

WHITEHEAD SCHOOL OF DIPLOMACY and INTERNATIONAL RELATIONS

Seton Hall University

International Trade Law & Policy

DIPL 6032

Fall 2007

This course shall provide an overview of international trade law and policy, focusing on the key agreements and the jurisprudence of the GATT/World Trade Organization, the U.S. International Trade Commission and the U.S. Federal Courts. This course will endeavor to provide students with a greater understanding of the interplay between international and US trade laws and the underlying policies and judicial enforcement of such laws. Topics covered will include dispute settlement, tariff and non-tariff barriers, the most favored nation principle, regionalism, national treatment, safeguards, antidumping, subsidies, environment, health & safety, intellectual property rights, developing countries and other 'trade &' issues (e.g., bilateral investment treaties), time permitting. This course will examine international trade law with the perspective that it is part of, and contributes to, the evolving broader universe of public international law. This means that international trade must be looked at from the perspective of its constituents, including developed and developing country governments, companies, trade associations, nongovernmental organizations, individuals and intergovernmental bodies.

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Required Text

John H. Jackson, William J. Davey, & Alan O. Sykes, Legal Problems of International Economic Relations: Cases, Materials, and the Text on the National and International Regulation of Transnational Economic Relations (4th ed. 2002 West) and Document Supplement.

Optional Text

Michael J. Trebilcock and Robert Howse, *The Regulation of International Trade* (2d ed. 1995 Routledge).

Optional Readings

Optional readings may be discussed in class, used for research papers and/or included in the final exam.

Course Competencies:

- Ability to identify key trade concepts and rationales;
- Demonstrated knowledge of key cases and the principles they represent;
- Demonstrated knowledge of the key trade statutes and treaties and how they interrelate;
- Ability to employ key trade concepts, rationales, statutes and treaties in classroom debate and written assignments.

Course Activities:

- Lectures;
- Research Paper;
- Class Debate;
- Student Summary of One Key Case or Group of Related Cases Per Week;
- Examination

Course Requirements and Grading:

- Attendance and Class Participation – Carrying a maximum of 10% of Total Grade (10 points);
- Student Weekly Summary – Carrying a maximum of 10% of Total Grade (10 points);
- Well-developed Research Paper Individually Prepared on Course Syllabus Topic - Carrying a maximum of 40% of Total Grade (40 points);
- Final Examination – Carrying a maximum of 40% of Total Grade (40 points) (based on lectures & reading assignments)

- Plagiarism Will NOT be tolerated and will result in a failing grade on a research paper.
- Absence from Examination Will Result in Zero (0) points.
- Summaries, research papers that are handed in late will receive Grade Reduction.

Grading Scale:

96-100 = A
91-95 = A-
86-90 = B+
81-85 = B
76-80 = B-
71-75 = C+
68-70 = C-
65-67 = D
<65 = F

Syllabus

Week 1: **Introduction – The Evolution of Int'l Trade Theory & Policy**

- Trebilcock & Howse (optional)
 - o Intellectual & Institutional History of Intl Trade Theory & Policy – (pp. 1-24 - handout)
- **Jackson**
 - o Sec. 1-3 - Economic Theory & Int'l Economic Policy (pp. 7-39)
- WTO website
 - o 'Comparative Advantage' - WTO website http://www.wto.org/english/res_e/reser_e/cadv_e.htm
- The Economist
 - o 'Comparative Advantage' <http://www.economist.com/research/Economics/alphabetical.cfm?LETTER=C>
- U.S. Policy Towards Int'l Trade
 - o Former USTR Robert Zoellick Speech- Unleashing the Trade Winds: A Building-block Approach
 - <http://usinfo.state.gov/journals/itps/0803/ijpe/pi81zoellick.htm>

Week 2: **The Bases in Law for Regulating Int'l Trade**

- **Jackson**
 - o The U.S. Constitution
 - Inherent Executive Authority (bottom p. 58-62); Legislative Authority (bottom p. 72-75); Delegated Executive Authority (bottom p. 75-78)
 - Treaties vs. Executive Agreements (pp. 90-99)
 - Executive Branch Agencies With Authority Over Int'l Trade (pp. 88- top 90)
 - Relevant Trade Legislation (pp. 78-88 top)
 - Fast-Track & Trade Promotion Authority (pp. 81-82; 85-88)
 - o CRS Report for Congress RS21004
<http://www.nationalaglawcenter.org/assets/crs/RS21004.pdf>
 - Federal Courts Review of Executive Trade Actions (pp. 105-106; 113-116)
 - Federal vs. State Regulation of Foreign Commerce (pp. 116-119; 137-139)
 - *Crosby v. National Foreign Trade Council* (pp. 119-128)
 - *National Foreign Trade Council Inc., vs. Alexi Giannoulis* (handout)
 - o <http://www.usaengage.org/MBR0088-USAEngage/default/email%20attachments/20070223sudandecision.pdf>
 - o International Law – Sources
 - Custom and Treaty (pp. 178-181; 194-199)

Week 3: **Institutions of International Trade Law**

- **Jackson**
 - o The Legal Structure and Nature of the GATT/WTO Treaties
 - Following Uruguay Round (pp. 208-211; 219-221)
 - History of GATT (pp. 211-218)
 - The Institution of the WTO (pp. 221-226)
 - Effect on US Law (pp. 238-245)
 - o The Cornerstone of International Dispute Settlement
 - Under the GATT (pp. 246 – top 252; 256-257)

- Under the WTO (pp. bottom 257-267)
- Nullification & Impairment (pp. 271-273)
 - GATT Art. XXIII (Doc. Supp. p. 47)
 - *US-Taxes On Petroleum and Certain Imported Substances* (pp. 273-276)
 - In Violation Cases
 - Art. 3.1, WTO Dispute Settlement Understanding (Doc. Supp. p. 367)
 - *Japan-Measures Affecting Consumer Photographic Film & Paper* (pp. 277-289)
 - In non-Violation Cases

- **Jackson**

- U.S. Dispute Settlement Procedures – Sections 301-310 of the Trade Act of 1974
 - (pp. bottom of 317-335)
 - Doc. Supp. (pp. 1017-1033)
 - Handout

- Trebilcock & Howse (*optional*)

- GATT/WTO Dispute Settlement
 - Legacy of GATT (pp. 51-58)
 - Under the WTO (pp. 58-79)
 - Nullification & Impairment (p. 80)

Week 4: Overview of Key GATT Principles – Border Measures: Tariffs; Quantitative Restrictions (Quotas); Non-Tariff Barriers

