



Norwegian Ministry of Health and Care Services
Pb. 8011 Dep
0030 OSLO

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Response to open consultation issued by the Norwegian Ministry of Health and Care Services: Trademark Elimination via Plain Packaging

Our assessment

We are writing to express our concerns regarding government-mandated trademark elimination via "plain packaging" measures.

Effective protection of intellectual property rights is an essential element of a thriving, innovation-based economy. Trademark protection is essential in identifying and distinguishing products in the marketplace. It makes producers accountable for the quality of their goods and ensures that consumers can trust the products they purchase.

The protection of such property is a fundamental tenet of law whose vital importance is enshrined in domestic laws the world over as well as in several international agreements, including the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights and the Paris Convention on Industrial Property.

We recognize the Norwegian government's authority to regulate when necessary to protect the public interest. Such measures should be consistent with fundamental tenets of law and international legal obligations. Well-intended public health initiatives should be proportionate, evidence-based and effective in achieving a specific purpose. They should be adopted after sober deliberation and careful consideration of the potential for unintended consequences. Plain packaging rules that mandate trademark elimination do not meet these standards. In fact, such measures are currently the subject of a WTO dispute settlement proceeding.

Recommendation

We strongly urge the Norwegian authorities to safeguard public health in ways that contribute to, not detract from, an informed citizenry.

Conclusion

There are effective ways to regulate in the public interest. Mandating destruction of intellectual property – within any sector – is not among them, and we urge the Norwegian government to forego it.

The American Chamber of Commerce in Norway (AmCham) is an independent business networking, information and assistance organization promoting the interests of 225 Norwegian, American and international member companies. AmCham Norway is a fully accredited member of the US Chamber of Commerce, headquartered in Washington DC, the world's largest business federation.