of Meetings.

2 **§ 14101. Short Title.** This Chapter *shall* be known as the *Guam*
3 *Trademark Commission Act*.

4 **§ 14102. Guam Trademark Commission, Established.** The
5 Guam Trademark Commission is hereby established for the special purpose
6 of developing policy direction and recommendations relative to
7 coordination, planning, implementation, administration, promotion,
8 compliance and enforcement of the “Guam Trademark and Intellectual
9 Property Rights Act” and the “Guam Cultural Trademark Act.”

10 **§ 14103. Convening of the Guam Trademark Commission.**
11 The Guam Trademark Commission *shall* be under the direction of the
12 Chairperson of the Legislative Committee with oversight over Cultural
13 Affairs, and convened pursuant to provisions of this Act.

14 **§ 14104. Composition of Guam Trademark Commission.** The
15 composition of the Commission *shall* be as follows:

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

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

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

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

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

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

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

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

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

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

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

1 **§ 14105. Duties of the Commission.** The Commission *shall* work
2 collaboratively to create policy recommendations, rules and legislation for
3 two (2) specific areas in defining and developing a Guam Trademark Law:

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

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

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

22 (2) Criteria for lineage of cultural knowledge
23 qualifying for use of trademark.

24 (3) Criteria for authenticity of works qualifying for
25 use of trademark.

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

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

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

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

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

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

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

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

19 **§ 14106. Conduct of Meetings, Quorum.** The Commission *shall*
20 *meet once a month to discuss and assess progress and recommendations.*

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

24 **Section 3. Appropriation.** The sum of Fifty Thousand Dollars (\$50,000)
25 is hereby appropriated from the Tourist Attraction Fund (TAF) to the Guam
26 Trademark Commission to fulfill the requirements of §14105 in Section 2 of this
27 Act. Any unexpended funds remaining in the Commission’s budget at the

1 conclusion of its studies *shall* be deposited to the Guam Economic Development
2 Authority for the Guam Product Seal Program.

3 **Section 4. Effective Date.** The provisions of this Act *shall* take effect
4 upon enactment into law. The first meeting of the Guam Trademark Commission
5 *shall* take place *no later than* twenty (20) days after enactment. If the twentieth
6 (20th) day of the first meeting and subsequent meetings fall on a Saturday, Sunday
7 or a government of Guam holiday, then the first meeting of the Commission *shall*
8 take place on the next available business day.

9 **Section 5. Sunset Provision.** The Guam Trademark Commission *shall*
10 remain in effect until the recommendations of the Guam Trademark Commission
11 are approved by *I Liheslaturan Guåhan*.

12 **Section 6. Severability.** *If* any provision of this Act or the application
13 thereof to any person or circumstance is held invalid, such validity shall not affect
14 other provisions or applications of the Act which can be given effect without the
15 invalid provision or application, and to this end the provisions of this Act are
16 severable.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Bill No. 156-32 (COR)

As amended on the Floor.

Speaker Antonio R. Unipingco Legislative Session Hall

November 12, 2013

| NAME | Yea | Nay | Not Voting/ Abstained | Out During Roll Call | Absent |
|--|-----|-----|--------------------------|-------------------------|--------|
| Senator Thomas "Tom" C. ADA | ✓ | | | | |
| Senator V. Anthony "Tony" ADA | ✓ | | | | |
| Senator Frank Blas AGUON Jr. | ✓ | | | | |
| Vice-Speaker Benjamin J.F. CRUZ | ✓ | | | | |
| Senator Christopher M. DUENAS | ✓ | | | | |
| Senator Michael LIMTIACO | ✓ | | | | |
| Senator Brant McCREADIE | ✓ | | | | |
| Senator Thomas "Tommy" MORRISON | ✓ | | | | |
| Senator Tina Rose MUÑA BARNES | ✓ | | | | |
| Senator Vicente (ben) Cabrera PANGELINAN | ✓ | | | | |
| Senator Rory J. RESPICIO | ✓ | | | | |
| Senator Dennis G. RODRIGUEZ, Jr. | ✓ | | | | |
| Senator Michael F. Q.SAN NICOLAS | ✓ | | | | |
| Speaker Judith T. WON PAT, Ed.D. | ✓ | | | | |
| Senator Aline A. YAMASHITA, Ph.D. | ✓ | | | | |

TOTAL

15

Yea

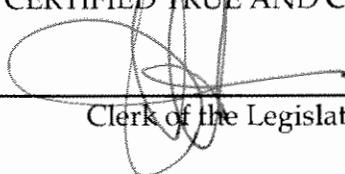
Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:



 Clerk of the Legislature

1 = Pass



I Mina'trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

OCT 30 2013

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 156-32 (COR)

Dear Speaker Won Pat:

Buenas yan Hafa Adai! Transmitted herewith is the Committee Report on **Bill No. 156-32 (COR)** – “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”.

Committee votes are as follows:

- 10 TO DO PASS
- TO NOT PASS
- 3 TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

2013 OCT 31 AM 9:49
ms

Sincerely,

Tina Rose Muña Barnes
Senator



I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

**COMMITTEE
REPORT
ON**

BILL NO. 156-32 (COR)

*(Sponsors: J.T. Won Pat, Ed.D., B.J.F. Cruz,
T.R. Muna Barnes, C.M. Duenas)*

**“BILL NO. 156-32 (COR) – “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”.**

Chairperson, Committee on Municipal Affairs, Tourism, Housing
and Hagåtña Restoration & Redevelopment Authority

Vice Chairperson, Committee on General Government Operations and Cultural Affairs

Vice Chairperson, Committee on the Guam US Military Relocation, Homeland Security, Veteran’s Affairs and Judiciary
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I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

October 29, 2013

MEMORANDUM

To: All Members
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration & Redevelopment Authority

From: Senator Tina Rose Muña Barnes
Committee Chairperson

Subject: Committee Report on Bill No. 156-32 (COR)

Buenas yan Hafa Adai! Transmitted herewith for your consideration is the Committee Report on Bill No. 156-32 (COR) - "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".

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 156-32 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony on Bill No. 156-32 (COR)
- Copy of COR Referral of Bill No. 156-32 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!

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Vice Chairperson, Committee on General Government Operations and Cultural Affairs
Vice Chairperson, Committee on the Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary
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Office of The Legislative Secretary
Tina Rose Muña Barnes

COMMITTEE VOTING SHEET

Bill No. 156-32 (COR) – “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”.

| | SIGNATURE | TO PASS | TO NOT PASS | TO REPORT OUT ONLY | TO ABSTAIN DUE TO CONFLICT OF INTEREST | TO PLACE IN INACTIVE FILE |
|---|-----------|---------------|-------------|--------------------|--|---------------------------|
| LEGISLATIVE SECRETARY TINA ROSE MUÑA BARNES Chairperson | | ✓ | | | | |
| VICE SPEAKER BENJAMIN J.F. CRUZ Vice-Chairperson | | | | | | |
| SPEAKER JUDITH T. WON PAT, Ed.D. Member | | 10/30/13 ✓ | | | | |
| SENATOR THOMAS C. ADA Member | | | | | | |
| SENATOR FRANK B. AGUON, JR. Member | | 10/30/12 ✓ | | | | |
| SENATOR VICENTE C. PANGELINAN Member | | ✓ | | | | |
| SENATOR RORY J. RESPICIO Member | | 10/30/13 ✓ | | | | |
| SENATOR DENNIS G. RODRIGUEZ, JR. Member | | 10/30 ✓ | | | | |
| SENATOR MICHAEL F.Q. SAN NICOLAS Member | | 10/30/13 ✓ | | | | |
| SENATOR V. ANTHONY ADA Minority Member | | | | 10/30 ✓ | | |
| SENATOR CHRISTOPHER M. DUEÑAS Minority Member | | | | 10/30/13 ✓ | | |
| SENATOR MICHAEL LIMTIACO Minority Member | | ✓ | | | | |
| SENATOR BRANT McCREADIE Minority Member | | 10/30/13 ✓ | | | | |
| SENATOR THOMAS MORRISON Minority Member | | 10/30 ✓ | | | | |
| SENATOR ALINE A. YAMASHITA, Ph.D. Minority Member | | | | | | |

Chairperson, Committee on Municipal Affairs, Tourism, Housing and
Hagåtña Restoration & Redevelopment Authority

Vice Chairperson, Committee on General Government Operations and Cultural Affairs

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COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 156-32 (COR) was introduced on July 19, 2013 by J.T. Won Pat, Ed.D., B.J.F. Cruz, T.R. Muna Barnes, and C.M. Duenas and was subsequently referred by the Committee on Rules to the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration & Redevelopment Authority on July 23, 2013.

The Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration & Redevelopment Authority convened a public hearing on Bill No. 156-32(COR) on Wednesday, August 7, 2013 at 2:00 PM at the Legislature's Public Hearing Room in Hagåtña.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all Senators and all main media broadcasting outlets on Wednesday, July 31, 2013 (5-Day Notice), and again on Friday, August 2, 2013 (48-Hour Notice).

Senators Present

Senator Tina Muña Barnes, Chairperson
Vice Speaker B.J. F. Cruz, Chairperson
Senator Tony Ada, Member
Senator Brant McCreadie, Member
Senator Tommy Morrison, Member

II. INTRODUCTION, SUMMARY OF TESTIMONY & DISCUSSION

The Public Hearing was Called-to-Order at 2:05 p.m.

Senator Tina Muna Barnes- The Committee on Municipal Affairs, Tourism, Housing, and Hagåtña Restoration and Redevelopment Authority is called to order it is about 2:05 pm in the afternoon and I'd like to thank my colleagues for joining me; my Vice Chair the Honorable Vice Speaker B.J. Cruz; to his right, Senator Tommy Morison; and to my left thank you for being here Senator Brant McCreadie. We are here to hear testimony on two Bills; Bill 156-32(COR) and Bill 159-32(COR). I'll just go ahead and mention the bills right now Bill No.156-32(COR) is "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." Its sponsor's were

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Speaker Judith Wonpat, Vice Speaker Cruz, myself, Senator Duenas, and others. Bill no. 159-32 (COR) - "an act to amend subsection II. AG. Of section 2 of Chapter 1, and to add a new section 19 to Chapter X both of Public Law 31-233 (General Appropriations Act of 2013) making an appropriation from the tourist attraction fund (TAF) to the Guam Visitors Bureau (GVB) for the Humåtak Community Foundation (HCF), Inc. for the purposes of developing the Humåtak Heritage Village Museum (HHVM)."; and it was sponsored by Senator Morrison, myself, and Vice Speaker Cruz. Ladies and gentlemen, I am going to just do a little switching on the agenda since we have a lot of folks and the good Mayor from Humåtak who's joined us and several of the directors from the agencies. I'm going to go ahead and switch the bills right now if that's alright with my colleagues, Vice Speaker, thank you. We'll go ahead and hear testimony on 159-32 (COR).

Senator Muna Barnes – Ladies and Gentlemen, we do have one more bill on the agenda, Bill No. 156-32(COR) and it is "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." Its sponsor was Speaker Judith Won Pat who is not here with us today, myself, and Senator Chris Duenas. For all those who wish to present oral testimony, please do so by signing up at the podium to my left with my committee staff; I want to thank them for also being here and working real hard. I do see on the signup sheet we have Denise Mendiola Hertslet, who has written testimony, if she wants to present oral, she's more than welcome to come up. We do have the Chair of CAHA who supports the effort. She can present oral testimony, Mrs. Monica Okada Guzman; and we also have GVB- Mr. Karl Pangelinan who says he supports the efforts, and you're more than welcome to come up. I will briefly give a Synopsis, but please make your way to the table. If anyone else wishes to present oral testimony, please don't hesitate to sign up with our committee members here.

Senator Muna Barnes - reads the Synopsis, which is attached for the record. I do know that one of the intent of introducing this bill was to make sure that we have a full engagement of our community; and to our listening audience out there who's listening. If you have any other recommendation or suggestions or solutions to how we can better protect what we do as island people, please don't hesitate to again contact our offices or send through facsimile. At this time, I will yield to one of the other members, Ms. Denise Mendiola Hertslet.

Denise Mendiola Hertslet – Good afternoon Madam Chair, Vice Speaker Cruz, Senator Morrison, Senator McCreddie, and Senator Ada. I'm Denise Mendiola Hertslet, representing my boss who is not able to be here today; nevertheless he submitted written testimony in support of this bill. If you don't mind I'd like to read his testimony. Ms. Hertslet reads the testimony of

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Casey Jeszenka (Network Director-Pacific Islands SBDC Network/Guam SBDC), which is attached for the record.

Question # 1- I'm going to add to his letter. In the current process that we are aware of, if a person on Guam were to register locally they would have to get clearance from the USPTO first to ensure that no one else in the U.S has that registered trademark or patent. If there is no finding of anyone with that, then they can proceed to apply for the trademark or patent, however that local trademark law only protects them here on Guam. So, if the person was to go to the United States, it does not prevent somebody else in the United States from using that same trademark or patent. So that was one of the concerns that we had.