Tariffs

- Trebilcock & Howse (*optional*)

- Tariffs (pp. 25-26)

- **Jackson**

- GATT Art. II, General Obligation to Limit Tariffs/Tariff Bindings (pp. 349-top 351)
 - GATT Art. II (Doc Supp. pp. 18-20)
 - Understanding on the Interpretation of Art. II:1(b) of GATT 1994 (Doc. Supp. 81-82)
- History of GATT Tariff (Rate) Negotiations (pp. 343-349)
- The Flexibility & Renegotiation of Tariff Bindings (pp. 353-355)
 - Custom Unions & Free Trade Areas (pp. 355-357)
- Applying Tariffs Thru Customs Laws (pp. 340-341)
 - Customs Law Principles Used to Administer Tariffs – Gen'l (pp. bottom 357- middle 359)
 - Classification (pp. bottom 359-363)
 - *Lynteq, Inc. v. United States* (pp. 363- top 366)
 - Valuation (pp. 369 – top 372)
 - Rules of Origin (pp. bottom 376- middle 378)
 - *Superior Wire v. United States* (pp. 378-381)
 - Foreign Trade Zones & Duty Drawback (pp. 385-386)

Quotas/Quantitative Restrictions

- Trebilcock & Howse (*optional*)

- Quantitative Restrictions/Quotas (bottom pp. 29-30)
- State Trading Enterprises (pp. 33-34)

Jackson

- GATT Art. XI Quota Prohibition (pp. 387-388)
 - GATT Art. XI:1 (Doc. Supp. p. 28)
 - *Japan-Trade in Semi-Conductors* ('measure') (pp. 388-397)
- Exceptions to GATT Art. XI:1 Quota Prohibition (p. 397) ('border measures')
 - GATT Art. XI:2 (Doc. Supp. p. 29)
 - GATT Art. XI:2(c) Agricultural Products (pp. 397-top 400)
 - WTO Agrmt on Agriculture – ('due restraint') (Doc. Supp. pp. 97-120)
 - Art. I(f) (p. 98)
 - Art. XIII (p. 106)
 - Clothing & Textiles (pp. 400- top 402)
 - Long-Term Arrangement Regarding Int'l Trade in Cotton Textiles (LTA)
 - Multifibre Arrangement
 - WTO Agrmnt on Textiles & Clothing (ATC)
 - State Trading Enterprises – Working With Non-Market Economies (pp. 402-410)
 - GATT Art. XVII (Doc. Supp. pp. 37-38)
 - Understanding on the Interpretation of Art. XVII GATT 1994 (Doc. Supp. 82-83)

Non-Tariff Barriers (Internal Barriers Encountered Once Goods Have Already Been Admitted to a Country)

Week 5: Non-Discrimination as a General GATT/WTO Rule

Trebilcock & Howse (*optional*)

- MFN Principle – (Re: Border Measures affecting goods from different exporting nations) (pp. bottom 26-28; 114-116)
- Regional Exception to MNF Principle (pp. 129-134)

Jackson

- GATT Art. I, Most Favored Nation ('MFN') Principle – Generally (pp. 415-424)
 - Doc. Supp. (pp. 17-18)
 - Scope and Breath of the MFN Obligation
 - 'Like Products' (for Tariff Purposes)
 - *Japan – Tariff on Import of Spruce-Pine-Fir Dimension Lumber* (pp. 424-427)
 - *Spain-Tariff Treatment of Unroasted Coffee* (pp. 427-429)
 - *Treatment by Germany of Imports of Sardines* (pp. 429-431)
 - *Canada-Certain Measures Affecting the Automotive Industry* (pp. 431-436)
 - *Indonesia – Certain Measures Affecting the Automotive Industry* (pp. 436-437)
 - Sec. 126 U.S. Trade Act of 1974 MFN Obligation (pp. 442-443)
 - Doc. Supp. (p. 967)
- Exceptions to MFN Principle - Regionalism
 - Grandfathered Tariff Preferences (p. 438)
 - Customs Unions and Free Trade Areas – Regionalism (pp. 457-452)
 - GATT Art. XXIV (pp. 452-455)
 - Doc. Supp. (pp. 47-50)
 - Understanding on the Interpretation of Art. XXIV GATT 1994 (Doc. Supp. pp. 90-93)
 - *Turkey-Restrictions on Imports of Textile and Clothing Products* (pp. 455-463)
 - CRS Report No. (RS21554) to Congress – FTAs and the WTO Exceptions (handout)
 - CRS Issue Brief (IB10123) for Congress : Trade Negotiations During the 109th Congress
 - <http://fpc.state.gov/documents/organization/67137.pdf>

(OPTIONAL)

- USTR website “Trade Agreements”
 - http://www.ustr.gov/Trade_Agreements/Section_Index.html
- European Union Policy Towards Free Trade Agreements
 - <http://www.ecipe.org/pdf/EWP-3-2007.pdf>
- South Asia Free Trade Agreement: Towards a Multilateral Framework
 - http://www.jamilandjamil.com/publications/pub_reports/saftatowards.pdf
- Regional Trade Agreements Under GATT 1994: An Exception and its Limits (pp. 217-252) (*optional* reading) <http://www.worldtradelaw.net/articles/lockhartmitchellrta.pdf>
- WTO Analytical Index – Interpretation & Application of GATT Art. XXIV (*optional* Reading) http://www.wto.org/English/res_e/booksp_e/analytic_index_e/gatt1994_09_e.htm

Week 6: National Treatment as an Essential Principle of Non-Discrimination

- Trebilcock & Howse (*optional*)
 - GATT Art. III National Treatment Principle (p. 29) Generally
- **Jackson**
 - National Treatment Clause – (as between domestically produced & imported goods, with respect to internal or domestic policies, once border tariff paid) (pp. 479-482)
 - Purpose of Art. III (p. 492, quoting *Japan-Taxes on Alcoholic Beverages*)
 - Scope of Art. III
 - Doc. Supp. (pp. 20-21)
 - *Italian Discrimination Against Imported Agricultural Machinery* (pp. 482-485)
 - Notes 3-4, p. 493
 - *United States – Section 337 of the Tariff Act of 1930* (pp. 485- top 492)
 - Note #5, p. 493
 - Case Holding – (pars. 6.1-6.4) at Foreign Trade Information System
 - <http://www.sice.oas.org/dispute/gatt/87TA3374.asp>
 - (Doc. Supp. pp. 788-796)
 - Application of GATT Art. III
 - GATT Art. III:2 Discriminatory Taxes
 - *Japan-Taxes on Alcoholic Beverages* (pp. 494-505)
 - GATT Art. III:4 Discriminatory Regulations
 - (‘Like Products’)
 - *EC – Measures Affecting Asbestos and Asbestos – Containing Products* (pp. 507-520)
 - (‘Less Favorable Treatment’)
 - *Korea-Measures Affecting Imports of Fresh, Chilled and Frozen Beef* (pp. 521-526)
 - Exception to Application of GATT Art. III
 - GATT Art. III:8(a)
 - Doc. Supp. (p. 21)
 - Government Procurement Agreement (Doc. Supp. pp. 395-421)
 - A Plurilateral Agmnt attached to WTO Agmnt – (pp. 526-531)

