722 12TH ST NW, SUITE 400 WASHINGTON, DC 20005 202.785.0266- WWW.PROPERTYRIGHTSALLIANCE.ORG

Washington, DC March 12, 2018

Singapore Ministry of Health
16 College Road
College of Medicine Building
Singapore 169854
MOH_Tobacco_Control@moh.gov.sg
ATTN: Director, Epidemiology and Disease Control Division

Property Rights Alliance consultation submission concerning the SP Proposal on Tobacco Control Measures

Part 1: Introduction

Property Rights Alliance (PRA) welcomes the opportunity to provide comments on the proposed tobacco control measures. PRA is an advocacy organization dedicated to the protection of physical and intellectual property rights around the world. The flagship publication of PRA is the International Property Rights Index (IPRI). Singapore has a long history of protecting property rights, in the latest edition of the Index Singapore is ranked seventh in the world and second in the region. The IPRI is referenced by the Intellectual Property Office of Singapore as one of the global surveys which consistently ranks the country's IP environment as one of the best in the world.

Property Rights Alliance views the right to own inventions, artistic works, and brands as inalienable human rights. These intellectual properties represent work and hold value just like any other tangible property and therefore their ownership should not be infringed no matter the intention of public policy planners.

It is in this vein that we offer the below comments on the SP Proposal that would adopt plain packaging for tobacco products. The proposal would ban trademarks from tobacco packaging representing a gross violation of intellectual property rights with monumental unintended consequences. We provide evidence below on the severity of the measure and supplemental evidence of the failure of plain packaging in implementing countries according to the format laid out in Part 7 of the consultation document.

However, first we would like to point out that the stated aims of the measure do not address the problems identified by the government in part two of the SP Proposal "Rational for the SP Proposal".

According to the document, Singapore has been a leader in the region in pioneering efforts to reduce tobacco consumption and has made great progress in reducing the smoking rate from 23% in 1977 to 12% of the population today. The rationale chapter identifies three major obstacles to reducing the rate below the current 12-14% plateau.

First, it finds, past efforts haven't been able to dramatically alter the smoking habits of the male population who account for 84% of the smoking population. Second, it seems imperative to reach young people before they become regular smokers, according to the data presented 38% of regular smokers started before they were legally allowed to purchase cigarettes and 95% started before the age of 21. Lastly, the chapter highlights the promotional role friends and family members who consume tobacco play in intentionally or unintentionally encouraging their social network, young or old, to also to take up the habit.

None of the five-fold objectives of the SP Proposal target the obstacles highlighted in the rational chapter or promise to achieve Singapore's longstanding goal to move towards a tobacco-free society.

- The Consultation document does not reference any studies on the ability of plain packaging to reduce smoking prevalence of males.
- The Consultation document is dismissive of one of the only studies that examined the effect of plain packaging on minors post-implementation. It concluded that the measure "fail[ed] to find any actual plain packaging effect."[1]
- The Consultation document does not put forward evidence that plain packaging, after implementation, reduces the promotional aspect of friends and family members.

The evidence put forward that concludes plain packaging has worked does not suggest it decreased the smoking rate in the male population, the underage population, or the promotional aspect of friends and family. In other words, even if the SP Proposal is 100% effective the identified obstacles will still remain unsolved and the smoking rate may in fact remain between 12 and 14 percent.

Unfortunately, not even this best-case scenario will be achieved. Plain packaging is a failed policy and a violation of intellectual property rights with catastrophic unintended consequences.

PART II Answers to questions proposed for consultation

1. Do you agree that the SP Proposal would contribute to reducing smoking prevalence and improving public health over and above existing tobacco control measures?

First, reducing smoking prevalence is not an objective of the SP proposal. If it is, it should be stated as one of the core objectives and smoking prevalence should be used as one measure of its effectiveness. It is also not true to claim that the Singapore Ministry of Health agrees that the SP Proposal would contribute to the reduction in smoking prevalence either. The SP Proposal states a belief that it can reduce smoking prevalence if and only if it used "alongside other existing and possible future tobacco control measures"[2] which currently are not part of the proposal.