Monica Guzman - Chairperson of CAHA. Hafa adai, good afternoon Senator's Morrison, Vice Speaker Cruz, Chairperson Tina Barnes, Senator McCreadie, and Senator Ada. On behalf of the Guam Council of Arts and Humanities, we fully support Bill 156-32. We think that it's a move in the right direction as far as setting up this trademark commission, the Guam Trademark Commission. It brings together all the right people to the table to discuss how we as an island can move forward to protect our traditional and cultural expressions; our traditional knowledge. In the law you speak about how, I mean we all know Guam will be hosting in 2016 the 12th Festival of Pacific Arts. One of the most important things that the South Pacific Commission has requested or has told the host country, Guam, is that we need to have in place legislation protecting our intellectual property. One of things that CAHA is doing is this Saturday we will be hosting a workshop with this as one of our key agenda items. We will have a speaker that will discuss trademark and copy writing, we will have a member of your staff, Senator Barnes, who will talk about this particular legislation. We have so far about 40 people signed up to attend this workshop, and what we'll do is we will submit written testimony after our workshop. We will compile all of the statements and the discussion at the workshop, and provide that as supporting documents, but in general we do support this and we're very happy to be part of this trademark commission.

Senator Barnes - Thank you chairwoman Guzman. The Vice Speaker shared with me about the meeting that is scheduled for this Saturday. Will that be open to the public or is it just the stakeholders from the different agencies that have been mentioned on the compiling of who we have today?

Monica Guzman - The workshop is open to the general public. It's free, there's no charge. CAHA wants to do workshops that speak to topics that our artists and our membership are interested in; and this is one of the topics that we thought would be good to have and bring

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Tina Rose Muña Barnes

people to speak about this for our artist; and it's open to the public; there's no charge it's going to be at the CAHA Gallery in the Terlaje building right across the street and it'll start at 8:00 am-12:00 noon. What we did in February was we had a previous workshop, it was called "Cultural Design with History in Mind" and we featured some of these cultural expressions and traditional designs at that workshop, and so as a result of that they asked if we could have a discussion on trademark and copy right, and also on traditional knowledge and traditional cultural expressions.

Vice Speaker Cruz- I'm glad that Ms. Guzman mentioned the workshop this weekend and the fact that they will be submitting comments and recommendations on how to improve the legislation. So, I'm hoping that we'll keep this record open until we can get that report from them and I thank SDBC for their comments it is very important that we address those 4 issues that you've raised and I thank both of you for coming and it's hard, I mean anybody who knows trademark and patent- I know nothing about it, and it's just a very difficult law; and so the more people that have some input on how we can improve this, hopefully the better we'll come out with this; and the concerns that everybody has in the cultural area about protecting the cultural knowledge; and it's something that we've got to work on. There was a discussion last Saturday where there were concerns about sharing songs and stuff, and so this is something the artists are very interested in, and I'm hoping that we'll get a very extensive report back from the workshop this weekend that we can utilize to improve the legislation. So, thank you very much for coming.

Senator Barnes - As I share the same sentiments as the Vice Speaker I want to say how important this is and those in the business community and the local business community; as we talk about advocating thinking local, buying local, and supporting local there's still some concerns of the process and how do we do that to protect what has been created here. So, this is very valuable and as we've been talking about it; and as the Vice Speaker said earlier there was just the PIBBA and all the other workshops that have been happening in the past; making sure that we bring this up to the forefront is very important, and I just want to say on behalf of the author of the legislation who really wanted to be here, but she had a scheduled appointment; she said please know that she would've been here if she could cancel that one. We will accept testimony and after we would love to get all the recommendations compiled and sent to our office because our I guess our timeline is trying to push for a September session so we can work extra hard and fast with all the stakeholders in the community would be a plus for us.

Denise Hertler - I was just wondering would this type of program; I'm calling it a program cause I don't know what else to call it right now, but would it be something similar to the use of

Chairperson, Committee on Municipal Affairs, Tourism, Housing
and Hagåtña Restoration & Redevelopment Authority

Vice Chairperson, Committee on General Government Operations and Cultural Affairs

Vice Chairperson, Committee on the Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary
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the Guam Seal where you would need to authenticate that this is truly, and it has all of the elements of whatever, and they're going to be broken up into categories and then it has to be housed somewhere. So, one of the challenges that I was looking at was that if we had a nonprofit entity own it, which is what is happening in other countries, then who gets to be that entity that owns it? However, if the government of Guam owns it then we go through the process of making sure it's authenticated, and then the government of Guam, whoever houses it, would be the one issuing that. Would that work?

Senator Barnes – Yes, and as I was sharing with the Vice Speaker, sharing your sentiments, I think it's important. It's concerns and issues like that, that need to come to the forefront and I think that's why the importance of this meeting this Saturday is very, not just near and dear to us, but is very very crucial and very critical as it is one of the main ingredients that are needed in order to help push this bill forward; and making sure that this record is open so that we can accept those ideas, because there are those concerns like that in as far as authentication and all that.

Monica Guzman - I think, like the Vice Speaker said, this topic is voluminous if you're going to dissect it. I have here a couple of handbooks that were produced by the World Intellectual Property Organization, and it's just an overview, but it talks about some of the work that started in the 1930's and then up to the 60s up to the 90s, and so you know there's been a lot of discussion all over the world about protecting our cultural traditions and intellectual property. We've been meeting, CAHA's been meeting with our cultural practitioners to help develop the program for the Festival of Pacific Arts in 2016 and we've been meeting since November; and you know in conversations during and after the meetings, our cultural expression are very dear, and how do we protect it? Cultural expression is a living dynamic thing, same as traditional knowledge. How do we protect it, how do we protect the artist? How do we share it and at the same time protect it?; so that's something that the commission's going to have a lot of fun discussing and trying to; and I'm glad the Vice Speaker will be chairing the commission because I'm sure that you know, it's a good thing it's about time. I know we've been talking about it in our culture community for many years, and I'm just happy that we're finally going to do something with it. I invite all of the Senators, if you're available on Saturday, to come by. We have Attorney Vince Camacho who will be speaking about trademarks and copy rights; then of course we have Stephanie who will talk about this legislation. We have Monique Story who will talk from the University of Guam, who will talk about archiving and research at MARC; what you can and cannot copy, what you can use in your designs; she'll be talking about that; and then we also have the other side of the coin; we have Leo Babauta who will be talking about un-

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copy writing, and his experience with his blog and his book. So, 8:00 am -12:00 pm, you know maybe if you're available, please stop by.

Senator Muna Barnes – will this be recorded for archiving?

Monica Guzman - The workshop is actually a partnership with the Council, Guampedia and Guam Preservation Trust, so all of the proceedings will be posted on the Guampedia website afterwards.

Senator Muna Barnes – Appreciate it, thank you. If there are no other comments or further questions, I'd like to go ahead and call this hearing on Bill No 156-32(COR) publicly heard, and again the record will stay open, and we will meet the 10 day notice for accepting a written testimony again you can do so by sending it to 155 Hesler Place; to the office of Senator Tina Muna Barnes or Vice Speaker B.J. Cruz, at 155 Hesler Place Hagåtña Guam 96910. You can fax it through our office at 472-3400, or senator@tinamunabarnes.com or senator@senatorbjcruz.com. With that being said, this meeting/public hearing on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority, is adjourned. Saina Ma'åse.

The Public Hearing was adjourned at 3:25 p.m.

III. FINDINGS & RECOMMENDATIONS

The Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration & Redevelopment Authority hereby reports out Bill No. 156-32 (COR), with the recommendation TO PASS.

Chairperson, Committee on Municipal Affairs, Tourism, Housing
and Hagåtña Restoration & Redevelopment Authority

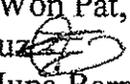
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I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2013 (FIRST) Regular Session

Bill No. 1512-92 (COR)

Introduced by:

Judith T. Won Pat, Ed.D. 
B. J.F. Cruz 
Tina R. Muna Barnes 
C. M. Duenas 

**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.**

2013 JUN 19 PM 2:50


1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that
3 intellectual property rights (IP) are the main asset of any company. Trademarks
4 specifically, have the purpose of identifying the goods and services of any industry
5 in addition to representing the capital gain of the business. Locally, businesses or
6 individuals can protect their intellectual property rights, trademarks and copyrights
7 under the US Trademark Act (15 USC 1051 et seq.) and the Model State
8 Trademark Act. However, such filings must be made with the U.S. Federal
9 Trademark and Patent office.

10 In 1995, P.L. 23-62 (5 GCA Chapter 20, Article 4) was enacted to provide
11 an applicant the ability to locally register a U.S. trademark, patent or copyright
12 within the Territory of Guam. The statute further provides for a Guam Certificate

1 of Registration for any person desiring to register a print, label or trademark
2 intended to be attached or applied to goods or manufactured articles or to bottles,
3 boxes or package containing the goods or manufactured articles. However, the
4 statue needs to be revisited to provide more comprehensive guidelines and better
5 legal protection for those products made and registered exclusively on Guam.

6 Guam's unique Chamorro culture is evident in our island's cultural arts,
7 traditions, and expressions that span for thousands of years. Ancient Chamorros
8 practiced sustainable land use and resource management through irrigated farming,
9 land cultivation, fishpond building, near-shore fishing conservation and legendary
10 seafaring navigation utilizing the world renowned Chamorro *Proa* design.

11 In the expressive cultural arts, Chamorros developed highly refined art forms
12 including weaving, wood, bone and stone carving, tattooing, adornments, clothing,
13 musical instruments, weaponry, medicines and healing arts.

14 The cultural arts of Chamorros practiced today are a vital and authentic
15 expression of a dynamic culture. The practice of these customary arts are visible in
16 daily practices through ceremonies of dance, music, and sacred rites. Many
17 Chamorro native artists today are actively rediscovering and reviving their cultural
18 traditions.

19 Chamorro cultural arts are being lost through limited access to raw
20 materials, a flood of imitations in the marketplace, and stereotyped overuse or
21 culturally inappropriate use in public environments. As is the case for many
22 indigenous peoples throughout the world, Chamorros are in danger of losing these
23 unique cultural practices through assimilation into the dominant Westernized
24 society.

25 A new generation of local artists and entrepreneurs are engaged in
26 revitalization of our culture through their artwork, hand crafted gift items,

1 carvings, jewelry making, t-shirt designs, music, dance, film, paintings,
2 photography and other locally made products. Many local artists struggle to
3 maintain authentic cultural practices and preserve the viability of supporting
4 themselves as artists against the pressures of mass tourism and related
5 commoditization and labeling of all things "Chamorro" or "Made in Guam" to the
6 million visitors who come to Guam every year.

7 Purchasers who cannot distinguish (or appreciate the difference) between a
8 hand-made necklace of unique shells or other authentic artifacts gathered from the
9 shores of Guam having a value of several hundred of dollars from one made of
10 look-alike plastic molded shells strung together in a "copycat style" made in
11 Taiwan or the Philippines.

12 This type of uninformed purchasing by visitors (and even local residents)
13 repeated every day for practically every item of the cultural arts across the entire
14 tourism industry results in the devaluing of authentic native cultural artworks and
15 the inability of native cultural artisans making quality products to support
16 themselves through their art.

17 In 1936, the 18th Guam Legislature recognized that identification and
18 protectionist measures needed to be instituted to protect products made in Guam,
19 and offer the pride and proof that comes with boasting of an authentic product of
20 Guam. The creation of the Guam Product Seal permit program was intended to
21 address this concern and provide island pride in Guam made products. The
22 enabling legislation that provided for a Guam Product Seal program was contained
23 in Public Law 18-42.

24 In 2012, P.L. 227-31 established the Guam Product Seal Task Force to
25 reenergize the Guam Product Seal concept and revisit, some twenty-five (25) years
26 later, the mandate and its accompanying administrative rules, in order to provide

1 incentives for permit holders, ensure compliance and enforcement by stakeholders
2 and the retail industry in Guam and to actively engage in the promotion of the
3 Guam brand by emphasizing the distinctiveness of offerings that proudly carry the
4 "Made in Guam" label.

5 As a result of the work and findings of the task force, P.L. 226-31 was
6 adopted promulgating the rules and regulations to prohibit any retail store,
7 wholesaler, manufacturer, importer, distributor or business establishment to sell
8 any consumer commodity that has the word "Guam" or "Chamorro," or a
9 derivation of such words, on the packaging of the product, if such product was not
10 manufactured in Guam, unless the place where the product was manufactured is
11 clearly and permanently labeled on the product.

12 Although the Guam Product Seal Program offers some regulatory control
13 and protection of products made in Guam, *I Liheslatura* finds that we must further
14 protect our native *Chamorro* culture, traditional practices and evolving new
15 cultural practices (art, music, dance, lyrics, video, film, photography, etc.) through
16 a comprehensive local intellectual property rights and cultural trademark statute.

17 Internationally, protection of surviving expressions of native cultures,
18 traditional cultural expression (acronym "TCE" or "TKE") has been studied at the
19 highest levels by the World Intellectual Property Organization (WIPO) under
20 mandate from the World Convention on Biodiversity of 1992 that was signed by
21 187 countries including the United States. WIPO is a specialized agency of the
22 United Nations dedicated to developing a balanced and accessible international
23 intellectual property (IP) system that rewards creativity, stimulates innovation and
24 contributes to economic development worldwide while safeguarding the public
25 interest. It studies and recommends international treaty regimes to Member States

1 to promote the protection of Intellectual Property Rights worldwide through
2 cooperation among states and in collaboration with international organizations.