Week 7: (Political) Safeguard Measures to Remedy ‘Serious Injury’ Caused by ‘Fair’ Trade Practices

- Trebilcock & Howse (*optional*)
 - GATT Art. XIX (pp. 226-229)

Jackson

- GATT Art. XIX (pp. 604-606)
 - Doc. Supp. (p. 44-45)
- U.S. Safeguard (Escape Clause) Law (pp. 607-608)
 - U.S. Trade Act of 1974 Procedures (Secs. 201-203)
- WTO Agreement on Safeguards (Doc. Supp. pp. 295-303)
 - *Argentina-Safeguard Measures on Imports of Footwear* (pp. 642-650)
 - *United States-Safeguard Measures on Imports of Fresh, Chilled or Frozen Lamb Meat from New Zealand & Australia* (pp. 651-665)
 - *United States-Definitive Safeguard Measures on Imports of Wheat Gluten From the European Union* (pp. 667-669)
 - The US Provides Section 201 Relief For The American Steel Industry (ASIL – 3/22/02)
 - <http://www.asil.org/insights/insigh84.htm>
 - WTO Interim Panel Rejects U.S. Steel Safeguard in Limited Ruling (Inside US Trade- 3/28/03) (handout)
 - Sparks Fly Over Steel (The Economist – Nov. 13, 2003) (handout)
 - *WTO Rules Against US Safeguard Measures on Steel* (ASIL – Nov. 2003)
 - http://www.asil.org/insights/insigh120.htm#_edn1
 - Appellate Body Largely Upholds Ruling Against U.S. 201 Tariffs (Inside US Trade – Nov. 14, 2003) (handout)
 - Causation of Injury in [WTO] Safeguards Cases: Why the U.S. Can't Win
 - http://findarticles.com/p/articles/mi_qa3791/is_200304/ai_n9192533
 - GAO Study Highlight: The United States Has Not Restricted Imports under the China Safeguard <http://www.gao.gov/highlights/d051056high.pdf>
 - Committee for Implementation of Textile Agreements (CITA) Announces That it Will Invoke Safeguards on Textile Imports from China (Commerce News May 13, 2005)
 - http://www.ita.doc.gov/media/PressReleases/0505/cita_051305.html
 - U.S. Invokes Additional Safeguards on Chinese Textiles, Apparel (USInfo (Sept. 2005)
 - <http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2005&m=September&x=20050901175525ASesuarK0.6150629>
 - Administration Approves 3 Safeguard Cases Against China (Southwest Farm Press – May 2005)
 - <http://southwestfarmpress.com/news/050517-safeguard-cases-China>
 - What Do the New China Safeguards Mean? (National Textile Assoc. – May 2005)
 - http://www.nationaltextile.org/news/2005_05_16.htm
 - U.S. Industry Files New Petitions to Limit Textile and Clothing Imports from China (Sept. 2005)
 - <http://www.ncto.org/newsroom/092205Safeguard.pdf>

Week 8: Antidumping (AD) Remedies for Serious Injury Caused by ‘Unfair’ Trade Practices

- Trebilcock & Howse (*optional*)
 - Intro (pp. 166-171)
 - US, Canadian & EU Law (pp. 172-176)
 - Economic Rationales for Dumping (pp. 177- top 186)
 - Political Rationales for Dumping (pp. 186-188)
- **Jackson**
 - General (pp. 676-688; 691-699)
 - The imposition of Anti-Dumping Duties as an EXCEPTION to other GATT Obligations
 - (Notes p. 696)
 - *EC Commission, 11th Annual Report on the Community's Anti-Dumping & Anti-Subsidy Activities*
 - (pp. 688-691)

- *EC Commission, 25th Annual Report on the Community's Anti-Dumping, Anti-Subsidy & Safeguard Activities*
 - http://trade.ec.europa.eu/doclib/docs/2007/august/tradoc_135663.pdf at pp. 7 (top 1/2); 8 (bottom ½); 10 - 11(top 1/2);
- GATT Art. VI (Doc. Supp. p.23)
- WTO Agreement on Implementation of Article VI of the GATT 1994 (WTO Anti-Dumping Agmt)
 - (Doc. Supp. pp. 174-197)
- US Anti-Dumping Law Implementing GATT Art. VI and WTO Anti-Dumping Agmt
 - US Tariff Act of 1930 (as amended), Sec. 731-739 of Title VII of the (Doc. Supp. pp. 840-866)
 - Procedural Aspects of US Antidumping Law (pp. 700-707); Doc. Supp. – Title VII, Sec. 732-735 (pp. 841-859)
 - Int'l Trade Administration (ITA), US Dept of Commerce makes 'Dumping' Determination
 - <http://trade.gov/about.asp>
 - US Int'l Trade Commission (ITC) makes 'Material Injury' Determination
 - http://www.usitc.gov/ext_relations/about_itc/index.htm
 - US Court of Int'l Trade Reviews Appeals from ITA & ITC Determinations (p. 705)
 - <http://www.cit.uscourts.gov/informational/about.htm>
 - U.S. Administrative Caselaw
 - *Certain Hot-Rolled Carbon Steel Flat Products from India* (calculation of 'dumping margin') (pp. 709-720)
 - Applicable Statutory Provisions
 - Sec. 731 (Doc. Supp. p. 840)
 - Sec. 771 definitions (Doc. Supp. pp. 886-908)
 - In the case of 'Market' economies
 - Sec. 771(35) ('dumping margin')
 - Sec. 772(a) ('export price' to 'unaffiliated' parties) (Doc. Supp. p. 909)
 - 772(c) ('export price adjustments')
 - Sec. 772(b) ('constructed export price' to affiliated parties)
 - 772(d) ('constructed export price adjustments')
 - 771(33) ('affiliated persons')
 - Sec. 773(a) and (a)(1) ('normal value') (Doc. Supp. p. 912)
 - 773(a)(6) ('adjustments to normal value')
 - 773(b) ('less than cost of production')
 - Sec. 771(16) ('foreign like product')
 - 773(a)(4) ('constructed value')
 - 773(a)(1)(A) ('price')
 - 773(a)(1)(B); 773(a)(7)(A) ('level of trade')
 - Preliminary/Final Determinations
 - 733(a); 735(a); 735(c)(5)(A) ('estimated all-others rate')
 - Anti-Circumvention Measures
 - Sec. 781 (foreign components imported into & assembled in U.S.; foreign components exported to & assembled in 3rd country and then imported to U.S.) (p. 723)
 - In the case of 'Non-Market' Economies (pp. 721-722)
 - Sec. 773(c); 771(18)
 - 'Injury' Analysis
 - Generally (pp. 727-729)
 - Sec. 771 (4) 'Industry in the U.S.' (for purposes of determining 'injury')