[1] Ashok Kaul, Michael Wolf, "The (Possible) Effect of Plain Packaging on the Smoking Prevalence of Minors in Australia: A Trend Analysis" revised version, May 2014 Working Paper No. 149
[2] SP Proposal pg 13

The consultation document does not reference or provide evidence that supports the claim that plain packaging would be more effective at reducing smoking prevalence if it were combined with the other control measures.

In any case, we refer the Singapore government to the most recent assessment by the Australian government which has had plain packaging in place since 2012, longer than any other country. There, the National Drug Strategy Household Survey (NDSHS) found that for the first time in 23 years no statistically significant decline in the overall daily smoking rate between 2013 (12.8%) and 2016 (12.2%)[3] occurred. Instead of accelerating, the decline in the smoking rate has come to a standstill.

This more recent data refutes claims referenced in the consultation document which concluded the decline in smoking prevalence would continue[4] or accelerate[5]. The specific reference to the 2013 NDSHS seems unfair as it could only examine one year of post-implementation effects and did not attribute the decline in that period to plain packaging. The prediction of an accelerated decline in the Chipty study[6] was cautioned against by the Australian government in the Post-Implementation review,[7] saying "It will take a longer time period for the full impact of the tobacco plain packaging measure." It appears that time has come.

Other researchers, using data paid for by the Australian government conclude that there is "no statistically significant difference in effectiveness of the graphic health warning as a result of the policy being introduced—if anything that effectiveness declined."[8] A similar study with the same conclusion was dismissed by the Government because of unfounded allegations of the author's independence. We encourage the Government to consider conclusions based on their merits.

Similarly, in France where the policy has been in place for 15 months cigarette sales have remained stable,[9] and the Minister of Health Agnes Buzyn states in the National Assembly:

> "Unfortunately, in 2016, official sales of cigarettes increased in France: the neutral package [plain packaging] did not reduce the official sale of tobacco. We do not have a typology of those who continue to smoke and therefore do not know if the neutral package has been effective in keeping young people out of smoking."[10]

---

[3] "National Drug Strategy Household Survey 2016," Drug Statistic Series No. 31 (Australian Government, Australian Institute of Health and Welfare, 2017), https://www.aihw.gov.au/getmedia/15db8c15-7062-4cde-bfa4-3c2079f30af3/21028.pdf.aspx?inline=true.

[4] See the 2013 Australian Institute of Health and Welfare National Drug Strategy Household Survey (available at: http://www.aihw.gov.au/repoerts/illicit-use-of-drugs/2013-ndshs-detailed/contents/table-of-contents),

[5] Chipty T. Study of the impact of the tobacco plain packaging measure on smoking prevalence in Australia. Appendix A. In: Australian Government Department of Health. Post-Implementation Review. Tobacco Plain Packaging. 2016. 24 January 2016.

[6] Ibid.

[7] Australian Government Department of Health, "Post-Implementation Review Tobacco Plain Packaging 2016," 2016, http://ris.pmc.gov.au/sites/default/files/posts/2016/02/Tobacco-Plain-Packaging-PIR.pdf See paragraph 101 pg 33

[8] Davidson Sinclair and Ashton De Silva, "What the Government Demanded As Proof for Plain Packaging Efficacy: An Analysis the Public Health Lobby Did Not Perform" (RMIT University, May 3, 2017), https://ssrn.com/abstract=2962216.

[9] Source: Cigarette sales on a constant delivery basis, *in Tableaux de bord des indicateurs tabac* – OFDT (Observatoire français des drogues et des toxicomanies), August 4 2017 to January 29, 2018.

[10] Francois Rugy, "Assemblée Nationale XVe Législature Session Ordinaire de 2017-2018 Compte Rendu Intégral," n.d., http://www.assemblee-nationale.fr/15/cri/2017-2018/20180075.asp

Considering the more recent data provided by the Australian government, the analysis of post-implementation effects in Australia, and the testimony of other experts The Singapore government must conclude the same: plain packaging does not reduce smoking prevalence.

6. If adopted, do you agree that the SP Proposal should be applied to non-cigarette tobacco products such as cigarillos, cigars, ang hoon, and roll-your-own tobacco

If adopted it should be repealed, and the legal loopholes used to allow the measure must be closed.

