



## ABSTRACT

### **AN ANALYSIS OF PLAIN PACKAGING OF TOBACCO PRODUCTS UNDER EU INTELLECTUAL PROPERTY LAW**

*Enrico Bonadio , Lecturer in Law, City University London, UK and  
Alberto Alemanno, Jean Monnet Professor of EU & Risk Regulation, FR*

Although the EU Commission eventually decided not to adopt EU-wide plain packaging, its published proposal expressly allows member states to introduce more stringent standards. As a result tobacco packaging may become even more standardised, with plain packaging a possible result. Plain packaging is a new, yet unapplied, tobacco control policy tool standardizing the package of products. As applied to tobacco products, it would remove from cigarettes boxes all fancy and design elements displayed on packaging, such elements usually being registered by tobacco manufacturers as trademarks.

In the light of the above, the presentation explores the compatibility of this new measure, regardless of whether it will be adopted at EU or Member State level, with EU intellectual property law (in particular with trademark and design law) as well as with the fundamental rights provisions enshrined in the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union.