- *Brother Industries (USA), Inc. v. United States* (pp. 724-726)
- *High Capacity Pagers from Japan* (pp. 730-734)
- *Stainless Steel Flanges From India and Taiwan* (pp. 734-736)
- Differs from ‘industry’ in Safeguard cases
 - (Where ‘like or directly competitive products’ = ‘industry’)
- Sec. 731(2); 771(7)(A); (F) (‘material injured’); (‘threatened with material injury’)
 - *New Steel Rails from Canada* (pp. 737-746)
 - *Certain All-Terrain Vehicles from Japan* (pp. 746-top 749)
 - *Fresh Cut Roses from Colombia & Ecuador* (pp. 749-754)
- Sec. 731(2) (‘by reason of the subject imports’ – ‘causation’)
 - *Gerald Metals, Inc. v. United States* (pp. 755-759)
 - Sec. 771(7)(C)(iii) (‘all relevant economic factors...’)
 - Doc. Supp. pp. 896-897
 - *Certain Steel Wire Rod from Canada, Germany, Trinidad & Tobago and Venezuela* (pp. 759-766)
 - Sec. 771(7)(C)(iii) (‘conditions of competition’)
 - Doc. Supp. pp. 896-897

(OPTIONAL)

- Trade Remedies Investigations - The Continued Dumping and Subsidy Offset Act of 2000 (Byrd Amendment) http://www.usitc.gov/trade_remedy/731_ad_701_cvd/byrd.htm
- WTO (Adverse) Ruling on US Continued Dumping and Subsidy Offset Act of 2000 (Feb. 2003)
 - <http://www.asil.org/insights/insigh98.htm>
- WTO Appellate Body Condemns the ‘Byrd Amendment – The US Must Now Repeal It (Jan. 2003) <http://www.eurunion.org/news/press/2003/2003003.htm>
- US Byrd Amendment -WTO Says Eight WTO Members May Retaliate Against the US (8/31/04) <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/04/1055&format=HTML&aged=1&language=EN&guiLanguage=en>
- House Panel Approves Repeal of Byrd Amendment After WTO Ruling (10/27/05)
 - <http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2005&m=October&x=20051027105439ebyeessedo0.7776148>
- Policy Perspectives: Anti-Dumping Support Threatens U.S. Free Trade (Cato – 12/12/06)
 - <http://www.freetrade.org/node/559>
- US Judges Shares Experiences in Anti-Dumping Cases With Vietnam (7/8/07)
 - http://english.vietnamnet.vn/service/printversion.vnn?article_id=967460

Week 9: Subsidies and Countervailing Duties (CVD) – Remedies for Benefits Conferred by Government -- (Keywords in parentheses)

- Trebilcock & Howse (*optional*)
 - Overview (pp. 190-195; 213-217; bottom-195 top-199; 205-213)
- **Jackson**
 - Intro (pp. 767-773)
 - CVDs are less common than ADs
 - US formerly greatest user of them; EC has since increased its use of them
 - WTO Agreement on Subsidies and Countervailing Measures (SCM) (Doc. Supp. pp. 253-294)
 - SCM Art. 1.1 – (‘subsidy’) Defined
 - SCM Art. 2 – (‘specific subsidy’)
 - Sec. 771(5A) US Tariff Act of 1930 (Doc. Supp. pp. 890-891)
 - SCM Part II – Prohibited Subsidies (High Specificity - ‘Red’) (p. 774)

- SCM Part II – Actionable Subsidies (p. 775)
- SCM Arts. 3.1, 6.9 – Exemption for Subsidies of Agricultural Products (Doc. Supp. pp. 254, 259)
 - Subject to WTO Agrmt on Agriculture
- WTO Applicable Statutory Provisions, Caselaw
 - SCM Art. 1.1(b) (‘benefit conferred’)
 - Sec. 771(5)(F) US Tariff Act of 1930
 - *Canada-Measures Affecting the Export of Civilian Aircraft* (‘Red’) (pp. 777-780)
 - SCM Art. 3.1(a) & fn 4 (‘subsidies contingent in law or in fact, upon export performance’)
 - Sec. 771(5)(A)(B)
 - *Canada-Measures Affecting the Export of Civilian Aircraft – Recourse by Brazil to Art. 21.5 of the DSU* (‘Red’) (pp. 780-784)
 - WTO DSU 21.5 (Doc. Supp. p. 380)
 - SCM Art. 3.1(a) & fn 5, SCM Annex I(k) (affirmative defense to prohibition of export credits), SCM Art. 27.4 (exemption from prohibition for developing country members)
 - Doc. Supp. pp. 254, 255, 281-283, 285-287)
 - *Brazil-Export Financing Programme for Aircraft* (pp. 785-790)
 - SCM Art. 1.1(a)(1)(ii) (‘financial contribution/ foregone government revenue otherwise due’); Art. 3.1(a); SCM Annex I(e) & fn 59
 - (Doc. Supp. pp. 253, 286)
 - *United States-Tax Treatment for ‘Foreign Sales Corporations’* (‘Red’) (pp. 791-799)
 - Press Release: Senate Approves Legislation to Ensure Level Playing Field for US Companies in Global Marketplace (Nov. 2000)
 - <http://www.senate.gov/~finance/106-500.htm>
 - Testimony of Deputy Sect’y, US Treasury Before US Senate Finance Committee, “WTO Decision on the Extraterritorial Income Exclusion Provisions and International Competitiveness (July 2002) <http://www.state.gov/e/eeb/rls/rm/2002/12385.htm>
 - SCM Art. 1.1(a)(ii); Art. 3.1(a) (‘subsidies contingent in law or in fact upon export performance’); Art. 3.1(b) (‘subsidies contingent upon use of domestic over imported goods’)
 - *Canada-Certain Measures Affecting the Automotive Industry* (‘Red’) (pp. 799-806)
 - SCM Art. 1.1(b) (‘benefit conferred’); SCM Art. 14 (‘to the recipient’); SCM Art. 21 (‘duration of benefit’); *Compare* Sec. 771(5)(E) & (F) of US Tariff Act of 1930 (‘benefit conferred; change in ownership’)
 - *United States – Imposition of Countervailing Duties on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products Originating in United Kingdom* (pp. 806-812)
 - *United States – Countervailing Measures Concerning Certain Products from the European Communities*, (Jan. 2003) <http://www.ejil.org/journal/curdevs/sr40.pdf> and http://www.wto.org/english/tratop_e/dispu_e/212_abr_e.pdf (optional reading)
 - SCM Art. 5 (‘adverse effects to interests of other Members’); SCM Art. 6.1 (‘serious prejudice/ ‘actionable subsidies’); SCM Art. 27.8 (‘no presumption of serious prejudice/actionable subsidies granted by developing countries’); SCM Art. & 27.9 (‘other than Art. 6.1 subsidies/ non-violation case’); SCM Art. 6.3(a)-(b) (serious prejudice/ ‘like’ products of other Member displaced or impeded); SCM Art. 6.3(c)

