

**Economics of IPR**  
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**Module - 04**  
**Lecture - 03**  
**Disputes Related to Copyrights, Trademarks, Geographical Indications, and**  
**Undisclosed Information in WTO**

Disputes related to Copyrights, Trademarks, Geographical Indications and Undisclosed Information in WTO. As in our past discussion we have seen that there are cases related to patent and most of these cases where especially in pharmaceutical and agricultural chemical product sector. But this discussion is different from the past because here we are highlighting the cases related to copyrights, trademarks, geographical indications and undisclosed information in WTO.


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Dispute No.	Dispute
DS28	Japan -Measures Concerning Sound Recordings (Complainant: United States)
DS42	Japan -Measures concerning Sound Recordings (Complainant: European Communities)
DS82	Ireland -Measures Affecting the Grant of Copyright and Neighbouring Rights (Complainant: United States)
DS83	Denmark -Measures Affecting the Enforcement of Intellectual Property Rights (Complainant: United States)
DS86	Sweden -Measures Affecting the Enforcement of Intellectual Property Rights (Complainant: United States)

So these are the number of cases DS 28, DS 42 which you can find out in detail on the WTO website also. And we are going to discuss these cases one by one, especially related to the copyright.

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### DSB Cases: Copyrights

Complainant	Respondent	Date of Consultations	Case
(DS28) United States	Japan	9 February 1996	The United States complained that Japan's copyright regime for the protection of intellectual property in sound recordings were inconsistent with TRIPS Art. 3, 4, 14, 61, 65, 70. The matter was settled on 24 January 1997.
(DS42) European Communities	Japan	28 May 1996	The European Union complained against Japan for measures concerning sound recordings for violating IP Protection of sound recordings under GATT Article XXII:1. Violations of Articles 14.6 and 70.2 of the TRIPS Agreement are alleged. The issue was mutually agreed solution.
(DS82) United States	Ireland	14 May 1997	The US complained against Ireland in respect Ireland for measures affecting the grant of copyright and neighboring rights. Ireland violated Articles 9-14, 63, 65 and 70 of the TRIPS Agreement. On 9 January 1998. The dispute was mutually agreed on 6 November 2000.

The first case which is the DS28 between Japan and United States and this is the very old case 1996 case M where the United States complained that the Japan's copyright regime for the protection of intellectual property, especially in the sound recordings were not consistent with TRIPS Articles 3, 4, 14, 61, 65, 70. So, this matter was also settled on 24th January 1997 and we have seen that within 1 year almost they were able to resolve this issue.

Where the second case is DS42 where the Japan and European communities were having the disputes and the European union complaint against Japan for measures concerning sound recording, for violating IP protection of sound recording under GATT Article 22.1, violation of Articles 14.6 and 72.2 after that of the TRIPS agreement and this issue was also mutually agreed and form the solution. In case of the case DS82 Israel and United States this was also the case of 1997 where the US has complained against Israel in respect to the Ireland's for measures affecting the grant of copyright and neighboring rights Ireland violated Articles 9 to 14, 63, 65 and 70 of the TRIPS agreement and dispute was also agreed in 2000.

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### DSB Cases: Copyrights...

Complainant	Respondent	Date of Consultations	Case
DS83) United States	Denmark	14 may 1997	The United States complained against Denmark for measures affecting the enforcement of intellectual property rights. Denmark had violated Articles 50, 63 and 65 of the TRIPS Agreement. The dispute was mutually agreed on 7 June 2001.
(DS86) United States	Sweden	28 may 1997	The United States complained against Sweden for measures affecting the enforcement of intellectual property rights. Sweden had violated Articles 50, 63 and 65 of the TRIPS Agreement. Both the parties had agreed.
(DS115) United States	European Communities	6 January 1998	The United States complained against EC for measures affecting enforcement of IPRs and grant of copyright and neighboring rights EC had violated Articles 50, 63 and 65 of the TRIPS Agreement. The dispute was mutually agreed on 6 November 2000.

