

TASKFORCESUBMISSION: submission

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POSITION: Senior Director

ORGANISATION: U.S. Chamber of Commerce

SUBMISSION1: The plain packaging proposal appears to disregard established international norms of intellectual property, particularly Trade Mark law, which is a cornerstone of corporate identity and consumer information. Our major concern is that it would constitute an unequivocal violation of international trade and IP agreements, and would actually help drive the market towards illicit traffickers at the expense of legitimate businesses and put consumers at risk of using substandard products. This proposal is particularly troubling since it is being considered at the same time as an Anti-Counterfeiting Trade Agreement is being negotiated by more than thirty governments. One of the goals of this agreement is to strengthen the enforcement of intellectual property rights to reduce the exponential growth in global illicit trade. The plain packaging proposal goes in the opposite direction and will make life easier for counterfeiters to ply their trade. It also will disrupt existing manufacturing and distribution processes, thus making each more costly and inefficient. The proposal also threatens jobs in small and medium size enterprises throughout the supply chain. The data cited to support the proposal are limited in scope as well. More consultations should be held with Australian government agencies responsible for the protection of IP rights domestically and internationally. Another concern: what other products will be subject to similar stripping of their legal business dress as a condition of entering the Australian market? The U.S. Chamber of Commerce takes an acute interest in this proposal for reasons that relate to its international trade implications, rather than consumer and health-related aspects. We think plain packaging is a bad idea; it is unacceptable and should not be implemented.

PRIVACY: yes

SUBMIT: Submit