

Snus – the Swedish way to quit smoking?

Petter Rindforth, Managing Partner at Fenix Legal, details the evolution of Snus, oral tobacco, to evaluate the effects of time on trademarking products considering the Swedish Government's incentive as a smoking cessation product in the form of a tax reduction.

Have you met a Swedish tourist who seems to have a swollen upper lip? Then it is probably a person who snuffs - instead of smoking.

So, what is "snus"? The word is the Swedish version of the English word "snuff", referring to the nasal form of tobacco. However, in Sweden, snus is put under your upper lip. Or, as described by www.snusdirect.com in six steps: "1) Open the can of snus, 2) put your thumb and index finger in the can, 3) take a small quantity between the two fingers and form a wedge, 4) lift it out of the tin, 5) lift your upper lip on one side, 6) place the wedge inside, under the upper lip and the gum".

Although a tobacco product, "snus" is a special and independent word and has today no clear meaning in many countries outside Sweden and Scandinavia. It is exemplified when searching for "snus" by the TMclass tool, managed by EUIPO, where you can find the local language translation of a specific goods or service. In some countries "snus" is not translated at all, while in other countries, the local Patent Offices obviously have found it necessary to claim a further explanation. The most detailed version is Albanian: "snus (tobacco in powdered form, which is usually held in the mouth between the lips and gums) [Snus (duhani në formë pluhuri, i cili mbahet zakonisht në gojë midis buzëve dhe mishrave të dhëmbëve)]¹.

Snus arrived in Sweden at the end of the 17th century and quickly became a must among both men and women of the aristocracy – based on the fact that Snus was well-known and popular among the French aristocracy. At that time, snus was only used in the nasal form, served in luxury small cans of gold.

In the first part of the 18th century, the Swedish tobacco industry had its breakout, when the Swedish king Fredrik I decreed that Swedes had to grow their own tobacco. At the end of the



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¹ <https://tmclass.tmdn.org/ec2/term/308142>

18th century, tobacco was being grown in around 70 Swedish cities, as well as becoming very popular among local farmers.

The traditional French snoring version saw its end by the French Revolution. The former upper-class users in Sweden switched to cigars, however, the production of snus in Sweden just changed the way to use it. Instead of snorting the product, the producers mixed it to a mush and left it to ferment in jars for several weeks. The new product was taken in portions and put under the upper lip. The Swedish snus had been born.

The oldest Swedish trademark for snus is "LJUNGLÖF'S ETTAN" ("Ljunglöf's One"). In 1822, Mr Jacob Fredrik Ljunglöf took over an old tobacco company, founded in 1694 with its plants in what is now a central part of Stockholm city. At that time, snus manufacturers used the numbers one, two, or three to indicate the quality of the product, but Ljunglöf's number one version quickly became so popular that ETTAN (Swedish for one) became a trademark in itself.

It is today nationally registered in Sweden as:
No 335219 "LJUNGLÖFS ETTAN Original Anno 1822 No 1"
No 400458 "ETTAN" with Swedish Match North Europe AB as the owner.

ETTAN is still the most popular snus trademark in Sweden, and accounts for approximately one-fifth of all snus sales, according to Swedish Match.

Other trademarks from this time, still alive and well-known in Sweden are:

- No. 137075 "GENERAL SNUS"
- No. 137074 "RÖDA LACKET"
- No. 366521 "GÖTEBORGS PRIMA FINT"

In 1914, the Swedish parliament decided to nationalize the entire tobacco industry. The reason



was that the Swedish Riksdag (parliament) needed to urgently find money for financing defense (as the First World War had started), as well as to finance a general insurance system. Around 65 competing tobacco companies, including 103 trademarks for snus, were turned into the state-owned monopoly AB Svenska Tobaksmonopolet. Three years later, the number of tobacco trademarks and available products dropped from around 400 to 17. However, the consumption did not drop – in 1919, the "record year" according to Swedish Match, 7,000 tons were sold, meaning a consumption of 1.2 kg per capita. Thereafter it became a bit less used as smoking cigarettes turned out to be more popular.

In the 1960s Sweden removed the import and sales monopoly on tobacco. AB Svenska Tobaksmonopolet merged with the match manufacturer Swedish Match and was listed on the stock market in 1996. Today, most of the Swedish snus trademarks are owned and registered by Swedish Match North Europe AB.

When the sales monopoly was gone, snus started to be more popular again. The main reason was the first reports indicating health risks with traditional cigarette smoking. In the 1970s, Swedish Match introduced the first portion-packed snus, which made it easier to use snus when you work, during a conference, when acting, or simply in a restaurant. The sales curve pointed upwards.

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The question remains: Is snus healthier (or at least less harmful) than cigarettes?