In case of case DS83 Denmark and United States where Denmark is respondent, the United States complaint against Denmark for measures affecting the enforcement of intellectual property rights and Denmark had violated Articles 50, 63 and 65 of the TRIPS agreement and dispute was mutually agreed on 7th June 2001. In case of DS86 Sweden and United States, the United States against Sweden for measures affecting the enforcement of intellectual property rights and Sweden had violated Articles 50, 63 and 65 of the TRIPS agreement both the parties had agreed.

The case DS115 United States European community, the United States complaint against DS for measures affecting enforcement of intellectual property rights and grant of copyrights and neighboring rights; neighboring rights basically the copyright relative rights and that is why this is called Neighboring rights. So, copyright and neighboring rights and European commission had violated Articles 50, 63 and 65 of TRIPS agreement and this dispute was also agreed on 20 November 2000.

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### DSB Cases: Copyrights...

Complainant	Respondent	Date of Consultations	Case
(DS124) United States	European Communities	30 April 1998	The US complained against EC for lack of enforcement of IPR in Greece. The US claimed that significant number of TV stations in Greece regularly broadcast copyrighted motion pictures and TV programmes without authorization of copyright owners. The US contended that effective remedies against copyright infringement do not appear to be provided or enforced in Greece in respect of these broadcasts. Measures violated were Articles 41 and 61 of the TRIPS Agreement. Dispute was mutually agreed on 20 March 2001.
(DS125) United States	Greece	4 May 1998	Same as DS 124

The one of the measure case related to the European communities and United States was the US complaint against the US for the lack of information of IPR in Greece. The US claimed that significant number of television stations in Greece, regularly broadcast copyrighted motion pictures and TV programmers without having the authorized, without having the authority from the copyright owner.

The US contended that those effective remedies against copyright infringement do not appear to be provided or enforced in Greece in respect of these broadcasting. Measure violated were Articles 41 and 61 of the trips dispute agreement which was mutually agreed on 2nd 20TH of March 2001. Again this case 125 case is between United States and Greece and the matter was same as it was in the DS124.

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### DSB Cases: Copyrights...

Complainant	Respondent	Date of Consultations	Case
(DS160) European Communities	United States	26 January 1999	The EC complained against the US in respect of Section 110(5) of the US Copyright Act. The EC contended that Section permits playing of radio and television music in public places without payment of a royalty fee. The EC considered this inconsistent with US obligations under Article 9(1) of the TRIPS Agreement. On 23 June 2003, The United States and the European Communities informed the DSB of a mutually satisfactory temporary arrangement.
(DS362) United States	China	10 April 2007	The US complained China for measures pertaining to protection and enforcement of IPR in China. The measures were inconsistent with Article 9.1 of TRIPS Agreement, Copyright. Argentina, the European Communities, Japan, Mexico and Chinese Taipei reserved their third-party rights. Subsequently, Australia, Brazil, Canada, India, Korea, Thailand


So, the case DS 160 related to between United States and European communities where the US was the respondent, the US complaint against the United States in respect European commission complaint against the united state in respect of section 1105 of US copyright act.

The European commission contended that section permits playing of radio and television music in public places without the payment of a royalty fee, the European commission considered this inconsistent with US obligations under Article 91 of the TRIPS agreement. On 23 June 2003 the United States and European communities informed the dispute settlement body for the mutually satisfactory temporary agreement.

The next case is the DS3 62 between United States and china more recent case, where the US complaint China for the measures, pertaining to protection and enforcement of intellectual property right in China. The measures were again inconsistent with Article 9.1 of TRIPS agreement, copyright Argentina the European community Japan, Mexico and Chinese, Taipei reserved their third party rights and subsequently Australia, brazil, Canada, India, Korea, Thailand were the third party.




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Disputes Related to Trademarks	
Dispute No.	Dispute
DS59	Indonesia — Certain Measures Affecting the Automobile Industry (Complainant: United States)
DS174	European Communities — Protection of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs (Complainant: United States)
DS176	United States — Section 211 Omnibus Appropriations Act of 1998 (Complainant: European Communities)
DS362	China — Measures Affecting the Protection and Enforcement of Intellectual Property Rights (Complainant: United States)
DS434	Australia — Certain Measures Concerning Trademarks and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging (Complainant: Ukraine)


Disputes related to trademark. We can see here that the around 9 disputes were related to trademarks between Indonesia and United States as DS59, European communities and United States as dispute to 174, United States and European communities as a part of dispute 176, china and United States dispute 162, case DS 434Australia verses Ukraine. And other cases are between Australia and Honduras DS435, DS41, Australia verses Dominican Republic. Again Australia versus Cuba DS458 and DS457 Australia verses Indonesia.