7. If adopted, do you think that the SP Proposal might have any incidental impact in the Singapore context other than matters addressed in answer to the above questions? If so, please elaborate on the possible incidental impact and any evidence in support of the same.

If adopted, plain packaging will violate intellectual property rights and invite unintended consequences which include economic losses and a carve out of market space to criminal syndicates and terrorists.

Plain packaging is a gross violation of intellectual property rights. Strong, robust, enforceable intellectual property rights contribute to greater Foreign Direct Investment; increased employment in high-wage industries; as well as other indicators of well-being like social activism and tolerance of others.[11]

A Loss to International IP Law

Australia is currently facing dispute resolution at the World Trade Organization for its plain packaging law. Specifically, the global community is concerned that Australia's action violates the global minimum standards for protecting intellectual property rights enshrined in the Trade Related Aspects of Intellectual Property Rights (TRIPS) agreement. Australia has argued that the action is justified because the minimum standard does not guarantee a right to use trademarks, and that it is only responsible to protect against trademark infringement.

Such a limited interpretation certainly goes against the spirit of the text which is "to reduce distortions and impediment to international trade… and to ensure that measures and procedures to enforce intellectual property rights do not themselves become barriers to legitimate trade"[12] as stated in the perambulatory text.

Specifically, TRIPS Articles 15 and 20 require signers, which includes Singapore, to agree that trademarks are distinguishing marks and that restricting their use must not be "unjustifiably encumbered". Australia acknowledged that brands on cigarette packs are trademarks, but

[11] Dr. Sary Levy-Carciente, "2017 International Property Rights Index" (Washington D.C., n.d.), https://www.internationalpropertyrightsindex.org/full-report

[12] "Uruguay Round Agreement: Trade-Related Aspects of Intellectual Property Rights" (World Trade Organisation, n.d.), https://www.wto.org/english/docs_e/legal_e/27-trips_04_e.htm.

argued that denying the ability to use the them does not hamper the ability of the products to be differentiated in the marketplace or encumber their trade, both cannot be true.

However, Singapore, as a champion of private and intellectual property rights has enshrined TRIPS Plus measures in its Trade Marks Act. Among them is Article 26.1 "The proprietor of a registered trademark has exclusive rights to (A) use the trademark".[13] Therefore Singapore cannot claim, as Australia has at the WTO, that it does not have an obligation to allow the use of trademarks.

In section 5.6 of the SP consultation document the government ensures that should the measure go forward its implementation will be "consistent with Singapore's international obligations with respect to intellectual property rights." This is impossible to promise as the international obligations concerning the implementation of plain packaging are currently under dispute. On the other hand, it is possible to conclude plain packaging will contribute to great distress and uncertainty in the domestic IP environment.

A loss to Singapore and the global economy

The development of the IP economy continues to be integral for the government of Singapore's economic development plan.[14] The government understands "IP plays an increasingly important role in driving the growth of businesses and economies in a knowledge-based and innovation-driven economy,"[15] and has started a whole-of-government approach to allow Singapore to become a "Global IP Hub" with high-value job opportunities.

Only a few years into the strategic plan the immense efforts are already bearing fruit, unlike plain packaging in Australia on smoking prevalence. An independent report[16], using methodology developed by the U.S. Patent and Trademark Office and the EU Intellectual Property Office, finds that trademark-intensive industries in Singapore are responsible for 60% of exports, 29% of employment, and directly contribute to 50% of gross value added. IP, especially trademark-intensive industries play a much larger role in Singapore's economy than others in the ASEAN region. Trademark-intensive industries employ more than other IP-intensive sectors and pay higher wages than their non-IP counterparts.

