TRADEMARK ELIMINATION VIA PLAIN PACKAGING

We are writing to express our concerns regarding government-mandated trademark elimination via “plain packaging” measures.

Effective protection of intellectual property rights is an essential element of a thriving economy, generating jobs and growth by fostering competition and spurring innovation. Trademark protection is essential in identifying and distinguishing products in the marketplace. The protection of such property is a fundamental tenet of law whose vital importance is enshrined in domestic laws the world over as well as in several international agreements, including the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights and the Paris Convention on Industrial Property.

We recognize that governments have the authority to regulate when necessary to protect the public interest. Such measures should be consistent with fundamental tenets of law and international legal obligations. They should be proportionate, evidence-based and effective in achieving a specific purpose. They should be adopted after sober deliberation and careful consideration of the potential for unintended consequences. Plain packaging rules that mandate trademark elimination do not meet these standards. In fact, such measures currently are the subject of a WTO dispute settlement proceeding.

There are ways to regulate effectively in the public interest. Mandating destruction of intellectual property is not among them, and we urge governments to forego it.

AMERICAS:

Council of the Americas

Argentina:
American Chamber of Commerce in Argentina
Cámara Argentina de Anunciantes (CAA)

Brazil:
Brazilian Intellectual Property Association
National Confederation of Industry (CNI)

Canada:
Canadian Chamber of Commerce
Canadian Manufacturers & Exporters

Chile:
American Chamber of Commerce in Chile

Ecuador:
American Chamber of Commerce in Ecuador
Chamber of Industries in Ecuador

Guatemala:
Cámara de Comercio de Guatemala

Mexico:
American Chamber of Commerce of Mexico
ConMéxico

Panama:
American Chamber of Commerce and Industry of Panama

Peru:
American Chamber of Commerce in Peru
Peruvian National Society of Industries

United States:
American Farm Bureau Federation
Emergency Committee for American Trade
Global Brand Council
Hellenic-American Chamber of Commerce
National Association of Manufacturers
National Foreign Trade Council
Trans-Atlantic Business Council
US-ASEAN Business Council
US-Bahrain Business Council
U.S. Chamber of Commerce
United States Council for International Business
US-Egypt Business Council
US-GCC Business Initiative
US-Iraq Business Initiative
US-Israel Business Initiative
US-Turkey Business Council

Uruguay:
Cámara Nacional de Comercio y Servicios del Uruguay

ASIA:

ASEAN Intellectual Property Association

China:
American Chamber of Commerce in South China

Indonesia:
American Chamber of Commerce in Indonesia
Indonesia-Thai Chamber of Commerce

Kazakhstan:
American Chamber of Commerce in Kazakhstan

Korea:
American Chamber of Commerce in Korea
European Chamber of Commerce in Korea
Federation of Korean Industries
Trade-related IPR Protection Association in Korea

Malaysia:
American Malaysian Chamber of Commerce

New Zealand:
American Chamber of Commerce in New Zealand

Russia:
American Chamber of Commerce in Russia

Singapore:
American Chamber of Commerce in Singapore
European Chamber of Commerce in Singapore (EuroCham)

Thailand:
American Chamber of Commerce in Thailand
European Association for Business and Commerce (EABC) - Thailand
Intellectual Property Association of Thailand (IPAT)

EUROPE:

BUSINESSEUROPE
EU-ASEAN Business Council
European Landowners' Organization (ELO)
ICC Business Action to Stop Counterfeiting and Piracy (BASCAP)
Taxpayers Association of Europe (TAE)

Belgium:
Federation of Enterprises in Belgium
ICC Belgium
NANAC Belgian Foundation No to Counterfeiting and Piracy

Bulgaria:
American Chamber of Commerce in Bulgaria

Croatia:
American Chamber of Commerce in Croatia
Croatian Employers' Association (CEA)

Cyprus:
American Chamber of Commerce in Cyprus

Czech Republic:
Confederation of Industry of the Czech Republic
Czech Association for Branded Products (CSZV)

Denmark:
American Chamber of Commerce in Denmark
Danish Chamber of Commerce
Danish Small Shops' Association
DI – Confederation of Danish Industry
Food Workers' Union – NNF Denmark
Graphic Association Denmark
ICC Denmark
Petrol Dealers Common Representation

Estonia:
American Chamber of Commerce in Estonia
Estonian Patent Attorneys Association

France:
Association of Trade Mark and Design Law Practitioners, France
Union des Fabricants, France