3 For decades, American Indian tribes also experienced a long period during
4 which cultural arts were degraded by outside producers making imitation "Indian"
5 products and selling them in markets catering to reservation visitors. The U.S.
6 Congress first enacted the Indian Arts and Crafts Act in 1935, and it was
7 reauthorized in 1990 with several significant changes to the original statute. The
8 IACA reserved to tribal members the exclusive use of designations of "Indian
9 Made" and specific tribal trademarks for authentic products hand-made by Native
10 Americans, providing for civil and criminal penalties of up to \$250,000 in fines
11 and 5 years in prison for individuals and fines up to \$1,000,000 for businesses.

12 Under federal U.S. trademark law, a trademark may certify products or
13 services as endorsed, approved by, or associated with a particular group of people,
14 even a racial or ethnic group. For example, service marks such as "NAACP",
15 "Knights of Columbus", "Daughters of the American Revolution", or "Chinese
16 Chamber of Commerce" are not illegal or unconstitutional even if the service
17 organization has a membership that is limited to a particular race or ethnicity.

18 One of the most successful examples of a cultural (certification) trademark
19 program has been the Maori "Toi Iho" program in New Zealand. Initial legislation
20 was enacted to undertake a process of consultation with the Maori artists and tribal
21 communities for consensus building beginning in Year 2000, funded with about
22 \$NZ 2 million. The Toi Iho cultural trademark program was implemented through
23 legislation enacted in 2002, and is administered through the Arts Council of New
24 Zealand in consultation with its parallel Maori arts agency, the Te Waka Toi
25 Cultural Arts Board. In a short time, the Toi Iho program has become successful in
26 establishing the Toi Iho Logo as a symbol of excellence in Maori cultural arts.

1 In 2016, Guam will host the 12th Annual Festival of the Pacific Arts. The
2 festival brings together artists and cultural practitioners from around the Pacific
3 region for two weeks of festivity. The festival is recognized as a major regional
4 cultural event, and is the largest gathering in which the people of the Pacific unite
5 to enhance their respect and appreciation of one another. The festival is held every
6 four years since 1972 and delegations from 27 Pacific Island Nations and
7 Territories have come together to share and exchange their cultures at each Pacific
8 Arts Festival. Guam expects a delegation of over 2,500 performers, artists and
9 cultural practitioners, in addition to thousands of visitors from Asia and festival
10 followers. F.L. 30-83 created the 12th Festival of the Pacific Arts Coordinating
11 Committee with the duties of organizing and planning the festival. It was discussed
12 in these planning meetings that it is imperative, prior to this festival, that Guam
13 have a local statute in place for the protection of local intellectual property rights
14 and cultural trademarks for Guam and other participating countries.

15 **Section 2.** A new Chapter 14 is hereby *added* of Title 2 Guam Code
16 Annotated to read:

17 **“Chapter 14**

18 **Guam Trademark Commission**

- 19 § 14101. Short Title.
20 § 14102. Guam Trademark Commission.
21 § 14103. Convening of the Guam Trademark Commission.
22 § 14104. Composition of Guam Trademark Commission.
23 § 14105. Duties of Commission
24 § 14106. Conduct of Meetings.
25

1 **§ 14101. Short Title.** This Chapter shall be known as *The Guam*
2 *Trademark Commission Act.*

3 **§ 14102. Guam Trademark Commission, established.** The
4 Guam Trademark Commission is hereby established for the special purpose
5 of developing policy direction and recommendations relative to
6 coordination, planning, implementation, administration, promotion,
7 compliance and enforcement of the “Guam Trademark and Intellectual
8 Property Rights Act” and the “Guam Cultural Trademark Act”.

9 **§ 14103. Convening of the Guam Trademark**
10 **Commission.** The Guam Trademark Commission shall be under the
11 direction of the Chairperson of the Legislative Committee with oversight
12 over Cultural Affairs and convened pursuant to provisions of this Act.

13 **§ 14104. Composition of Guam Trademark Commission.**

14 The composition of the Commission shall be as follows:

15 (a) The Legislative Chairperson with oversight on Cultural Affairs
16 shall serve as the Chairperson of the Commission.

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

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

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

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

7 (f) The Attorney General of Guam or his designated legal
8 representative from the office of the Attorney General; the AGO shall
9 provide guidance on intellectual property rights relative to the Guam brand
10 and opinions as requested;

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

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

15 (i) One (1) member of *I Liheslatura* Minority appointed by the
16 Speaker.

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

20 (k) The Chairperson may include additional public and private
21 sector members to serve on sub-committees or elect them as committee
22 members, provided that they possess significant background, knowledge and
23 experience with locally produced products; and the Commission may
24 prescribe special procedures for their participation.

1 **§ 14105. Duties of the Commission.** The Commission shall work
2 collaboratively to create policy recommendations, rules and legislation for
3 two (2) specific areas in defining and developing a Guam Trademark Law:

4 (1) A new “Guam Trademark and Intellectual Property Rights Act”
5 to create and regulate the trademark law in Guam as it relates to or mirrors
6 current applicable U.S. Trademark and Intellectual Property Rights statute
7 and provide additional statute as needed.

8 (2) A cultural (certification) trademark program, titled “Guam
9 Cultural Trademark Act” (similar to that of the Maori “Toi Iho” program in
10 New Zealand) to promote and license Chamorro Cultural Arts manufactured
11 or produced in Guam. The Commission may hire professional legal or
12 technical services to assist and perform studies, roundtables, conduct polls,
13 surveys and/or conferences to report findings and present initial guidelines
14 for a Guam Cultural Trademark program so that a proposal can be presented
15 to the broader community as a concrete, well-considered, and cohesive
16 program. Guidelines should be discussed to include, but not limited to the
17 following types of issues:

18 (a) Identification of initial types of cultural arts for use of
19 trademark.

20 (b) Criteria for lineage of cultural knowledge qualifying for
21 use of trademark.

22 (c) Criteria for authenticity of works qualifying for use of
23 trademark.

24 (d) Criteria for quality of works qualifying for use of
25 trademark.

1 (e) Criteria for cultural content qualifying for use of
2 trademark.

3 (f) Sources, meanings and extrinsic functions of proposed
4 trademark image.

5 (g) Proposed process for certifying artists for use of
6 trademark.

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

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

11 (j) Proposed terms for use of trademark in advertising,
12 marketing, sales.

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

19 **§ 14106. Conduct of Meetings, Quorum.** The Commission shall
20 meet once a month to discuss and assess progress and recommendations.

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

24 **Section 3. Appropriation.** The sum of Fifty Thousand Dollars
25 (\$50,000.00) is hereby appropriated from the Tourist Attraction Fund (TAF) to the
26 Guam Trademark Commission to fulfill the requirements of §14105 of this

1 Chapter. Any unexpended funds remaining in the Commission's budget at the
2 conclusion of its studies shall be deposited to the Guam Economic Development
3 Authority for the Guam Product Seal Program.

4 **Section 4. Effective Date.** Provisions of this Act shall take effect upon
5 enactment into law. The first meeting of the Guam Trademark Commission shall
6 take place no later than twenty (20) days after enactment. If the twentieth (20th)
7 day of the first meeting and subsequent meetings fall on a Saturday, Sunday or a
8 government of Guam holiday, than the first meeting of the Commission shall take
9 place on the next available business day.

10 **Section 5. Sunset Provision.** The Guam Trademark Commission shall
11 remain in effect until the adoption of recommendations of the Guam Trademark
12 Commission are approved by *I Liheslaturan Guåhan*.

13 **Section 6. Severability Clause.** If any provisions of this Act or the
14 application thereof to any person or circumstance is held invalid, such validity
15 shall not affect other provisions or applications of the Act which can be given
16 effect without the invalid provision or application, and to this end the provisions of
17 this Act are severable.



I Mina' Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

Committee on Municipal Affairs, Tourism, Housing and
 Hagåtña Restoration & Redevelopment Authority
 Public Hearing
 2:00 p.m. Wednesday, August 7, 2013

WITNESS SIGN-IN SHEET

Bill No. 156-32 (COR) "An Act to Create the Guam Trademark Commission for the Development of a Cultural Trademarks Statute for the Protection and Preservation of Guam's Chamorro Cultural Arts".

| NAME | AGENCY OR ORGANIZATION (IF ANY) | SUPPORT OR OPPOSE | WRITTEN TESTIMONY | ORAL TESTIMONY | CONTACT NO. | EMAIL ADDRESS |
|--------------------|---------------------------------|-------------------|-------------------|----------------|-------------|---------------|
| Doreen M. Hertzlet | Guam SADC | | ✓ | | 483-7325 | |
| Monica Guzman | CAHA | Support | | x | 777-1879 | |
| VARZ PANGESTAWAN | GNB | SUPPORT | ✓ | | 69655278 | |
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DIPATTAMENTON I KAOHAO GUINAHAN CHAMORRO
DEPARTMENT OF CHAMORRO AFFAIRS

Honorable Edward J.B. Calvo
Governor of Guam

Joseph Artero-Cameron
President, DCA

Raymond S.Tenorio
Lieutenant Governor of Guam



TESTIMONY IN SUPPORT OF BILL NO 156-32
Submitted by Joseph Artero Cameron
President, Department of Chamorro Affairs

August 7, 2012 – 2:00 p.m.

Håfa Adai Senator Muna-Barnes and Members of the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority. Thank you for the opportunity to provide comment on Bill No. 156-32, an act to create the Guam Trade Commission for the development of a cultural trademark statute for the protection and preservation of Guam’s Chamorro cultural arts.

As the President of the Department of Chamorro Affairs and the Vice-Chairman of the 12th Festival of Pacific Arts Coordinating Committee, I applaud the intent and positive effect this bill advocates. This particular bill encapsulates all intangible assets, products, ideas, music, concepts of all artists and cultural practitioners, i.e. dance, traditional knowledge and traditional expressions of culture, as well as, compliments the Guam Product Seal mandate.

Most people don’t understand what intellectual property rights are and that it can be stolen. The pirating of cultural works is a threat to the creative sectors in our society. Promoting cultural development and fostering innovation and growth are commonly held goals. As Guam prepares to host the 12th Festival of Pacific Arts in 2016, it is imperative that such an entity be established to safeguard the intellectual property rights of our local artists and cultural practitioners. Intellectual property protection is a vital part of social, cultural and economic development.

The Guam Trademark Commission would not only ensure the protection and preservation of Guam’s Chamorro cultural arts, but the promotion of high quality creative work and creative expressions created by our people with a focus on economic sustainability, as well as, raise global awareness of a registered Chamorro trademark of quality artistic works and authenticity of genuine products made in Guam.

Proposed legislation on protecting Intellectual Property has been spoken of for many years amongst members of Guam’s arts community. Many other ethnic locations, nationally and globally promote such legislation. I commend this legislative body for recognizing the intrinsic value of having an entity such as the Commission to create and regulate the trademark law in Guam. This is great policy for which our government will benefit and the citizenry of Guam and I encourage the passage of this legislation.

Joseph Artero Cameron

“Department of Chamorro Affairs is an Equal Opportunity Provider and Employer”

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P.O. Box 2950 Hagåtña, Guam 96932 • Phone: (671) 475-4278/9 • Fax: (671) 475-4227



August 5, 2013

Honorable Senators Judith T. Won Pat, Benjamin J.F. Cruz, Tina R. Munas Barnes and C.M. Duenes
155 Hessler Place
Hagåtña, Guam 96910

Dear Senators Judith T. Won Pat, Benjamin J.F. Cruz, Tina R. Muna Barnes and C.M. Duenes,

On behalf of the staff of the University of Guam Small Business Development Center (SBDC), we are providing written testimonial on Bill #156-32 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.

The SBDC is in favor of the concept of the creation of the Guam Trademark Commission for the development of a Cultural Trademark Statute for the protection and preservation of Guam's Chamorro cultural arts. A faster process in ensuring the protection of copyrights and trademarks on Guam for local businesses will provide additional protection of businesses intellectual property rights, especially the local cultural producers.

We do have several questions and concerns in regards to Bill #156-32 that are:

1. If a new "Guam Trademark and Intellectual Property Rights Act" and a "Guam Cultural Trademark Act" were established here on Guam, business's copyrights and trademarks still would need to be filed in the U.S. Federal Patent and Trademark Office (USPTO) to have protection since Guam is under the U.S. or someone who filed at the USPTO would have precedence over them here as far as we are aware. Our question is how would this new law protect individuals on Guam from someone that has a similar trademark or patent registered with the USPTO?
2. Is this going to be a true trademark law providing protection or is its intent to be an authentication program for Chamorro Cultural Producers?
3. If it is to be enforced, will Rev & Tax be able to enforce it since they are already under staffed? Would it be better to have the enforcement with the Guam Product Seal at GEDA and provide funding in the new laws to provide staff to implement and enforce the Acts?
4. We believe it would be good to have more private sector members in the composition of the Guam Trademark Commission, it appears most would only be allowed possibly on sub-committees as written.

We thank you for allowing the staff of the UOG SBDC to provide this written testimonial. Please feel free to call me at 735-2593 or e-mail me at casey@pacificsbdc.com if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Casey Jeszenka".

