

CANADA - TERM OF PATENT PROTECTION

Request by the United States for Arbitration
under Article 21.3(c) of the DSU

The following communication, dated 15 December 2000, from the Permanent Mission of the United States to the Chairman of the Dispute Settlement Body, is circulated at the request of that delegation.

On 12 October 2000, the Dispute Settlement Body (DSB) adopted recommendations and rulings in respect of the panel and Appellate Body reports in "Canada - Term of Patent Protection". On 23 October 2000, the Government of Canada confirmed to the DSB its commitment to meet its obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).

Since the adoption of the panel and Appellate Body reports, pursuant to Article 21.3(b) of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), we have attempted to reach agreement with Canada on a "reasonable period of time" for its implementation of the DSB rulings and recommendations. Although we have held several bilateral discussions, our governments have not been able to reach agreement. Accordingly, the United States hereby requests that the "reasonable period of time" be determined by binding arbitration pursuant to Article 21.3(c) of the DSU. Pursuant to footnote 12 to the DSU, the United States will immediately open discussions with Canada with a view of achieving agreement on an arbitrator within the next ten days.
