

From: [REDACTED]
Sent: Thursday, 14 July 2011 7:51 AM
To: Committee, HAA (REPS)
Cc: [REDACTED]
Subject: Sub 007:Plain Packaging Proposal
Attachments: NAM submission Australia on PPrev3.pdf

Submission No. 7
(Plain Packaging Bill)
A.O.C. Date: 14/07/2011

Dear Sir or Madam:

I write to express concern about Australia's proposed legislation "Tobacco Plain Packaging Bill 2011" (the Bill) regarding tobacco packaging that will seriously undermine the value of trademarks and trade dress used by international companies. Please see our attached filing with the Assistant Secretary, Drug Strategy Branch, Department of Health and Ageing.

The National Association of Manufacturers (NAM) does not oppose the underlying health objectives the proposal is intended to address, but is concerned that the provisions concerning brands and trademarks would violate Australian obligations under international agreements. Further, the NAM is concerned that, while this proposal relates to one specific group of products, the changes it makes which threaten intellectual property rights could be applied in the future to other, non-tobacco products. The precedent this sets, both in Australia and for other countries that follow its example, could endanger a broad range of intellectual property rights to the detriment of Australian as well as American rights holders around the world.

Stephen Jacobs
Senior Director, International Business Policy

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