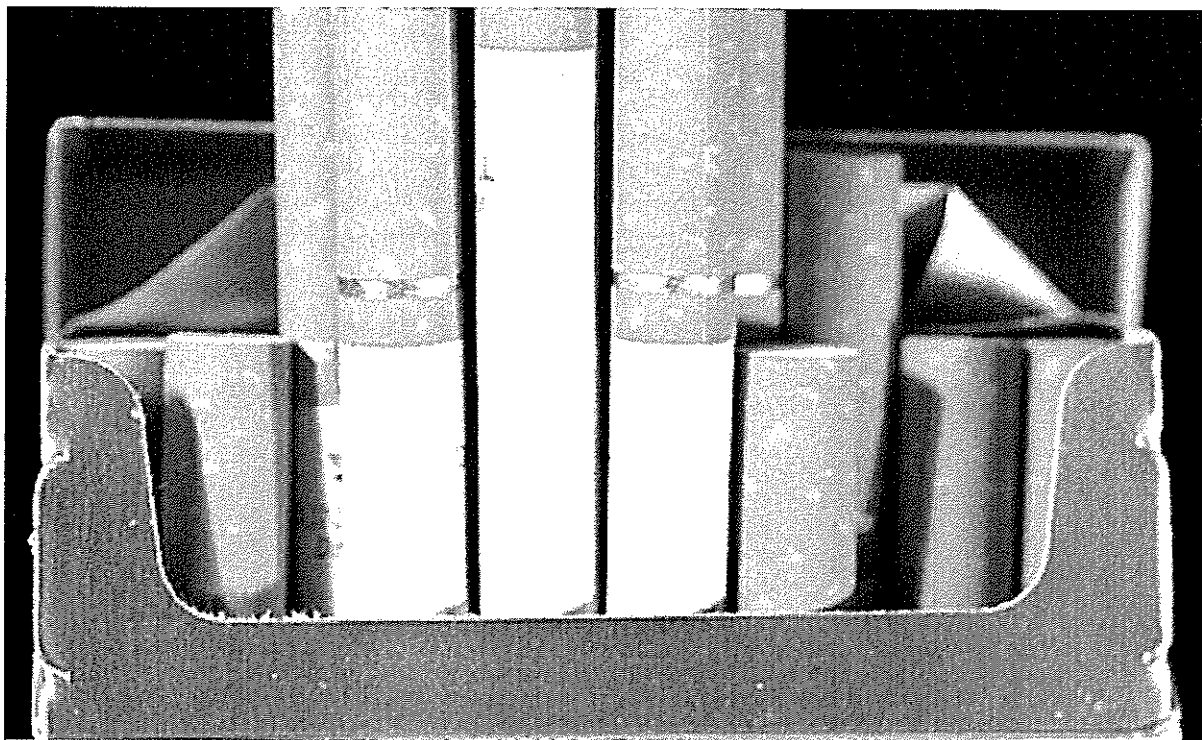


## Plain packs for tobacco will 'damage business,' says former patent chief



Peter Lawrence, who was director of the division from 1997 to 2003, said the government's "plain packaging" proposals for tobacco amounted to the confiscation of intellectual property and would damage business.

He said: "The UK has fought hard at international level to ensure that all countries respect trade mark rights, and for the UK to take action to deprive brand owners of the right to use their marks would be an unfortunate precedent to say the least.

"There may be circumstances in which the public interest would justify such a move, but I do not think that the case has been made here for such a radical step.

“Trade marks underpin modern economies by helping consumers make their choices and bring rewards to firms that successfully meet their desires. When governments seek to intervene in this way, they risk undermining this fundamental aspect of how markets operate.”

Lawrence’s remarks coincided with the release of a press statement by Europe’s main IP association criticising the proposals announced by health secretary Andrew Lansley on 16 April in a consultation document.

It also came as the European commissioner for health and consumer policy John Dalli rejected plain packaging.

Dalli said: “We want to reduce the attractiveness of smoking. Packaging can help in this regard but the European Commission doesn’t want to go as far as Australia, where cigarette packets must be completely plain.”

The so-called European Sister Organisations, representing national bodies protecting IP rights across the European Union, which include the European Communities Trade Mark Association, warned of serious consequences from the UK government move.

They said it “would amount to an indirect legislative expropriation of private intellectual property and, as a consequence, lead to the extinction of their property rights.”

The statement added: "Any such legislation would adversely affect the markets, with harmful impacts on the economy as a whole as would be derived from escalating counterfeiting and piracy throughout the EU and worldwide.

"Where there is a need to achieve important public objectives, any developing legislation and/or policy options should not deviate from maintaining an appropriate balance with legitimate intellectual property and other proprietary rights.

"Consequently, the signatories of this letter object to the adoption of restrictive legislation or policy options, frequently referred to as 'generic' or 'plain packaging'."

*This article was first published by Packaging News sister title [TalkingRetail.com](http://TalkingRetail.com)*