

E) NEW ISSUES

Negotiations on new trade rules on investment, intellectual property and services are generally regarded as the new issues on the agenda of the Uruguay Round. At Montreal, both Trade Related Intellectual Property Issues (TRIP's) and Trade in Services were major topics before GATT Ministers.

Trade Related Invest Measures (Negotiating Group 12)

Ministers agreed at Montreal to carry forward the negotiations on trade related investment measures (TRIM's) on the basis of the identification of those measures with trade restrictive or distorting effects with a view of elaborating new disciplines where existing GATT Articles may not cover them adequately. Specific negotiating proposals have been called for as soon as possible.

Intellectual Property (Negotiating Group 11)

There are four sets of major policy issues involved in the TRIP's negotiations. The first question concerns the appropriate standards of intellectual property protection in respect of patents, copyrights, trademarks, trade secrets and new technology protection. There are a number of international conventions under the WIPO on the subjects, but the issue arises where standards are either inadequate or non-existent. There is still no agreement as to whether the MTN should deal with these issues. Second, there is the issue of enforcement of intellectual property standards, including whether unilateral and discriminatory enforcement should be permitted, as in the case of S. 337 under USA trade law. There is the whole issue of how to fight counterfeiting goods; and there is the question of ensuring timely and effective dispute resolution which does not exist under existing international intellectual property protection.

At Montreal, progress was made on the elaboration of a negotiating framework for TRIP's, but this issue remains at an impasse primarily over whether the MTN should attempt to deal with the question of intellectual property standards. If this issue is not resolved when agriculture comes back to the TNC in April, the MTN participants may well have to decide whether negotiations should proceed without those countries continuing to resist an appropriate MTN mandate on the matter.