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Disputes Related to Trademarks...	
Dispute No.	Dispute
DS435	Australia -Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging (Complainant: Honduras)
DS441	Australia -Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging (Complainant: Dominican Republic)
DS458	Australia -Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging (Complainant: Cuba)
DS467	Australia -Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging (Complainant: Indonesia)

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### DSB Cases: Trademarks

Complainant	Respondent	Date of Consultations	Case
(DS59) United States	Indonesia	8 October 1996	The US complained against Indonesia for Indonesia's National Car Programme. Indonesia had violated exemption from customs duties and luxury taxes on imports of national vehicles and components under Article I and III of GATT 1994, Article 2 of the TRIMs Agreement, Article 3, 6 and 28 of SCM Agreement and Articles 3, 20 and 65 of TRIPS Agreement. Indonesia adopted a new automotive policy on 24 June 1999 (named as the 1999 Automotive Policy).
(DS174) United States	European Communities	1 June 1999	The United States complained against the EC for alleged lack of Protection of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs. The US considered this situation to be inconsistent with the EC's obligations under the TRIPS Agreement, including but not necessarily limited to Articles 3, 16, 24, 63 and 65 of the TRIPS Agreement.

So, the first case the DS59 United States and Indonesia, the US complained against Indonesia for Indonesians national car programmer and Indonesia had violated exemption from customs duties and luxury taxes on imports of national vehicles and components under Article 1 and 3 of GATT 1994 Article 2 of the TRIPS agreement Article 36 and 2/ of SMC agreement and Article 320 and 65 of TRIPS agreement.

So, Indonesia adopted in you automatic policy on 24 June 1999 for more detail you can just find this case available on the dispute settlement body and the case related to United States and European communities where the United States complained against the US for the alleged lack of protection of trademarks and geographical indications for agricultural product and foodstuffs. The US considered this situation to be inconsistent with the European community's obligations under the trips agreement including, but not necessarily limited to Articles 3, Article 16, Article 24, Article 63 and Article 65 of the TRIPS agreement.

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### DSB Cases: Trademarks...

Complainant	Respondent	Date of Consultations	Case
(DS176) European Communities	United States	8 July 1999	The EC complained against US in respect of Section 211 of the US Omnibus Appropriations Act. The EC alleged that Section 211 (1998), did not allow registration or renewal in US of a trademark. The section was not in conformity with the US obligations under the TRIPS Agreement Art. 2, 2.1, 3, 3.1, 4, 15, 16, 16.1, 17, 18, 19, 20, 21, 41, 42, 62. The dispute was mutually agreed on 17 December 2004.
(DS362) United States	China	10 April 2007	The US complained China for measures pertaining to protection and enforcement of IPR in China. The measures were inconsistent with Article 9.1 of TRIPS Agreement, Copyright. Argentina, the European Communities, Japan, Mexico and Chinese Taipei reserved their third-party rights. Subsequently, Australia, Brazil, Canada, India, Korea, Thailand and Turkey reserved their third-party rights. On 8 April 2010,

Take this case European communities and United States between these two (Refer Time: 09:23) the US complained against the US in respect of section 211 of the US omnibus appropriations act. The European commission alleged that section 211 did not allow registration or renewal in US of a trademark. The section was not in conformity with US obligations under the TRIPS agreement Article 2, 2.1, 3, 3.1, 4, 15, 16, 16.1, 17, 18, 19, 20, 21, 41, 42, 62. The dispute was mutually agreed on 17th December 2004.

The next case is the case between United States and china DS362 case the US complained china for measures pertaining to protection and enforcement of intellectual property rights in china. The measures were inconsistent with Article 9.1 of TRIPS agreement to copyright Argentina the European community's Japan, Mexico and Chinese, Taipei reserved their third party rights.



