

# Student Note

## THE EFFECT OF TECHNOLOGY DEVELOPMENT ON THE DECISION OF PHYSICAL PROPERTY/NATURE AND END USE FOR DETERMINING “LIKE PRODUCT” UNDER THE GATT

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### ABSTRACT

*Through GATT and WTO practice, the development of criteria and standards for the review of like product under Articles I:1, III:2 first sentence and III:4 of the GATT 1994 has sufficiently ensures the effective review of these provisions. However, the effectiveness of the review of like product as a tool of determining competition relations may face challenges from technology products that have incorporated additional function. The complication of the review of physical property and nature and end use due to the involvement of technology product may lead to the question on whether current practice may still be able to sufficiently identify competition relationships between the products. This paper is of the view that the like product review requires renovation in order to maintain its effectiveness under the special context of like product. The conducting of review should allocate physical property and nature and end use as the first step of review,*

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*being utilized as a “group” that will serve as basis in evaluating consumer tastes and habits, which will involve evaluation of how consumers perceive facts that fall within the scope of these two criteria. This will provide support to the effectiveness of Articles I and III of GATT 1994 in preventing discrimination.*

**KEYWORDS:** *WTO, GATT, like product, physical property and nature, end use*