(serious prejudice/ ‘significant price undercutting’); SCM Art. 6.4 (‘change in relative shares of the market’)

- *Indonesia-Certain Measures Affecting the Automobile Industry* (pp. 813-826)
- WTO Appellate Body rules against USA in the Cotton Dispute Case (optional) http://www.atisweb.org/sections/wto/analysis/2005/march/print/prnt30_WTO_Appellate_Body.htm
- CRS Report to Congress No. RL32571, Background on the U.S.-Brazil WTO Cotton Subsidy Dispute (July 2005) (optional) <http://www.nationalaglawcenter.org/assets/crs/RL32571.pdf>
- The Economics of WTO Rules on Subsidies and Countervailing Measures (2001) (optional)
 - <http://www.law.uchicago.edu/Lawecon/workshop-papers/sykes.pdf>
- US CVD Law
 - Generally (pp. 828- top 831) Tariff Act of 1930
 - US Tariff Act of 1930 as amended
 - U.S. Caselaw
 - Sec. 771(5) (‘countervailable subsidy’)
- U.S. Proposes Strengthened Subsidy Rules to World Trade Organization, Press Release, Office of the United States Trade Representative (June 2007) http://www.ustr.gov/Document_Library/Press_Releases/2007/June/US_Proposes_Strengthened_Subsidy_Rules_to_World_Trade_Organization.html

Weeks 10-11: GATT Article XX Exceptions to Article III National Treatment, WTO SPS & TBT Rules, Environment & Trade / Internal Measures -- (Keywords in parenthesis)

- Trebilcock & Howse (*optional*)
 - Overview (pp. 135-165; 395-432)
- **Jackson**
 - Overview (pp. 532-533)
 - GATT/WTO Statutory Language *and* Caselaw (*GATT Articles III and XX are distinct and operate independently of one another)
 - GATT Art. XX (b) (‘measures necessary to protect human, animal or plant life or health’); GATT Art. XX Chapeau (‘subject to the requirement that’) (‘arbitrary or unjustifiable discrimination between countries where the same conditions prevail’) (‘disguised restriction on international trade’) (Doc. Supp. pp. 45); Art. III (1) (‘internal laws and regulations’) (‘affecting the internal sale, purchase, transportation, distribution or use of products’) (‘quantitative regulations requiring the mixture, processing or use of products in specified quantities, amounts or proportions’) (‘should not be applied to imported or domestic products so as to afford protection to domestic production’); GATT Art. III (4) (‘treatment no less favorable than’) (‘like’ products of national origin’); GATT Art. III (5) last sentence (Doc. Supp. p. 20); (‘credibility and weight to be ascribed to the scientific evidence’); (‘significant risk to human life or health’); (‘level of protection’); (‘risk associated with the use of/ framework for controlled use’); (‘a reasonably available alternative not inconsistent with other GATT provisions’); (‘alternative measure...that is less restrictive of trade’)
 - *European Communities – Measures Affecting Asbestos and Asbestos-Containing Products*
 - (pp. 534-539)
 - Report of the Panel Addendum http://www.wto.org/English/tratop_e/dispu_e/135ra1_a_e.pdf
 - Report of the Appellate Body http://www.wto.org/english/tratop_e/dispu_e/135abr_e.pdf
 - GATT Art. XX (d); (‘measure designed to secure compliance’); (‘necessary to ensure compliance’); (‘necessary’); (‘WTO-consistent law or regulation’); (‘restrictive effects on imported goods’); (‘reasonably available alternative measures’)
 - *Korea-Measures Affecting Imports of Fresh, Chilled and Frozen Beef* (pp. 540-544)

