

# The World Trade Organization and Intellectual Property

*John Richards*

*John Richards is a partner in the New York office of Ladas & Parry LLP.*

The World Trade Organization (WTO) was formed in 1995 and has its headquarters in Geneva, Switzerland. However, its roots are older and go back to the General Agreement on Tariffs and Trade (GATT), which was adopted after World War II.

The negotiations that led up to the adoption of the GATT during 1947 were intended as a precursor to a more general treaty on international trade, the negotiations for which started on November 21, 1947, and led to the completion of the Havana Charter in the following year. Had the Havana Charter ever come into operation, it would have created an international trade organization under the auspices of the United Nations. Although various portions of what was agreed at Havana have come into operation separately since that time (for example, United Nations Conference on Trade and Development code on restrictive trade practice), the Havana Charter as such never came into effect, principally as a result of the reluctance of the US Senate to ratify the charter to set up an international organization controlling world trade.

The original GATT itself was never ratified by the US Senate either. This caused some questioning by academics at various times as to whether the United States is, in fact, legally bound by the general agreement. The accepted view, however, is that the United States' adherence to the original GATT was a legitimate exercise of presidential authority under the terms of the Reciprocal Trade Agreement Act of 1934 as extended by the Trade Agreement Extension Act of 1945. The GATT was amended several times, for example, at Annecy, France, in 1949; at Torquay, England, in 1951; and, since then, at Geneva in 1956; and in negotiations from 1960 to 1961 (the Dillon round), from 1964 to 1967 (the Kennedy round), and from 1973 to 1979 (the Tokyo round).