

SUSPENDING TRIPS OBLIGATIONS AS A VIABLE OPTION FOR DEVELOPING COUNTRIES TO ENFORCE WTO RULINGS

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ABSTRACT

It has been perceived that the World Trade Organization (hereinafter "WTO") dispute settlement system has a fundamental disadvantage for developing country members in enforcing WTO decisions against developed country members. Developing country members assert that, albeit equally available to all members, the limited size of their markets make the full use of the remedy of last resort, retaliation, hardly possible for them. In particular, within a small domestic market, they are unable to exert sufficient economic pressure against developed country members to induce compliance. Rather, retaliation may be more detrimental to them than the non-complying developed members. As an alternative to traditional tariff retaliation, this paper evaluates the effectiveness of suspending intellectual property rights protected under the Agreement on Trade Related Aspects of Intellectual Property Rights (hereinafter "TRIPS") and provides some proposals of expanding its use, which would generate greater leverage for the developing country members to enforce WTO rulings against developed country members.

KEYWORDS: *WTO dispute settlement system, DSU, compliance, retaliation, TRIPS, developing countries*

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