Importantly, in Singapore the report finds the beverage and food product industries are some of the largest employers in the trademark-intensive sector. Yet these industries have been targeted for plain packaging using the same arguments used against tobacco. Examining only eight of the largest companies in these categories Brand Finance determined the total implied

---

[13] Government of Singapore, "Singapore Trade Marks Act (Chapter 332, Revised Edition 2005)," n.d., http://www.wipo.int/wipolex/en/text.jsp?file_id=187981#LinkTarget_3719

[14] "Update to the Intellectual Property Hub Master Plan" (Government of Singapore and Intellectual Property Office of Singapore, May 2017), https://www.ipos.gov.sg/docs/default-source/about-ipos-doc/full-report_update-to-ip-hub-master-plan_final.pdf

[15] Ibid (IP HUB Master Plan) pg 9

[16] Frontier Economics and International Trademark Association, "The Economic COntribution of Trademark-Intensive Industries in Indonesia, Malaysia, the Philippines, Singapore, and Thailand," August 14, 2017, https://www.inta.org/Communications/Documents/INTA_ASEAN_Economic_Impact_Study_082717.pdf.

loss in value if plain packaging were applied would be $187 billion.[17] When Brand Finance examined the impact to all companies in the beverage industry where data is available they determined the total implied loss in value would be $293 billion.[18] These are global companies that contribute to employment and value-added in Singapore, the total losses will have reverberating effects in the global economy. The loss in brand value to the beverage is greater than the GDP of Singapore.

A loss to terrorists and criminal syndicates

In addition, plain packaging is linked to counterfeit and illicit cigarettes representing a market carve-out to criminal syndicates including terrorists. In Australia, it is estimated that the level of illicit tobacco consumption has increased over the last five years, reaching 13.9% of total consumption in 2016 and representing an excise loss of 1.6 billion AUS.[19] The Australian government has been criticized for not tasking an agency to focus on the illicit market or to produce a report on the size and growth the industry despite it being a clear national security threat.[20]

In 2016, for instance, six Australians were caught making payments to criminal syndicates in Indonesia and the United Arab Emirates, known terrorism financial centers, to illegally import 72 tons of tobacco and 64 million cigarettes into the country.[21]

Australia is not the only country that has experienced a rise in illicit tobacco after the full implementation of plain packaging. The rise in illicit tobacco is linked to the funding of terrorist groups and criminal syndicates.[22] In France, the largest consumer of contraband and counterfeit cigarettes in Europe, the estimated excise loss to the French Government was approximately 2 billion Euros in 2016.[23] The illicit trade there has been linked to a large proportion of jihadists travelling to Syria and Iraq, as well as terrorist attacks in France.[24] Counterfeit cigarettes remain the most investigated IP-crime in the UK and are linked directly to criminal organizations.[25] UK authorities recently identified the first counterfeit plain-packaged packs.[26]

---

[17] "Plain Packaging 2017 Brand Impact Analysis" (Brand Finance, December 2017), http://brandfinance.com/images/upload/brand_finance_plain_packaging_report.pdf.
[18] Ibid.
[19] "Illicit Tobacco in Australia" (KPMG, March 20, 2017), https://home.kpmg.com/content/dam/kpmg/uk/pdf/2017/04/Australia-illict-tobacco-Report-2016.pdf
[20] Mark Lauchs and Rebecca Keane, "An Analysis of the Australian Illicit Tobacco Market," *Journal of Financial Crime* 24, no. 1 (2017): 35–47.
[21] Australian Transaction Reorts and Analysis Center, "AUSTRAC helps Stop Illegal Tobacco Importation Syndicate," September 14, 2016, http://www.austrac.gov.au/case-studies/austrac-helps-stop-illegal-tobacco-importation-syndicate
[22] Louise Shelley, "The Diverse Facilitators of Counterfeiting: A Regional Perspective," *Journal of International Affairs*, Transnational Organized Crime, 66, no. 1 (2012), http://www.jstor.org/stable/24388249.
[23] "Project Sun: A Study of the Illicit Cigarette Market in the European Union, Norway and Switzerland" (KPMG, 2017), https://assets.kpmg.com/content/dam/kpmg/uk/pdf/2017/07/project-sun-2017-report.pdf.
[24] "Illicit Trade and Terrorism Financing" (Center for the Analysis of Terrorism, December 2016), http://cat-int.org/wp-content/uploads/2017/03/Interim-note-Illicit-trade-and-terrorism-financing-Dec-2016.pdf.
[25] IP Crime Group, "IP Crime and Enforcement Report 2016/2017" (Intellectual Property Office, 2017), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/642324/IP_Crime_Report_2016_-_2017.pdf.
[26] Jack Courtez, "EXCLUSIVE: First Fake Plain Packs Discovered, Rogue Retailers Making 'Small Fortune,'" *BetterRetailing.com*, November 10, 2017, https://www.betterretailing.com/first-fake-plain-packs-discovered.