Casey Jeszenka
Network Director
Pacific Islands SBDC Network / Guam SBDC
P.O. Box 5014
Mangilao, Guam 96923
Tel: (671) 735-2593
Fax: (671) 734-2002
E-mail: casey@pacificsbdc.com
Website: <http://www.pacificsbdc.com>



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

August 21, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Memorandum

Senator
Vicente (Ben) C. Pangelinan
Member

To: **Rennae Meno**
Clerk of the Legislature

Speaker
Judith T.P. Won Pat, Ed.D.
Member

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Senator
Dennis G. Rodriguez, Jr.
Member

Subject: **Fiscal Note**

Vice-Speaker
Benjamin J.F. Cruz
Member

Hafa Adai!

Legislative Secretary
Tina Rose Muña Barnes
Member

Attached please find the fiscal note for the bill number listed below.
Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Senator
Frank Blas Aguon, Jr.
Member

FISCAL NOTE:
Bill Nos. 156-32(COR)

Senator
Michael F.Q. San Nicolas
Member

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
V. Anthony Ada
Member
MINORITY LEADER

Si Yu'os ma'åse'!

Senator
Aline Yamashita
Member

2013 AUG 21 PM 3:11
[Handwritten signature]

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 156-32 (COR)**

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

Department/Agency Appropriation Information

| | |
|---|---|
| Dept./Agency Affected: Department of Chamorro Affairs | Dept./Agency Head: Joseph Artero-Cameron, President |
| Department's General Fund (GF) appropriation(s) to date: | \$928,856 |
| Department's Other Fund (Specify) appropriation(s) to date: | - |
| Total Department/Agency Appropriation(s) to date: | \$928,856 |

Fund Source Information of Proposed Appropriation

| | General Fund: | Tourist Attraction Fund: | Total: |
|--|---------------|--------------------------|--------------------|
| FY 2012 Unreserved Fund Balance ¹ | | \$4,065,015 | \$4,065,015 |
| FY 2013 Adopted Revenues | \$0 | \$25,500,082 | \$25,500,082 |
| FY 2013 Appro. (P.L. 31-233 - P.L. 32-042) | \$0 | (\$25,965,080) | (\$25,965,080) |
| Sub-total: | \$0 | \$3,600,017 | \$3,600,017 |
| Less appropriation in Bill | \$0 | (\$50,000) | (\$50,000) |
| Total: | \$0 | \$3,550,017 | \$3,550,017 |

Estimated Fiscal Impact of Bill

| | One Full Fiscal Year | For Remainder of FY 2013 (if applicable) | FY 2014 | FY 2015 | FY 2016 | FY 2017 |
|-------------------------|----------------------|--|------------|------------|------------|------------|
| General Fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Tourist Attraction Fund | \$50,000 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | \$50,000 | \$0 | \$0 | \$0 | \$0 | \$0 |

- Does the bill contain "revenue generating" provisions?
If Yes, see attachment / / Yes /X/ No
- Is amount appropriated adequate to fund the intent of the appropriation?
If no, what is the additional amount required? \$ _____ / / N/A /X/ Yes / / No
- Does the Bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies? / / N/A /X/ Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:
/ / Requested agency comments not received as of the due date /X/ Yes / / No
/ / Other:

Analyst: Arthur R. Mariano Date: 8/7/13 Director: John A. Rios, Director Date: AUG 19 2013

Footnotes:
See Comments Attached

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 156-32 (COR)

Comments:

Sec. 3 of Bill 156-32 (COR) appropriates Fifty Thousand Dollars (\$50,000) from the Tourist Attraction Fund (TAF) to the Guam Trademark Commission to fulfill requirements set forth in the respective Bill. Any unexpended funds remaining in the (newly-created) Guam Trademark Commission's budget at the conclusion of its studies shall be deposited to the Guam Economic Development Authority for the Guam Product Seal Program. It should be noted that, based on the FY2012 Audit by the Office of Public Accountability, the FY2012 TAF Balance was \$4,065,015 as of September 30, 2012. The current status of the TAF reflects revenues as tracking positively. However, per §30107 of 11 GCA, TAF funds are to be committed for tourist related operations.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
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Senator
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Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

July 23, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Thomas C. Ada** 
Acting Chairperson of the Committee on Rules

Subject: **Referral of Bill No. 156-32(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 156-32(COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina Trentai Dos Na Liheslaturan Guahan

Bill Log Sheet

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES |
|-----------------|---|---|------------------------|---------------|---|---------------------|-----------------------------|--------------|
| 156-32 (COR) | Judith T. Won Pat, Ed.D. B. J.F. Cruz Tina R. Muna Barnes C. M. Duenas | 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 | 7/19/2013 2:50 p.m. | 07/23/13 | Committee on Municipal Affairs, Tourism, Housing, and Hagatna Restoration and Development Authority | | | |



I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

July 31, 2013

MEMORANDUM

TO: All Members/All Senators

FROM: Acting Chairperson 

SUBJECT: First Notice of Public Hearing - Wednesday, August 7, 2013

Buenas yan Hafa Adai! This is to inform you that the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on Wednesday, August 7, 2013 at the Public Hearing Room beginning at 2:00 p.m. This hearing is scheduled to receive public testimony on the following:

- Bill No. 156-32 (COR) - An act to create the Guam Trademark Commission for the Development of a cultural trademarks statute for the protection and preservation of Guam's Chamorro Cultural Arts (*Sponsors: J.T. Won Pat, Ed.D., B.J.F. Cruz, T.R. Muña Barnes, C.M. Duenas*); and
- Bill No. 159-32 (COR) - An act to amend Subsection II. AG. Of Section 2 of Chapter I, & to add a new section 19 to Chapter X both of Public Law 31-233 (General Appropriations Act of 2013) making an appropriation from the Tourist Attraction Fund (TAF) to the Guam Visitors Bureau (GVB) for the Humatak Community Foundation (HCF), Inc. for the purposes of developing the Humatak Heritage Village Museum (HHVM) (*Sponsors: T.A. Morrison, T.R. Muña Barnes, B.J.F. Cruz*)

Testimony should be addressed to Senator Tina Rose Muna Barnes, Chairperson, and may be submitted via hand delivery to our office at 155 Hesler Place Hagåtña, Guam 96910, or via email to senator@tina.nunabarnes.com

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Jeanenne Cordero or John Blas from our office at 472-3455/6 or via email at jean@tinamunabarnes.com or jblas@tinamunabarnes.com as soon as possible. I look forward to your attendance and participation. *Si Yu'os Ma'åse'!*

cc: Sergeant-At-Arms/Protocol/AV
Clerk of the Legislature
MIS
All Media

Chairperson, Committee on Municipal Affairs, Tourism, Housing
and Hagåtña Restoration & Redevelopment Authority
Vice Chairperson, Committee on General Government Operations and Cultural Affairs
155 Hesler Place Hagåtña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com



John Blas <jblas@tinamunabarnes.com>

First Hearing Notice (2pm Wednesday, August 7, 2013)

John Blas <jblas@tinamunabarnes.com>

Wed, Jul 31, 2013 at 10:17 AM

To: phnotice <phnotice@guamlegislature.org>

Buenas yan Hafa Adai! In reference to the above subject matter, please see the attached Memo from Acting Committee Chairperson, Vice Speaker B.J. Cruz.

July 31, 2013

MEMORANDUM

TO: All Members/All Senators

FROM: Acting Chairperson

SUBJECT: First Notice of Public Hearing - Wednesday, August 7, 2013

Buenas yan Hafa Adai! This is to inform you that the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on **Wednesday, August 7, 2013** at the Public Hearing Room beginning at **2:00 p.m.** This hearing is scheduled to receive public testimony on the following:

- Bill No. 156-32 (COR) - An act to create the Guam Trademark Commission for the Development of a cultural trademarks statute for the protection and preservation of Guam's Chamorro Cultural Arts (***Sponsors: J.T. Won Pat, Ed.D., B.J.F. Cruz, T.R. Muña Barnes, C.M. Duenas***); and
- Bill No. 159-32 (COR) - An act to amend Subsection II. AG. Of Section 2 of Chapter I, & to add a new section 19 to Chapter X both of Public Law 31-233 (General Appropriations Act of 2013) making an appropriation from the Tourist Attraction Fund (TAF) to the Guam Visitors Bureau (GVB) for the Humatak Community Foundation (HCF), Inc. for the purposes of developing the Humatak Heritage Village Museum (HHVM) (***Sponsors: T.A. Morrison, T.R. Muña Barnes, B.J.F. Cruz***)

Testimony should be addressed to Senator Tina Rose Muna Barnes, Chairperson, and may be submitted via hand delivery to our office at 155 Hesler Place Hagåtña, Guam 96910, or via email to senator@tinamunabarnes.com

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Jeanenne Cordero or John Blas from our office at 472-3455/6 or via email at jean@tinamunabarnes.com or jblas@tinamunabarnes.com as soon as possible. I look forward to your attendance and participation. *Si Yu'os Ma'åse'!*

cc: Sergeant-At-Arms/Protocol/AV

Clerk of the Legislature

MIS

All Media

--

John F. Blas
Senior Policy Analyst
Office of Senator Tina Rose Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and



John Blas <jblas@tinamunabarnes.com>

First Hrg Notice - 2pm Wednesday, August 7, 2013

John Blas <jblas@tinamunabarnes.com>

Wed, Jul 31, 2013 at 2:21 PM

To: KUAM - John <john@kuam.com>, KUAM - Ken <kenq@kuam.com>, KUAM - Mindy <mindy@kuam.com>, KUAM - Sabrina <sabrina@kuam.com>, KUAM News - Hot Tips <hottips@kuam.com>, SPB - Clynt Ridgell <clynt@spbguam.com>, SPB - Josh Tyquiengco <jtyquiengco@spbguam.com>, SPB - Kevin Kerrigan <kevin@spbguam.com>, SPB - Patti Arroyo <parroyo@k57.com>, SPB - Ray Gibson <rgibson@k57.com>, PDN - Catriona <cmelyan@guampdn.com>, PDN - News <news@guampdn.com>, PDN - Watanabe <mwatanabe@guam.gannett.com>, MV-Gerry Partido <gerry@mvguam.com>, K Stereo - KISH <kstokish@gmail.com>, K Stereo News <kstnews@ite.net>

Cc: Jean Cordero <jean@tinamunabarnes.com>

Buenas yan Hafa Adai!

In reference to the above subject matter, please see that attached Memo from Vice Speaker Cruz, Acting Committee Chairperson.

July 31, 2013

MEMORANDUM

TO: All Members/All Senators

FROM: Acting Chairperson

SUBJECT: First Notice of Public Hearing - Wednesday, August 7, 2013

Buenas yan Hafa Adai! This is to inform you that the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on **Wednesday, August 7, 2013** at the Public Hearing Room beginning at **2:00 p.m.** This hearing is scheduled to receive public testimony on the following:

Bill No. 156-32 (COR) - An act to create the Guam Trademark Commission for the Development of a cultural trademarks statute for the protection and preservation of Guam's Chamorro Cultural Arts (*Sponsors: J.T. Won Pat, Ed.D., B.J.F. Cruz, T.R. Muña Barnes, C.M. Duenas*); and

Bill No. 159-32 (COF) - An act to amend Subsection II. AG. Of Section 2 of Chapter I, & to add a new section 19 to Chapter X both of Public Law 31-233 (General Appropriations Act of 2013) making an appropriation from the Tourist Attraction Fund (TAF) to the Guam Visitors Bureau (GVB) for the Humatak Community Foundation (HCF), Inc. for the purposes of developing the Humatak Heritage Village Museum (HHVM) (*Sponsors: T.A. Morrison, T.R. Muña Barnes, B.J.F. Cruz*)

Testimony should be addressed to Senator Tina Rose Muna Barnes, Chairperson, and may be submitted via hand delivery to our office at 155 Hesler Place Hagåtña, Guam 96910, or via email to senator@tinamunabarnes.com

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Jeanenne Cordero or John Blas from our office at 472-3455/6 or via email at jean@tinamunabarnes.com or jblas@tinamunabarnes.com as soon as possible. I look forward to your attendance and participation. *Si Yu'os Ma'ase'!*

cc: Sergeant-At-Arms/Protocol/AV

Clerk of the Legislature

MIS



I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

August 2, 2013

MEMORANDUM

TO: All Members/All Senators

FROM: Acting Chairperson 

SUBJECT: Second Notice of Public Hearing - Wednesday, August 7, 2013

Buenas yan Hafa Adai! This is to inform you that the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on Wednesday, August 7, 2013 at the Public Hearing Room beginning at 2:00 p.m. This hearing is scheduled to receive public testimony on the following:

- Bill No. 156-32 (COR) - An act to create the Guam Trademark Commission for the Development of a cultural trademarks statute for the protection and preservation of Guam's Chamorro Cultural Arts (*Sponsors: J.T. Won Pat, Ed.D., B.J.F. Cruz, T.R. Muña Barnes, C.M. Duenas*); and
- Bill No. 159-32 (COR) - An act to amend Subsection II. AG. Of Section 2 of Chapter I, & to add a new section 19 to Chapter X both of Public Law 31-233 (General Appropriations Act of 2013) making an appropriation from the Tourist Attraction Fund (TAF) to the Guam Visitors Bureau (GVB) for the Humatak Community Foundation (HCF), Inc. for the purposes of developing the Humatak Heritage Village Museum (HHVM) (*Sponsors: T.A. Morrison, T.R. Muña Barnes, B.J.F. Cruz*)

Testimony should be addressed to Senator Tina Rose Muna Barnes, Chairperson, and may be submitted via hand delivery to our office at 155 Hesler Place Hagåtña, Guam 96910, or via email to senator@tina:nunabarnes.com

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Jeanenne Cordero or John Blas from our office at 472-3455/6 or via email at jean@tinamunabarnes.com or jblas@tinamunabarnes.com as soon as possible. I look forward to your attendance and participation. *Si Yu'os Ma'åse'!*

cc: Sergeant-At-Arms/Protocol/AV
Clerk of the Legislature
MIS
All Media

Chairperson, Committee on Municipal Affairs, Tourism, Housing
and Hagåtña Restoration & Redevelopment Authority
Vice Chairperson, Committee on General Government Operations and Cultural Affairs
155 Hesler Place Hagåtña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com



John Blas <jblas@tinamunabarnes.com>

Second Hearing Notice (2pm Wednesday, August 7, 2013)

John Blas <jblas@tinamunabarnes.com>

Fri, Aug 2, 2013 at 10:02 AM

To: phnotice <phnotice@guamlegislature.org>

Buenas yan Hafa Adai! In reference to the above subject matter, please see the attached Memo from Acting Committee Chairperson, Vice Speaker B.J. Cruz.