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DSB Cases: Trademarks...			
Complainant	Respondent	Date of Consultations	Case
(DS434) Ukraine	Australia	13 March 2012	Ukraine complained against Australia for some Australian laws and regulations which imposed restrictions on trademarks, and other plain packaging requirements on tobacco products and packaging. Ukraine claimed that Australia's measures appear to be inconsistent with Australia's obligations under: Articles 1.1, 2.1, 3.1, 15, 15.1, 15.4, 16, 16.1, 16.3, 20, 1, 27 of the TRIPS Agreement; Articles 2.1 and 2.2 of the TBT Agreement; and Article I, III:4 of the GATT 1994.
(DS435) Honduras	Australia	4 April 2012	Honduras complained against Australia for some Australian laws and regulations which imposed restrictions on trademarks, GI, and other plain packaging requirements on tobacco products and packaging. Honduras claimed that Australia's measures appear to be inconsistent with Australia's obligations under: Articles 2.1, 3.1, 15.4, 16.1, 16.3, 20, 22.2(b) and 24.3 of the TRIPS Agreement; Articles 2.1 of the TBT Agreement; and Article III:4 of the GATT 1994.

The Ukraine complained against Australian, as a part of the DS434 case. That for the same Australian laws and regulations was imposed restrictions on trademarks and other plain packaging requirement to tobacco products and packaging. Ukraine claimed that Australians measures appear to be inconsistent with Australians obligations under Article 1.1, 2.1, 3.1, 15 and so many other Articles as per the TRIPS agreement.

Apart from this trade barrier agreement and Article 1 and 13.4 of the GATT 1994 so, and the next case is the Australia verses Honduras where the Honduras complained against the Australia for some Australian laws and regulations which imposed restrictions on trademarks geographical indication another plain packaging requirements on tobacco products and packaging Honduras claimed that Australia is measures appear to be inconsistent with Australians obligations under 2.1, 3.1, 15.4, 16.1, 16.3, 20, 22.2 b and 24.3 of the trips agreement and Article 2.2 of the TBT agreement and Article 3.4 of the GATT 1994 agreement.


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DSB Cases: Trademarks...			
Complainant	Respondent	Date of Consultations	Case
(DS441) Dominican Republic	Australia	18 July 2012	Dominican Republic complained against Australia for some Australian laws and regulations which imposed restrictions on trademarks, and plain packaging requirements on tobacco products. Dominican Republic claimed that Australia's measures appear to be inconsistent with Australia's obligations under: Articles 2.1, 3.1, 15.4, 16.1, 20, 22.2(b) and 24.3 of the TRIPS Agreement; Articles 2.1 and 2.2 of the TBT Agreement; and Article III:4 of the GATT 1994.
(DS 458) Cuba	Australia	3 May 2013	Cuba complained against Australia for some Australian laws and regulations which imposed restrictions on trademarks, and other plain packaging requirements on tobacco products. Cuba claimed that Australia's measures appear to be inconsistent with Australia's obligations under: Articles 3.1, 15.4, 16.1, 20, 22.2(b) and 24.3 of the TRIPS Agreement; Articles 2.1 and 2.2 of the TBT Agreement; and Article III:4, IX of the GATT 1994.

So, the Dominican republic and Australia the case which is DS441 case, 2012 case where the Dominican republic complain against Australia for some Australian laws and regulations which imposed restrictions on trademark and again plain packaging requirements on tobacco products. Various Articles 2.1, 3.1, 15.4, 16.1, 22.2 b and 24.3 of the trips agreement were again sighted as the case of inconsistency as per the Australians obligation under the TRIPS agreement apart from that the TBT agreement and Article 3.4 of the GATT 1994 were also sighted for this in inconsistency.

The DS458 case where the Cuba and the Australia two package a Cuba complaint against Australia for some Australian laws and regulations which imposed restrictions on trademarks and other plain packaging requirements on tobacco products. And most of the similarities of the violation of the Articles of trips we are finding here 3.1 in the previous case, 15.4 and 16.1, 20 and 22 b and it was also the case of previous case and also 24.3 of the trips agreement.

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### DSB Cases: Trademarks...