According to a report of November 15, 2022, from Folkhälsomyndigheten (the Public Health Agency of Sweden), 20% of men and 6% of women in Sweden stated that they snuffed daily. Only 6% are daily smokers, which is the lowest percentage within the European Union.

Snusforumet (snusforumet.se), an editorial platform about snus and Swedish tobacco and public health policy, owned by the Swedish Snuff Manufacturers' Association (an association of companies and organizations in Sweden that manufacture, market and sell snus) has listed on their website 12 "scientific articles" that support snus's potential for harm reduction and as a smoking cessation product.

According to Snusforumet, the research on snus and health shows that Sweden has fewer tobacco-related diseases than comparable countries and that snus is one of the tobacco products that is least harmful to people's health:

- Snus is about 90% less dangerous than cigarettes (but can still increase the risk of heart attack) (Le Houezec et al (2011)).
- Snus does not appear to cause cancer or respiratory diseases, but it can increase the risk of heart disease and be harmful to the fetus, even if the risk of this is significantly lower for snus users than for smokers.[...] Switching to snus instead of smoking has resulted in a significant

Résumé

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decrease in the proportion of men in Sweden who develop lung cancer. (Foulds et al (2003)).

- Sweden is an example of a country that, despite relatively high tobacco use, has succeeded in reducing tobacco-related diseases by reducing the use of cigarettes through a transition to snus (McNeill & Munafò (2012)).
- 53.6% of users who use snus daily state that the purpose of their snus use is to stop smoking (Lund and McNeill (2013)).

Even independent healthcare studies have come to the conclusion that snoring/snus is less harmful to health than smoking.

In an article published on February 9, 2023, Anna Gunnerbeck, a pediatrician at the Astrid Lindgren Children's Hospital and researcher at the Department of Medical Epidemiology and Biostatistics, Karolinska Institutet, Sweden, said that "taking snus or smoking while pregnant is associated with an increased risk". A comprehensive study concluded that taking snus while pregnant was associated with a 70% increase in the risk of infant death during the first year, regardless of cause, and a three-fold increase in the risk of sudden infant death. The risks associated with taking snus were comparable to moderate smoking (one to nine cigarettes a day). The highest risks were associated with smoking over 10 cigarettes a day. Although Dr Gunnerbeck's general recommendation was to not snore or smoke when pregnant, she also concluded that "Swedish snus is high in nicotine, but unlike cigarettes contains no combusive products and is thus considered, like vaping and other such nicotine products, to be much less harmful to the health".

The placing on the market of snus (identified as "oral tobacco" by the EU) has been banned in the EU – except for Sweden – since 1992, most recently by Directive 2014/40/EU. The validity



As of today, there are 196 different trademarked products available for all citizens who are at least 18 years old.



² https://www.europarl.europa.eu/doceo/document/E-9-2023-001408-ASW_EN.html

of the ban has been confirmed by the Court of Justice of the EU which concluded that the relevant provisions are not in breach of the principle of proportionality.

Swedish Match has challenged the prohibition of snus before the European Court and lost (Judgement of 14 December 2004 (C-210/03), *Swedish Match*).

The European Commission stated on June 19, 2023, that "smokeless tobacco products such as oral or chewing tobacco contain nicotine, a toxic and highly addictive substance with well-established negative health impacts prolonging nicotine addiction. There are no safe levels of tobacco and/or nicotine consumption. In 2008, the Scientific Committee on Emerging and Newly Identified Health Risks provided scientific advice confirming the negative health effects of snus and other types of smokeless tobacco. This advice was reflected during the revision of the directive leading to the conclusion that these products should remain regulated and that the prohibition of oral tobacco should be maintained. The Commission is currently evaluating the EU legislative framework for tobacco control. Any scientific, technical and market developments will be carefully considered."²

It remains to be seen if the rest of European Union countries will change their mind and see snus not just as another harmful tobacco product, but as a possible way to cut down the use of traditional smoking tobacco products.

In the meantime, new snus trademarks are coming up constantly on the Swedish market. As of today, there are 196 different trademarked products available for all citizens who are at least 18 years old. One example is the Swedish trademark No 613154 Après, owned by Après Nicotine AB, and presented as: "Premium brand Après strives to develop unique and refined flavors in a timeless design. Innovation, aesthetics and quality are the values that guide us".

And in order to make it even more enticing to turn from cigarettes to snus, Swedish Prime Minister Ulf Kristensson announced on Instagram on September 6, 2023: "We are now reducing the tax on snus by 20%, which corresponds to a price reduction of SEK three per can. I myself don't snuff anymore, so I don't speak for myself. But anything we can do to reduce and avoid smoking is good."

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