

January 18, 2013

Mr. Pradit Sintavanarong, Minister of Public Health
Building 1, 1st Floor, Office of the Permanent Secretary
Ministry of Public Health
Tivanond Road, Nonthaburi 11000, Thailand
Tel: +66 2590 1000

Dear Minister Pradit Sintavanarong:

The International Trademark Association (INTA) is a global organization of 6,000 trademark owners and professional firms from over 190 countries, including 20 members in Thailand and 265 members in the ASEAN region. INTA is a not-for-profit membership association dedicated to the support and advancement of trademarks and related intellectual property as elements of fair and effective commerce. The Association was founded in 1878 and today INTA leads the way in global trademark research, policy development, education and training. More details about INTA and its initiatives are available at www.inta.org.

We are pleased to have this opportunity to deliver our comments to the Ministry of Public Health in relation to the draft Tobacco Consumption Control Act (the "Draft Act").

INTA commends the efforts of the Thai government to address public health concerns. Although we take no position on the particular health issues that are the focus of the Draft Act, we strongly believe that certain proposals in the Draft Act would amount to serious encroachments on the rights of trademark owners and would frustrate the ability of trademarks to function properly on behalf of consumers.

In particular, INTA is concerned with Articles 31, 32 and 40 of the Draft Act, which we believe would deprive trademark owners of valuable property, and violate the Thai Constitution, Thai trademark legislation and Thailand's international obligations. The Draft Act would also risk counter-productive results such as increasing the dangerous trade in counterfeit tobacco products.

The enclosed submission addresses these issues in detail. This submission was prepared by the Legislation and Regulation Committee of INTA, as well as members of INTA's policy staff. If you have any questions about the enclosed comments or INTA, please contact Mr. Seth Hays, External Relations Manager for Asia-Pacific at shays@inta.org.

Sincerely,



Enclosure