

At the same time, there is the *realpolitik* issue that the TRIPS Agreement poses: arguably, there would have been no Uruguay Round outcome without it, since it was a major factor in mobilizing U.S. private sector support for the round. The technical analysis of the agreement, or lack thereof, did not enter into the political equation.

As to the narrow question of the future of the TRIPS Agreement itself, it was argued that the array of interests that led to TRIPS being implemented remains to a good extent in play. Indeed, as was observed, at Doha, the TRIPS-related issue that was being actively discussed had to do with *expanding* it to include geographic indicators, with the *demandeurs* being not U.S. multinationals but developing countries seeking to create rents for themselves.¹⁷ While this suggests that TRIPS may be generating new constituencies, which in turn would militate against its demise, some see it at risk of being weakened, unless market access on agriculture and textiles and clothing is forthcoming. At the same time, the fact that the United States is implementing intellectual property in its bilateral free trade agreements points to an alternative *de facto* global regime emerging from a patchwork quilt of bilateral and regional agreements.

Services

The major governance issue posed by trade in services under the GATS derives from the fact that this agreement applies international disciplines to domestic regulations and to services that are delivered by the public sector in some countries. These concerns may be articulated as follows.

¹⁷ It is more than a little alarming that the commentary on this issue has tended to emphasize that this shows that developing countries might indeed find benefits in TRIPS rather than pointing out the Pandora's Box of rent seeking which TRIPS has introduced into the bosom of the international trade regime, including in cases where redeeming benefits in terms of research and development are not even remotely at issue.