

Syllabus- International Trade Law, LAWS 6410 Fall Semester 2012

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Class Hours: Tuesday and Thursday, 9 am-10:15 am

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Course Goals

The goal for this course is for students to develop a core understanding of how the rules regulating international trade *operate in practice*, as well as in theory. We will integrate the public policy, diplomatic and economic variables that bear on how the international trade rules embodied in the World Trade Organization (WTO) agreements are negotiated and implemented, and how trade disputes are settled or adjudicated.

We will explore how governments, businesses, labor unions and farm groups jockey to use WTO rules to their advantage in competing for global market share and economic rents. By the end of the semester you should be in a position to identify and analyze potential claims and defenses available under WTO rules arising under a variety of fact patterns.

Going forward, understanding WTO rules will help you provide counsel to a wide spectrum of potential clients and stakeholders impacted by developments in global trade including: established businesses and farm groups; entrepreneurs and start-ups in globally competitive fields; government policy makers and legislators active in economic policy and international diplomacy; non-profits and other non-governmental organizations (NGOs) active in fields such as climate policy, natural resource conservation and human rights advocacy and trade associations, unions and think tanks active in trade policy development.

Knowledge of the global rules and how they operate will give you a new perspective on the current economic and political debate over liberalized trade, off shoring of jobs and our trade relationship with countries such as China.

Course Description

Most people pay little if any attention to global trade rules. We concern ourselves with laws and regulations promulgated by our national, state and local governments. But, what happens in the governance of international trade in goods, services and intellectual property often passes under our radar. In the new world of

intense global competition for jobs and market share in everything from autos and steel to medical, legal and accounting services, understanding the rules of the international trading system is vital.

WTO trade rules govern what governments can and can't do to assist their businesses, farmers, workers and entrepreneurs in international commerce.

WTO rules spell out the conditions under which governments can restrict imports of to legitimately protect human, animal or plant life or health. The rules set forth the conditions under which governments can restrict exports to conserve exhaustible natural resources. The trading rules even define the circumstances under which governments can restrict imports of goods and services to protect public morals or maintain public order. WTO rules dictate the parameters under which governments can subsidize, promote and protect their industries and farmers. They cover government purchasing decisions, trade-related investment policies, intellectual property rights, and competition in services, among other categories.

We will begin the course with an overview of the economic and political rationale behind trade liberalization and the founding of the General Agreement on Tariffs and Trade (GATT) and its successor, the WTO. *(A week-by-week, class-by-class schedule of topics, readings, questions and problems we will discuss in class is set forth below.)*

We will spend several classes considering both sides of the economic debate over trade liberalization and off shoring. We consider the relationship of WTO law to national law, and then discuss the history and structure of the WTO. Understanding the institution is an important building block in gaining insight into the way in which rules are negotiated, implemented and adjudicated.

We will devote two classes to the WTO dispute settlement system, which is the central mechanism through which member countries hold each other accountable for commitments they have made. We will then move class-by-class through the substantive rules governing tariffs, quantitative restraints, the principles of most favored nation and national treatment, and preferential trade agreements. We will devote special attention to two important WTO agreements that address non-tariff barriers: the Agreement on the Application of Sanitary and Phytosanitary Measures and the Agreement on Technical Barriers to Trade. We will spend two classes each on the rules governing the use of government subsidies, and the conditions under which governments can impose remedies in response to dumping.

We will also spend two classes each on the "new generation" agreements governing trade in services and intellectual property. We will finish the semester with a class covering the rules of the WTO intended to contribute to development of the world's poorest nations.