August 2, 2013

MEMORANDUM

TO: All Members/All Senators

FROM: Acting Chairperson

SUBJECT: Second Notice of Public Hearing - Wednesday, August 7, 2013

Buenas yan Hafa Adai! This is to inform you that the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on **Wednesday, August 7, 2013** at the Public Hearing Room beginning at **2:00 p.m.** This hearing is scheduled to receive public testimony on the following:

Bill No. 156-32 (COR) - An act to create the Guam Trademark Commission for the Development of a cultural trademarks statute for the protection and preservation of Guam's Chamorro Cultural Arts (*Sponsors: J.T. Won Pat, Ed.D., B.J.F. Cruz, T.R. Muña Barnes, C.M. Duenas*); and

Bill No. 159-32 (COR) - An act to amend Subsection II. AG. Of Section 2 of Chapter I, & to add a new section 19 to Chapter X both of Public Law 31-233 (General Appropriations Act of 2013) making an appropriation from the Tourist Attraction Fund (TAF) to the Guam Visitors Bureau (GVB) for the Humatak Community Foundation (HCF), Inc. for the purposes of developing the Humatak Heritage Village Museum (HHVM) (*Sponsors: T.A. Morrison, T.R. Muña Barnes, B.J.F. Cruz*)

Testimony should be addressed to Senator Tina Rose Muna Barnes, Chairperson, and may be submitted via hand delivery to our office at 155 Hesler Place Hagåtña, Guam 96910, or via email to senator@tinamunabarnes.com

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Jeanenne Cordero or John Blas from our office at 472-3455/6 or via email at jean@tinamunabarnes.com or jblas@tinamunabarnes.com as soon as possible. I look forward to your attendance and participation. *Si Yu'os Ma'ase'!*

cc: Sergeant-At-Arms/Protocol/AV

Clerk of the Legislature

MIS

All Media

--

John F. Blas
Senior Policy Analyst

Office of Senator Tina Rose Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and
Hagatna Restoration & Redevelopment Authority
155 Hessler Place
Hagåtña, Guam 96910
(Tel) 671.472.3455/5
(Fax) 671.472.3400
email: jblas@tinamunabarnes.com

 **2013 0802 All Senators (0807 2nd Hrg Notice).pdf**
70K



John Blas <jblas@tinamunabarnes.com>

Second Hearing Notice - Wednesday, August 7, 2013

John Blas <jblas@tinamunabarnes.com>

Fri, Aug 2, 2013 at 10:18 AM

To: "Henry J. Taitano" <htaitano@investguam.com>, John Camacho <jpcamacho@revtax.gov.gu>, Joseph Artero-Cameron <joseph.cameron@dca.guam.gov>, Monica Guzman <monicaguzman@galaidegroup.com>, Karl Pangelinan <karl.pangelinan@visitguam.org>, AG Leonardo Rapadas <law@guamag.org>, David Leddy <dleddy@guamchamber.com.gu>, Casey Jeszenka <casey@pacificsbdc.com>, "Mayor Johnny A. Quinata" <umatacmo@gmail.com>, Joe Quinata <jqpreservation@guam.net>

Cc: Zerlyn Palomo <zpalomo@guamag.org>, Marie Benito <mmbenito@revtax.gov.gu>, Jon Nathan Denight <nathan.denight@visitguam.org>, Jean Cordero <jean@tinamunabarnes.com>, Stephanie Flores <sgflores@tinamunabarnes.com>, Charissa Tenorio <charissatenorio@gmail.com>

Buenas yan Hafa Adai!

In compliance with the Open Government Law, this is the Second (48hr) Hearing Notice relative to the Public Hearing to be conducted by the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration & Redevelopment Authority. The Hearing is scheduled for 2:00pm Wednesday, August 8, 2013 in the Guam Legislature's Public Hearing Room.

A copy of the Memo from Vice Speaker B.J. Cruz, Acting Chairperson and a copy of the Agenda is attached for your information and file.

Thank you for your kind attention and if you should have any questions, please do not hesitate to call or email me.

John

--

Please reply to confirm receipt of this email.

John F. Blas
Senior Policy Analyst
Office of Senator Tina Rose Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and
Hagatna Restoration & Redevelopment Authority
155 Hessler Place
Hagåtña, Guam 96910
(Tel) 671.472.3455/5
(Fax) 671.472.3400
email:jblas@tinamunabarnes.com

2 attachments

 2013 0802 All Senators (0807 2nd Hrg Notice).pdf
70K

 2013 0807 Agenda.pdf
161K



I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

July 31, 2013

Leonardo M. Rapadas
Attorney General
Office of the Attorney General of Guam
287 W. O'Brien Drive
Hagåtña, Guam 96910

SUBJECT: First Notice of Public Hearing – 2:00 p.m. Wednesday, August 7, 2013

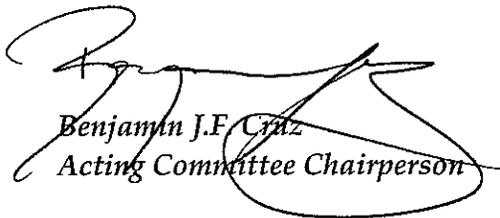
Dear Attorney General Rapadas:

Buenas yan Hafa Adai! In reference to the above subject matter, this is to inform you that the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on **Wednesday, August 7, 2013** at the Public Hearing Room beginning at **2:00 p.m.** The Committee would like to extend an invitation to you to provide testimony on the following:

- Bill No. 156-32 (COR) - An act to create the Guam Trademark Commission for the Development of a cultural trademarks statute for the protection and preservation of Guam's Chamorro Cultural Arts (*Sponsors: J.T. Won Pat, Ed.D., B.J.F. Cruz, T.R. Muña Barnes, C.M. Duenas*)

Un Dangko'lo Na Si Yu'os Ma'ásé for your attention regarding this matter, and I look forward to your attendance and participation.

Senseramente,


Benjamin J.F. Cruz
Acting Committee Chairperson

Chairperson, Committee on Municipal Affairs, Tourism, Housing
and Hagåtña Restoration & Redevelopment Authority
Vice Chairperson, Committee on General Government Operations and Cultural Affairs
Vice Chairperson, Committee on the Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary
155 Hesler Place Hagåtña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com



John Blas <jblas@tinamunabarnes.com>

Invitation to August 7, 2013 Public Hrg

John Blas <jblas@tinamunabarnes.com>

Wed, Jul 31, 2013 at 10:51 AM

To: AG Leonardo Rapadas <law@guamag.org>

Cc: Zerlyn Palomo <zpalomo@guamag.org>, Jean Cordero <jean@tinamunabarnes.com>, Stephanie Flores <sgflores@tinamunabarnes.com>

Dear Attorney General Rapadas:

Buenas yan Hafa Adai! In reference to the above subject matter, please see the attached memo from Vice Speaker B.J. Cruz, Acting Chairperson for the Committee. For your convenience, I have attached Bill No. 156-32 (COR) for your review.

Thank you and if you should have any questions, please do not hesitate to call or email me.

John

Please reply to confirm receipt of this email.

--

John F. Blas
Senior Policy Analyst
Office of Senator Tina Rose Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and
Hagatna Restoration & Redevelopment Authority
155 Hessler Place
Hagåtña, Guam 96910
(Tel) 671.472.3455/6
(Fax) 671.472.3400
email:jblas@tinamunabarnes.com

2 attachments

 2013 0731 AG (0807 1st Hrg Notice).pdf
57K

 Bill No. 156-32 (COR) jtwp Guam Trademark Commission.pdf
591K



I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

July 31, 2013

Mr. John Camacho
Director
Department of Revenue & Taxation
P.O. Box 2950
Hagåtña, Guam 96910

SUBJECT: First Notice of Public Hearing – 2:00 p.m. Wednesday, August 7, 2013

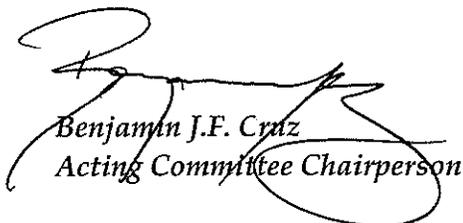
Dear Director Camacho,

Buenas yan Hafu Adai! In reference to the above subject matter, this is to inform you that the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on Wednesday, August 7, 2013 at the Public Hearing Room beginning at **2:00 p.m.** The Committee would like to extend an invitation to you to provide testimony on the following:

- Bill No. 156-32 (COR) - An act to create the Guam Trademark Commission for the Development of a cultural trademarks statute for the protection and preservation of Guam's Chamorro Cultural Arts (*Sponsors: J.T. Won Pat, Ed.D., B.J.F. Cruz, T.R. Muña Barnes, C.M. Duenas*)

Un Dangko'lo Na Si Yu'os Ma'ásé for your attention regarding this matter, and I look forward to your attendance and participation.

Senseramente,



Benjamin J.F. Cruz
Acting Committee Chairperson

Chairperson, Committee on Municipal Affairs, Tourism, Housing
and Hagåtña Restoration & Redevelopment Authority
Vice Chairperson, Committee on General Government Operations and Cultural Affairs
Vice Chairperson, Committee on the Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary
155 Hesi:er Place Hagåtña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com



John Blas <jblas@tinamunabarnes.com>

Invitation to August 7, 2013 Public Hrg

John Blas <jblas@tinamunabarnes.com>

Wed, Jul 31, 2013 at 10:38 AM

To: John Camacho <jpcamacho@revtax.gov.gu>

Cc: Marie Benito <mmbenito@revtax.gov.gu>, Jean Cordero <jean@tinamunabarnes.com>, Stephanie Flores <sgflores@tinamunabarnes.com>

Mr. Camacho:

Buenas yan Hafa Adai! In reference to the above subject matter, please see the attached memo from Vice Speaker B.J. Cruz, Acting Chairperson for the Committee. For your convenience, I have attached Bill No. 156-32 (COR) for your review.

Thank you and if you should have any questions, please do not hesitate to call or email me.

John

Please reply to confirm receipt of this email.

--

John F. Blas
Senior Policy Analyst
Office of Senator Tina Rose Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and
Hagatna Restoration & Redevelopment Authority
155 Hessler Place
Hagåtña, Guam 96910
(Tel) 671.472.3455/6
(Fax) 671.472.3400
email:jblas@tinamunabarnes.com

2 attachments **2013 0731 DRT Director (0807 1st Hrg Notice).pdf**
54K **Bill No. 156-32 (COR) jtwp Guam Trademark Commission.pdf**
591K



I Mina/Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

July 31, 2013

Mr. Joseph Artero Cameron
President
Department of Chamorro Affairs
Terlaje Professional Building
1st Floor 194 Hernan Cortez Ave.
Hagåtña, Guar. 96910

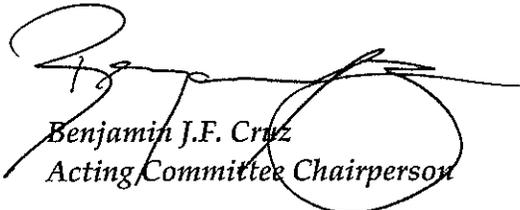
SUBJECT: First Notice of Public Hearing – 2:00 p.m. Wednesday, August 7, 2013

Dear Mr. President,

Buenas yan Hafu Adai! In reference to the above subject matter, this is to inform you that the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on **Wednesday, August 7, 2013** at the Public Hearing Room beginning at **2:00 p.m.** The Committee would like to extend an invitation to you to provide testimony on the following:

- Bill No. 156-32 (COR) - An act to create the Guam Trademark Commission for the Development of a cultural trademarks statute for the protection and preservation of Guam's Chamorro Cultural Arts (*Sponsors: J.T. Won Pat, Ed.D., B.J.F. Cruz, T.R. Muña Barnes, C.M. Duenas*); and
- Bill No. 159-32 (COR) - An act to amend Subsection II. AG. Of Section 2 of Chapter I, & to add a new section 19 to Chapter X both of Public Law 31-233 (General Appropriations Act of 2013) making an appropriation from the Tourist Attraction Fund (TAF) to the Guam Visitors Bureau (GVB) for the Humatak Community Foundation (HCF), Inc. for the purposes of developing the Humatak Heritage Village Museum (HHVM) (*Sponsors: T.A. Morrison, T.R. Muña Barnes, B.J.F. Cruz*)

Un Dangko'lo Na Si Yu'os Ma'ásé for your attention regarding this matter, and I look forward to your attendance and participation.