It is clear, according to the introduction in the SP Proposal that Singapore already has an underground market in cigarettes as 38% of regular smokers started before they were legally allowed to purchase cigarettes. The connection of plain packaging to illicit sales promises only to make this problem worse.

The government of Singapore can't ignore the facts. It must acknowledge that plain packaging of cigarettes will open the door to plain packaging of other products that will have large reverberating effects in the economy. It also must accept that Singapore already has an underground market for cigarettes and any policy that reduces the ability of consumers to differentiate between brands, legal and illegal products, will empower criminal actors.

8. Please include any other comments or concerns regarding the SP Proposal that you would like the Government to take into account.

Property Rights Alliance has formed and international coalition of 61 think tanks and rights activists to defend IP rights from the plain packaging threat. We have attached an embargoed copy of our soon to be released coalition letter addressed to WHO General-Director Dr. Tedros Adhanom Ghebreyesus below. Please do not share until March 22, 2018.

We hope that Singapore will uphold its reputation as a champion for intellectual property rights and will decide against implementing plain packaging.

Lorenzo Montanari
Executive Director
Property Rights Alliance, USA

Philip Thompson
Fellow
Property Rights Alliance, USA

722 12TH ST NW, SUITE 400 WASHINGTON, DC 20005 202.785.0266- WWW.PROPERTYRIGHTSALLIANCE.ORG

5 Years of Failure
Global Coalition Letter Against Plain Packaging

To: Dr. Tedros Adhanom Ghebreyesus
World Health Organization
Director-General

EMBARGO COPY

To: Dr. Tedros Adhanom Ghebreyesus

December 01, 2017, marked the five-year anniversary of the full implementation of plain packaging in Australia. The removal of brands and trademarks from packaging remains a gross violation of intellectual property rights and has failed to achieve its intended goal. As a global coalition of sixty-one think tanks, advocacy groups and civil-society organizations that have been critical of plain packaging for any product, we write in response to proposed plain packaging tobacco control measures and to the announcements by several countries of their interest in pursuing these policies.

Intellectual property rights are human rights enshrined in the Universal Declaration of Human Rights: Article 17, the right to ownership; Article 19, the right to freedom of expression; and Article 27, the right to protection of material interests. In this regard, even if plain packaging is effective, it should still be repealed, as rights are inalienable and should not be discarded for political purposes.

International trade law, the UNDHR, and historic international treaties are designed to protect intellectual property for this very purpose. The innovation incentive created by trademarks fuels competition and produces amazing products demanded by consumers like affordable medical advances that save lives. Obviously, any loophole should be closed, not exploited.

Plain packaging in Australia has been a complete failure and has not met its overall policy objective to reduce smoking incidence. The latest independent research on the impact of plain packaging in Australia, using data paid for by the Commonwealth government, finds "no statistically significant difference in effectiveness of the graphic health warning as a result of the policy being introduced—if anything that effectiveness declined."[1] Moreover, the Australian government collects data on national smoking behavior every three years as part of its National Drug Strategy Household Survey (NDSHS). The most recent batch of data is from 2016, and for the first time in 23 years, it reports no statistically significant decline in the overall daily smoking rate between 2013 (12.8%) and 2016 (12.2%).[2] Plain packaging continues to offer evidence that it will never achieve its intended goal; it is time to end five years of failure. Instead, protecting intellectual property, the right to brand products and earn a reputation in the marketplace must remain paramount.

