

JAPAN INTELLECTUAL PROPERTY ASSOCIATION

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July 8, 2014

To Department of Health

Re: JIPA Comments on the "Draft Regulations for the Standardized Packaging of Tobacco Products"

We, the Japan Intellectual Property Association ("JIPA"), are a private user organization established in Japan in 1938 for the purpose of promoting intellectual property protection, with about 900 major Japanese companies as members. When appropriate opportunities arise, we offer our opinions on the intellectual property systems of other countries and make recommendations for more effective implementation of the systems. (<http://www.jipa.or.jp/english/index.html>)

Having learned that the "Draft Regulations for the Standardized Packaging of Tobacco Products", published by UK Department of Health in June 2014. We would like to offer our opinions as follows. Your consideration on our opinions would be greatly appreciated.

JIPA again thanks UK Department of Health for this opportunity to provide these comments and welcomes any questions on them.

Sincerely, yours,

Toshihiko Ikeda
Chairperson of the Trademark Committee
Japan Intellectual Property Association
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Japan

JIPA Comments on the “Draft Regulations for the Standardized Packaging of Tobacco Products”

JIPA has closely and carefully examined the proposed Draft Regulation, publicized by UK Department of Health in June 2014, under the title of “Draft Regulations for the Standardized Packaging of Tobacco Products”. JIPA hereby presents its comments on this proposed Draft Regulation.

- JIPA has serious concerns on the UK Government's plan to introduce standardized packaging for tobacco products to the extent of the intellectual rights protections.
- Trademark is essentially used to identify various products or services marketed by that business and to distinguish those goods and services from those produced or rendered by others, resulting to have following fundamental functions such as: identifying the origin or ownership of a product; guaranteeing the quality of a product; and advertising and promotion of a product. The standardized packaging regulations may cause difficulties to consumers in differentiating a product from another; thereby aforesaid fundamental function of trademarks will be prejudices.
- To be more precise, we have concerns that the tobacco standardized packaging may cause unintended negative consequences, namely encouraging the proliferation of counterfeit products manufactured by illicit traders and promoting a likelihood of consumer confusion of purchasing unwanted products and/or counterfeit products based on their false recognition of such brands.
- Therefore JIPA urges UK Government to carefully reconsider the tobacco standardized packaging taking into account our opinions set out above.

(EOD)

JIPA comments have also been sent to the following Ministers:

Rt. Hon. George Osborne MP

Chancellor of the Exchequer

HM Treasury

1 Horse Guards Road

London

SW1A 2HQ

Lord Livingstone

Minister of State for Trade and Investment

Department for Business Innovation and Skills

1 Victoria Street

London

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Rt. Hon. Michael Fallon MP

Minister of State for Business

Department for Business Innovation and Skills

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Rt. Hon. Theresa May MP

Secretary of State for Home Affairs

Home Office

Direct Communications Unit

2 Marsham Street

London

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