



University
Of Mysore

Model United Nation



DEPARTMENT OF STUDIES AND
RESEARCH IN LAW

MODEL UNITED NATIONS
CONFERENCE- 2017

We are proud to present to you the second edition of Model United Nations Conference 2017.

COMMITTEE: World Trade Organization

AGENDA: Reforming of International Monetary System, Regulation International Trade and Intellectual Property Rights

Participants can choose the country from the country matrix. Each participant will be allowed to represent only one country. Countries will be allotted according to preference on first come first serve basis.

Registration is open

Last date for Registrations 15.03.2017

The MUN will be held on 27.03.2017

Venue: Department of Studies and Research in Law, University of Mysore, Manasagangotri, Mysuru

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A message from the Secretary-General

Hello, everyone! I am Sayed Qudrat, the Secretary General of Model United Nations, Department of Studies and Research in Law, University of Mysore, I am currently pursuing my studies at J.S.S. Law College-Autonomous, Mysore Karnataka, and I have been a part of 9 MUNs so far. I have participated as the Secretary General in 7 MUNs held in JSS Law College Mysuru and I have acted in the same capacity in MUN conducted by the University of Mysore and Acharya Institute of Graduate Studies- Bangalore and St. Philomena's College-Autonomous Mysore. Discussing various issues concerning human trafficking, intellectual property, asylum seekers, climate change and sustainable development, nuclear weapons, cyber-crimes and international security. I have also had the honour to adjudge one of the MUN conference conducted in JSS Law College Mysore.

As a law student, I spend much of my time debating and developing solutions to complex issues, this skill I have developed primarily based on my participation in Model UN. I have participated in several high caliber international conferences, as a Secretary General, President of General Assembly, going on to Judge and organize MUN conferences and committee simulations impacting other students with the same positive fervor that I have had. I look forward to welcoming back familiar faces and meeting new participants alike this year.

For this year's conference, I have endeavored to expand the reach of MUN, both in size and in content. We have set a theme which we believe will formulate flexible, workable and practical solutions to current world problems and to encourage delegates to think beyond the traditional focus. The UN, though often criticized, is an important and unique international body as a platform for diplomacy and debate. MUN serves as a safe space for developing and scrutinizing new ideas, surrounded by a diverse group of people. My time in previous years has shown me that the experience, passion, and talent of the delegates and chairs that we host is unrivalled, and I am excited to see how you take on the theme and committees we have laid out this year.

I look forward to welcoming you all and providing you with an unforgettable conference experience. In the meantime, feel free to contact me at Sayedqudratsadat@gmail.com with any questions or concerns regarding Model United Nations.

Sayed Qudrat
Secretary - General,
Model United Nations,
Department of Studies and Research in Law,
University of Mysore





DEPARTMENT OF STUDIES AND
RESEACH IN LAW



MODEL UNITED NATIONS
CONFERENCE- 2017

BACKGROUND GUIDE

COMMITTEE: World Trade Organization

AGENDA: Reforming of International Monetary System, Regulation International Trade and Intellectual Property Rights

Dear delegates,

We present to you the background guide of the MUN which is being organized by Department of Studies and Research in Law, University of Mysore. A background guide is merely a bird's eye view of the problem at hand. A legal overview has been provided so as to acquaint delegates with the burning international divisions the resolution of which will be critical to enable any progress on the agenda. This study guide should be a starting point for your research and you are encouraged by all means further expand your realm of knowledge by delving into the themes and sub themes raised in the guide and the reference provided for further research.

All the best!

Executive Board Members

THE UNITED NATIONS

The UN is an international organization which aids in international conflicts and resolution between countries. The conflicts are then resolved respectively by the sort of problem, these specific conflicts are solved within committees by experts in the topics. The United Nations (UN) is an organization that was established after WWII on the 26th of June 1945, in order to sustain global peace, neutralizing of threats, dialogue between nations, control of weapons and international cooperation. Joining 193 countries to find solutions for international conflicts the UN tries to maintain international peace and security. The United Nations General Assembly is the main deliberative, policymaking and representative organ of the UN.