Throughout the semester we will integrate current developments and topics in the news into our class discussions. Some of the current topics that we will be discussing include: Russia's pending accession to the WTO and what it means for the trading system; progress in the WTO Doha Round and Trans Pacific Partnership (TPP) trade negotiations; allegations concerning China's manipulation of its currency and whether a viable claim exists under WTO rules; the extent to which WTO rules limit the ability of governments to regulate certain imports or exports for environmental or resource conservation reasons; and the degree to which public corporations are handicapped when competing against companies owned by governments (state-owned enterprises), and whether WTO rules help level the playing field;

Textbooks and Supplemental Reading

We will be using *International Trade Law*, Second Edition, by Andrew Guzman and Joost Pauwelyn, which incorporates many of the latest WTO dispute settlement reports. (Pauwelyn served as a legal officer in the WTO Legal Affairs Division and in the WTO Appellate Body Secretariat.) The textbook integrates the law (WTO rules) with relevant aspects of economics and public policy in an engaging way.

From time to time, we will also discuss the lead stories in the newsletter, *Inside U.S. Trade*, that covers trade policy developments in Washington and at the WTO, in Geneva. I will give you advance notice of when we will be discussing an *Inside U.S. Trade* story in class. In general, staying current with this publication will help put the material we are covering in context with current events. *Inside U.S. Trade* is available electronically through the UCB Chinook Library system. New issues are posted on Fridays. To find it, log onto the Chinook Library system. Under Search Chinook Plus, type in: "*Inside U.S. Trade*" and then select the electronic version of *Inside U.S. Trade* available through *LexisNexis*. In the *LexisNexis* search terms box, type: "Date is 8/2012." This will pull up all articles published thus far in August. "Date is 9/2012" will pull up all published issues for September, and so on.

Class materials:

- Andrew Guzman and Joost Pauwelyn, *International Trade Law*, Second Edition, Aspen Casebook Series, 2012
- Andrew Guzman and Joost Pauwelyn, *Documents Supplement, International Trade Law*, Second Edition, 2012
- *Inside US Trade*, weekly international trade newsletter, available electronically, via the UCB Chinook Library system

The casebook and supplement reading assignments are listed below. Read the assigned pages in the textbook (including the assigned notes, questions and

problems) and also read the relevant provisions of the GATT and WTO agreements in the supplement. The assignments are designed to track our class sessions very closely. Some assignments are longer than others and may not be covered in a single day.

Class Participation

Participation in discussion of the notes, questions and problems from the textbook and current topics from *Inside US Trade* will count for 15% of your grade. At the end of each class, I will call for a small group of volunteers to handle the assigned questions and problems for the *next class*. *Every student should volunteer at least once*. I will also open up the conversation to the full class, so it essential that you stay current with the assigned reading, questions and problems. Much of our learning will take place through class discussion. Our discussions will benefit from a high level of participation and robust debate.

Bring your textbook and supplement to class as well as any notes you've made on the readings and assigned questions and problems. You will need your textbook for our in-class review of the diagrams, tables, summaries, notes, questions and problems provided by the authors. The supplement will provide you with ready access to the provisions of the WTO agreements we will be discussing.

No recording devices of any kind should be used during class. Rare exceptions may be made with my express permission.

You will not need to bring your laptop.

Class Attendance, Participation and Grading

Class attendance is mandatory. You are expected to be in class,¹willing and able to discuss the material assigned to date. Please arrive on time. Your final grade for this course will be based on the following:

Final Exam or Paper – 85%

Class Participation – 15%

We will talk more about the final exam in class toward the end of the semester.

¹ Please note that the Law School rules provide that: "Absence by a student from more than twenty percent of the total number of classes or lectures in any course will exclude the student from examinations in the course and the grade given shall be 'F' (numerical grade 50) save in exceptional cases when, by vote of the faculty upon written petition, the student will be permitted to drop the course, and except when this rule is waived as provided hereinafter. In his or her discretion, the instructor of the course may permit a student who has been absent from more than twenty percent of the classes to take the final examination, subject to a penalty of five points on the student's numerical grade for each excessive absence, or some lesser penalty as determined by the instructor. Such penalties shall be subtracted from the student's grade before recording in the Dean's Office, and the lowered numerical grade shall control the official letter grade reported to the University." **This is referred to as the "20% rule."**

Class Website-TWEN Page

This course has its own TWEN web page. During your orientation, you will learn how to access and use this website. It is essential that you “enroll” for my class on-line (it does not happen automatically). In other words, you must log on to Westlaw. I will communicate with you through TWEN or CULaw email, so it’s essential that you use an email address that you check at least once a day. Course documents (including the most up-to-date Syllabus) will be available on my TWEN page. It is your responsibility to check TWEN frequently.