- GATT Art. III (4) ('less favorable treatment'); Art. XX (g) ('relating to'); ('chapeau of Art. XX'); ('primarily aimed at'); ('made effective in conjunction with restrictions on domestic production or consumption')
 - *United States – Standards for Reformulated and Conventional Gasoline* (pp. 544-549)
- GATT Art. XI; Art. XX Chapeau (Notes 2 and 3 – pp. 550-551); (preamble to WTO Agreement); ('the objective of sustainable development'); ('arbitrary or unjustifiable discrimination'); ('disguised restriction on international trade'); ('right of a Member to invoke an exception'); ('duty to respect the treaty rights of other Members'); ('limited and conditional exception'); ('balance of rights and obligations'); ('abusive exercise of state rights'); ('application of the measure'); ('abuse or misuse of an exception'); ('application, in effect/ effect of the application'); ('discretion or flexibility'); ('economic embargo'); ('countries in which the same conditions prevail'); ('prior consistent recourse to diplomacy as an instrument of environmental protection'); ('multilateral solutions'); ('unjustifiable nature of the discrimination'); ('resulting unilateralism'); ('unilateral character of the application of [the domestic measure]')
 - *United States-Import Prohibition of Certain Shrimp and Shrimp Products* (1998) (pp. 552-563)
 - Note 2 (p. 564) ('common aspect of measures falling within the scope of...Art. XX') ***
 - Note 3 (p. 565) ('excessive costs imposed on imports')
 - GATT Group on Environmental Measures and International Trade http://www.wto.org/english/tratop_e/envir_e/hist1_e.htm#EMIT (optional)
 - Uruguay Round Agreement, Decision on Trade and Environment http://www.wto.org/English/docs_e/legal_e/56-dtenv_e.htm (optional)
 - WTO Special Studies, Trade and the Environment, WTO Committee on Trade and the Environment (1999) http://www.wto.org/english/res_e/booksp_e/special_study_4_e.pdf (optional)
 - Inter-American Convention for the Protection and Conservation of Sea Turtles <http://www.seaturtle.org/iac/english.pdf> (optional)
 - Rio Declaration on Environment and Development, Principle 12 <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm> (optional)
 - Agenda 21, Chapter 2, par. 2.22 <http://www.un.org/esa/sustdev/documents/agenda21/english/agenda21chapter2.htm> (optional)
- WTO DSU Art. 21.5 (Doc. Supp. p. 380)
 - ('adequate efforts subsequent to a decision to bring a measure into conformity with WTO obligations'), ('correcting unjustifiable discrimination'); Chapeau of GATT Art. XX ('conservation of migratory species'), ('concerted and cooperative efforts on the part of many countries'), ('multilateral approach in the application of a measure'), ('ongoing serious good faith efforts to negotiate an international /multilateral agreement'), ('measures, in design and application', that condition access to the import market') ('comparative assessment'), ('regulatory programs comparable in effectiveness'), ('measures designed with sufficient flexibility to take into account the specific conditions prevailing in any exporting Member')
 - *United States – Import Prohibition of Certain Shrimp and Shrimp Products* (pp. 565-573)
 - ('unilateral action for the protection of the environment') Note 4 (p. 574)
 - *Brazil – Measures Affecting Imports of Retreaded Tyres* (WTO Panel June 2007) [http://www.worldtradelaw.net/reports/wtopanelsfull/brazil-tyres\(panel\)\(full\).pdf](http://www.worldtradelaw.net/reports/wtopanelsfull/brazil-tyres(panel)(full).pdf)
 - GATT Art. XX, Art. III
 - "Yellow Fever at the WTO", Roger Alford (7/9/07) Opinio Juris <http://www.opiniojuris.org/posts/1184001134.shtml>

- **Jackson** (pp. 576-579)
 - o Sykes article (pp. 576-578)
 - ('product standards and regulations'), ('trade barriers'), ('deliberatively crafted to impose a cost disadvantage'), ('divergent tastes'), (variations in technology'), ('demonstrating conformity'), ('voluntary versus mandatory compliance'), ('standards converted into regulations by government fiat'), ('decentralized market forces'), ('international standardizing bodies'), (national standards development organizations'), ('national sovereignty'), ('European Community'), ('central authority'), ('divergence of producer interests'), ('divergence of national goals and preferences regarding quality'), ('barriers that result from divergence in the means selected to achieve similar goals and preferences'), ('the most important legal constraint here is the 'least restrictive means possible'), ('obligation to employ existing international standards'), ('afford mutual recognition where adequate to meet domestic objectives')
- **Jackson** (p. 579)
 - o WTO SPS Agreement /WTO website: http://www.wto.org/English/tratop_e/sps_e/spsagr_e.htm
 - ('measures ostensibly taken for sanitary or phytosanitary (SPS) purposes'), ('measures necessary to protect life or health'), ('measures based on scientific principles'), ('not to maintain measures without sufficient scientific evidence (subject to a precautionary principle exception)'), ('SPS measures [can]not arbitrarily or unjustifiably discriminate'), ('disguised restriction on international trade'), ('based on a risk assessment'), ('higher level of SPS protection'), ('measures based on international standards').
 - SPS Agreement
 - SPS Art. 5.1 (Doc. Supp. pp. 123-124)
 - o ('based on an assessment, as appropriate to the circumstances, of the risks'), ('taking into account risk assessment techniques developed by the relevant international standards organizations')
 - SPS Art. 2.2 (Doc. Supp. p. 122)
 - o ('any SPS measure is applied only to the extent necessary'), ('is based on scientific principles'), ('is not maintained without sufficient scientific evidence'), ('except as provided for in Art. 5.7')
 - SPS Annex A (4) (p. 129)
 - o ('risk assessment')
 - SPS Art. 5.2 (Doc. Supp. p. 124)
 - o ('available scientific evidence'), ('relevant processes and production methods'), ('relevant inspection, sampling and testing methods'), ('relevant ecological and environmental conditions')
 - SPS Annex C, fn #7 (Doc. Supp. p. 132)
 - o ('control, inspection and approval procedures')
 - SPS Art. 5.7 (Doc. Supp. p. 124)
 - o ('where scientific evidence is insufficient'), ('provisionally adopt SPS measures'), ('on the basis of available pertinent information'), ('additional information necessary for a more objective assessment of risk'), ('within a reasonable period of time')
 - SPS Art. 2.3 (Doc. Supp. p. 122)
 - o ('must ensure that SPS measures do not arbitrarily or unjustifiably discriminate'), ('SPS measures shall not be applied in manner which would constitute a disguised restriction on international trade')
 - SPS Art. 5.5 (Doc. Supp. p. 124)
 - o ('shall avoid arbitrary or unjustifiable distinctions'), ('in the levels [of protection] it considers to be appropriate'), ('if such distinctions result in discrimination or a disguised restriction on international trade')