The Committee

The World Trade Organization (WTO) is an intergovernmental organization which regulates international trade. The WTO officially commenced on 1 January 1995 under the Marrakesh Agreement, signed by 123 nations on 15 April 1994, replacing the General Agreement on Tariffs and Trade (GATT), which commenced in 1948.^[5] The WTO deals with regulation of trade between participating countries by providing a framework for negotiating trade agreements and a dispute resolution process aimed at enforcing participants' adherence to WTO agreements, which are signed by representatives of member governments^{[6]:fol.9-10} and ratified by their parliaments.^[7] Most of the issues that the WTO focuses on derive from previous trade negotiations, especially from the Uruguay Round (1986–1994).

The WTO is attempting to complete negotiations on the Doha Development Round, which was launched in 2001 with an explicit focus on developing countries. As of June 2012, the future of the Doha Round remained uncertain: the work programme lists 21 subjects in which the original deadline of 1 January 2005 was missed, and the round is still incomplete.^[8] The conflict between free trade on industrial goods and services but retention of protectionism on farm subsidies to domestic agricultural sector (requested by developed countries) and the substantiation of fair trade on agricultural products (requested by developing countries) remain the major obstacles. This impasse has made it impossible to launch new WTO negotiations beyond the Doha Development Round. As a result,

there have been an increasing number of bilateral free trade agreements between governments.

FIRST ISSUE

THE BENEFITS OF WORLD TRADE ORGANIZATION

- *Helps promote peace within nations*
- *Disputes are handled constructively*
- *Rules make life easier for all*
- *Free trade cuts the cost of living*
- *It provides more choice of products and qualities*
- *Trade raises income*
- *Trade stimulates economic growth*
- *Basic principles make life more efficient*
- *Governments are shielded from lobbying*
- *The system encourages good governance*

The Agriculture Committee

The Committee on Agriculture oversees implementation of the Agriculture Agreement and monitors how WTO members are complying with their commitments. Members are required to share information and may ask each other questions or raise concerns about each other's agricultural policies.

SECOND ISSUE

COMPETITIVE POLICY, GOVERNMENT PROCUREMENT AND LIBERALIZATION OF TRADE

Competition policy, also known as antitrust policy, refers to a set of laws and regulations often adopted by states and regional bodies in order to maintain a competitive market through combating 'anti-competitive practices' by private

actors (i.e. corporations). Anti-competitive practices include a variety of measures that will be investigated in further detail later, including cartels, collusion, and price-fixing; monopolies and abuse of dominant position; mergers and acquisitions (in some cases); and others.

The WTO's Role

The Havana Charter, the treaty intended to establish the ITO, included antitrust measures. However, since the ITO never came into effect and the GATT never adopted these measures, competition policy and regulation measures were never brought to the international stage. The Doha round was supposed to bring competition policy into the WTO, however, the gridlock in the negotiations led the General Council to decide that “[competition policy] will not form part of the Work Programme set out in that Declaration and therefore no work towards negotiations on any of these issues will take place within the WTO during the Doha Round.¹³” Alongside that same decision, the Council decided that no further negotiations would take place concerning government procurement either. However, as antitrust lawsuits concerning multinational corporations reach an all-time high, it became pertinent to bring these issues back to the negotiations table.

The question that begs to be answered is how would creating a competition enforcement mechanism at the global level be beneficial to free trade? There are numerous types of cases that can demonstrate how a global antitrust mechanism can be more effective than national and regional efforts in ensuring free and competitive markets. Monopoly and abuse of dominant also creates tighter competitions.

THIRD ISSUE

TRADE RELATED INTELLECTUAL PROPERTY RIGHTS

Trade economists argue that in order to achieve real and impartial free trade, countries around the world need to agree on a harmonized intellectual property policy. This would allow firms and individuals to retain exclusive rights over the production or distribution of their intellectual creations for a certain period. These

intellectual creations are often protected by three different tools: patents, copyrights, and trademarks

National laws protecting property rights generally provide a mechanism for an entity to register its intellectual property in order to gain exclusive use rights to the reproduction and redistribution of products or services that include the protected property for a certain number of years outlined by the law. However, without international treaties and agreements making these rights valid across borders, intellectual property rights would be highly weakened. This is where the World Trade Organization comes in.