Other solutions exist that do not infringe on intellectual property rights and are closely linked to a marked reduction in the adult smoking rate. In the United Kingdom, for instance, after e-cigarettes became mainstream, the rate dropped from 20.4% in 2012 to 15.8% in 2016.[3] In fact, the Royal College of Physicians reassured and encouraged smokers there to use the products,[4] finding their associated harm unlikely to exceed 5% of the harm associated with smoking tobacco. On the other hand, plain packaging itself is associated with significant unintended consequences that continue to plague Australia and other countries that have adopted the measure.

Branded packaging is an essential product component that allows consumers to differentiate between legal and non-legal tobacco. When all packs look alike, consumers become less aware of brand differences. This is known as 'commoditization,' which often results in consumers prioritizing price over other quality concerns. This plays directly into the hands of the illegal tobacco trade which does not pay taxes or maintain quality standards and can thus charge significantly lower prices for cigarettes. The growth of the illegal tobacco market undermines public health, as its cheaper products encourage initiation and consumption while its sellers do not restrict their sales to adult consumers.

In Australia, it is estimated that the level of illegal tobacco consumption has increased over the last five years, reaching 13.9% of total consumption in 2016 and representing an excise loss of 1.6 billion AUS.[5] The Australian government has been criticized for not tasking an agency to focus on the illicit market or to produce a report on the size and growth the industry despite it being a clear national security threat.[6]

EMBARGO COPY

---

[1] Davidson Sinclair and Ashton De Silva, "What the Government Demanded As Proof for Plain Packaging Efficacy: An Analysis the Public Health Lobby Did Not Perform" (RMIT University, May 3, 2017), https://ssrn.com/abstract=2962216.

[2] "National Drug Strategy Household Survey 2016," Drug Statistic Series No. 31 (Australian Government, Australian Institute of Health and Welfare, 2017), https://www.aihw.gov.au/getmedia/15db8c15-7062-4cde-bfa4-3c2079f30af3/21028.pdf.aspx?inline=true.

[3] Christopher Snowdon, "Vaping Solutions: An Easy Brexit Win" (Institute for Economic Affairs, November 3, 2017), https://iea.org.uk/publications/vaping-solutions-an-easy-brexit-win/.

[4] "Nicotine Without Smoke: Tobacco Harm Reduction" (Tobacco Advisory Group of the Royal College of Physicians, April 2016), https://www.rcplondon.ac.uk/projects/outputs/nicotine-without-smoke-tobacco-harm-reduction-0.

[5] "Illicit Tobacco in Australia" (KPMG, March 20, 2017), https://home.kpmg.com/content/dam/kpmg/uk/pdf/2017/04/Australia-illict-tobacco-Report-2016.pdf

[6] Mark Lauchs and Rebecca Keane, "An Analysis of the Australian Illicit Tobacco Market," *Journal of Financial Crime* 24, no. 1 (2017): 35–47.

Illicit tobacco is linked to the funding of terrorist groups and criminal syndicates.[7] In France, the largest consumer of contraband and counterfeit cigarettes in Europe, the estimated excise loss to the French Government was approximately 2 billion Euros in 2016.[8] This illicit trade has been linked to a large proportion of jihadists travelling to Syria and Iraq, as well as terrorist attacks in France.[9] Counterfeit cigarettes remain the most investigated IP-crime in the UK and are linked directly to criminal organizations.[10] Authorities there recently identified the first counterfeit plain-packaged packs.[11]

The destructive global implications don't stop there. Australia is facing a dispute resolution panel at the WTO for implementing plain packaging. The panel has yet to draw their conclusion. However, the perambulatory text in the WTO Trade Related Aspects of Intellectual Property Rights (TRIPS) agreement declares its purpose is to "to reduce distortions and impediments to international trade…. and to ensure that measures and procedures to enforce intellectual property rights do not themselves become barriers to legitimate trade." Requiring packaging to be void of ownership marks in order to dissuade consumers is a prime example of regulations acting to distort, impede, and prevent trade.

The United States, Germany, Sweden, Switzerland and Japan standout in international indexes for their protection of intellectual property rights. It is no coincidence that these countries have either never entertained the measure or rejected it entirely when it was proposed. IP-intensive industries drive these knowledge-based economies.

