

ACWL TRAINING COURSE ON WTO LAW AND JURISPRUDENCE

**WTO AGREEMENTS ON SERVICES,
INTELLECTUAL PROPERTY RIGHTS, AGRICULTURE
AND TRADE REMEDIES**

11 October 2007 – 10 April 2008



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No	Date	Subject
1	11 October 2007	<p>Introductory Session</p> <ul style="list-style-type: none"> ▪ Objectives and format of course ▪ Worldtradelaw.net ▪ Relationship between WTO Agreements
2	18 October	<p>Trade in Services</p> <ul style="list-style-type: none"> ▪ Overview of the General Agreement on Trade in Services (GATS) <p>Article I – Scope and Definition Article II – MFN treatment Article V – Domestic regulation Article XVI – Market Access Article XVII - National treatment Article XX - Specific commitments</p> <p><i>Recommended reading:</i> "Bringing Services into the Multilateral Trading System" G. Feketekuty in <i>The Uruguay Round and Beyond</i> (1998)</p>
3-4	25 October 1 November	<p>Trade in Services</p> <p><i>European Communities – Regime for the Importation, Sale and Distribution of Bananas</i> WT/DS27</p> <p><i>Canada – Certain Measures Concerning Periodicals</i> WT/DS31</p> <p><i>Canada – Certain Measures Affecting the Automotive Industry</i> WT/DS139,142</p> <p><i>US – Gambling Services</i> WT/DS285</p> <p><i>Recommended reading:</i> "Eleven Years of GATS Case Law: What Have We Learned?" Eric H. Leroux, <i>Journal of International Economic Law</i>, [24 July 2007]</p>
5	8 November	<p>Trade-Related Aspects of Intellectual Property Rights (TRIPs)</p> <ul style="list-style-type: none"> ▪ Overview of TRIPS Agreement: Article 9 – 13 Copyright Article 14 - Related rights Article 15 – 20 Trademarks Articles 22- 24 Geographical indications Article 25 – 26 Industrial design Article 27 – 34 Patents Article 35 – 37 Layout design of Integrated circuits Article 39 - Undisclosed information <p><i>Canada - Term of Patent Protection</i> WT/DS170</p>

		<p><i>Recommended reading:</i> B. K. Zutshi, "Bringing TRIPS into the Multilateral Trading System" in <i>The Uruguay Round and Beyond</i> (1998) pp. 37- 47.</p>
6-7	15 / 22 November	<p>TRIPs and Public Health</p> <p><i>Brazil - Measures Affecting Patent Protection</i> WT/DS199 (2001)</p> <p>Doha Declaration on the TRIPS Agreement and Public Health Declaration, 30 August 2003</p> <p>Amendment to TRIPs Article 31 <i>bis</i> , 6 December 2005</p> <p><i>Recommended reading:</i> Frederick M. Abbott, "The WTO Medicines Decision: World Pharmaceutical Trade and the Protection of Public Health", <i>American Journal of International Law</i> (2005) Vol. 99, pp. 317-358.</p>
8	29 November	<p>TRIPs - Geographical Indications</p> <p><i>EC – Protection for Trademarks and Geographical Indications for Agricultural Products and Foodstuffs</i> WT/DS174, WT/DS290</p> <p><i>Recommended reading:</i> G.E. Evans & M. Blakeney, "The protection of geographical indications after Doha: Quo Vadis?", <i>Journal of International Economic Law</i>, (2006) Vol. 9, No. 3, pp. 575-614</p>
9	6 December	<p>Agriculture – Market Access and Domestic Support</p> <ul style="list-style-type: none"> ▪ Overview of the Agreement on Agriculture <ul style="list-style-type: none"> Article 4 Market access Article 5 Special safeguard mechanism Article 6-7 Domestic support commitments Article 8 Export subsidy commitments <p><i>Korea – Measures Affecting the Imports of Fresh, Chilled and Frozen Beef</i> WT/161, WT/DS169</p> <p><i>Chile – Price Band System and Safeguard Measures relating to certain Agricultural Products</i> WT/DS207</p> <p><i>Recommended reading:</i> Clayton Yeutter, "Bringing Agriculture into the Multilateral Trading System" in <i>The Uruguay Round and Beyond</i> (1998) pp. 61 - 74.</p>
10	13 December	<p>Agriculture – Export Subsidies</p> <p><i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products</i> WT/DS103, WT/DS113</p> <p><i>European Communities – Export Subsidies on Sugar</i> WT/DS265, WT/DS266, WT/DS283</p> <p><i>United States - Subsidies on Upland Cotton</i> WT/DS267</p>

