

**UNITED STATES – SECTION 337 OF THE TARIFF ACT OF 1930
AND AMENDMENTS THERETO**

Request to Join Consultations

Communication from Canada

The following communication, dated 26 January 2000, from the Permanent Mission of Canada to the Permanent Mission of the United States, the Permanent Delegation of the European Commission and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.11 of the DSU.

Pursuant to Article 4.11 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), the Government of Canada hereby notifies its desire to be joined in consultations requested by the Permanent Delegation of the European Commission under Article 4 of the DSU, Article XXII:1 of the GATT 1994 and Article 64, paragraph 1, of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights, regarding Section 337 US Tariff Act (19 U.S.C. § 1337) and the related Rules of Practice and Procedure of the International Trade Commission contained in Chapter II of Title 19 of the US Code of Federal Regulations. The 12 January 2000 communication from the Permanent Delegation of the European Commission to the Permanent Mission of the United States was circulated to WTO Members on 18 January 2000 (WT/DS186/1 – IP/D/21).

Canada has a substantial trade interest in the consultations, since it has been affected directly by the measure. There are many Canadian companies that have been, and continue to be, subject to proceedings before the US International Trade Commission under Section 337 of the US Tariff Act, often while appearing concurrently before US district courts.

Canada's longstanding concerns with respect to Section 337 are well-known to the United States. Canada initiated a GATT complaint on Section 337 in 1981 and participated as a third party in a GATT action brought by the European Communities in 1987 on the same subject matter. Canada continued to express its concerns about Section 337 at the time the United States enacted the Uruguay Round Agreements Act. In addition, Section 337 has been consistently identified as a concern under Canada's International Market Access Priorities yearly report.