According to the USPTO IP and the U.S. Economy 2016 update, 30% of total employment, 45.5 million jobs, are tied to IP-intensive industries. The largest share, 23.7 million jobs, are directly tied to trademark-intensive industries.[12] The EUIPO 2016 report on IP and the EU economy finds similar results: 38% of total employment, 82 million jobs, are tied to IP-intensive industries; trademark-intensive industries also represent the largest share employing 45 million directly and 19.6 million indirectly.[13] In 2014, these jobs produced more than 42% of the EU's GDP and 38% in the U.S. Together they accounted for 18.5% of the world's total production.

After Australia implemented the policy, other industries have been targeted around the world: alcohol, sugary beverages, fatty foods, even toys. These industries employ millions and any regulation that would deny key IP assets would have a devastating global economic impact. The

EMBARGO COPY

[7] Louise Shelley, "The Diverse Facilitators of Counterfeiting: A Regional Perspective," *Journal of International Affairs*, Transnational Organized Crime, 66, no. 1 (2012), http://www.jstor.org/stable/24388249.

[8] "Project Sun: A Study of the Illicit Cigarette Market in the European Union, Norway and Switzerland" (KPMG, 2017), https://assets.kpmg.com/content/dam/kpmg/uk/pdf/2017/07/project-sun-2017-report.pdf.

[9] "Illicit Trade and Terrorism Financing" (Center for the Analysis of Terrorism, December 2016), http://cat-int.org/wp-content/uploads/2017/03/Interim-note-Illicit-trade-and-terrorism-financing-Dec-2016.pdf.

[10] IP Crime Group, "IP Crime and Enforcement Report 2016/2017" (Intellectual Property Office, 2017), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/642324/IP_Crime_Report_2016_-_2017.pdf.

[11] Jack Courtez, "EXCLUSIVE: First Fake Plain Packs Discovered, Rogue Retailers Making 'Small Fortune,'" *BetterRetailing.com*, November 10, 2017, https://www.betterretailing.com/first-fake-plain-packs-discovered.

[12] Justin Antonipillai and Michelle Kee, "Intellectual Property and the U.S. Economy: 2016 Update" (United States Patent and Trademark Office, Economics and Statistics Administration, 2016), https://www.uspto.gov/sites/default/files/documents/IPandtheUSEconomySept2016.pdf.

[13] European Patent Office and European Union Intellectual Property Office, "Intellectual Property Rights Intensive Industries and Economic Performance in the European Union," 2016, https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/IPContributionStudy/performance_in_the_European_Union/performance_in_the_European_Union_full.pdf.

trademark value alone of only twelve companies associated with these sectors is estimated to be more than $1.8 trillion.[14]

The costs of plain packaging are enormous: the loss of the innovation incentive to the economy and society are inestimable, the mutilation of established international IP law is unprecedented, and the market carve-out to illicit actors, including terrorists, is reprehensible. It is beyond reason that such a policy continues to be pursued, even after it has failed to achieve its intended goal.

We urge the WHO and governments around the world to stop infringing on intellectual property rights with plain packaging policies.

EMBARGO COPY

[14] Paola Norambuena, Janine Stankus, and Mark Kersteen, "Interbrand Best Global Brands 2017" (Interbrand, 2017), http://interbrand.com/wp-content/uploads/2018/03/Best-Global-Brands-2017.pdf.

Signed

Besart Kardia
Executive Director
Foundation for Economic Freedom
Albania

Martín Simonetta
Executive Director
Fundación Atlas para una Socidad Libre
Argentina

Frederico N. Fernández
President
Fundación Internacional Bases
Argentina

Ernesto Edwards
Director of Legal Research
Fundación Libertad
Argentina

Manuel Solanet
Public Policy Director
Libertad y Progreso
Argentina

Graham Young
Executive Director
Australian Institute for Progress
Australia

Tim Andrews
Executive Director
Australian Taxpayers' Alliance
Australia

Satyajeet Marar
Director
My Choice Australia
Australia

Barbara Kolm
Director
Austrian Economics Center
Austria

Richard Zundritsch
Board of Directors
Hayek Instiute
Austria

Javier Hurtado Mira
Chairman
Democratic Youth Community of Europe
Belgium

Paulo Alfonso Pereira
President
PAP Propriedade Intelectual
Brazil

Troy Lanigan
President
Canadian Taxpayers Federation
Canada

Bruce Cran
President
Consumer Association of Canada
Canada

Zoran Löw
Executive Manager
Lipa, Croatian Taxpayers Association
Croatia

Jan Levora
Director
Czech Association for Branded Products
Czech Republic

Martin Pánek
Deputy Director
Liberální institute
Czech Republic

Ahmed Ragab Mohamed
Executive Director
The Egyptian Center for Public Policy Studies
Egypt