Complainant	Respondent	Date of Consultations	Case
(DS467) Indonesia	Australia	20 September 2013	Indonesia complained against Australia for some Australian laws and regulations which imposed restrictions on trademarks, GI, and other plain packaging requirements on tobacco products and packaging. Indonesia claimed that Australia's measures appear to be inconsistent with Australia's obligations under: Articles 2.1, 3.1, 15.4, 16.1, 16.3, 20, 22.2(b) and 24.3 of the TRIPS Agreement; Articles 2.1 and 2.2 of the TBT Agreement; and Article III:4 of the GATT 1994.

Source: WTO

One more case is the Australia and Indonesia was these two parties were having the disputes Indonesian. Indonesia complained against Australia for some Australian laws and regulations which again imposed restrictions on trademarks GI and Indonesia claimed that Australians measures appear to be inconsistent with Australians obligations under majority of the trips agreement which we are highlighted by the previous cases also in trademarks. Especially Article 2.1, 3.1, 15.4, 16.3, 20 and 22.2 b and 24.3 of the TRIPS agreement.

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## Disputes Related to GIs

So disputes related to GI. The sudden disputes related to geographical indication these are the lists of the cases DS290, DS441, DS458, DS467.

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DSB Cases: Geographical Indications			
Complainant	Respondent	Date of Consultations	Case
(DS290) Australia	European Communities	17 April 2003	Australia complained against the EC for measures related to Protection of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs. Australia claims that the EC measures are inconsistent with Articles 1, 2, 3, 4, 10, 16, 20, 22, 22.2, 24, 24.5, 41, 42, 63, 63.1, 63.3, 65, and 65.1 of the TRIPS Agreement, Articles I, I:1, III, and III:4 of GATT 1994, Article 2, 2.1, 2.2, Annex 1 of the TBT Agreement and Article XVI:4 of the WTO Agreement.
(DS441) Dominican Republic	Australia	18 July 2012	Dominican Republic complained against Australia for some Australian laws and regulations which imposed restrictions on trademarks, GI, and other plain packaging requirements on tobacco products and packaging. Dominican Republic claimed that Australia's measures appear to be inconsistent with Australia's obligations under: Articles 2.1, 3.1, 15.4, 16.1, 20, 22.2(b) and 24.3 of the TRIPS Agreement; Articles 2.1 and 2.2 of the TBT Agreement; and Article III:4 of the GATT 1994.

So, in one of the case where Australia and European communities have the conflict and the Australians complaint against the European communities for measures related to protection of trademarks and GI for agricultural products and foodstuffs and we find that there are large number of Articles sighted here for inconsistency as per the European community's commitment for the TRIPS agreement.

So, Article 1, 2, 3, 4, 10, 16, 20 large number of cases 22, 22.2, 24, 24.5, 41, 42, 63, 63.1, 63.3, 65 and 65.1 of the TRIPS agreement were found inconsistent with the European community's obligations on the trips agreement.

So, there is a need to look into all this Articles from the available link, which will give you idea that how these Articles were the parts of the inconsistency in this particular case and also in some other cases. So, it is indeed important for all participants in this course to really have a look on these cases and these Articles because without understanding these Articles it is really important to find that why there is a conflicts.

So, in case of a new case that is the DS441 case where the Dominican Republic and Australia had they were the two party, Dominican republic complaint against Australia

for some Australian laws and regulations which imposed restrictions on trademarks GI and other plain packaging requirements on tobacco products and packaging.

So, we find that almost all previous cases. Especially on tobacco issue is violating the similar Articles that is 2.1, 3.1, 15.4, 16.1, 20, 20.2 b and 24.3 of the TRIPS agreement.

