

Good morning,

My name is Jason Takala Sr. I am a member of the Hopi tribe. I am a gold and silversmith specializing in Hopi Overlay jewelry. Thank you for the chance to tell my story. I have attached the following items to help you understand my testimony.

In 1993 my wife Margie and I went to Sedona AZ. to deliver some orders that Mr. Garland had placed with me. As we were admiring other artists work I came to a showcase with rings on a tray. I saw a ring that appeared to be my work. I asked the salesperson if I could see the ring. She took it out and gave me the ring. After observing the ring I realized that it was a casting from one of my original rings that I had made some time back. The ring was cast in 14K casting and I had only completed six rings in 14K gold. This can be observed on the attachments. By casting these rings my trademark, which I put on the inside of the rings, had been filed with solder. I could tell because there was a slight imperfection on the inside of the ring where my trademark should have been. The 14K stamp on the copied ring fit my 14K stamp exactly. No two 14K stamps are exactly alike.

I made a claim under the Indian Arts and Crafts Protection Act of 1990. I believe my claim was the first act of its kind. I would like to compliment and thank the US attorney's office in Phoenix AZ. Especially assistant US attorney Tom LeClaire for taking such an interest in my case. Also Tony Brown, an investigator for the US department of Interior. Unfortunately their hard work and dedication to this claim was not able to serve an indictment.

The main problems attorney Christopher Kramer and I encountered in trying to bring a claim for the damages were as follows:

Tribe: Said they could not expand public funds to sue for the benefit of a private individual. They were also worried about potential liabilities (counter claims).

US Attorney: No resources to pursue civilly. Possibly same problem of public funds for private person? As a practical matter, no one will able to recover under the act.

As an artist, I am very thankful for my given talent. My uncles told me "this is your given talent and no one will ever take it from you". " This is your to keep and work with. It will die slowly with you as you start to grow older.

But, this did not happen. Somebody did take my talent and made a mold out of my piece (the ring) and mislead the people who observe the American Indian Act. The economic impact on me is obvious. The copies of my work made through casting are nearly perfect, but sell for 20% of the cost of an original. I get no royalty or fees. The market is diluted.

One of the problems we had in our lawsuit under copyright and trademark law was that we could not prove who actually made the copies. All we could do was show that they had possession of the copies. If we had been able to bring a claim under the Act, we would have been able to show that they were displaying the copies as if they were genuine, and they should have known better. I would have been able to collect presumption damages.

I as an artist am no different from the big corporations like Sony, Walt Disney, Paramount, and RCA. Just because I am one individual Hopi artist working with my hands to create one-of-a-kind Hopi jewelry, I should not be treated no differently as these large corporations under the copyright law. The US government should not favor anybody under these laws.