Eudes Baufreton
Director
Contribuables Associés
France

Pierre Garello
President
Institute for Economic Studies-Europe
France

Paata Sheshelidze
President
New Economic School-Georgia
Georgia

Ashok Kaul
Professor of Economics and Research Director
Institute for Policy Evaluation
Germany

Michael Jaeger
Secretary General
Taxpayers Association of Europe
Germany

Franklin Cudjoe
President
Imani Center for Policy and Education
Ghana

EMBARGO COPY

Alexander Skouras
President
Center for Liberty Studies-
Markos Dragoumis (KEFiM)
Greece

Guillermo Peña Panting
Executive Director
Fundación Eléutera
Honduras

Raymond Ho Man Kit
Convenor
Momentum 107
Hong Kong (SAR)

Rainer Heufers
Executive Director
Center for Indonesian Policy Studies
Indonesia

Eamon Delaney
Executive Director
Hibernia Forum
Ireland

Pietro Paganini
Member of Board of Directors
Campagne Liberali
Italy

Masaru Uchiyama
President
Japanese for Tax Reform
Japan

Yuya Watase
President
Pacific Alliance Institute
Japan

Ali Salman
Acting CEO, Director of Research
Institute forDdemocracy and Economic Affaris (IDEAS)
Malaysia

Slobodon Franeta
Chairman
The Lucha Institute
Montenegro

Jordan Williams
Executive Director
New Zealand Taxpayers' Union
New Zealand

Raza Ullah
President
Alternate Solutions Institute of Pakistan
Pakistan

Ayesha Bilal
Chief Operating Officer
Policy Research Institute of Market Economy (PRIME)
Pakistan

Bienvenido Oplas, Jr.
President
Minimal Government Thinkers
Philippines

Tomasz Wróblewski
President
Warsaw Enterprise Institute
Poland

Miloš Nikolić
President
Libertarian Club Libek
Serbia

Tanja Porčnik
President
Visio Institut
Slovenia

Jasson Urbach
Director
Free Market Foundation
South Africa

Roxana Nicula
Chairwoman
Fundación para el Avance de la Libertad
Spain

Javier Santacruz Cano
Head of Research
Think Tank Civismo
Spain

Juan Pina
President
Unión de Contribuyentes
Spain

Pierre Bessard
President
Liberales Institute
Switzerland

Ozlem Caglar-Yilmaz
General Coordinator
Association for Liberal Thinking
Turkey

Maryan Zablotskyy
President
Ukraine Economic Freedoms Foundation
Ukraine

Christopher Snowdon
Head of Lifestyle Economics
Institute for Economic Affairs
United Kingdom

EMBARGO COPY

Ben Harris-Quinney
Chairman
The Bow Group
United Kingdom

Daniel Schneider
Executive Director
American Conservative Union
USA

Grover Norquist
President
Amrericans for Tax Reform
USA

Thomas A. Schatz
President
Citizens Against Government Waste
USA

Mathew Kandrach
President
Consumer Action for a Strong Economy
USA

Mike Ridgway
Director
Consumer Packaging Manufacturers
USA

George Landrith
President
Frontiers of Freedom
USA

Andrew Langer
President
Institute for Liberty
USA

Pete Sepp
President
National Taxpayers Union
USA

Lorenzo Montanari
Executive Director
Property Rights Alliance
USA

David Williams
President
Taxpayers Protection Alliance
USA

Rocio Guijarro
Executive Director
Centro de Divulgación del Conocimiento Económico para la Libertad (CEDICE)
Venezuela

EMBARGO COPY