- *Caselaw* (keywords)
 - ('identify the adverse effects on human health'), ('possibility of occurrence of such effects'), ('probability of occurrence of such effects'), ('quantitative dimension to the notion of risk'), ('theoretical uncertainty'), ('sufficiently supported or reasonably warranted by the risk assessment'), ('risk ascertainable in a science laboratory operating under strictly controlled conditions'), ('risk in human societies as they actually exist'), ('actual potential for adverse effects on human health'), ('based on a risk assessment'), ('scientific conclusions reached in the risk assessment'), ('scientific conclusions implicit in the SPS measures'), ('conclusions of a risk assessment must reasonably support the SPS measure at stake'), ('a rational relationship between the measure and the risk assessment'), ('mainstream scientific opinion'), ('scientists taking a divergent view'), ('relevant scientific community'), ('a state of scientific uncertainty'), ('risk involved is life-threatening in character'), ('clear and imminent threat to public health and safety'), ('case-to-case basis'), ('potential adverse health effects'), ('minimum requirements of a risk assessment'), ('demonstrated the existence of a risk assessment carried in accordance with SPS Art. 5'), ('general studies'), ('specific potential for carcinogenic effects'), ('general risk of cancer'), ('general studies not sufficiently specific to the case at hand'), ('distinguishable but closely related risks'), ('risks arising from failure to observe the requirements of good veterinary practice'), ('problems relating to detection and control'), ('problems of abuse in the administration of hormones for growth promotion purposes'), ('examination and evaluation of such risks to be addressed on a case-by-case basis'), ('risk management')
 - *EC Measures Concerning Meat and Meat Products (Hormones)* (pp. 579- top 590) [http://www.worldtradelaw.net/reports/wtoab/ec-hormones\(ab\).pdf](http://www.worldtradelaw.net/reports/wtoab/ec-hormones(ab).pdf)
 - Note 3 (pp. 590-594) ('a version of the precautionary principle'), ('precautionary approach'), ('general customary rule of international law'), ('general principle of law'), ('status of the precautionary principle in international law'), ('customary international environmental law'), ('the normal customary international law principles of treaty interpretation'), ('the precautionary principle has not been written into the SPS Agreement'), ('the precautionary principle does *not* override the provisions of Articles 5.1 and 5.2 of the SPS Agreement'), ('
 - *United States-Countervailing Measures Concerning Certain Products from the European Communities: Status Report by the United States, European Communities – Measures Concerning Meat and Meat Products (Hormones)* A. Communication from the European Communities (WT/DS26/22 – WT/DS48/20), Meeting of the WTO Dispute Settlement Body, U.S. Mission Geneva, Press Releases 2003 (optional) <http://www.usmission.ch/press2003/1107USTR.html>
 - WTO Dispute Body Establishes Panels on US and Canada Sanctions in 'Hormones' dispute (2/17/05), WTO website at: http://www.wto.org/english/news_e/news05_e/dsb_17feb05_e.htm .
 - "Looking Behind the Curtain: The Growth of Trade Barriers that Ignore Sound Science", National Foreign Trade Council (May 2003) http://www.wto.org/English/forums_e/ngo_e/posp47_nftc_looking_behind_e.pdf (pp. 1-18)
 - *European Communities – Measures Affecting the Approval and Marketing of Biotech Products*
 - Looking Behind the Curtain: The Growth of Trade Barriers that Ignore Sound Science, National Foreign Trade Council (May 2003) at pp. 18-51 http://www.wto.org/English/forums_e/ngo_e/posp47_nftc_looking_behind_e.pdf

- Transatlantic GM Crop Dispute Boils Over at World Trade Organization, Environment News Service (Aug. 18, 2003) <http://www.ens-newswire.com/ens/aug2003/2003-08-18-02.asp>
- *European Communities – Measures Affecting the Approval and Marketing of Biotech Products*, Amicus Curiae Brief, Center for International Environmental Law, Friends of the Earth- U.S., Defenders of Wildlife, Institute for Agriculture and Trade Policy, Organic Consumers Association-U.S. (June 2004) http://www.ciel.org/Publications/WTOBiotech_AmicusCuriaeBrief_June04.pdf (pp. 15-19)
- The GMO Dispute before the WTO: Legal Implications for the Trade and Environment Debate, Francesco Sindico, Universitat Jaume I, Milan Italy (Jan. 2005) at: <http://www.feem.it/NR/rdonlyres/D6C4B280-88C0-4D0C-A0D9-0F9AEE1EABAB/1432/1105.pdf>
- U.S. vs. EC Biotech Products Case - WTO Dispute Backgrounder, Institute for Agriculture and Trade Policy (Sept. 2005) at: <http://www.tradeobservatory.org/library.cfm?refid=76644> (especially p. 4, fn# 17)
- *European Communities – Measures Affecting the Approval and Marketing of Biotech Products* Panel Report Conclusions and Recommendations (Sept. 2006) http://www.wto.org/english/tratop_e/dispu_e/291r_conc_e.pdf
- *European Communities – Measures Affecting the Approval and Marketing of Biotech Products*, Summary of the Dispute To Date (WTO website) (Dec. 2006) http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds291_e.htm
- EU Decides Not to Appeal WTO Biotech Ruling, Bridges Trade Biores Vol. 6, No. 21 (Dec. 2006) at: <http://www.ictsd.org/biores/06-12-01/story4.htm>
- *WTO - SPS Agreement - Rules/Exceptions - International Law as Interpretive Tool: European Communities – Measures Affecting the Approval and Marketing of Biotech Products*, Simon Lester, *WorldTradeLaw.net* (Dec. 2006) <http://www.worldtradelaw.net/articles/lesterbiotechcasenote.pdf>
- *World Trade Organization Biotech Decision Clarifies Central Role of Science in Evaluating Health and Environmental Risks for Regulation Purposes*, L.A. Kogan, *Global Trade and Customs Journal* (March 2007) http://www.itssd.org/Publications/GTCJ_04-offprints_Kogan%5B2%5D.pdf

- **Jackson** (pp. 593-595)

o WTO TBT Agreement

- TBT Arts. 1.2; 1.5; 2.1-2.5; 2.8; 2.9-2.10 (Doc. Supp. pp. 149-152); TBT Annex 1.1, 1.2 (Doc. Supp. p. 164)
 - *European Communities – Measures Affecting Asbestos and Asbestos-Containing Products (EC – Asbestos)*, Appellate Body Report, WT/DS135/AB/R, (WTO, 5 April 2001).
 - “Discerning the Forest From the Trees: How Governments Use Ostensibly Private and Voluntary Standards to Avoid WTO Culpability”, L.A. Kogan, *Global Trade and Customs Journal* (Sept. 2007, forthcoming at pp. 332-333)
 - Non-Food Regulations Constituting Disguised Trade Barriers, Looking Behind the Curtain: The Growth of Trade Barriers that Ignore Sound Science, National Foreign Trade Council (May 2003 at pp. 63-119) http://www.wto.org/English/forums_e/ngo_e/posp47_nftc_looking_behind_e.pdf
- “Standard Bearers”, *Financial Times* (July 10, 2007) at: <http://www.ft.com/cms/s/6e721ba2-2e7d-11dc-821c-0000779fd2ac.html>

Week 12: Trade Related Aspects of Intellectual Property (WTO ‘TRIPS’ Agreement) and Developing Countries (Uruguay & Doha Trade Negotiation Rounds)

- Jackson (pp. 921-927; 960-965)

(OPTIONAL)

- Paris Convention for the Protection of Industrial Property (patents)
<http://www.wipo.int/clea/docs/en/wo/wo020en.htm>

(OPTIONAL)

