

LL.M. IV SEMESTER

SUBJECT – INTERNATIONAL TRADE LAW

PAPER CODE - L-4004

TOPIC –PRINCIPLES OF THE TRADING SYSTEM

The WTO agreements are lengthy and complex because they are legal text covering a wide range of activity. They deal with agriculture, textile and clothing banking, telecommunications, government purchases, industrial standards, food sanitation intellectual property and much more. But a number of simple fundamental principles run throughout all of these documents. These principles are the foundation of the multilateral trading system. Apical the principles is respect of trading system should be.

Without Discrimination

A country should not discriminate between its trading partners (they are all equally, guaranteed most favored nations or MFN status) and it should not discriminate between it's on food forum products, Services or national (they are given national treatment)

Freer

With barriers coming down through negotiation

Predictable

Foreign companies, investors and governments should be confident that trade barriers (including tariffs, non-tariff barriers and other measures) should not be rinsed arbiter ally, more and more tariff trades and markets opening

Commitments are -bound in the WTO.

Mote competitive

By discouraging unfair practices such as escort subsidizing and dumping products at below cost to gain market share.

More beneficial developed countries

By giving them more time to adjust greater flexibility and special privileges.

Trade with discrimination

Most favored nation (MFN)

Q. why it is called most favored nation?

And it suggests some kind of special treatment for one particular country but in the WTO it actually means no discrimination treating virtually everyone equally.

What happens under the WTO is this each member treats all the other members equally as Most favorable trading partner.

If a country improves the benefits that it gives to one trading partner it has to give the same to all the other WTO members that they all remained most favorable.

Most favorite's nation

Status did not always remain equal treatment. In the 19th century when a number of yearly bilateral MFN treaties were signed being included among a country's most favorable trading partner was like being in an exclusive club because only a few countries enjoyed the privilege. Now when most countries are in the WTO, the MFN club is no longer exclusive.

The MFN principle insures that each country treats our 140 fellow member countries.

But there are some exceptions

Intellectual property

Ideas and knowledge are an increasingly important part of trade. Most of the value of new medicines and other high technology products like in the amount of invention, innovation, research, design, and testing involved. Films music, recordings, goods WTO computer software and online services are bought and sold because of the information and celerity they contain not usually because of the plastic, metal or paper used to make them.

Many products that used to be traded as low technology goods or commodities now contain a lighter component of invention and design in their value.

For example

Brand name or new varieties of plants, creators can be given the rights to prevent others from using their inventions designs' or other creation. These rights are known as intellectual "property right"

Types of intellectual property

1. Copyright
2. Trademark
3. Geographical indication industrial designs
4. Patent

These areas covered by the TRIPS agreement copyright and related rights, trademarks, including service mark, geographical indication, industrial designs', patents, layout design (TOPO Graphics) integrated circuits –undisclosed information including trade secrets. The TRIPS covered five broad issues—

1. How basic principles of the trading system and other international intellectual property agreement should be applied.
2. How to settle disputes on intellectual property between members of the WTO

3. How do protect intellectual property

The second part of the TRIPS agreement looks at different kind of intellectual rights and how to protect them. The purpose is to insure that adequate standard of protection exist in all members countries. here dither starting point is the obligations of the main international agreements of the work intellectual property organization (WIPO) that already existed before the WTO was created.

- a) The p convention for the protection of legal industrial prospects (patents), industrial design
- b) The burn convention for the protection of literality and artistes work (copy right), some areas are not covered by these conventions.

Copyright

The TRIPS agreements insure that computer programs will be protected of literally worlds under the burn convention and outline how database should be protected. It also excludes international copyright rules to cover rights

Authors of computer program and producer of sound recordings must have the right to prohibit the commercial rental of their words to the public. A similar exclusive rights applies to films where commercial serial and trade has laid to vise spare copyright, effecting copyrights owner -protectoral their earning from there The agreement say performers must also have the right to prevent unauthorized recording, reproduction and broadcast of live performance [buoying for less than 50 years.)

Producer of sounding recordings must have the right to prevent the unauthorized reproduction of recordings of a period of 50 years.

Trade marks

The agreement defines what types of signs must be eligible for protection as trademarks and what the meanings of rights cert on their owners must be. Its say that service marks must be protected in the same way as trademarks used for goods. Marks that have become will known in a particular country enjoy additional prediction

Geographical integrations

Place names something's used to identify a product. Well known examples include campaign, scotch, tabular and Roquefort cheese. Wine and spirits maker are particularly concerned about the use of place names to identify products and the TRIPS agreements contains special provisions for these products. But the issues are also important for other types of goods.

Industrial designs

Under the TRIPS agreement, industrial designs must be protected for at least 10 years. Honors' of protected designs must be able to prevent the manufactures, sale or import of articles bring or importing a design which is a copy of protected design

Patents

The agreement says patent protection must be available for inventions for at least 20 years. patent protection must be available for both products and process in almost all fields of technology. Government can issues to issue a patent for an invention if its commercial exploitation is prohibited for regions of public order or morality they can also exclude diagnostic, therapeutic and surgical method, plants and animals (other than micro organism) and biological process for the protection must be protectable by patents or by a special system (search as the right) provided in the conventions of EPOV (the international enwind protection of new variety of plants) the agreement describes the minimum rights that a plant honor must enjoy. But it also allow certain exceptions with a few to deals with a abuse of patent by a patent honor, the agreement in power

Governments to issue compulsory direction produce the product or use the process under license. But this can also be done under certain conditions aimed at self guarding the legitimate interest of the patent holder.

Integrated circuits layout designs

The basis of for protecting integrated circuits design (TOPOGRAPICS) in the Trips agreement in the Washington or intellectual property in respect of integrated circuits which comes under the world intellectual property organization. This was adopted in 1989 but has not yet entered into force. The TRIPs agreement adds a number of provisions. For examples- protection must be available for at least 10 years

For further queries you may reach us via..
E-mail –vikasrathimrt@gmail.com
Mob - 9058459666
DR. VIKAS Kumar
Assistant professor of Law
ILS, CCSU Campus, Meerut