11	17 January 2008	<p>Trade Remedies – Overview</p> <ul style="list-style-type: none"> ▪ Comparison between antidumping measures, countervailing duty measures and safeguard measures ▪ Differing rationales for these measures ▪ Major users and major targets
12	24 January	<p>Moot Court Exercise</p> <ul style="list-style-type: none"> ▪ Circulation of Facts ▪ Course participants and ACWL lawyers sign up for teams: complainant, respondent, third parties and panellists <p>Trade Remedies – Antidumping</p> <ul style="list-style-type: none"> ▪ The concept of dumping ▪ The determination of normal value ▪ The determination of export price ▪ Cost calculations ▪ Fair comparison ▪ The zeroing problem <p><i>US – Final Dumping Determination on Softwood Lumber from Canada (Softwood Lumber V- Article 21.5) WT/DS264/AB/RW</i></p> <p><i>Recommended reading:</i> Edwin Vermulst, <i>The WTO Anti-Dumping Agreement</i> (2005) pp. 19 - 62.</p>
13	31 January	<p>Trade Remedies – Subsidies and Countervailing Measures</p> <ul style="list-style-type: none"> ▪ The definition of a subsidy – financial contribution and benefit ▪ The requirement of specificity ▪ The problem of pass-through <p><i>US – Countervailing Duty Investigation on Dynamic Random Access Memory Semiconductors (DRAMs) from Korea WT/DS296</i></p> <p><i>US – Final Countervailing Duty Determination with respect to certain Softwood Lumber from Canada (Softwood Lumber IV) WT/DS257</i></p> <p><i>US – Countervailing Measures Concerning Certain Products from the EC WT/DS212</i></p> <p><i>Recommended reading:</i> Andreas Lowenfeld, <i>International Economic Law</i> (2002) pp. 199 - 241.</p>
14	7 February	<p>Trade Remedies – Injury and Causation in Antidumping and Countervailing Duty cases</p> <ul style="list-style-type: none"> ▪ The concept of material injury and the assessment of injury factors ▪ The assessment of causal link – price effects, volume effects,

		<p>other factors</p> <ul style="list-style-type: none"> ▪ Threat of injury cases <p><i>Mexico – Anti-Dumping Duties on Steel Pipes and Tubes from Guatemala</i> WT/DS331</p> <p><i>US – Investigation of the International Trade Commission in Softwood Lumber from Canada (Softwood Lumber VI)</i> WT/DS277</p> <p><i>EC – Anti-Dumping Duties on Imports of Cotton-type Bed Linen from India (Article 21.5)</i> WT/DS141/AB/RW</p> <p><i>Egypt – Definitive Anti-Dumping Measures on Steel Rebar from Turkey</i> WT/DS211</p> <p><i>Thailand – Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H Beams from Poland</i> WT/DS122</p> <p><i>Recommended reading:</i> Edwin Vermulst, <i>The WTO Anti-Dumping Agreement</i> (2005) pp. 63 -99.</p>
15	14 February	<p>Moot Court Exercise</p> <ul style="list-style-type: none"> ▪ Complainant and respondent teams prepare submissions ▪ Complainant files its submission on 14 February
16	21 February	<p>Trade Remedies – Procedures in Antidumping and Countervailing Duty cases</p> <ul style="list-style-type: none"> ▪ Overview of the process from initiation to final determination and the responsibilities of relevant actors at every stage ▪ Duties of cooperation by exporters and the use of facts available ▪ Collection of duties – the retrospective and prospective systems ▪ Sunset reviews <p><i>Korea – Anti-dumping duties on Imports of Certain Paper from Indonesia</i> WT/DS 312</p> <p><i>US – Anti-dumping and Countervailing Measures on Steel Plate from India</i> WT/DS206</p> <p><i>US– Sunset Reviews of anti-dumping measures on Oil Country Tubular Goods from Argentina</i> WT/DS268</p> <p><i>Recommended reading:</i> Czako et al, <i>A Handbook on Anti-Dumping Investigations</i> (2003), pp. 1-96</p>
17	28 February	<p>Trade Remedies – Safeguards</p> <ul style="list-style-type: none"> ▪ Requirements of increased imports and unforeseeable developments ▪ Serious injury and causation ▪ Rebalancing rights for affected WTO Members ▪ The parallelism problem

		<p><i>US – Safeguard Measure on Imports of Fresh, Chilled or Frozen Lamb from Australia</i> WT/DS178</p> <p><i>Argentina – Safeguard Measures on Imports of Footwear</i> WT/DS/121</p> <p><i>US – Definitive Safeguard Measures on Imports of Certain Steel Products</i> WT/DS248</p> <p><i>Recommended reading:</i> Alan Sykes, <i>The WTO Safeguards Agreement</i> (2006).</p>
18	6 March	<p>Moot Court Exercise</p> <ul style="list-style-type: none"> ▪ Respondent and third parties prepare submissions ▪ Respondent files its submission on 7 March
19	13 March	<p>Moot Court Exercise</p> <ul style="list-style-type: none"> ▪ Complainant, respondent and third parties prepare opening statements ▪ Third parties file submissions on 14 March
20	3 April	<p>Moot Court</p> <ul style="list-style-type: none"> ▪ Panel hearing
	10 April	<p>Concluding Session</p> <ul style="list-style-type: none"> ▪ Panel renders its report ▪ Evaluation of course