Class Policies

- I strongly support the campus *learning environment* policy on classroom behavior. It provides that students and faculty each have a responsibility to maintain an appropriate learning environment. Students who fail to adhere to such behavioral standards may be subject to discipline from the university (and will lose class participation points in this class). Faculty have the professional responsibility to treat all students with understanding, dignity and respect, to guide classroom discussion and to set reasonable limits on the manner in which they and their students express opinions. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, culture, religion, politics, sexual orientation, gender variance, and nationalities.
- I strongly support the campus policy regarding *religious observances*, which requires me to make every effort to reasonably and fairly deal with all students who, because of religious obligation, have conflicts with scheduled exams, assignments or required attendance. Please inform me of such absences in advance and in writing, so that we can work something out. See http://www.colorado.edu/policies/fac_relig.html.
- I strongly support the university policy of accommodating *people with disabilities*. If you believe you might qualify for accommodations because of a disability, please contact me or Disability Services (303-492-8671, donahuec@colorado.edu). You can read more about this online (www.Colorado.EDU/disabilityservices). Disability Services determines accommodations based on documented disabilities, so the sooner you contact them, the sooner your needs may be addressed.
- Finally, although the university does not have a policy regarding people who are *pregnant, nursing, or taking care of young or elderly dependants*, I will

happily make reasonable accommodations for such students. Please see me if you fall into one of these categories.

- The University's policies on Discrimination and Harassment, Sexual Harassment, and Amorous Relationships apply to all students, staff and faculty. Any student, staff or faculty member who believes he or she has been the subject of discrimination or harassment based upon race, color, national origin, sex, age, disability, religion, sexual orientation, or veteran status may speak to me, but in any case should contact the Office of Discrimination and Harassment (ODH) at 303-492-2127 or the Office of Judicial Affairs at 303-492-5550. Information about the ODH and the campus resources available to assist individuals regarding discrimination or harassment (including a list of groups you can speak to in confidence) can be obtained at <http://www.colorado.edu/odh>. Information about the policy on Discrimination and Harassment can be found at <http://www.colorado.edu/policies/discrimination.html>.

Bio

Eric Garfinkel is a Research Fellow and member of the Adjunct Faculty at the University of Colorado Law School.

From 2010-2011, he served as Chief Counsel for China Trade in the Office of the U.S. Trade Representative, Executive Office of the President. He previously served as lead U.S. negotiator for antidumping and industrial subsidies in the Uruguay Round Multilateral Trade Negotiations, and as Assistant U.S. Secretary of Commerce with responsibility for antidumping and countervailing duty enforcement and the Foreign Trade Zone program (1989 through 1991). He was General Counsel of the Overseas Private Investment Corporation from 1987-1988, Deputy Assistant Director for Commerce and Trade, The White House Office of Policy Development from 1982-1983 and Attorney-Advisor, Office of the U.S. Trade Representative from 1980-1981.

Between government positions, he practiced international trade law at several law firms. He has written articles for law journals and policy publications on the topic of international trade (Case Western Reserve Journal of International Law, Georgetown University, Law and Policy in International Business, and the ABA, International Lawyer) and been a senior fellow at the Wharton School of Business, Huntsman Center for Global Competition and Innovation (1992-1993), and the Council on Competitiveness, Washington DC (1992-1993). From 1992-2002 he was President of Back to Basics Toys, a catalog and Internet toy retailer. He is a graduate of the University of Maryland (B.A.1976) and Emory University School of Law (J.D.1979).

