

CHAPTER 14
GUAM TRADEMARK COMMISSION

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§ 14101. Short Title.

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

§ 14102. Guam Trademark Commission, Established.

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

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

§ 14103. Convening of the Guam Trademark Commission.

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

§ 14104. Composition of Guam Trademark Commission.

The composition of the Commission shall be as follows:

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

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

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

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

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

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

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

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

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

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

§ 14105. Duties of the Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 14106. Conduct of Meetings, Quorum.

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

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