- Berne Convention for the Protection of Literary and Artistic Works (copyrights)
http://www.wipo.int/clea/docs_new/en/wo/wo001en.html

- WTO TRIPS Agreement (Doc. Supp. pp. 335-365)

- GATT Focus Newsletter (pp. 965-968)
- TRIPS Provisions
 - Art. 3 (‘national treatment’) (Doc. Supp. pp. 337-338); Art. 4 (‘most favored-nation status’) (Doc. Supp. p. 338); Art. 8 (‘measures necessary to protect public health and nutrition and to promote the public interest’, (‘provided’ measures are consistent with the provisions of this Agreement’), (‘appropriate measures may be needed to prevent the abuse of intellectual property rights by rights holders or the resort to practices which unreasonably restrain trade or affect the international transfer of technology’) (Doc. Supp. p. 339); Section 5, Art. 27.2 (‘patentable subject matter’), (‘may exclude from patentability’); Art. 28.1 (‘rights conferred’), Art. 28.2 (‘the right to assign or transfer, and to conclude licensing contracts’); Art. 30 (‘limited exceptions to the exclusive rights conferred by a patent’), (‘unreasonably conflict with normal exploitation of the patent’), (‘unreasonably prejudice the legitimate interests of the patent owner’); Art. 31 (‘other use of the subject matter of a patent without authorization of the right holder’); Art. 33 (‘term of protection’) (Doc. Supp. pp. 346-349)
- Caselaw
 - *Canada-Patent Protection of Pharmaceutical Products* (2000) (pp. 969, 971-975 (‘limited exceptions’), p. 976 (‘Bolar exemption’), 978-980 (‘normal exploitation’), (‘Berne Convention Art. 9(2)’) 981-987 (‘market exclusivity extensions’ due to delays in obtaining marketing approval’ versus ‘regulatory review extensions’)
- WTO Doha Ministerial Declaration http://www.wto.org/English/thewto_e/minist_e/min01_e/mindecl_e.htm (pars. 2, 3, 6 and 17) (Nov. 2001)
- WTO Doha Declaration on the TRIPS Agreement and Public Health http://www.wto.org/English/thewto_e/minist_e/min01_e/mindecl_trips_e.htm (pars. 4-6) (Nov. 2001)
- WTO Extension of the Transition Period under Article 66.1 of the TRIPS Agreement for Least-Developed Country Members for Certain Obligations with Respect to Pharmaceutical Products (June 2002) http://www.wto.org/english/tratop_e/trips_e/art66_1_e.htm
- WTO Least-Developed Country Members — Obligations Under Article 70.9 of the TRIPS Agreement with Respect to Pharmaceutical Products (July 2002) http://www.wto.org/english/tratop_e/trips_e/art70_9_e.htm
- WTO Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health, Decision of the General Council http://www.wto.org/English/tratop_e/trips_e/implem_para6_e.htm (Aug. 2003)
- WTO TRIPS and Public Health: Dedicated Webpage for Notifications http://www.wto.org/English/tratop_e/trips_e/public_health_e.htm

- USTR Position on Paragraph 6 Of The Doha Declaration on the TRIPS Agreement and Public Health
http://www.ustr.gov/assets/Trade_Sectors/Intellectual_Property/Public_Health/asset_upload_file511_4113.pdf
- Amendment of the TRIPS Agreement (Dec. 2005)
http://www.wto.org/english/tratop_e/trips_e/wtl641_e.htm
- United States Welcomes Negotiations Leading to Positive Outcome on Enhancing Access to Medicines, Office of the United States Trade Representative (Press Release Dec. 6, 2005) <http://geneva.usmission.gov/Press2005/1206medicines.htm>
- World Health Organization (WHO) – WTO Decision on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health
http://www.who.int/entity/medicines/areas/policy/wto_impl_para6/en/index.html
- World Health Organization (WHO) – Implementation of the WTO General Council Decision on Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health (2004)
http://www.who.int/medicines/areas/policy/WTO_DOHA_DecisionPara6final.pdf
- World Health Organization (WHO) – Implications of the Doha Declaration on the TRIPS Agreement and Public Health (2002)
http://www.who.int/medicines/areas/policy/WHO_EDM_PAR_2002.3.pdf
- NGOs call for WTO Moratorium on Regional and Bilateral Trade Agreements on Intellectual Property and Medicine, James Packard Love Blog (Dec. 1, 2005)
http://workingagenda.blogspot.com/2005_12_01_archive.html
- European Commission spin on "delicate issue of compulsory licensing", James Packard Love Blog <http://mistakesaremade.blogspot.com/2005/12/european-commission-spin-on-delicate.html>
- “EU Accepts Compulsory Licensing of Pharma Patents for ‘Countries in Need’”, Euractiv Press Release (May 2, 2006) <http://www.euractiv.com/en/health/eu-accepts-compulsory-licensing-pharma-patents-countries-need/article-154874>
- Adoption of a Regulation on Compulsory Licensing of Patents Relating to the Manufacture of Pharmaceutical Products for Export to Countries With Public Health Problems, Council of the European Union (April 2006)
<http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/06/120&format=PDF&aged=1&language=EN&guiLanguage=en>
- REGULATION (EC) No 816/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 May 2006 on compulsory licensing of patents relating to the manufacture of pharmaceutical products for export to countries with public health problems
http://isdvapl.upv.cz/pls/portal30/docs/FOLDER/PDF_DOKUMENTY/EUROSTRANKY/816-06_EN.PDF
- “European Union Adopts Regulation on Compulsory Licensing of Pharmaceutical Products for Export”, Jakob Cornides, The Journal of World Intellectual Property (2007) Vol. 10, no. 1, pp. 70–77 <http://www.blackwell-synergy.com/doi/pdf/10.1111/j.1422-2213.2007.00312.x>
- Leahy Unveils Bill To Foster Low-Cost Drugs For World’s Poorest (May 2006)
<http://leahy.senate.gov/press/200605/051906.html>
- S. 3175 [109th]: Life-Saving Medicines Export Act of 2006 (May 2006)
<http://www.govtrack.us/congress/bill.xpd?bill=s109-3175&tab=summary> ;
<http://www.govtrack.us/congress/billtext.xpd?bill=s109-3175>
- Rediscovering the Value of Intellectual Property Rights: *How Brazil's Recognition and Protection of Foreign IPRs Can Stimulate Domestic Innovation and Generate Economic Growth*, Executive Summary, LA Kogan
<http://www.itssd.org/Publications/RediscoveringtheValueofIPRs-ExecSumm-RevisedII.pdf>

Week 13: REVIEW