Assignments

Week 1

Tuesday, August 28

Chapter 1, Trade and Economic Policy

Reading:

Casebook pp 1-32 (skip discussion of figure 1-7 on pp 19 and 20)

Class discussion questions:

- What is the difference between liberalized trade and free trade?
- What is the distinction between fair and unfair trade?
- Is trade harmful or beneficial to the economy and workers?
- How does trade increase overall income?
- What undesirable distributional effects arise from trade?
- Who are the winners and who are the losers from liberalized trade?
- Is it more desirable to outsource jobs associated assembling the toys in Happy Meals vs. computer programming?
- What is the difference between liberalizing trade and technological change?
- What is comparative advantage, and how does it operate to make two countries better off (total wealth of each) when they open up to trade?
- If liberalized trade is good for all countries, why are trade agreements needed at all?
- Why do countries still choose protectionism in some cases?
- Do you think that restrictions on trade should be permitted (as exceptions to a general policy of trade liberalization) to: protect against imports that were produced using methods that are harmful to the earth's climate, harmful to certain animal species? protect against imports that were produced using child or mistreated labor? protect public morals (e.g. censorship of websites, books, and other publications deemed threatening to public order and stability in a country)? protect national security?
- What are the non-economic arguments for pursuing trade liberalization?

Thursday, August 30

Chapter 2, The Modern Trade Debate Among Economists

Reading:

Casebook pp 33-52

Class discussion questions:

- Despite the fact that there is broad support for trade liberalization among economists, why do policy makers and politicians provide protection to certain sectors of the economy?
- Is the outsourcing of jobs another example of comparative advantage at work?
- Does outsourcing reduce national wealth? Or does it manifest itself in a distributional context (i.e. some sectors lose while others win)?

- If outsourcing affects jobs held by middle-income earners, rather than low wage jobs, should we be more concerned? Or less concerned? From an economic perspective? From a political perspective?
- Why, according to Panagariya, shouldn't we be concerned about all U.S. jobs being outsourced to China or India?
- Does globalization (and more liberalized trade) strengthen the argument for a bigger social safety net to address distributional issues?
- How can the international system balance domestic social priorities for a country against the need to discourage opportunistic behavior that simply shifts costs to other countries? (Consider, for example, China's exchange rate policy, which in the view of most economists keeps the yuan artificially undervalued relative to the dollar. This enhances the competitiveness of China's exports, and helps China's employment picture arguably at the expense of other countries.)
- What are the implications of Rodrik's argument that the countries that have benefited most from globalization are those that did not play by the rules?
- Do you agree with his argument that unless countries are given "policy space" to deal with social issues (such as dislocation of workers and environmental issues) support for further trade liberalization will diminish?

Week 2

Tuesday, September 4

Chapter 3, The Making and Impact of Trade Agreements in National Legal Systems

Reading:

Casebook pp 53-61, pp 70-73 and summary on p 81

Also visit the website of the Office of the U.S. Trade Representative. Under "About Us," read "Mission of USTR" (<http://www.ustr.gov/about-us/mission>) including the sections regarding working with other agencies, outside advisors and Congress. Also visit the Department of Commerce's International Trade Administration's "About" page, <http://trade.gov/about.asp>. Read about each of the ITA's four distinct business units: U.S. and Foreign Commercial Service, Manufacturing and Services, Market Access and Compliance, Import Administration.

Class discussion questions:

- What did the economist Paul Krugman mean when he said if economists ruled the world there would be no need for the WTO?
- Does the WTO overturn democracy within countries?
- Does the WTO impinge on national sovereignty?
- What are the different roles played by the Executive Branch and the Congress in the development of American trade policy? In trade negotiations? In implementing trade agreements? In enforcing trade agreements?
- What is the mission of the U.S. Trade Representative?
- What is the role of the Trade Policy Review Group (TPRG) and Trade Policy Staff Committee?

