EuroCham Singapore
European Chamber of Commerce

The Health Promotion Board
Substance Abuse Department
3 Second Hospital Avenue
Singapore 168937

Singapore, 4th March 2016

Object: Government of Singapore public consultation on tobacco control measures

To Whom It May Concern:

We refer to the Government of Singapore's request for comments on the tobacco control policies that have been proposed in the "Public Consultation Paper on Potential Tobacco Control Policies".

With reference to the proposal to impose standardised packaging on tobacco products ("Reducing the appeal of tobacco products through Standardised Packaging"), we would like to reiterate our concerns as expressed in the legal analysis prepared by Bird & Bird ATMD entitled "Why Standardised Packaging Regulations would be inconsistent with Singapore's Trade Mark Laws and cause a breach of Singapore's Obligation under International Treaties", issued on 29th December 2015. This document is entitled for your reference. In particular, we believe that a standardised packaging regime conflicts with basic trade mark law principles; is irreconcilable with intellectual property principles enshrined in various international treaties and which Singapore has a strong record of protecting. Standardised packaging of tobacco products would also set a dangerous precedent for other industries whose products may be deemed unhealthy.

In addition, and in support of effective tobacco regulation measures, we believe that the proposal to enlarge the graphic health warnings on tobacco products ("Enhancing graphic health warnings") would be an appropriate alternative to standardised packaging. In particular, we suggest to enhance the graphic health warning to **65%**, in line with the latest European Union Tobacco Products Directive (2014/40/EU). A 65% health warning, with strong messages and images, would unequivocally provide greater public awareness about the undisputed harms of smoking. At the same time, this allows for effective usability and visual perceptibility of trademarks. This is important because it also preserves basic means for competition by allowing proprietors to distinguish their goods and services from those of their competitors.

Thank you once again for taking the comments and concerns of this Chamber and our various members into consideration.

Respectfully yours,

Jan B. Djerf
President
EuroCham Singapore
E-mail: ifnfo@eurocham.org.sg

Cc: Minister GAN Kim Yong – Ministry of Health
Mr. Daren TANG – Chief Executive, Intellectual Property Office of Singapore