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## Tobacco trademark stoush won't hit other industries

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With a high profile court battle around plain packaging kicking off today, experts have dismissed the tobacco industry's claims that other categories will soon be targeted.

British American Tobacco's (BAT) three-day High Court challenge against the Tobacco Plain Packaging Act (TPP) begins today, and the tobacco industry has said other industries will soon be targeted for such regulation should the TPP be upheld.

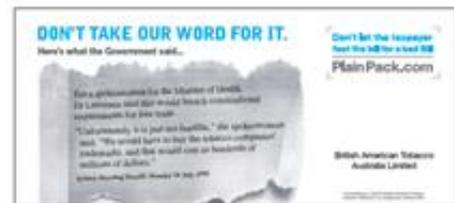
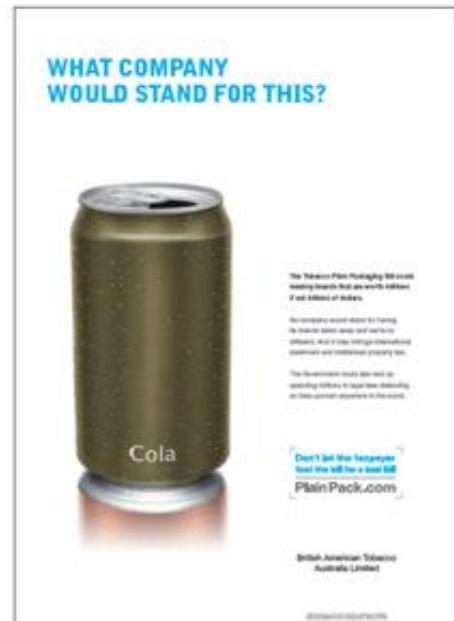
Brands are watching with interest the outcome of the appeal, which claims the removal of tobacco companies' trademarked logos from the packaging of products is unconstitutional. But Australian brand experts have said brands should not be worried about government measures being enforced against their own marketing.

"There is no doubt that there is value in tobacco brands," JMK founder and chief executive Julian Martin told *AdNews*. "If there wasn't, the government wouldn't be trying to legislate against the tobacco industry having a brand presence. But I don't think other brands or sectors are worried about it happening to their own products, beyond perhaps stronger measures toward confectionery advertising to children.

"The case is just not a big conversation piece amongst brand managers. Cigarettes stand on their own, they are such a bad product for public health. Even alcohol is considered to be fine in moderation by people."

Tobacco advertising and sponsorship have been limited in Australia since the 1990s, leaving the industry classified as a 'marketing dinosaur' by many brand experts. The only marketplace presence or distinction the brands have from each other is their packaging.

"Other industries are not remotely worried," Paul Southgate, strategy partner at newly established creative retail agency The General Store told *AdNews*: "There is a clear distinction between tobacco



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and other products that are merely, to varying degrees, less than healthy.

“For years, the most powerful marketing tool the tobacco companies have had at their disposal was their packaging, and they were comically slow to get their act together. They could have used special limited edition packs or the like to use them as a promotional vehicle. The tobacco companies deserve to have pack design taken away from them because of their sheer incompetence to use it as a marketing tool when all others were restricted.”

The case has attracted international attention, as the UK's Cameron Government begins consultations to introduce its own plain-packaging legislation. Federal Governments in Canada and New Zealand are also said to be considering similar measures if the Gillard Government wins the High Court Challenge.

The outcome of the case is also likely to set a legal precedent in regards to use of copyrights and trademarks, as the TPP, if upheld, will mean that all tobacco products will have their packaging designs stripped from them, replaced with plain olive green boxes stamped with large Government health warnings.

The challenge, which is being heard before seven High Court judges in Canberra, will run until Thursday.

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