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**DSB Cases: Geographical Indications...**

Complainant	Respondent	Date of Consultations	Case
(DS 458) Cuba	Australia	3 May 2013	Cuba demanded deliberations with Australia related to certain Australian laws and regulations that supposed to unnecessarily impose on tobacco products, trademark restrictions and other plain-packaging requirements. Cuba claimed that these measures are inconsistent with TRIPS Art. 3.1, 15.4, 16.1, 20, 22.2(b), 24.3 GATT 1994: Art. III:4, IX Technical Barriers to Trade (TBT): Art. 2.1, 2.2
(DS467) Indonesia	Australia	20 September 2013	Indonesia demanded deliberations with Australia related to certain Australian laws and regulations that supposed to unnecessarily impose on tobacco products, trademark, GI restrictions and other plain-packaging requirements. Indonesia claimed that Australian measures are not consistent with TRIPS Art. 2.1, 3.1, 15.4, 16.1, 16.3, 20, 22.2(b), 24.3 GATT 1994: Art. III:4 Technical Barriers to Trade (TBT): Art. 2.1, 2.2

Source: WTO

Again we find here the case related to Cuba and Australia where the Cuba demanded with Australia related to certain Australian laws and regulations that supposed to unnecessarily impose on tobacco products trademark restrictions and other plain packaging plain packaging requirements Cuba claimed that these measures are inconsistent with trips art 3.1, 15.4, 16.1, 20, 20.2b and 24.3 and other GATT Articles 3.4 and technical barriers to trade.

The next case is the DS467 between Australia and Indonesia, where Indonesia demanded deliberations with Australia related to certain Australian laws and regulations that supposed to unnecessarily impose on tobacco. So, with Australia we find that the majority of the countries whether it is Cuba or Indonesia or in previous cases also the European Union or Dominican Republic are fighting for they were really highlighted the violation of various commitment of Australia as per the trips agreement.



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DSB Cases: Geographical Indications...			
Complainant	Respondent	Date of Consultations	Case
(DS 458) Cuba	Australia	3 May 2013	Cuba demanded deliberations with Australia related to certain Australian laws and regulations that supposed to unnecessarily impose on tobacco products, trademark restrictions and other plain-packaging requirements. Cuba claimed that these measures are inconsistent with TRIPS Art. 3.1, 15.4, 16.1, 20, 22.2(b), 24.3 GATT 1994: Art. III:4, IX Technical Barriers to Trade (TBT): Art. 2.1, 2.2
(DS467) Indonesia	Australia	20 September 2013	Indonesia demanded deliberations with Australia related to certain Australian laws and regulations that supposed to unnecessarily impose on tobacco products, trademark, GI restrictions and other plain-packaging requirements. Indonesia claimed that Australian measures are not consistent with TRIPS Art. 2.1, 3.1, 15.4, 16.1, 16.3, 20, 22.2(b), 24.3 GATT 1994: Art. III:4 Technical Barriers to Trade (TBT): Art. 2.1, 2.2

Source: WTO

And this shows that especially in tobacco sector this particular cases related to Australia is showing that a huge violation of different trips agreement were where the part of the Australian (Refer Time: 18:43) and due to the involvement of member countries only on this cases are filed in the dispute settlement body.

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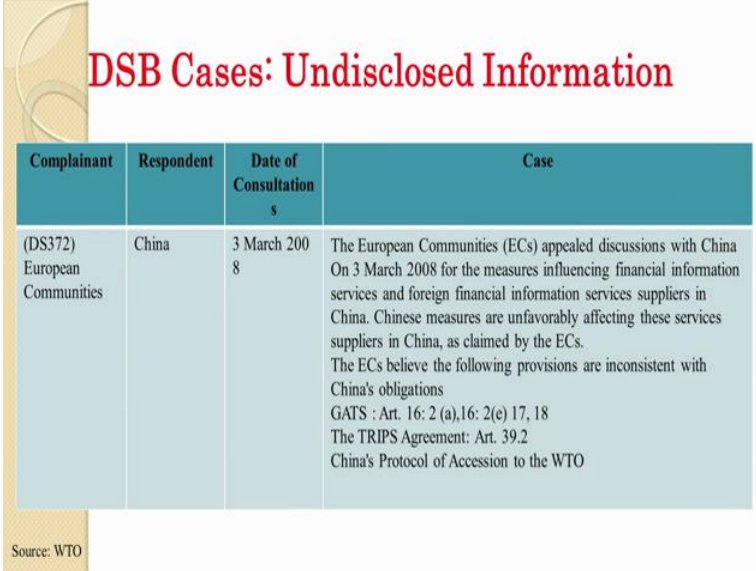
### Dispute Related to Undisclosed Information

- DS372: China -Measures Affecting Financial Information Services and Foreign Financial Information Suppliers (Complainant: European Communities)



So, dispute related to disclosed information this is the case between the china.