- What is the role of USTR's Advisory Committee system?
- What are the key Congressional entities regularly consulted by USTR on trade policy?
- What are the four principal units of the Commerce Department's International Trade Administration and what does each do?
- What is Trade Promotion Authority (also known as Fast Track)? Why is it requested by the President?
- Do you agree with Public Citizen's position on Fast Track?
- In today's world, does the assumption still hold that Congress is by definition protectionist and cannot therefore be trusted on trade agreement matters, hence the need for Fast Track?
- Can private parties in the U.S. pursue claims or defenses in U.S. courts under any of the WTO agreements?
- Can private parties pursue claims at the WTO?
- What is the "wedge" between WTO law and U.S. law?
- What is the difference between self-executing treaties and treaties that require implementing legislation?

Thursday, September 6

Chapter 4, The WTO: History, Structure and Future

Reading:

Casebook pp 83-105

Also go to the WTO's website, and under "What is the WTO"

http://www.wto.org/english/thewto_e/whatis_e/whatis_e.htm read the "Who we are, What we do, and What we stand for" pages.

Class discussion questions:

1-2 pp 85-86

1-3 p 93

1, 3-5 pp 98-99

1-3, pp 103-104

Week 3

Tuesday, September 11

Chapter 4 The WTO: History, Structure and Future (Continued)

Reading:

Casebook pp 105-125

At the WTO website, read the page on the "Doha Round."

http://www.wto.org/english/tratop_e/dda_e/dda_e.

Class discussion questions:

1-4, 6 pp 111-113

1-2, p 118

1-2, p 124

Thursday, September 13

Chapter 5, WTO Dispute Settlement

Reading:

Key legal provisions in Supplement:

GATT XXII:1, XXIII:1

DSU 4.3, 4.7, 6.1, 16.4, 17.5, 17.6, 17:13, 17.14, 21.3, 21.5, 22.4, 22.6

Casebook pp 127-148

Class discussion questions:

1-5, p 138

6-12, pp 140-144

Problem: Antigua Gambling p 148

Week 4

Tuesday, September 18

Chapter 6, Special Topics in WTO Dispute Settlement

Reading:

Key legal provisions in Supplement:

DSU 14.1, 17.10, 18.2, 23

DSU Appendix 3

Casebook pp 151-174

Summary pp 178

Class discussion questions:

1-9, pp 157-158

1-6 pp 164-165

2, 6, pp 171, 173

5, p 178

Thursday, September 20

Chapter 7, Tariffs

Reading:

Key legal provisions in Supplement:

GATT II:1 (a, b), 2, VIII:1 (a), XXVIII, XXXVI:8

Casebook pp 181-215

Class discussion questions:

1, 2, p 195

1, pp 207-209

1, p 212

Problem: International Trade Game

(We will need four volunteers to play the role of negotiators for the U.S., E.C., Australia and Costa Rica.)

Week 5

Tuesday, September 25

Chapter 8, Quantitative Restrictions

Reading:

Key legal provisions in Supplement:
GATT XI:1-2(a), XIII, Agreement on Safeguards 11.1(b), 3
Casebook pp 217-221 and pp 227-244
Class discussion questions:
1, 2, 3, 5, p 226
2, 3, 5, 6, pp 233-234
1, 2, pp 237
Problem: Patrician Shoes pp 243-244

Thursday, September 27

Chapter 9, National Treatment- Internal Taxation

Reading:

Key legal provisions in Supplement:
GATT III:1, 2 and *Ad Note* to GATT III:2
Casebook pp 245- 273
Class discussion questions:
2-6, 9 pp 259-261
1-2, pp 266-267
Problem: Patria's "Luxury Tax" pp 271-272

Week 6

Tuesday, October 2

Chapter 10, National Treatment- Internal Regulations

Reading:

Key legal provisions in Supplement:
GATT III; *Ad Note* to GATT III
Casebook pp 275- 301
Class discussion questions:
1-3 p 292
1 p 295
2, 4 pp 300-301
Problems:
Communia's Hormone Beef Ban pp 301-302
Flandria's Seal Products Ban pp 301-302

