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DENMARK - MEASURES AFFECTING THE ENFORCEMENT OF
INTELLECTUAL PROPERTY RIGHTS

Request for Consultations by the United States

The following communication, dated 14 May 1997, from the Permanent Mission of the United States to the Permanent Mission of Denmark and to the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

My authorities have instructed me to request consultations with the Government of Denmark pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) and Article 64 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (to the extent it incorporates by reference Article XXII of the General Agreement on Tariffs and Trade 1994) regarding the making available of provisional measures under Danish law.

The TRIPS Agreement obligates all members of the World Trade Organization to make provisional measures available in the context of civil proceedings involving intellectual property rights. In light of Denmark's status as a developed country, the TRIPS Agreement applied to it on 1 January 1996.

Denmark does not appear to make available provisional measures in the context of civil proceedings involving intellectual property rights. As such, Danish law would appear to be inconsistent with its obligations under the TRIPS Agreement, including but not necessarily limited to TRIPS Agreement Articles 50, 63 and 65.

We look forward to receiving your reply to the present request and to fixing a mutually convenient date for consultations.