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The slide features a title 'DSB Cases: Undisclosed Information' in red text at the top. Below the title is a table with four columns: Complainant, Respondent, Date of Consultations, and Case. The table contains one row of data. The Complainant is '(DS372) European Communities', the Respondent is 'China', and the Date of Consultations is '3 March 2008'. The Case column contains a detailed description of the dispute, including the ECs' appeal, the measures influencing financial information services, and the legal provisions at issue. The source 'Source: WTO' is noted at the bottom left of the table area.

Complainant	Respondent	Date of Consultations	Case
(DS372) European Communities	China	3 March 2008	<p>The European Communities (ECs) appealed discussions with China On 3 March 2008 for the measures influencing financial information services and foreign financial information services suppliers in China. Chinese measures are unfavorably affecting these services suppliers in China, as claimed by the ECs.</p> <p>The ECs believe the following provisions are inconsistent with China's obligations</p> <p>GATS : Art. 16: 2 (a),16: 2(e) 17, 18</p> <p>The TRIPS Agreement: Art. 39.2</p> <p>China's Protocol of Accession to the WTO</p>

Source: WTO

European communities in this case we find that the European community's appealed decisions with china on march 2008 for the measures influence in financial information services and foreign financial information services suppliers in china as claimed by the European communities.

The European community's believed the following provisions are inconsistent with Chinese obligations and these are GATTs Article 16.2 also the trips agreement of Article 39.2 and Chinas protocol of association of WTO is responding to this particular case there are other cases where.

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Other Cases			
Complainant	Respondent	Date of Consultations	Case
(DS409) Brazil	European Union	12 May 2010	Brazil complained against the EU for Seizure of Generic Drugs in Transit. It said that many EU and Dutch measures were inconsistent with the obligations of the European Union and the Netherlands under Articles V and X of GATT 1994, various provisions of the TRIPs Agreement, and Article XVI:4 of the WTO Agreement. Canada, Ecuador, India, China, Japan and Turkey were third parties. EU later accepted the requests of Canada, China, Ecuador, India, Japan and Turkey to join the consultations.
(DS408) India	European Union	11 May 2010	Same as DS409
(DS186) European Communities		12 January 2000	The EC complained against US for Section 337 of the US Tariff Act (19 USC. § 1337) and related Rules of Practice and Procedure of the International Trade Commission contained in Chapter II of Title 19 of the US Code of Federal Regulations. The EC alleged that those measures violate Article III of GATT 1994 and TRIPS Agreement Articles 2 (in conjunction with Article 2 Paris Convention), 3, 9 (in

There are other cases where Brazil and European Union and India and European Union are the parties in case of Brazil complained that European Union for seizure of generic drugs in transit. It said that many European Union and Dutch measures were inconsistent with the obligations of the European Union and the Netherlands under Articles 56 of the GATT 1994 and various provisions of the TRIPS Agreement and Article of the WTO Agreement. Canada, Ecuador, India, China, Japan and Turkey were third party and Europe.

