

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

Request to Join Consultations

*Communication from Nicaragua*

The following communication, dated 26 March 2012, from the delegation of Nicaragua to the delegation of Australia, the delegation of Ukraine and to the Chairperson of the Dispute Settlement Body, is circulated in accordance with Article 4.11 of the DSU.

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Pursuant to paragraph 11 of Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), the Government of Nicaragua hereby notifies to Australia, Ukraine and Dispute Settlement Body its interest to be joined in the consultations requested by the Government of Ukraine under Articles 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes, Article 64.1 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (the "TRIPS Agreement"), Article 14.1 of the Agreement on Technical Barriers to Trade (the "TBT Agreement"), and Article XXII of the General Agreement on Tariffs and Trade 1994 (the "GATT 1994") concerning certain Australian laws and regulations that impose trademark restrictions and other plain packaging requirements on tobacco products and packaging (the "measures").

Australia's measures impose significant trademark restrictions and other so-called "plain packaging" requirements regarding the appearance and packaging of tobacco products which eliminate the use of trademarks on all tobacco packaging and on tobacco products themselves, with the exception of the brand name which may appear on the packs and the products but only in a standardized form.

As country that manufactures cigars, this product represents one of the most important exports to Nicaragua and the Australian measures will undermine the competitive opportunities having also a negative impact in the production and employment in this sector. Nicaragua respectfully asks that its substantial trade interests in these consultations be recognized.

I avail myself of this opportunity to extend to your Excellency the assurances of my consideration.

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