

INDIA - PATENT PROTECTION FOR PHARMACEUTICAL
AND AGRICULTURAL CHEMICAL PRODUCTS

Constitution of the Panel Established at the Request of
the European Communities

Communication from the DSB Chairman

1. At its meeting on 16 October 1997, the Dispute Settlement Body (DSB) established a panel in accordance with the request made by the European Communities in document WT/DS79/2.

2. The terms of reference of the Panel are the following:

"To examine, in the light of the relevant provisions of the covered agreements cited by the European Communities in document WT/DS79/2, the matter referred to the DSB by the European Communities in that document and to make such findings as will assist the DSB in making the recommendations or in giving the rulings provided for in those agreements".

3. On 17 November 1997, the European Communities requested the Director-General to compose the Panel by virtue of paragraph 7 of Article 8 of the Dispute Settlement Understanding. This paragraph provides:

"If there is no agreement on the panelists within 20 days after the date of the establishment of a panel, at the request of either party, the Director-General, in consultation with the Chairman of the DSB and the Chairman of the relevant Council or Committee, shall determine the composition of the panel by appointing the panelists whom the Director-General considers most appropriate in accordance with any relevant special or additional rules or procedures of the covered agreement or covered agreements which are at issue in the dispute, after consulting with the parties to the dispute. The Chairman of the DSB shall inform the Members of the composition of the panel thus formed no later than 10 days after the date the Chairman receives such a request".

The Director-General has accordingly composed the panel as follows:

Chairman: Mr. Stuart Harbinson

Members: Mr. Douglas Chester
Mr. Yanyong Phuangrath

4. The United States has reserved its rights as a third party to the dispute.