

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

Brazil:

Brazilian Intellectual Property Association

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

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
National Association of Manufacturers
National Foreign Trade Council
Trans-Atlantic Business Council
US-ASEAN Business Council
U.S. Chamber of Commerce
United States Council for International Business

Uruguay:

Cámara Nacional de Comercio y Servicios del Uruguay

ASIA:

ASEAN Intellectual Property Association

Indonesia:

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

Kazakhstan:

American Chamber of Commerce in Kazakhstan

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

Thailand:
American Chamber of Commerce in Thailand
Intellectual Property Association of Thailand (IPAT)

EUROPE:

BUSINESSEUROPE
EU-ASEAN Business Council
ICC BASCAP
Taxpayers Association of Europe (TAE)
World Business Organization

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

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

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

Germany:
American Chamber of Commerce in Germany
German Anti-Counterfeiting Association (APM)
Markenverband e.V. – The German Brands Association

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

Iceland:
Icelandic Federation of Trade (IFT)

Italy:
American Chamber of Commerce in Italy
Confindustria

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

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
Norwegian Advertisers' Association (ANFO)
Norwegian Anti Counterfeit Group (NACG)
Norwegian Association for Small and Medium-sized Enterprises (NASME)
Oslo Retail Association
Virke, Convenience and Grocery Trade (Norway)

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

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

Switzerland:
economiesuisse

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

Senegal:
American Chamber of Commerce in Senegal

Tunisia:
Tunisian Intellectual Property Observatory (TIPO)

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

Updated November 28, 2014