Thursday, October 4

Chapter 11, Most Favored Nation Treatment (MFN)

Reading:

Key legal provisions in Supplement:
GATT I: 1, XIII: 1, 2, 5
Casebook pp 303-330
Class discussion questions:
1-6 pp 311-312
Problem:
Moralia—Soccer Balls pp 329-330

Week 7

Tuesday, October 9

Chapter 12, Preferential Trade Agreements

Reading:

Key legal provisions in Supplement:

GATT XXIV: 4, 5 (a-c), 6, 8 (a) (i-ii), 8(b), 10

Enabling Clause 1, 2(c-d)

GATS V: 1 (a-b(i-ii)), 3 (a)

Casebook pp 331-355

Class discussion questions:

1-3 p 335

1-3 p 342

1-5 pp 354-5

Problem:

East-West Compact p 335

Thursday, October 11

Chapter 13, General Exceptions: GATT Article XX

Reading:

Key legal provisions in Supplement:

GATT XX

GATT XXI

Casebook pp 357-375

Class discussion questions:

1-2 pp 368-371

1-3 pp 374-375

1-2 p 378

Week 8

Tuesday, October 16

Chapter 13, General Exceptions: GATT Article XX (Continued)

Reading:

Key legal provisions in Supplement:

GATT XX

GATT XXI

Casebook pp 378-388

Class discussion questions:

1-2 p 382

1-2 pp 387-388

Problem:

Tabac Tobacco pp 388-389

Thursday, October 18

Chapter 14, General Exceptions: The Chapeau of GATT Article XX

Reading:

Key legal provisions in Supplement:

GATT XX

Casebook pp 391-419

Class discussion questions:

1-3 pp 393-394

1-4 pp 403-405

1-2 pp 411-413

1-2 pp 415-416

1-2 pp 419-420

Problem:

Novador and Sashimia, pp 423-424

Week 9

Tuesday, October 23

Chapter 15, Subsidies and Countervailing Measures

Reading:

Key legal provisions in Supplement:

SCM 1.19a)(1) (i-iii), (b), 1.2, 2.1 (a-c), 2.2, 2.3, 3.1 (a-b), 5(a-c), 6.3,10,15.1-15.5

GATT VI:3, 6 (a)

Casebook pp 425-449

Class discussion questions:

1-2 pp 432-433

1-2 pp 436-437

1-3 pp 446-449

Thursday, October 25

Chapter 15, Subsidies and Countervailing Measures (Continued)

Reading:

Key legal provisions in Supplement:

SCM 1.19a)(1) (i-iii), (b), 1.2, 2.1 (a-c), 2.2, 2.3, 3.1 (a-b), 5(a-c), 6.3,10,15.1-15.5

GATT VI:3, 6 (a)

Casebook pp 449- 466

Class discussion questions:

Accelerated timeline question, pp 455 (bottom)-456

Problem:

Mobilian Auto Loans, pp 465-466

Week 10

Tuesday, October 30

Chapter 16, Dumping and Antidumping

Reading:

Key legal provisions in Supplement:
GATT VI:1, 2
AD 2.1, 2.2, 2.4.2, 3.1, 3.2, 3.5, 9.2, 9.3, 18.1
Casebook pp 467- 490
Class discussion questions:
1-2, pp 473-474
1-2, pp 478-479

Thursday, November 1

Chapter 16, Dumping and Antidumping (Continued)

Reading:
Key legal provisions in Supplement:
GATT VI:1, 2
AD 2.1, 2.2, 2.4.2, 3.1, 3.2, 3.5, 9.2, 9.3, 18.1
Casebook pp 490- 497, 500- 506
Problem:
Welcome to the Firm pp 504-506

