

The "national treatment" provision of the GATT is of considerable relevance. It prescribes that there should be no discrimination against imports with respect to laws, regulations and requirements affecting the internal offering for sale, distribution or use of products. Canada has made representations in the GATT relating to the aforementioned Section 337 of the U.S. Tariff Act. Both the Semiconductor Chip Protection Act and the 1984 Trade Act indicate that the U.S. is slowly moving away from "national treatment" and towards reciprocity in their treatment of intellectual property.

Precedent FTAs have not contained specific provisions relating to the protection of intellectual property. However, all have "national treatment" provisions with language similar to that of GATT Article III.

**EXEMPT**  
**Sec 15(1)**

As indicated earlier, the primary U.S. concern relates to the lower level of protection afforded to certain forms of intellectual property in Canada. It could be expected that the U.S. would use the occasion of a CUFTA negotiation to seek Canadian commitments to increase such levels of protection. The costs and benefits of any such changes should be fully assessed, as should the impact of any U.S. commitments regarding "national treatment". Intellectual property issues have not been discussed in Canadian commentaries.