World Trade and World IP Law and Institutions
FINAL EXAMINATION

William O.Hennessey December 16, 2005

DIRECTIONS:

This is a two-hour examination. (3 hours for qualified ESL speakers) Students are allowed to bring any materials they wish into the examination except laptop computers or writable memory devices. Students may not speak to or ask assistance of one another during the examination. Answers should be written in a blue exam booklet. Do not put your name or any other identifying device on your exam booklet -- just your exam number. Do not write "MIP," "2L", or "Class of '07" etc. on the booklet. You should keep your answers BRIEF AND TO THE POINT, but there are no page limitations Just answer the question. Write on one side of a bluebook page only.

Select three (3) of the following five (5) questions (40 minutes for each question):

1. Explain the difference between "absolute advantage" and "comparative advantage" in international economic and trade law and why the GATT-WTO system places so much emphasis on lowering tariff and non-tariff barriers between its Member States.

2. Why does WTO dispute settlement rely so heavily on the principles of interpretation found in the Vienna Convention on the Law of Treaties (see Casebook p. 40-41) in its settlement of trade disputes? Cite specific examples of use of these principles in the WTO cases we have read this semester.

3. Historically, what has been the attitude of the U.S. toward "working requirements" in national patent laws and "manufacturing requirements" in national copyright laws? Can you explain why the U.S. attitude has been the way it is?

4. How, if at all, is Article 27 of the Vienna Convention on the Law of Treaties (Casebook, p. 40), relevant to decision of the arbitrators in *European Communities–Regime for the Importation, Sale, and Distribution of Bananas* (Casebook, p. 890).