Benjamin J.F. Cruz
Acting Committee Chairperson

Chairperson, Committee on Municipal Affairs, Tourism, Housing
and Hagåtña Restoration & Redevelopment Authority

Vice Chairperson, Committee on General Government Operations and Cultural Affairs

Vice Chairperson, Committee on the Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary
155 Heshler Place Hagåtña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com



John Blas <jblas@tinamunabarnes.com>

Invitation to August 7, 2013 Public Hrg

John Blas <jblas@tinamunabarnes.com>

Wed, Jul 31, 2013 at 10:47 AM

To: Joseph Artero-Cameron <joseph.cameron@dca.guam.gov>

Cc: Jean Cordero <jean@tinamunabarnes.com>, Stephanie Flores <sgflores@tinamunabarnes.com>

Mr. President:

Buenas yan Hafa Adai! In reference to the above subject matter, please see the attached memo from Vice Speaker B.J. Cruz, Acting Chairperson for the Committee. For your convenience, I have attached Bill No. 156-32 (COR) and Bill No. 159-32 (COR) for your review.

I would also like to extend an invitation to CAHA, could you please provide me with the name and email address of a Point of Contact? Thank you and if you should have any questions, please do not hesitate to call or email me.

John

Please reply to confirm receipt of this email.

--

John F. Blas
Senior Policy Analyst
Office of Senator Tina Rose Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and
Hagatna Restoration & Redevelopment Authority
155 Hessler Place
Hagåtña, Guam 96910
(Tel) 671.472.3455/6
(Fax) 671.472.3400
email:jblas@tinamunabarnes.com

3 attachments **2013 0731 DCA President (0807 1st Hrg Notice).pdf**
65K **Bill No. 156-32 (COR) jtwp Guam Trademark Commission.pdf**
591K **Bill No. 159-32 (COR) tam Humatak Community Foundation, Inc..pdf**
437K



John Blas <jblas@tinamunabarnes.com>

Invitation to August 7, 2013 Public Hrg

John Blas <jblas@tinamunabarnes.com>

Wed, Jul 31, 2013 at 11:13 AM

To: Monica Guzman <monicaguzman@galaidegroup.com>

Cc: Joseph Artero-Cameron <joseph.cameron@dca.guam.gov>, Cathy Gogue <cgogue@pbsguam.org>, Jean Cordero <jean@tinamunabarnes.com>, Stephanie Flores <sgflores@tinamunabarnes.com>

Dear Monica:

Buenas yan Hafa Adai! On behalf of Vice Speaker B.J. Cruz, Acting Chairperson for the Committee. I am extending an invitation to you to submit testimony on Bill No. 159-32 (COR) - see attached. Also for your information, and if you wish to submit testimony, I have attached Bill No. 156-32 (COR) relative to the Guam Trademark Commission.

The hearing is scheduled for 2pm Wednesday, August 7, 2013 in the Legislature's Public Hearing Room. Thank you and if you should have any questions, please do not hesitate to call or email me.

John

Please reply to confirm receipt of this email.

--

John F. Blas
Senior Policy Analyst
Office of Senator Tina Rose Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and
Hagatna Restoration & Redevelopment Authority
155 Hessler Place
Hagåtña, Guam 96910
(Tel) 671.472.3455/6
(Fax) 671.472.3400
email:jblas@tinamunabarnes.com

2 attachments

 **Bill No. 159-32 (COR) tam Humatak Community Foundation, Inc..pdf**
437K

 **Bill No. 156-32 (COR) jtwp Guam Trademark Commission.pdf**
591K



I Mina'Trentai Dos Na Liheslaturan Guáhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

July 31, 2013

Mr. Karl Pangelinan
General Manager
Guam Visitors Bureau
401 Pale San Vitores Road
Tumon, Guam 96913

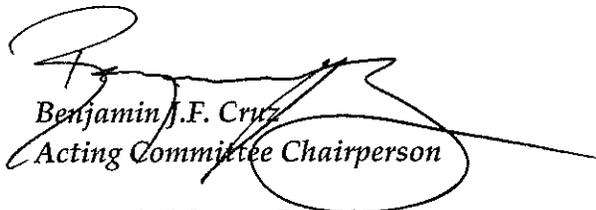
SUBJECT: First Notice of Public Hearing – 2:00 p.m. Wednesday, August 7, 2013

Dear Mr. Pangelinan,

Buenas yan Hafu Adai! In reference to the above subject matter, this is to inform you that the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on **Wednesday, August 7, 2013** at the Public Hearing Room beginning at **2:00 p.m.** The Committee would like to extend an invitation to you to provide testimony on the following:

- Bill No. 156-32 (COR) - An act to create the Guam Trademark Commission for the Development of a cultural trademarks statute for the protection and preservation of Guam's Chamorro Cultural Arts (*Sponsors: J.T. Won Pat, Ed.D., B.J.F. Cruz, T.R. Muña Barnes, C.M. Duenas*); and
- Bill No. 159-32 (COR) - An act to amend Subsection II. AG. Of Section 2 of Chapter I, & to add a new section 19 to Chapter X both of Public Law 31-233 (General Appropriations Act of 2013) making an appropriation from the Tourist Attraction Fund (TAF) to the Guam Visitors Bureau (GVB) for the Humatak Community Foundation (HCF), Inc. for the purposes of developing the Humatak Heritage Village Museum (HHVM) (*Sponsors: T.A. Morrison, T.R. Muña Barnes, B.J.F. Cruz*)

Un Dangko'lo Na Si Yu'os Ma'ásé for your attention regarding this matter, and I look forward to your attendance and participation.


Benjamin J.F. Cruz
Acting Committee Chairperson

cc: GVB Deputy General Manager
Chairman, GVB Board of Directors

Chairperson, Committee on Municipal Affairs, Tourism, Housing
and Hagåtña Restoration & Redevelopment Authority
Vice Chairperson, Committee on General Government Operations and Cultural Affairs
Vice Chairperson, Committee on the Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary
155 Hessler Place Hagåtña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com



John Blas <jblas@tinamunabarnes.com>

Invitation to August 7, 2013 Public Hrg

John Blas <jblas@tinamunabarnes.com>

Wed, Jul 31, 2013 at 11:19 AM

To: Karl Pangelinan <karl.pangelinan@visitguam.org>

Cc: Jon Nathan Denight <nathan.denight@visitguam.org>, Jean Cordero <jean@tinamunabarnes.com>, Stephanie Flores <sgflores@tinamunabarnes.com>

Dear Mr. Pangelinan:

Buenas yan Hafa Adai! In reference to the above subject matter, please see the attached memo from Vice Speaker B.J. Cruz, Acting Chairperson for the Committee. For your convenience, I have attached Bill No. 156-32 (COR) and Bill No. 159-32 (COR) for your review.

I do not have an email address for the Chairman of the Board and would therefore appreciate your assistance to forward this email to the Chairman. Thank you and if you should have any questions, please do not hesitate to call or email me.

John

Please reply to confirm receipt of this email.

--

John F. Blas
Senior Policy Analyst
Office of Senator Tina Rose Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and
Hagåtña Restoration & Redevelopment Authority
155 Hessler Place
Hagåtña, Guam 96910
(Tel) 671.472.3455/6
(Fax) 671.472.3400
email:jblas@tinamunabarnes.com

3 attachments **2013 0731 GVB GM (0807 1st Hrg Notice).pdf**
66K **Bill No. 156-32 (COR) jtwp Guam Trademark Commission.pdf**
591K **Bill No. 159-32 (COR) tam Humatak Community Foundation, Inc..pdf**
437K



I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

July 31, 2013

Mr. Henry J. Taitano
Administrator
Guam Economic Development Authority
ITC Building, Suite 511
590 South Marine Corps Drive
Tamuning, Guam 96913

SUBJECT: First Notice of Public Hearing – 2:00 p.m. Wednesday, August 7, 2013

Dear Mr. Taitano,

Buenas yan Hafu Adai! In reference to the above subject matter, this is to inform you that the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on **Wednesday, August 7, 2013** at the Public Hearing Room beginning at **2:00 p.m.** The Committee would like to extend an invitation to you to provide testimony on the following:

- Bill No. 156-32 (COR) - An act to create the Guam Trademark Commission for the Development of a cultural trademarks statute for the protection and preservation of Guam's Chamorro Cultural Arts (*Sponsors: J.T. Won Pat, Ed.D., B.J.F. Cruz, T.R. Muña Barnes, C.M. Duenas*)

Un Dangko'lo Na Si Yu'os Ma'ásé for your attention regarding this matter, and I look forward to your attendance and participation.

Senseramente,


Benjamin J.F. Cruz
Acting Committee Chairperson

Chairperson, Committee on Municipal Affairs, Tourism, Housing
and Hagåtña Restoration & Redevelopment Authority
Vice Chairperson, Committee on General Government Operations and Cultural Affairs
Vice Chairperson, Committee on the Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary
155 Hessler Place Hagåtña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com



John Blas <jblas@tinamunabarnes.com>

Invitation to August 7, 2013 Public Hrg

John Blas <jblas@tinamunabarnes.com>

Wed, Jul 31, 2013 at 11:45 AM

To: "Henry J. Taitano" <htaitano@investguam.com>

Cc: Jean Cordero <jean@tinamunabarnes.com>, Stephanie Flores <sgflores@tinamunabarnes.com>

Dear Mr. Taitano:

Buenas yan Hafa Adai! In reference to the above subject matter, please see the attached memo from Vice Speaker B.J. Cruz, Acting Chairperson for the Committee. For your convenience, I have attached Bill No. 156-32 (COR) for your review.

Thank you and if you should have any questions, please do not hesitate to call or email me.

John

Please reply to confirm receipt of this email.

--

John F. Blas
Senior Policy Analyst
Office of Senator Tina Rose Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and
Hagatna Restoration & Redevelopment Authority
155 Hessler Place
Hagåtña, Guam 96910
(Tel) 671.472.3455/6
(Fax) 671.472.3400
email:jblas@tinamunabarnes.com

2 attachments

 **2013 0731 GEDA Administrator (0807 1st Hrg Notice).pdf**
55K

 **Bill No. 156-32 (COR) jtwp Guam Trademark Commission.pdf**
591K



I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

July 31, 2013

Sent Via E-mail: casey@pacificsbdc.com
Pacific Islands Small Business Development Center
P.O. Box 5014
Mangilao, Guam 96923

SUBJECT: First Notice of Public Hearing – 2:00 p.m. Wednesday, August 7, 2013

Buenas yan Hafu Adai! In reference to the above subject matter, this is to inform you that the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on **Wednesday, August 7, 2013** at the Public Hearing Room beginning at **2:00 p.m.** The Committee would like to extend an invitation to you to provide testimony on the following:

- Bill No. 156-32 (COR) - An act to create the Guam Trademark Commission for the Development of a cultural trademarks statute for the protection and preservation of Guam's Chamorro Cultural Arts (*Sponsors: J.T. Won Pat, Ed.D., B.J.F. Cruz, T.R. Muña Barnes, C.M. Duenas*)

Un Dangko'lo Na Si Yu'os Ma'ásé for your attention regarding this matter, and I look forward to your attendance and participation.

Senseramente,


Benjamin J.F. Cruz
Acting Committee Chairperson

Chairperson, Committee on Municipal Affairs, Tourism, Housing
and Hagåtña Restoration & Redevelopment Authority
Vice Chairperson, Committee on General Government Operations and Cultural Affairs
Vice Chairperson, Committee on the Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary
155 Hessler Place Hagåtña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com



John Blas <jblas@tinamunabarnes.com>

Invitation to August 7, 2013 Public Hrg

John Blas <jblas@tinamunabarnes.com>

Wed, Jul 31, 2013 at 11:23 AM

To: casey@pacificsbdc.com

Cc: Jean Cordero <jean@tinamunabarnes.com>, Stephanie Flores <sgflores@tinamunabarnes.com>

Dear Casey:

Buenas yan Hafa Adal! In reference to the above subject matter, please see the attached memo from Vice Speaker B.J. Cruz, Acting Chairperson for the Committee. For your convenience, I have attached Bill No. 156-32 (COR) for your review.

Thank you and if you should have any questions, please do not hesitate to call or email me.

John

Please reply to confirm receipt of this email.