Week 11

Tuesday, November 6

Chapter 17, Safeguards

Reading:
Key legal provisions in Supplement:
Agreement on Safeguards 1,2, 3.1, 4, 5.1, 7.1, 7.2, 8
GATT XIX:1(a)
Casebook pp 507-530
Class discussion questions:
1-3, pp 510- 511
1-3, p 515
1-2, p 518-519
Problem:
Welcome (Back) to the Firm p 530

Thursday, November 8

Chapter 18, Agreement on Sanitary and Phytosanitary Measures

Reading:
Key legal provisions in Supplement:
SPS 2.1-2.4, 3.1-3.3, 5.1-5.7, SPS Annex A.1(a-d), A.3(a-d), A.4
Casebook pp 531-562
Class discussion questions:
1, pp 533-534
1-2, p 538
1-2, p 541
1-2, p 544

1-4, pp 547-550

2, 3, pp 554-555

3 p 562

Problem:

Salmon Plague, pp 562-564

Week 12

Tuesday, November 13

Chapter 19, Agreement on Technical Barriers to Trade (TBT)

Reading:

Key legal provisions in Supplement:

TBT 1.5, 2.1, 2.2, 2.4, TBT Annex 1.1, 1.2

Casebook pp 565-590

Class discussion questions:

1-4, pp 572-574

1-4, p 579

3,4, 5, 6,7, 8 pp 588- 590

Problem:

Australia Plain Packaging, pp 591-592

Thursday, November 15

Chapter 20, Trade in Services (GATS)

Reading:

Key legal provisions in Supplement:

GATS I:1, 2, II:1, 2, III:1, XIV (general Exceptions), XVI, XVII

Casebook pp 593-623

Class discussion questions:

1-5, p 597

2-3, pp 604-606

1-5, pp 622-623

Week 13, Fall Break/Thanksgiving Holidays

No Class Tuesday November 22 and Thursday November 24

Week 14

Tuesday, November 27

Chapter 20, Trade in Services (Continued)

Reading:

Key legal provisions in Supplement:

GATS I:1, 2, II:1, 2, III:1, XIV (General Exceptions), XVI, XVII

Casebook pp 623-629

Class discussion questions:

1-4, pp 626-627

Problem:
Complexia Distribution Services, pp 627-629

Thursday, November 29

Chapter 21, Trade-Related Aspects of Intellectual Property Rights (TRIPS)

Reading:

Key legal provisions in Supplement:

TRIPS 1.1, 3.1, 4, 9.2, 12, 13, 15.1, 15.3, 16.1, 17, 18, 22.1, 27.1, 30, 31, 41.1

Declaration on TRIPS Agreement and Public Health TRIPS Waiver of 2003

Amendment of the TRIPS Agreement, Article 31*bis*

Casebook reading: pp 631-659

Class discussion questions:

1, 4, 5 pp 636-638

1-2 pp 643-644

1, 2 p 657

Week 15

Tuesday, December 4

Chapter 21, Trade-Related Aspects of Intellectual Property Rights (Continued)

Reading:

Key legal provisions in Supplement:

TRIPS 1.1, 3.1, 4, 9.2, 12, 13, 15.1, 15.3, 16.1, 17, 18, 22.1, 27.1, 30, 31, 41.1

Declaration on TRIPS Agreement and Public Health TRIPS Waiver of 2003

Amendment of the TRIPS Agreement, Article 31*bis*

Casebook pp 659-668

Class discussion questions:

1, 4, 5 pp 663-665

1-4 p 667

Problem:

Generic Transit Through Richland, p 668

Thursday, December 6

Chapter 22, The WTO and Developing Countries

Reading:

Key legal provisions in Supplement:

Preamble to WTO Agreement, paragraph 2

GATT Article I:1

GATT Article XVIII:7(a, b), 13, 14

GATT Part IV, Article XXXVII:1(a, b)

Enabling Clause

Casebook reading: pp 669-700

Class discussion questions:

1-3, pp 679-680

1, 3 pp 690-691

1, p 696

Problem:
Justice in Trade, pp 696-697

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