

A closer look at these IP and traded services disputes is revealing. In particular, five of these nine cases are US complaints designed to speed up passage of domestic legislation, designed to implement TRIPs obligations by individual EC member states (Portugal, Denmark, Sweden, Ireland, and Greece). It can thus be argued that these cases were much less acrimonious than most, given that the TRIPs commitments were already manifest in (proposed) domestic legislation. Indeed, not one of these disputes was paneled, the upshot being that, as Table 3 indicates, all ended in full concessions. In the other four IP and traded services disputes, the defendant conceded partially or fully, mostly before a panel ruling.

This is not to say that IP and traded services disputes are easily resolved. On the contrary, IP disputes are viewed as among the most technical and difficult, requiring a considerable outlay of resources on the part of the disputants (and the WTO). The point is that the TRIPs and GATS have induced, probably on a one-time basis, a special set of disputes distinguished by their direct relationship to these new commitments, and were thus ready-made for fuller concessions. In short, better dispute settlement procedures *per se* did not force the defendant's hand in these cases.

If the WTO's expanded scope is controlled for, does it still perform better than the GATT in settling US-EC disputes? Recent empirical work estimating the level of concessions offered by the defendant in the 85 GATT/WTO transatlantic disputes suggests not. The models include a variable reflecting whether the case was brought under the GATT or WTO procedures, involved WTO-era IP or traded services issues, whether a panel was established, the direction of a ruling (if one was rendered), whether the US was the complainant, and whether the dispute concerned agriculture, involved multiple complainants or third parties, a strictly discriminatory measure, and covered sensitive issues like health and safety standards. The results are revealing. While the variable for WTO-era disputes involving IP and traded services is positively signed and statistically significant, the WTO variable itself is not. The model indicates that, holding all other variables at their sample means, a dispute over IP