

D100/2008



The Law Society
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31 December 2008

Professor Rob Moodie
Chair, National Preventative Health Taskforce
Preventative Health Taskforce Secretariat
Population Health Strategy Unit
Department of Health and Ageing
MDP 16
GPO Box 9848
Canberra ACT 2601

By fax: [REDACTED]



FAXED

Dear Professor Moodie

Discussion Paper, *Australia: The Healthiest Country by 2020* and Technical Paper, *Tobacco control in Australia: making smoking history*

I refer to the above Discussion Paper which has been partially reviewed by the Law Society of New South Wales' Business Law Committee (**Committee**).

As the Discussion Paper has not been considered by the Council of the Law Society, the views expressed are those of the Committee alone.

The Committee notes that, at pages 21 and 22 of the Technical Paper No 2, the following actions are proposed:

1. require all tobacco products to be sold in plain packaging;
2. amend schedule 2 to the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004* to prescribe that health warnings must cover at least 90% of the front and 100% of the back of the pack.

The Committee notes that, if either of these proposals was implemented, then trade mark owners could not use their trade marks.



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While it is noted from the information provided that plain packaging could have positive health benefits, the Committee believes that the protection of intellectual property rights is important and trusts the Taskforce will take this into consideration.

Should you have further queries about this submission, kindly contact Mr Andrew Wilson, Executive Member, Business law Committee on direct line [REDACTED] email [REDACTED]

Yours faithfully


Hugh Macken
President