JAPAN INTELLECTUAL PROPERTY ASSOCIATION

Asahi-Seimei Otemachi Bldg. 18F.
6-1, Otemachi 2-Chome
Chiyoda-ku, Tokyo 100-0004 JAPAN

Tel: 81 3 5205 3433
Fax:81 3 5205 3391

March 08, 2018

The Ministry of Health
16 College Road
College of Medicine Building
Singapore 169854

Attention: Director, Epidemiology and Disease Control Division

Mr Lim Hng Kiang
Minister for Trade and Industry (Trade)
Ministry of Trade and Industry
100 High Street #09-01 The Treasury
Singapore 179434
Republic of Singapore

Mr S Iswaran
Minister for Trade and Industry (Industry)
Ministry of Trade and Industry
100 High Street #09-01 The Treasury
Singapore 179434
Republic of Singapore

Re: JIPA Opinion on Potential Standardised Packaging Policy in Singapore

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)

Having learned that Singapore Government is aiming to introduce the legislation which mandates standardised packaging for tobacco products, we would like to offer our opinions as follows:

- Please note that our opinion as mentioned below is not aiming to support the tobacco industry. However, JIPA would like Singapore Government to reconsider the tobacco standardised packaging legislation from the perspective of trademark rights protection.

- 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 or service; guaranteeing the quality of a product or service; and advertising and promotion of a product or service. The standardised packaging regulation may cause difficulties to consumers in differentiating a product from another; thereby aforesaid fundamental function of trademark will be prejudiced.

- To be more precise, we have concerns that the standardised 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.
- Mandating standardised packaging for the products would set a precedent for a similar measure to be applied across a whole range of other consumer products.

- Therefore, JIPA would request Singapore Government to carefully reconsider the tobacco standardised packaging taking into account our opinions set out above.

Your consideration of our opinions would be greatly appreciated.

Sincerely yours,

Hiroaki Sano

Hiroaki Sano
Managing Director: The Trademark Committee
Japan Intellectual Property Association

Cc:

Mr Tharman Shanmugaratnam
Deputy Prime Minister and Coordinating Minister for Economic and Social Policies
100 High Street #10-01
The Treasury
Singapore 179434
Republic of Singapore

Mr K Shanmugam
Minister for Home Affairs and Minister for Law
Ministstry of Law
100 High Street #08-02
The Treasury
Singapore 179434
Republic of Singapore

Dr Vivian Balakrishnan
Minister for Foreign Affairs
Ministry of Foreign Affairs
Tanglin
Singapore 248163
Republic of Singapore

Mr Daren Tang
Chief Executive/Registrar
Intellectual Property Office of Singapore
51 Bras Basah Road #01-01 Manulife Centre
Singapore 189554
Republic of Singapore

Dr Beh Swan Gin
Chairman
Economic Development Board
250 North Bridge Road
#28-00 Raffles City Tower
Singapore 179101
Republic of Singapore