--

John F. Blas
Senior Policy Analyst
Office of Senator Tina Rose Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and
Hagatna Restoration & Redevelopment Authority
155 Hessler Place
Hagåtña, Guam 96910
(Tel) 671.472.3455/6
(Fax) 671.472.3400
email:jblas@tinamunabarnes.com

2 attachments

 2013 0731 Guam SBDC (0807 1st Hrg Notice).pdf
54K

 Bill No. 156-32 (COR) jtwp Guam Trademark Commission.pdf
591K



I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

July 31, 2013

David P. Leddy
President
Guam Chamber of Commerce
173 Aspinall Avenue
Suite 101, Ada Plaza Center
Hagåtña, Guam

SUBJECT: First Notice of Public Hearing – 2:00 p.m. Wednesday, August 7, 2013

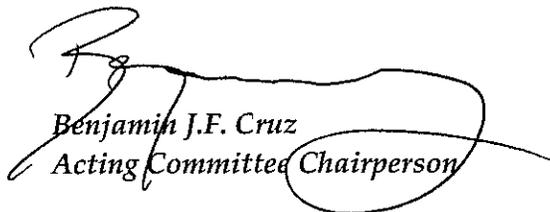
Dear Mr. Leddy,

Buenas yan Hafu Adai! In reference to the above subject matter, this is to inform you that the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on **Wednesday, August 7, 2013** at the Public Hearing Room beginning at 2:00 p.m. The Committee would like to extend an invitation to you to provide testimony on the following:

- Bill No. 156-32 (COR) - An act to create the Guam Trademark Commission for the Development of a cultural trademarks statute for the protection and preservation of Guam's Chamorro Cultural Arts (*Sponsors: J.T. Won Pat, Ed.D., B.J.F. Cruz, T.R. Muña Barnes, C.M. Duenas*)

Un Dangko'lo Na Si Yu'os Ma'ásé for your attention regarding this matter, and I look forward to your attendance and participation.

Senseramente,


Benjamin J.F. Cruz
Acting Committee Chairperson

Chairperson, Committee on Municipal Affairs, Tourism, Housing
and Hagåtña Restoration & Redevelopment Authority
Vice Chairperson, Committee on General Government Operations and Cultural Affairs
Vice Chairperson, Committee on the Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary
155 Hesler Place Hagåtña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com



John Blas <jblas@tinamunabarnes.com>

Invitation to August 7, 2013 Public Hrg

John Blas <jblas@tinamunabarnes.com>

Wed, Jul 31, 2013 at 11:42 AM

To: David Leddy <dleddy@guamchamber.com.gu>

Cc: Jean Cordero <jean@tinamunabarnes.com>, Stephanie Flores <sgflores@tinamunabarnes.com>

Dear President Leddy:

Buenas yan Hafa Adai! In reference to the above subject matter, please see the attached memo from Vice Speaker B.J. Cruz, Acting Chairperson for the Committee. For your convenience, I have attached Bill No. 156-32 (COR) for your review.

Thank you and if you should have any questions, please do not hesitate to call or email me.

John

Please reply to confirm receipt of this email.

--

John F. Blas
Senior Policy Analyst
Office of Senator Tina Rose Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and
Hagatna Restoration & Redevelopment Authority
155 Hessler Place
Hagåtña, Guam 96910
(Tel) 671.472.3455/6
(Fax) 671.472.3400
email:jblas@tinamunabarnes.com

2 attachments

 **2013 0731 President Guam Chamber of Commerce (0807 1st Hrg Notice).pdf**
53K

 **Bill No. 156-32 (COR) jtwp Guam Trademark Commission.pdf**
591K



I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

Committee on Municipal Affairs, Tourism, Housing and
Hagåtña Restoration and Redevelopment Authority
Public Hearing
2:00 p.m., Wednesday, August 7, 2013

AGENDA

1. **Bill No. 156-32 (COR)** - An Act to Create the Guam Trademark Commission for the Development of a Cultural Trademarks Statute for the Protection and Preservation of Guam's Chamorro Cultural Arts (*Sponsors: J.T. Won Pat, Ed.D., B.J.F. Cruz, T.R. Muña Barnes, C.M. Duenas*)
2. **Bill No. 159-32 (COR)** - An Act to Amend Subsection II. AG. of Section 2 of Chapter I, & to Add a New Section 19 to Chapter X both of Public Law 31-233 (General Appropriations Act of 2013) Making an Appropriation from the Tourist Attraction Fund (TAF) to the Guam Visitors Bureau (GVB) for the Humatak Community Foundation (HCF), Inc. for the purposes of developing the Humatak Heritage Village Museum (HHVM) (*Sponsors: T.A. Morrison, T.R. Muña Barnes, B.J.F. Cruz*)



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

August 21, 2013

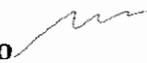
Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Memorandum

Senator
Vicente (Ben) C. Pangelinan
Member

To: **Rennae Meno**
Clerk of the Legislature

Speaker
Judith T.P. Won Pat, Ed.D.
Member

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Senator
Dennis G. Rodriguez, Jr.
Member

Subject: **Fiscal Note**

Vice-Speaker
Benjamin J.F. Cruz
Member

Hafa Adai!

Attached please find the fiscal note for the bill number listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Legislative Secretary
Tina Rose Muña Barnes
Member

FISCAL NOTE:
Bill Nos. 156-32(COR)

Senator
Frank Blas Aguon, Jr.
Member

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
Michael F.Q. San Nicolas
Member

Si Yu'os ma'åse'!

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

2013 AUG 21 PM 3:11 

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 156-32 (COR)**

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

Department/Agency Appropriation Information

| | |
|--|--|
| Dept./Agency Affected: Department of Chamorro Affairs | Dept./Agency Head: Joseph Artero-Cameron, President |
| Department's General Fund (GF) appropriation(s) to date: | \$928,856 |
| Department's Other Fund (Specify) appropriation(s) to date: | - |
| Total Department/Agency Appropriation(s) to date: | \$928,856 |

Fund Source Information of Proposed Appropriation

| | General Fund: | Tourist Attraction Fund: | Total: |
|--|---------------|--------------------------|----------------|
| FY 2012 Unreserved Fund Balance ¹ | | \$4,065,015 | \$4,065,015 |
| FY 2013 Adopted Revenues | \$0 | \$25,500,082 | \$25,500,082 |
| FY 2013 Appro. (P.L. 31-233 - P.L. 32-042) | \$0 | (\$25,965,080) | (\$25,965,080) |
| Sub-total: | \$0 | \$3,600,017 | \$3,600,017 |
| Less appropriation in Bill | \$0 | (\$50,000) | (\$50,000) |
| Total: | \$0 | \$3,550,017 | \$3,550,017 |

Estimated Fiscal Impact of Bill

| | One Full Fiscal Year | For Remainder of FY 2013 (if applicable) | FY 2014 | FY 2015 | FY 2016 | FY 2017 |
|-------------------------|----------------------|--|------------|------------|------------|------------|
| General Fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Tourist Attraction Fund | \$50,000 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | \$50,000 | \$0 | \$0 | \$0 | \$0 | \$0 |

1. Does the bill contain "revenue generating" provisions? // Yes /X/ No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? // N/A /X/ Yes // No
If no, what is the additional amount required? \$ _____ // N/A
3. Does the Bill establish a new program/agency? /X/ Yes // No
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /X/ No
Is there a federal mandate to establish the program/agency? // Yes /X/ No
4. Will the enactment of this Bill require new physical facilities? // Yes /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes // No
// Requested agency comments not received as of the due date // Other:

| | | | |
|-----------------------------------|---------------------|-------------------------------|--------------------------|
| Analyst: <u>Arthur R. Mariano</u> | Date: <u>8/7/13</u> | Director: <u>John A. Rios</u> | Date: <u>AUG 19 2013</u> |
|-----------------------------------|---------------------|-------------------------------|--------------------------|

Footnotes:
See Comments Attached

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 156-32 (COR)

Comments:

Sec. 3 of Bill 156-32 (COR) appropriates Fifty Thousand Dollars (\$50,000) from the Tourist Attraction Fund (TAF) to the Guam Trademark Commission to fulfill requirements set forth in the respective Bill. Any unexpended funds remaining in the (newly-created) Guam Trademark Commission's budget at the conclusion of its studies shall be deposited to the Guam Economic Development Authority for the Guam Product Seal Program. It should be noted that, based on the FY2012 Audit by the Office of Public Accountability, the FY2012 TAF Balance was \$4,065,015 as of September 30, 2012. The current status of the TAF reflects revenues as tracking positively. However, per §30107 of 11 GCA, TAF funds are to be committed for tourist related operations.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

July 24, 2013

VIA E-MAIL
john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes- Bill Nos. 152-157(COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Thomas C. Ada
Acting Chairperson of the Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 JUL 24 AM 11:15
JMB

| Bill Nos. | Sponsor | Title |
|-----------------|---|--|
| 152-32 (COR) | T. R. Muña Barnes | AN ACT TO REZONE LOT NOS. 146-4, 146-5, 146- 6, 146-7 AND 146-R7, IN THE MUNICIPALITY OF MERIZO FROM SINGLE-FAMILY DWELLING ZONE (R-1) TOCOMMERCIAL ZONE (C). |
| 153-32 (COR) | Aline A. Yamashita, Ph.D.,Dennis G. Rodriguez,Jr. | AN ACT RELATIVE TO THE RIGHTS OF NURSING MOTHERS AND CHILDREN RELATIVE TO BREASTFEEDING TO BE KNOWN AS THE "NANA YAN PATGON ACT," BY ADDING A NEW CHAPTER 4B, DIVISION 1 OF TITLE 19, GUAM CODE ANNOTATED; BY AMENDING SECTION 22107, DIVISION 2, CHAPTER 22 OF TITLE 7, GUAM CODE ANNOTATED; BY ADDING A NEW SECTION 80.49.1 OF CHAPTER 80, ARTICLE 2 OF TITLE 9, GUAM CODE ANNOTATED; AND, BY ADDING A NEW SECTION 1036 TO CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED. |
| 154-32 (COR) | T.R. Muna Barnes, B.T. Mc Credie | AN ACT TO ADD NEW §7103(g) OF CHAPTER 7, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING FROM VEHICLE REGISTRATION REQUIREMENTS CERTAIN MOTORIZED UTILITY VEHICLES OPERATED BY GUAM MAYORS IN ACCORDANCE WITH, AND IN FURTHERANCE OF, THEIR STATUTORILY PRESCRIBED DUTY TO OVERSEE, COORDINATE AND OTHERWISE UNDERTAKE THE BEAUTIFICATION AND MAINTENANCE OF THEIR VILLAGES. |
| 155-32 (COR) | R.J. RESPICIO, T.C. ADA, B.J. CRUZ, T.R. MUÑA BARNES, D.G. RODRIGUEZ,A.A.Y AMASHITA, Ph.D. V.A. ADA | AN ACT TO ACCEPT AND APPROVE THE TERMS AND CONDITIONS OF THE APPENDED AGREEMENT BETWEEN THE BANK OF GUAM AND I LIHESLATURAN GUÅHAN, WITH THE ASSISTANCE AND ADVICE OF THE GUAM ECONOMIC DEVELOPMENT AUTHORITY (GEDA), RELATIVE TO FINANCING THE RECONSTRUCTION OF THE HISTORIC GUAM LEGISLATURE BUILDING IN HAGÁTÑA, IN CONJUNCTION WITH THE GUAM PRESERVATION TRUST, TO INCLUDE MODERNIZING, REFURBISHING AND RESTORING THE EXISTING STRUCTURE, WHICH IS AN IMPORTANT COMPONENT OF THE REVITALIZATION OF HÅGATÑA. |
| 156-32 (COR) | Judith T. Won Pat, Ed.D. B.J.F. Cruz Tina R. Muna Barnes C. M.Duenas | ANACT TOCREATE THEGUAM TRADEMARK COMMISSIONFOR THE DEVELOPMENT OF A CULTURAL TRADEMARK STATUTE FOR THE PROTECTION AND PRESERVATION OF GUAM'S CHAMORRO CULTURAL ARTS |
| 157-32 (COR) | T.C. Ada R.J. Respicio B.J. Cruz | AN ACT TO ADD A NEW §5404 TO 5 GCA CHAPTER5 RELATIVE TO THE PROCEEDS DERIVED FROM THE DISPOSAL OF EXCESS OR SURPLUS SUPPLIES AND EQUIPMENT. |



COMMITTEE ON RULES

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

July 23, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Senator
Vicente (Ben) C. Pangelinan
Member

Attorney Therese M. Terlaje
Legislative Legal Counsel

Speaker
Judith T.P. Won Pat, Ed.D.
Member

From: Senator Thomas C. Ada 
Acting Chairperson of the Committee on Rules

Senator
Dennis G. Rodriguez, Jr.
Member

Subject: Referral of Bill No. 156-32(COR)

Vice-Speaker
Benjamin J.F. Cruz
Member

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 156-32(COR)**.

Legislative Secretary
Tina Rose Muña Barnes
Member

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Senator
Frank Blas Aguon, Jr.
Member

Should you have any questions, please feel free to contact our office at 472-7679.

Senator
Michael F.Q. San Nicolas
Member

Si Yu'os Ma'åse!

Senator
V. Anthony Ada
Member
MINORITY LEADER

Attachment

Senator
Aline Yamashita
Member

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2013 (FIRST) Regular Session

Bill No. 156-02 (COR)

Introduced by:

Judith T. Won Pat, Ed.D. 
B. J.F. Cruz 
Tina R. Muna Barnes 
C. M. Duenas 

**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.**

2013 JUL 19 PM 2:50 

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that
3 intellectual property rights (IP) are the main asset of any company. Trademarks
4 specifically, have the purpose of identifying the goods and services of any industry
5 in addition to representing the capital gain of the business. Locally, businesses or
6 individuals can protect their intellectual property rights, trademarks and copyrights
7 under the US Trademark Act (15 USC 1051 et seq.) and the Model State
8 Trademark Act. However, such filings must be made with the U.S. Federal
9 Trademark and Patent office.

