

REGIONAL TRADE AGREEMENTS
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Description

Students will analyze legal aspects of Regional Trade Agreements (RTAs) in their historical, economic and political contexts. The principal include: trade in goods, trade in services, trade remedies (subsidies and dumping), foreign investment regulation, trade & environment, intellectual property rights, and dispute settlement. The foundation of the course will focus on the North American Free Trade Agreement (NAFTA), and the course will compare NAFTA approaches to more recent developments in other RTAs.

Evaluation

Oral arguments in case simulation: 50%

Final written exam: 50%

#	Topic	Subtopics
1	Context of RTAs	(a) historical; (b) economic; and (c) political.
2	Treaty law	(a) multilingual treaty interpretation; (b) treaty structure
3	Trade in goods	(a) most-favoured nation treatment and the exception for RTAs; (b) national treatment; (c) quantitative restrictions; (d) general exceptions; (e) technical barriers to trade; (f) sanitary and phytosanitary measures.
4	Trade remedies	(a) subsidies and countervailing duties; (b) dumping and antidumping duties; (c) safeguard measures (d) dispute settlement
5	Foreign Investment	(a) most-favoured nation treatment; (b) national treatment; (c) fair and equitable treatment; (d) expropriation; (e) dispute settlement
6	Trade in Services	(a) specific commitments: negative and positive lists (b) most-favoured nation treatment; (c) national treatment; (d) general exceptions
7	Intellectual Property	(a) TRIPS plus in RTAs (b) most-favoured nation treatment; (c) national treatment; (d) enforcement; (e) specific types of IPRs
8	Choice of forum in dispute settlement	(a) WTO versus RTA (b) domestic courts versus RTA

BOOKS

Bradly J. Condon & Tapen Sinha, *Drawing Lines in Sand and Snow: Border Security and North American Economic Integration* (Armonk, NY: M.E. Sharpe, 2003).

ARTICLES

INTELLECTUAL PROPERTY RIGHTS

Bradly J. Condon, "Climate Change and Intellectual Property Rights for New Plant Varieties", 47:4 *Journal of World Trade* 897-923 (2013).

Bradly J. Condon, "China – Intellectual Property Rights and the criminalization of trade mark counterfeiting and copyright piracy under the TRIPS Agreement", 4:9 *Journal of Intellectual Property Law & Practice* 618-619 (2009).

Bradly J. Condon & Tapen Sinha, "Global Diseases, Global Patents and Differential Treatment in WTO Law: Criteria for Suspending Patent Obligations in Developing Countries", 26:1 *Northwestern Journal of International Law and Business* 1-41 (2005).

INTERNATIONAL INVESTMENT AGREEMENTS

Bradly J. Condon, "Mexican energy reform and NAFTA Chapter 11: Articles 20 and 21 of the Hydrocarbons Law and access to investment arbitration", 9:3 *Journal of World Energy Law & Business* 203-218 (2016).

Bradly J. Condon, "Climate Change and International Investment Agreements", 14:2 *Chinese Journal of International Law* 305-339 (2015).

REGIONAL TRADE AGREEMENTS

Bradly J. Condon, "EU – Mexico FTA: Case Study", in Simon Lester and Bryan Mercurio, eds, *Bilateral and Regional Trade Agreements: Commentary, Analysis and Case Studies* (London: Cambridge University Press, 2009) 74-96.

Bradly J. Condon & Brad McBride, "Do You Know the Way to San José? Resolving the Problem of Illegal Mexican Migration to the United States", 17:2 *Georgetown Immigration Law Journal* 251-297 (2003).

Bradly J. Condon, "NAFTA at Three-and-One-Half Years: Where Do We Stand and Where Should We Be Headed? A Cross-Cultural Analysis of North American Legal Integration" 23 *Canada-United States Law Journal* 347-367 (1997).

TRADE IN SERVICES

Bradly J. Condon, "Smoke and Mirrors: A Comparative Analysis of WTO and NAFTA Provisions Affecting the International Expansion of Insurance Firms in North America" 8:1 *Connecticut Insurance Law Journal* 97-130 (2001).

Bradly J. Condon & Tapen Sinha, "An Analysis of an Alliance: NAFTA Trucking and the US Insurance Industry" 2 *Estey Centre Journal for International Law and Trade Policy* 235-245 (2001).

Bradly J. Condon, "Reconciling Trade and Environment: A Legal Analysis of European and North American Approaches" 8:1 *Cardozo Journal of International and Comparative Law* 1-26 (2000).

TRADE REMEDIES

Bradly J. Condon, "Disciplining Clean Energy Subsidies to Speed the Transition to a Low-Carbon World", 51:4 *Journal of World Trade* 675-690 (2017).

TREATY INTERPRETATION

Bradly J. Condon, "Treaty Structure and Public Interest Regulation in International Economic Law", 17:2 *Journal of International Economic Law* 333-353 (2014).

Bradly J. Condon, "Lost in Translation: Plurilingual: Interpretation of WTO Law", 1:1 *Journal of International Dispute Settlement* 191-216 (2010).