

WTO could rule on Australia anti-tobacco law this year

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Attempts by tobacco-producing nations to sink Australia's landmark plain packaging law for cigarettes and cigars picked up pace Friday, as WTO members approved a broad probe on whether Canberra has broken the rules of global commerce.

Australia could learn by the end of the year whether its rules, which are widely praised by anti-smoking campaigners, fall foul of international trademark law.

Trade analysts say that whatever the result of the battle, it could have far-reaching implications for how governments balance global intellectual property rules with measures they say are in the public interest.

After facing off in Friday's closed-door meeting of the World Trade Organization's [dispute settlement](#) body, Australia and its adversaries—Cuba, the Dominican Republic, Honduras, Indonesia and Ukraine—agreed to fold five separate challenges into a single case, sources said.

WTO chief Roberto Azevedo is expected by May 5 to name the three-member panel of independent [trade](#) and legal experts who under the organisation's rules will then have six months to issue a ruling.

The Geneva-based WTO ensures that its 159 members respect the global trade laws, and its dispute settlement panels have the power to authorise retaliatory trade measures if rules have been breached.

The legal process can however last years.

Australia's law, fought tooth and nail by the tobacco industry before and since its entry into force in December 2012, requires all tobacco products to be sold in drab green boxes, use the same typeface and contain graphic images of diseased smokers.

Canberra and its supporters argue that by hitting at the industry's branding power and by pushing stark messages, the law will help curb the number of smokers, notably young consumers, and thereby improve public health.

Australia maintains that plain packaging treats all players equally and rejects claims that it flouts the so-called TRIPS agreement, which covers trade and intellectual property rights.

The specific issue on the table Friday was whether to create separate panels to hear challenges filed by the Dominican Republic and Cuba.

Along with Honduras, Cuba and the Dominican Republic say that by covering all [tobacco products](#), not just cigarettes, the legislation harms their traditional cigar brands.

The other two plaintiffs, Indonesia and Ukraine, are both leading raw tobacco and cigarette exporters.

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