

JAPAN INTELLECTUAL PROPERTY ASSOCIATION

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July 18, 2014

Rt. Hon. Enda Kenny TD
An Taoiseach
Department of the Taoiseach
Government Buildings
Upper Merrion Street, Dublin 2, Ireland

Re: JIPA Opinion on the proposal of Public Health (Standardized Packaging of Tobacco) Bill 2014 in Ireland

Dear Rt. Hon. Kenny,

We, the Japan Intellectual Property Association ("JIPA"), 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 the Public Health (Standardized Packaging of Tobacco) Bill 2014 was published by Ireland Government on June 10 2014, we would like to offer our opinions as follows.

Your consideration on our opinions would be greatly appreciated.

Sincerely yours,

Toshihiko Ikeda
Chairperson of the Trademark Committee
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Cc:

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JIPA Comments on the Public Health (Standardized Packaging of Tobacco) Bill 2014

JIPA has closely and carefully examined the proposed Public Health (Standardized Packaging of Tobacco) Bill 2014, publicized by Ireland Government in June 2014. JIPA hereby presents its comments on this proposed legislation.

- JIPA has serious concerns on the Ireland Government's plan to introduce standardized packaging for tobacco products to the extent of the intellectual rights protections.
- 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; guaranteeing the quality of a product; and advertising and promotion of a product. The standardized packaging regulations may cause difficulties to consumers in differentiating a product from another; thereby aforesaid fundamental function of trademarks will be prejudices.
- To be more precise, we have concerns that the tobacco standardized 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.
- Therefore JIPA urges Ireland Government to carefully reconsider the proposed bill taking into account our opinions set out above.

(END)