Finland:
American Chamber of Commerce in Finland
Finnish Anti-Counterfeiting Group (FACG)
Finnish Petrol and Traffic Service Retailers Organisation SBL

Germany:
American Chamber of Commerce in Germany
German Anti-Counterfeiting Association (APM)
Markenverband e.V. – The German Brands Association
Zentralverband der deutschen Werbewirtschaft e.V. - German Advertising Federation

Greece:
American-Hellenic Chamber of Commerce
Federation of Attica and Piraeus Industries
Greek Association of Branded Products Manufacturers
Hellenic Federation of Enterprises

Iceland:
Federation of Trade & Services
Icelandic Federation of Trade (IFT)
SA – Business Iceland
Society of Icelandic Advertising Agencies (SÍA)

Italy:
American Chamber of Commerce in Italy
Confindustria
INDICAM

Kosovo:
American Chamber of Commerce in Kosovo

Lithuania:
American Chamber of Commerce in Lithuania
American-Lithuanian Business Council
Lithuanian Business Confederation
Lithuanian Confederation of Industrialists

Luxembourg:
Fedil - Business Federation Luxembourg

Macedonia:
American Chamber of Commerce in Macedonia

Montenegro:
American Chamber of Commerce in Montenegro
Montenegrin Employers Federation

Netherlands:
American Chamber of Commerce in the Netherlands
Confederation of Dutch Industry and Employers (VNO-NCW)
ICC Netherlands

Norway:
American Chamber of Commerce in Norway
Federation of Norwegian Food and Drink Industry
Grocery Manufacturers of Norway
ICC Norway
NHO Retail and Wholesale
Norwegian Advertisers' Association (ANFO)
Norwegian Anti Counterfeit Group (NACG)
Norwegian Association for Small and Medium-sized Enterprises (NASME)
Oslo Chamber of Commerce
Oslo Retail Association
Virke, Convenience and Grocery Trade (Norway)

Poland:
American Chamber of Commerce in Poland
Polish Chamber of Trade
Polish Confederation Lewiatan
Pracodawcy Rzeczypospolitej Polskiej – Employers of Poland

Portugal:
Portuguese Industrial Association – Chamber of Commerce and Industry (AIP-CCI)

Romania:
National Association of Small and Medium Retailers of Romania

Serbia:
American Chamber of Commerce in Serbia
Chamber of Commerce and Industry of Serbia

Slovak Republic:
American Chamber of Commerce in the Slovak Republic
Food Chamber of Slovakia
Slovak Association for Branded Products
Union of Trade and Tourism of the Slovak Republic

Slovenia:
American Chamber of Commerce in Slovenia

Spain:
American Chamber of Commerce in Spain
Asociación Nacional para la defensa de la Marca (ANDEMA)
Confederación Española de Organizaciones Empresariales (CEOE)
ICC Spain

Sweden:
American Chamber of Commerce in Sweden
Association of Swedish Advertisers
Chamber of Commerce and Industry of Southern Sweden
Chamber of Commerce Mälardalen
IFS – International Entrepreneurs Association in Sweden
NDM – Swedish Business Committee on Market Law
Stockholm Chamber of Commerce
Sweden-Israel Chamber of Commerce
Swedish Chamber of Commerce of Central Sweden
Swedish Chamber of Commerce of East Sweden
Swedish Forest Industries Federation
Swedish Fuel Retail Association
Swedish Graphic Companies' Federation
Swedish Marketing Federation
Swedish National Association for Convenience Stores and Fast Food
Swedish Trade Federation – Svensk Handel
UNDEXO

Switzerland:
economiesuisse
Promarca – Swiss Association of Branded Goods
Swiss-Arab Chamber of Commerce and Industry (CASCI)

United Kingdom:
BritishAmerican Business
British-American Business Council
ICC United Kingdom

Ukraine:
US-Ukraine Business Council (USUBC)

MIDDLE EAST & AFRICA

Israel:
Federation of Israeli Chambers of Commerce

Jordan:
American Chamber of Commerce in Jordan

Morocco:
American Chamber of Commerce in Morocco

Senegal:
American Chamber of Commerce in Senegal

South Africa:
South African Chamber of Commerce & Industry

Tunisia:
Tunisian Intellectual Property Observatory (TIPO)

Turkey:
Aegean Tobacco Exporters Association
Turkish American Business Association / AmCham
Turkish Patent and Trademark Attorneys' Association

United Arab Emirates:
Brand Owners Protection Group (BPG) - GCC & Yemen

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