10 In 1995, P.L. 23-62 (5 GCA Chapter 20, Article 4) was enacted to provide
11 an applicant the ability to locally register a U.S. trademark, patent or copyright
12 within the Territory of Guam. The statute further provides for a Guam Certificate

1 of Registration for any person desiring to register a print, label or trademark
2 intended to be attached or applied to goods or manufactured articles or to bottles,
3 boxes or package containing the goods or manufactured articles. However, the
4 statue needs to be revisited to provide more comprehensive guidelines and better
5 legal protection for those products made and registered exclusively on Guam.

6 Guam's unique Chamorro culture is evident in our island's cultural arts,
7 traditions, and expressions that span for thousands of years. Ancient Chamorros
8 practiced sustainable land use and resource management through irrigated farming,
9 land cultivation, fishpond building, near-shore fishing conservation and legendary
10 seafaring navigation utilizing the world renowned Chamorro *Proa* design.

11 In the expressive cultural arts, Chamorros developed highly refined art forms
12 including weaving, wood, bone and stone carving, tattooing, adornments, clothing,
13 musical instruments, weaponry, medicines and healing arts.

14 The cultural arts of Chamorros practiced today are a vital and authentic
15 expression of a dynamic culture. The practice of these customary arts are visible in
16 daily practices through ceremonies of dance, music, and sacred rites. Many
17 Chamorro native artists today are actively rediscovering and reviving their cultural
18 traditions.

19 Chamorro cultural arts are being lost through limited access to raw
20 materials, a flood of imitations in the marketplace, and stereotyped overuse or
21 culturally inappropriate use in public environments. As is the case for many
22 indigenous peoples throughout the world, Chamorros are in danger of losing these
23 unique cultural practices through assimilation into the dominant Westernized
24 society.

25 A new generation of local artists and entrepreneurs are engaged in
26 revitalization of our culture through their artwork, hand crafted gift items,

1 carvings, jewelry making, t-shirt designs, music, dance, film, paintings,
2 photography and other locally made products. Many local artists struggle to
3 maintain authentic cultural practices and preserve the viability of supporting
4 themselves as artists against the pressures of mass tourism and related
5 commoditization and labeling of all things "Chamorro" or "Made in Guam" to the
6 million visitors who come to Guam every year.

7 Purchasers who cannot distinguish (or appreciate the difference) between a
8 hand-made necklace of unique shells or other authentic artifacts gathered from the
9 shores of Guam having a value of several hundred of dollars from one made of
10 look-alike plastic molded shells strung together in a "copycat style" made in
11 Taiwan or the Philippines.

12 This type of uninformed purchasing by visitors (and even local residents)
13 repeated every day for practically every item of the cultural arts across the entire
14 tourism industry results in the devaluing of authentic native cultural artworks and
15 the inability of native cultural artisans making quality products to support
16 themselves through their art.

17 In 1986, the 18th Guam Legislature recognized that identification and
18 protectionist measures needed to be instituted to protect products made in Guam,
19 and offer the pride and proof that comes with boasting of an authentic product of
20 Guam. The creation of the Guam Product Seal permit program was intended to
21 address this concern and provide island pride in Guam made products. The
22 enabling legislation that provided for a Guam Product Seal program was contained
23 in Public Law 18-42.

24 In 2012, P.L. 227-31 established the Guam Product Seal Task Force to
25 reenergize the Guam Product Seal concept and revisit, some twenty-five (25) years
26 later, the mandate and its accompanying administrative rules, in order to provide

1 incentives for permit holders, ensure compliance and enforcement by stakeholders
2 and the retail industry in Guam and to actively engage in the promotion of the
3 Guam brand by emphasizing the distinctiveness of offerings that proudly carry the
4 "Made in Guam" label.

5 As a result of the work and findings of the task force, P.L. 226-31 was
6 adopted promulgating the rules and regulations to prohibit any retail store,
7 wholesaler, manufacturer, importer, distributor or business establishment to sell
8 any consumer commodity that has the word "Guam" or "Chamorro," or a
9 derivation of such words, on the packaging of the product, if such product was not
10 manufactured in Guam, unless the place where the product was manufactured is
11 clearly and permanently labeled on the product.

12 Although the Guam Product Seal Program offers some regulatory control
13 and protection of products made in Guam, *I Liheslatura* finds that we must further
14 protect our native *Chamorro* culture, traditional practices and evolving new
15 cultural practices (art, music, dance, lyrics, video, film, photography, etc.) through
16 a comprehensive local intellectual property rights and cultural trademark statute.

17 Internationally, protection of surviving expressions of native cultures,
18 traditional cultural expression (acronym "TCE" or "TKE") has been studied at the
19 highest levels by the World Intellectual Property Organization (WIPO) under
20 mandate from the World Convention on Biodiversity of 1992 that was signed by
21 187 countries including the United States. WIPO is a specialized agency of the
22 United Nations dedicated to developing a balanced and accessible international
23 intellectual property (IP) system that rewards creativity, stimulates innovation and
24 contributes to economic development worldwide while safeguarding the public
25 interest. It studies and recommends international treaty regimes to Member States

1 to promote the protection of Intellectual Property Rights worldwide through
2 cooperation among states and in collaboration with international organizations.

3 For decades, American Indian tribes also experienced a long period during
4 which cultural arts were degraded by outside producers making imitation "Indian"
5 products and selling them in markets catering to reservation visitors. The U.S.
6 Congress first enacted the Indian Arts and Crafts Act in 1935, and it was
7 reauthorized in 1990 with several significant changes to the original statute. The
8 IACA reserved to tribal members the exclusive use of designations of "Indian
9 Made" and specific tribal trademarks for authentic products hand-made by Native
10 Americans, providing for civil and criminal penalties of up to \$250,000 in fines
11 and 5 years in prison for individuals and fines up to \$1,000,000 for businesses.

12 Under federal U.S. trademark law, a trademark may certify products or
13 services as endorsed, approved by, or associated with a particular group of people,
14 even a racial or ethnic group. For example, service marks such as "NAACP",
15 "Knights of Columbus", "Daughters of the American Revolution", or "Chinese
16 Chamber of Commerce" are not illegal or unconstitutional even if the service
17 organization has a membership that is limited to a particular race or ethnicity.

18 One of the most successful examples of a cultural (certification) trademark
19 program has been the Maori "Toi Iho" program in New Zealand. Initial legislation
20 was enacted to undertake a process of consultation with the Maori artists and tribal
21 communities for consensus building beginning in Year 2000, funded with about
22 \$NZ 2 million. The Toi Iho cultural trademark program was implemented through
23 legislation enacted in 2002, and is administered through the Arts Council of New
24 Zealand in consultation with its parallel Maori arts agency, the Te Waka Toi
25 Cultural Arts Board. In a short time, the Toi Iho program has become successful in
26 establishing the Toi Iho Logo as a symbol of excellence in Maori cultural arts.

1 In 2016, Guam will host the 12th Annual Festival of the Pacific Arts. The
2 festival brings together artists and cultural practitioners from around the Pacific
3 region for two weeks of festivity. The festival is recognized as a major regional
4 cultural event, and is the largest gathering in which the people of the Pacific unite
5 to enhance their respect and appreciation of one another. The festival is held every
6 four years since 1972 and delegations from 27 Pacific Island Nations and
7 Territories have come together to share and exchange their cultures at each Pacific
8 Arts Festival. Guam expects a delegation of over 2,500 performers, artists and
9 cultural practitioners, in addition to thousands of visitors from Asia and festival
10 followers. P.L. 30-83 created the 12th Festival of the Pacific Arts Coordinating
11 Committee with the duties of organizing and planning the festival. It was discussed
12 in these planning meetings that it is imperative, prior to this festival, that Guam
13 have a local statute in place for the protection of local intellectual property rights
14 and cultural trademarks for Guam and other participating countries.

15 **Section 2.** A new Chapter 14 is hereby *added* of Title 2 Guam Code
16 Annotated to read:

17 **“Chapter 14**

18 **Guam Trademark Commission**

- 19 § 14101. Short Title.
- 20 § 14102. Guam Trademark Commission.
- 21 § 14103. Convening of the Guam Trademark Commission.
- 22 § 14104. Composition of Guam Trademark Commission.
- 23 § 14105. Duties of Commission
- 24 § 14106. Conduct of Meetings.

25

1 **§ 14101. Short Title.** This Chapter shall be known as *The Guam*
2 *Trademark Commission Act.*

3 **§ 14102. Guam Trademark Commission, established.** The
4 Guam Trademark Commission is hereby established for the special purpose
5 of developing policy direction and recommendations relative to
6 coordination, planning, implementation, administration, promotion,
7 compliance and enforcement of the “Guam Trademark and Intellectual
8 Property Rights Act” and the “Guam Cultural Trademark Act”.

9 **§ 14103. Convening of the Guam Trademark**
10 **Commission.** The Guam Trademark Commission shall be under the
11 direction of the Chairperson of the Legislative Committee with oversight
12 over Cultural Affairs and convened pursuant to provisions of this Act.

13 **§ 14104. Composition of Guam Trademark Commission.**

14 The composition of the Commission shall be as follows:

15 (a) The Legislative Chairperson with oversight on Cultural Affairs
16 shall serve as the Chairperson of the Commission.

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

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

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

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

7 (f) The Attorney General of Guam or his designated legal
8 representative from the office of the Attorney General; the AGO shall
9 provide guidance on intellectual property rights relative to the Guam brand
10 and opinions as requested;

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

13 (h) One (1) member of *ILiheslatura* Majority appointed by the
14 Speaker. The Speaker may appoint herself or a designee.

15 (i) One (1) member of *ILiheslatura* Minority appointed by the
16 Speaker.

17 (j) Three (2) members appointed by the Speaker of *ILiheslatura*
18 representing organizations active in the promotion of Chamorro Cultural
19 Arts on Guam.

20 (k) The Chairperson may include additional public and private
21 sector members to serve on sub-committees or elect them as committee
22 members, provided that they possess significant background, knowledge and
23 experience with locally produced products; and the Commission may
24 prescribe special procedures for their participation.

1 **§ 14105. Duties of the Commission.** The Commission shall work
2 collaboratively to create policy recommendations, rules and legislation for
3 two (2) specific areas in defining and developing a Guam Trademark Law:

4 (1) A new “Guam Trademark and Intellectual Property Rights Act”
5 to create and regulate the trademark law in Guam as it relates to or mirrors
6 current applicable U.S. Trademark and Intellectual Property Rights statute
7 and provide additional statute as needed.

8 (2) A cultural (certification) trademark program, titled “Guam
9 Cultural Trademark Act” (similar to that of the Maori "Toi Iho" program in
10 New Zealand) to promote and license Chamorro Cultural Arts manufactured
11 or produced in Guam. The Commission may hire professional legal or
12 technical services to assist and perform studies, roundtables, conduct polls,
13 surveys and/or conferences to report findings and present initial guidelines
14 for a Guam Cultural Trademark program so that a proposal can be presented
15 to the broader community as a concrete, well-considered, and cohesive
16 program. Guidelines should be discussed to include, but not limited to the
17 following types of issues:

18 (a) Identification of initial types of cultural arts for use of
19 trademark.

20 (b) Criteria for lineage of cultural knowledge qualifying for
21 use of trademark.

22 (c) Criteria for authenticity of works qualifying for use of
23 trademark.

24 (d) Criteria for quality of works qualifying for use of
25 trademark.

1 (e) Criteria for cultural content qualifying for use of
2 trademark.

3 (f) Sources, meanings and extrinsic functions of proposed
4 trademark image.

5 (g) Proposed process for certifying artists for use of
6 trademark.

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

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

11 (j) Proposed terms for use of trademark in advertising,
12 marketing, sales.

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

19 **§ 14106. Conduct of Meetings, Quorum.** The Commission shall
20 meet once a month to discuss and assess progress and recommendations.

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

24 **Section 3. Appropriation.** The sum of Fifty Thousand Dollars
25 (\$50,000.00) is hereby appropriated from the Tourist Attraction Fund (TAF) to the
26 Guam Trademark Commission to fulfill the requirements of §14105 of this

1 Chapter. Any unexpended funds remaining in the Commission's budget at the
2 conclusion of its studies shall be deposited to the Guam Economic Development
3 Authority for the Guam Product Seal Program.

4 **Section 4. Effective Date.** Provisions of this Act shall take effect upon
5 enactment into law. The first meeting of the Guam Trademark Commission shall
6 take place no later than twenty (20) days after enactment. If the twentieth (20th)
7 day of the first meeting and subsequent meetings fall on a Saturday, Sunday or a
8 government of Guam holiday, than the first meeting of the Commission shall take
9 place on the next available business day.

10 **Section 5. Sunset Provision.** The Guam Trademark Commission shall
11 remain in effect until the adoption of recommendations of the Guam Trademark
12 Commission are approved by *I Liheslaturan Guåhan*.

13 **Section 6. Severability Clause.** If any provisions of this Act or the
14 application thereof to any person or circumstance is held invalid, such validity
15 shall not affect other provisions or applications of the Act which can be given
16 effect without the invalid provision or application, and to this end the provisions of
17 this Act are severable.