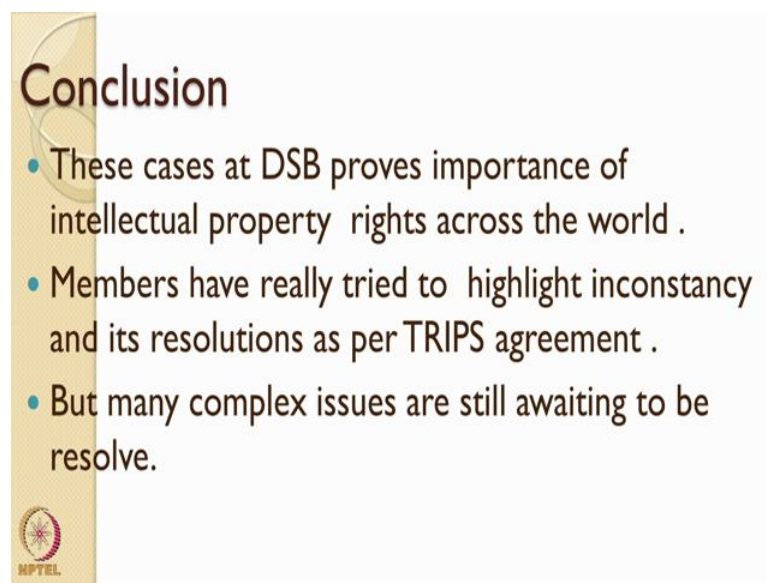
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Other Cases			
Complainant	Respondent	Date of Consultations	Case
(DS409) Brazil	European Union	12 May 2010	Brazil complained against the EU for Seizure of Generic Drugs in Transit. It said that many EU and Dutch measures were inconsistent with the obligations of the European Union and the Netherlands under Articles V and X of GATT 1994, various provisions of the TRIPs Agreement, and Article XVI:4 of the WTO Agreement. Canada, Ecuador, India, China, Japan and Turkey were third parties. EU later accepted the requests of Canada, China, Ecuador, India, Japan and Turkey to join the consultations.
(DS408) India	European Union	11 May 2010	Same as DS409
(DS186) European Communities		12 January 2000	The EC complained against US for Section 337 of the US Tariff Act (19 USC. § 1337) and related Rules of Practice and Procedure of the International Trade Commission contained in Chapter II of Title 19 of the US Code of Federal Regulations. The EC alleged that those measures violate Article III of GATT 1994 and TRIPS Agreement Articles 2 (in conjunction with Article 2 Paris Convention), 3, 9 (in

European Union later accepted the requests of Canada, china, India, Japan, and turkey for to join the consultations.

So, in second case DS408 case, US complained against United States for section 337 of the US traffic act and (Refer Time: 21:01) rules of practice and procedures of the international trade commission, quotation, contained in chapter 3 of title 19 of the US code of federal regulations and the US alleged that those measures were violated Article three of the GATT1994 and TRIPS agreement Articles 2 and Article 2 Paris convention.

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## Conclusion

- These cases at DSB proves importance of intellectual property rights across the world .
- Members have really tried to highlight inconstancy and its resolutions as per TRIPS agreement .
- But many complex issues are still awaiting to be resolve.

NPTEL

So, what lessons what message is coming from these cases? These cases at dispute settlement body proves the importance of intellectual property rights across the world we are finding that, whether it is Cuba, or whether it is Australia, whether it is Honduras, or whether it is India, the large number of developing list able of countries and developed countries are involving various disputes related to trademark, related to copyright, related to geographical indications and undisclosed information.

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## Further Readings

- WTO. (2016). Disputes by Agreement:  
[https://www.wto.org/english/tratop\\_e/dispu\\_e/dispu\\_agreements\\_index\\_e.htm?id=A26#](https://www.wto.org/english/tratop_e/dispu_e/dispu_agreements_index_e.htm?id=A26#)
- Blackman, S.H. & McNeill, R.M. (1998). Alternative Dispute Resolution in Commercial Intellectual Property Disputes:  
<https://www.wcl.american.edu/journal/lawrev/47/blackman.pdf>

So, the members have really tried to highlight inconsistency and its resolutions as per TRIPS agreement, but many complex issues are still awaiting to be resolved and resources that. The current page of intellectual property rights and protection of intellectual property rights is very important for the government and. So, the government has to respond on behalf of the citizens or the forums in WTO, that why certain Articles were not followed even if a single Article is not really consistent with obligations and agreements signed by the country. Then country has to really work on and they have to really make it consistent with adjusting the rules and law.

So, the entire discussion on different disputes is giving us the idea that all these disputes are just because after established agreement and rules which stability you had and the GATT had established 20 years before.

Even after the establishment of dispute settlement body countries are really not comfortable and countries are really highlighting some of the cases making it as a method of disputes that, certain violations are being progressed in copyright sector in trademark, in patent, in undisclosed information's, geographical indications and there is a need to really look into the acceptability of these areas and the necessity of implementing these agreements on grass root.

We will find that dispute settlement body provides an opportunity for any country, to prove that there is discrimination and there is unjust on the ground of intellectual



property rights and developed or developing country or less developing countries. Any one is now exposed to answer all this kind questions to the world community.

Thank you.