The Agreement on Trade-Related Aspects of Intellectual Property Rights – commonly referred to as the TRIPS Agreement – was signed during the Uruguay negotiations round. The agreement is far more comprehensive than many other international property rights agreements unrelated to the WTO or the GATT such as the Berne Convention which was initially signed in 1886. In addition, the agreement introduced a dispute settlement mechanism which we will talk about later on in this section.

Copyrights

The current TRIPS agreements require a minimum 50-year copyright protection regardless of the author's life. In addition, copyrights must be granted without any formality, registration or application. Copyright covers the end product, or the 'expression' and therefore do not include the underlying method, underlying math and so on.

Copyrights and Software:

A recent case between Oracle and Google about the use of APIs was decided on by a Federal District Court. Google argued initially argued that APIs were not covered by copyright laws, however, a lower court had already decided that APIs were covered under copyright laws. The final ruling stated that although Oracle's API is protected by copyright laws, Google's use was considered "fair use." This is just an example of how delineating what is covered by copyright laws, what falls under copyright laws and what is considered "fair use" when it comes to software

can be challenging. Therefore, it is expected that the WTO General Council specifies how software is covered under copyright laws and what are the laws' exceptions (i.e. fair use in the United States).

Patents

Patents are granted by governments to inventors –individuals or corporations– providing them exclusive rights for manufacturing and producing their invention for a certain period of time. During this period, patent holders may allow others to use their designs and ideas for a fee. Proponents of patents argue that they provide incentive for firms and individuals to spend labour and capital on research and development, hence advancing economic growth and general prosperity. The WTO established general framework for international patent rights through the TRIPS agreement, which requires a minimum of 20 years of exclusive rights to be granted to patent holders.

Dispute Settlement Mechanism (DSM) and Intellectual Property

As the General Council seeks further jurisdiction for the WTO dispute settlement mechanism over intellectual property through specifying possible exceptions and other measures, it becomes important to ensure that the workings of the mechanism are adequate for ruling on intellectual property cases.

The current DSM allows only countries to file complaints against other countries if they believe that a breach of WTO agreements has taken place. Once a complaint is filed, the WTO Secretariat appoints an ad-hoc Dispute Panel general consisting of three individuals. The panel would then hear arguments from the complainant country and the defendant country and then produce a preliminary ruling. The Dispute Settlement Body (DSB), a committee comprised of all WTO Members at an ambassadorial level, would then meet and review the Dispute Panel's ruling and decide whether to approve it or not. However, the DSB uses a 'reverse consensus' voting mechanism which means that unless there is a consensus against the Dispute Panel's ruling, it would be approved. The occurrence of a reverse consensus is virtually impossible making the DSB more of a rubber stamp in the settlement mechanism.

National Law Compliance Cases

As the WTO expands and specifies intellectual property rights measures within its agreements, it must also consider how the DSM would deal with intellectual property issues. There are three types of cases that the might have to be settled by the DSM. The first type, which is less problematic, is where a country believes that another member state's law does not comply with the agreement. For example, if the WTO agrees that national security exceptions to patents do not include cyber security and a member state passes a law allowing for exceptions based on cyber security issues, other countries have grounds to bring the issue to DSM.

Questions to be pondered upon:

- 1. The future of Free trade: Application of agricultural and related subsidies in the global economy.*
- 2. Competitive policy, Government procurement and liberalization of Trade.*
- 3. Trade Related Intellectual Property Rights.*
- 4. How does your country's economic status relate to local and international trade?*
- 5. What are your main exports and imports?*
- 6. How do barriers affect your country and its economy?*

Source:

- 1. https://www.wto.org/english/tratop_e/bop_e/bop_e.htm*
- 2. https://en.wikipedia.org/wiki/World_Trade_Organization*
- 3. <http://www.globalissues.org/article/42/the-wto-and-free-trade>*
- 4. <http://www.globalexchange.org/resources/WTO>*
- 5. https://www.wto.org/english/res_e/publications_e/wtr15_e.htm*
- 6. https://www.wto.org/english/news_e/pres16_e/pr783_e.htm*
- 7. ¹http://www.economicsonline.co.uk/Global_economics/Trade_protectionism.html*
- 8. ¹<http://www.economicdiscussion.net/international-trade/arguments-for-and-against-protection-trade-policy>*

