**REGIONAL TRADE AGREEMENTS Professor Bradly J. Condon, ITAM**

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**Description**

Students will analyze legal aspects of Regional Trade Agreements (RTAs) in their historical, economic and political contexts. The principal topics 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 & USMCA), and the course will compare NAFTA approaches to more recent developments in other RTAs.

**Evaluation**

Midterm exam: 30% Case simulation: 20% Final written exam: 50%

El departamento de derecho tiene como ***REGLA GENERAL ACUMULAR EL 80% DE ASISTENCIAS PARA TODOS LOS CURSOS DURANTE EL SEMESTRE.***

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| **#** | **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, “From NAFTA to USMCA: Two’s Company, Three’s a Crowd” 2 *Latin American Journal of Trade Policy* 30-48 (2018).

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).