

JAPAN INTELLECTUAL PROPERTY ASSOCIATION

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JIPA Opinion regarding the amendment of Taiwan Tobacco Hazards Prevention and Control Act

We, the Japan Intellectual Property Association, 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 system of other countries and make recommendations for more effective implementation of the systems. (<http://www.jipa.or.jp/english/index.html>)

In response to the Taiwanese Government's proposed amendment of the Tobacco Hazards Prevention and Control Act to mandate standardised tobacco packaging consisting of graphic health warning labels for no less than 85% of each surface and use of unitary background color, font type, font size and font color for exterior, JIPA would like to express our opposition for the following reasons.

- 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. The standardised packaging confuses consumers in differentiating a product from another. Furthermore, it is inconsistent with intellectual property protection, disregarding the rights acquired by owners, and may result in violation of intellectual property protection.
- More specifically, we have concerns that the standardised tobacco 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 and/or counterfeit products based on false recognition of brands. Similar plain packaging mandates have resulted in disputes at the WTO over violation of obligations under the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement.
- Therefore JIPA urges the Taiwanese Government to carefully reconsider the standardised tobacco packaging taking into account our opinions set out above.

Your consideration of our opinions would be greatly appreciated.

Sincerely yours,



Junichi Honda

Chairperson of the Trademark Committee

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Cc:

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