

## Where is the plain packaging issue in the WTO?

Plain packaging for tobacco has been debated intensively in the WTO for over three years. For over two years it has been a full-blown legal dispute. It was first raised in the June 2011 meetings of the bodies dealing with intellectual property, and with standards and regulations, including on packaging and labelling — the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Council and the Technical Barriers to Trade (TBT) Committee. The discussions were first prompted by an Australian plain packaging bill, which subsequently became law. Later, a similar bill in New Zealand and policies announced in the Ireland, other countries and the EU (in this case the possibility of plain packaging in member states within a broader EU tobacco-control policy) were also discussed.

Ukraine launched a legal challenge against Australia through the WTO Dispute Settlement Body (DSB) in March 2012, once the Australian bill became law. Honduras and Dominican Republic filed their complaints in 2012, and Cuba and Indonesia in 2013, bringing the total number of cases to five. They are dispute cases [DS434](#) (brought by Ukraine), [DS435](#) (Honduras), [DS441](#) (Dominican Republic), [DS458](#) (Cuba) and [DS467](#) (Indonesia). The first case to have a panel set up was Ukraine's in September 2012, followed by Honduras's a year later and the three other cases in March and April 2014. A single set of panellists was appointed in May 2014 to handle five cases, now combined. Among the many claims in these disputes are complaints that the Australian law's labelling and packaging requirements violate WTO rules by limiting or prohibiting the use of trademarks, geographical indications or both on tobacco products, and by requiring these products only to be sold in standardized packaging.

More: [www.wto.org/trips](http://www.wto.org/trips)    [www.wto.org/tbt](http://www.wto.org/tbt)    [www.wto.org/disputes](http://www.wto.org/disputes)

*[Below is a timeline](#) of the key events:*