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1. Afghanistan
2. Albania
3. Algeria
4. Andorra
5. Angola
6. Antigua and Barbuda
7. Argentina
8. Armenia
9. Australia
10. Austria
11. Azerbaijan
12. Bahamas
13. Bahrain
14. Bangladesh
15. Barbados
16. Belarus
17. Belgium
18. Belize
19. Benin
20. Bhutan
21. Bolivia
22. Bosnia and Herzegovina
23. Botswana
24. Brazil
25. Brunei
26. Bulgaria
27. Burkina Faso
28. Burma (Myanmar)
29. Burundi
30. Cambodia
31. Cameroon
32. Canada
33. Cape Verde
34. Central African Republic
35. Chad
36. Chile
37. China
38. Colombia
39. Comoros
40. Congo, Rep.
41. Congo, Dem. Rep.
42. Costa Rica
43. Côte d'Ivoire
44. Croatia
45. Cuba
46. Cyprus
47. Czech Republic
48. Denmark
49. Djibouti
50. Dominica

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51. Dominican Republic
 52. East Timor
 53. Ecuador
 54. Egypt
 55. El Salvador
 56. Equatorial Guinea
 57. Eritrea
 58. Estonia
 59. Ethiopia
 60. Fiji
 61. Finland
 62. France
 63. Gabon
 64. Gambia
 65. Georgia
 66. Germany
 67. Ghana
 68. Greece
 69. Grenada
 70. Guatemala
 71. Guinea
 72. Guinea-Bissau
 73. Guyana
 74. Haiti
 75. Honduras
 76. Hungary
 77. Iceland
 78. India
 79. Indonesia
 80. Iran
 81. Iraq
 82. Ireland
 83. Israel
 84. Italy
 85. Jamaica
 86. Japan
 87. Jordan
 88. Kazakhstan
 89. Kenya
 90. Kiribati
 91. Kora, North
 92. Korea, South
 93. Kuwait
 94. Kyrgyzstan
 95. Laos
 96. Latvia
 97. Lebanon
 98. Lesotho
 99. Liberia
 100. Libya
 101. Liechtenstein
 102. Lithuania
 103. Luxembourg
 104. Macedonia
 105. Madagascar
 106. Malawi
 107. Malaysia
 108. Maldives
 109. Mali
 110. Malta
 111. Marshall Islands
 112. Mauritania
 113. Mauritius
 114. Mexico
 115. Micronesia
 116. Moldova
 117. Monaco
 118. Mongolia
 119. Montenegro
 120. Morocco
 121. Mozambique
 122. Namibia
 123. Nauru
 124. Nepal
 125. Netherlands
 126. New Zealand
 127. Nicaragua
 128. Niger
 129. Nigeria
 130. Norway

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131. Oman
132. Pakistan
133. Palau
134. Panama
135. Papua New Guinea
136. Paraguay
137. Peru
138. Philippines
139. Poland
140. Portugal
141. Qatar
142. Romania
143. Russia
144. Rwanda
145. St. Kitts and Nevis
146. St. Lucia
147. St. Vincent and the Grenadines
148. Samoa
149. San Marino
150. São Tomé and Príncipe
151. Saudi Arabia
152. Senegal
153. Serbia
154. Seychelles
155. Sierra Leone
156. Singapore
157. Slovakia
158. Slovenia
159. Solomon Islands
160. Somalia
161. South Africa
162. South Sudan
163. Spain
164. Sri Lanka
165. Sudan
166. Suriname
167. Swaziland
168. Sweden
169. Switzerland⁴
170. Syria
171. Tajikistan
172. Tanzania
173. Thailand
174. Togo
175. Tonga
176. Trinidad and Tobago
177. Tunisia
178. Turkey
179. Turkmenistan
180. Tuvalu
181. Uganda
182. Ukraine
183. United Arab Emirates
184. United Kingdom
185. United States
186. Uruguay
187. Uzbekistan
188. Vanuatu
189. Venezuela
190. Vietnam
191. Yemen
192. Zambia
193. Zimbabwe

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