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15 May 2012

Mr John Alty CB
Chief Executive and Comptroller General
Intellectual Property Office
21 Bloomsbury Street
London WC1B 3HF

Dear Mr Alty

Further to your letter of 21 November 2011 (in response to my letter of 3 November 2011) and following the launch of the UK Government's public consultation on tobacco packaging on 16 April 2012, I would very much like to take you up on your invitation to meet to discuss some of our concerns regarding this policy proposal.

I would be happy to come to your offices in Newport or, if it is more convenient for you, to meet at your London offices.

If I may, I will contact your office later this week to find a time that is convenient for you within the next couple of weeks.

Yours sincerely

S.40(2)

4



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THE OFFICE OF
THE CHIEF EXECUTIVE

07 NOV 2011

RECEIVED

3 November 2011

Mr John Alty
Chief Executive and Comptroller General
Intellectual Property Office
21 Bloomsbury Street
London WC1B 3HF

Dear Mr Alty

Following recent discussions with [REDACTED] we would greatly welcome the opportunity to have a brief discussion with you on the forthcoming consultation on the alleged promotional impact of packaging of tobacco products which the Government has pledged to commence before the end of this year.

S.40(2)

This consultation may generate a number of legal issues regarding the use of trade marks in our industry.

In particular, we are concerned that the introduction of plain packaging for tobacco products is likely to violate certain trade mark provisions in the Agreement on Trade Related Aspects of Intellectual Property (TRIPS) and the Paris Convention for the Protection of Industrial Property. This would, of course, potentially put the United Kingdom in breach of its international treaty obligations exposing it to dispute resolution proceedings and sanctions within the framework of the World Trade Organisation.

It is also our belief that plain packaging would undermine the UK Government's commitment to intellectual property rights which was so emphatically expressed in the Government's response to the Hargreaves Review. By supporting plain packaging for tobacco products the UK Government would be setting a dangerous precedent which could in due course be applied to valuable trademarks in other industries and pose a serious threat to the value of brands in the UK.

Furthermore, plain packaging would encourage counterfeiters and undermine the valuable work undertaken by the IP Crime Group in combating the illicit trade in tobacco. In addition, an increase in counterfeit products would diminish the vital revenue streams which are generated by tobacco taxation.

I think it would be helpful if we were able to put these points to you in advance of the consultation, so that the proposals, and any analysis supporting them, can take full account of the above concerns. It seems to us important that you should be aware of them, so that the consultation proceeds on a basis that is well founded.

I would be happy to have a short meeting with you at the IPO's London offices or at a suitable location in London over the coming few weeks and we look forward to hearing from you in due course.

Yours sincerely

[Redacted signature]

[Redacted line]

[Redacted line]

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