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Andrew Watt
Associate
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By email: awatt.millssoakley.com.au

Dear Mr Watt

Certification Trade Mark Applications 1852559 & 1852561 – 63 lodged by OxoPak Pty Ltd

As you are aware, the ACCC recently conducted a public consultation process in relation to the abovementioned certification trade mark (**CTMs**). All public submissions are available at the ACCC's online consultation hub at www.accc.gov.au, and copies of these submissions were provided to you by 20 June 2018.

As foreshadowed in earlier correspondence, we invite OxoPak to respond to any of the issues raised in interested party submissions. Upon receipt of OxoPak's submission, the next step will be for the ACCC to issue its initial assessment of the CTMs.

A key consideration for the ACCC in its assessment of the CTMs is whether the marks indicate that certified products are environmentally safe and/or beneficial because of the use of oxo-degradable packaging when this is not the case.

In order to approve CTM applications the ACCC considers whether consumer protection issues may arise, including for example whether the mark and rules could be misleading because it might be interpreted by consumers to mean that a product or service complies with a standard but the certification process can not ensure that the standard is met.

This is one of the issues raised by a number of interested parties, including concerns that oxo-degradable plastics may actually cause harm to land and marine environments.

We invite OxoPak's response to interested party submissions by **3 August 2018**. Subject to any confidentiality claims, we will place OxoPak's submission on the ACCC's online consultation hub.

This letter will also be placed on the ACCC's online consultation hub.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Elizabeth Batten on (02) 6243 1359 or elizabeth.batten@acc.gov.au.

Yours sincerely

Joanne Palisi
Director
Coordination & Strategy
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