

WORLD TRADE ORGANIZATION

WT/DS170/9
10 January 2001

(01-0180)

Original: English

CANADA – TERM OF PATENT PROTECTION

Surveillance of Implementation of Recommendations and Rulings

Appointment of Arbitrator under Article 21.3(c) of the Understanding on Rules and Procedures Governing the Settlement of Disputes

The following communication, dated 10 January 2001, from the Permanent Mission of Canada and the Permanent Mission of the United States, to the Director-General, is circulated pursuant to Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*.

We refer you to the communication from the United States of America, dated 15 December 2000, requesting binding arbitration under Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (the "DSU") to determine the reasonable period of time for Canada to implement the recommendations and rulings of the Dispute Settlement Body (the "DSB") in the matter, *Canada – Term of Patent Protection* (WT/DS170), adopted 12 October 2000.

The Parties to the dispute, Canada and the United States, have agreed on an arbitrator, pursuant to footnote 12 to Article 21.3(c) of the DSU: Mr. Claus-Dieter Ehlermann. We are writing to request you to convey officially to Mr. Claus-Dieter Ehlermann our agreement that he act as arbitrator in this matter. We also would appreciate that he be assisted in his functions, as arbitrator under Article 21.3(c) of the DSU, by the staff of the Appellate Body Secretariat.

With respect to the time period for this binding arbitration, Article 21.3(c) of the DSU requires that the reasonable period of time for implementation be determined through binding arbitrations within 90 days after the date of adoption of the recommendations and rulings by the DSB. As the adoption took place on 12 October 2000, this 90-day period will soon expire. We, the Parties to this dispute, have agreed to extend the period of time for this binding arbitration until 28 February 2001. We have agreed that the award of the arbitrator, made no later than 28 February 2001, shall be deemed to be the award of the arbitrator for the purposes of Article 21.3(c) of the DSU in determining the reasonable period of time for Canada to implement the recommendations and rulings of the DSB.

We are grateful for your assistance in this matter.
