



21 September 2017

(17-5037)

Page: 1/1

Original: English

**AUSTRALIA – CERTAIN MEASURES CONCERNING TRADEMARKS,
GEOGRAPHICAL INDICATIONS AND OTHER PLAIN PACKAGING REQUIREMENTS
APPLICABLE TO TOBACCO PRODUCTS AND PACKAGING**

COMMUNICATION FROM THE CHAIRPERSON OF THE PANEL

The following communication, dated 21 September 2017, addressed to the Chairperson of the Dispute Settlement Body (DSB), is circulated in accordance with Article 12.9 of the Dispute Settlement Understanding (DSU).

Article 12.8 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) provides that the period in which a panel shall conduct its examination, from the date that the composition and terms of reference of the panel have been agreed upon until the date the final report is issued to the parties to the dispute, shall, as a general rule, not exceed six months.

Article 12.9 of the DSU provides that, when a panel considers that it cannot issue its report within six months, it shall inform the Dispute Settlement Body (DSB) in writing accordingly and indicate the reasons, together with an estimate of the period within which it will issue its report.

The Panel in *Australia – Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging* (WT/DS441) was established by the DSB on 25 April 2014 and composed on 5 May 2014.

On 6 December 2016, the Panel communicated to the DSB that it "expect[ed] to issue its final report to the parties not before May 2017".

In light of the complexity of the legal and factual issues that have arisen in this dispute, the Panel wishes to advise that it now expects to issue its final report to the parties by the end of the third quarter of 2017.

I would be grateful if you would circulate this letter to the Members of the DSB.
