



FICHA TÉCNICA DE LA ASIGNATURA

Datos de la asignatura	
Nombre completo	Derecho del comercio internacional: la OMC
Código	E000003895
Título	Máster Universitario en Asuntos Internacionales: Economía, Política y Derecho por la Universidad Pontificia Comillas
Impartido en	Máster Universitario en Asuntos Internacionales: Economía, Política y Derecho [Primer Curso]
Nivel	Postgrado Oficial Master
Cuatrimestre	Semestral
Créditos	4,0 ECTS
Carácter	Optativa
Responsable	Profª Dra. Ildiko Szegedy Maszák
Horario de tutorías	Mayo 20-29 días hábiles 15:00-16:00. Resto semestre con cita previa por facetime.
Descriptor	Discute las tendencias actuales de las políticas comerciales intern. del sistema multilateral de comercio desarrolladas en la OMC, Tratados de Libre Comercio y Tratados de Protección de Inversión Extranjera. Estudia la regulación del CI. a través del análisis de las cadenas globales de producción, relacionando comercio de bienes y servicios con inversión extranjera y propiedad intelectual. Como contrapunto de la liberalización de flujo de bienes, servicios y capital, analiza las tendencias proteccionistas de las políticas económicas nacionales recientes y cómo afecta al sistema de CI. Se estudia en profundidad la actual Guerra Comercial para analizarla en su contexto de re-estructuración geopolítica entre los 3 centros regionales de Europa, USA y China, y para poder proponer cambios en la regulación de comercio internacional actual, se enfoca la contradicción entre un sistema regulatorio basado en la economía de mercado en un mundo donde cada día crece más la distorsión de los mismos

Datos del profesorado	
Profesor	
Nombre	Ildikó Szegedy-Maszák
Departamento / Área	Centro de Innovación del Derecho (CID - ICADE)
Correo electrónico	iszegedymaszak@comillas.edu

DATOS ESPECÍFICOS DE LA ASIGNATURA

Contextualización de la asignatura
Aportación al perfil profesional de la titulación



Se espera que los estudiantes:

- adquieran conocimiento detallado sobre los temas regulatorios claves del sistema de comercio internacional;
- tengan una buena comprensión de los debates económicos y políticos relacionados con el comercio internacional;
- discutan críticamente la regulación del comercio internacional y propongan sus eventuales modificaciones;
- utilicen datos de comercio internacional para describir sectores económicos;
- analicen casos de la OMC para deducir regulación;
- resuelven casos hipotéticos de comercio internacional y presenten argumentos jurídicos en ejercicio de corte simulado de la OMC;
- tengan una sólida comprensión de la estructura y funcionamiento de los acuerdos de cooperación económica de última generación;
- desarrollen habilidades para analizar consideraciones económicas, políticas y sociales relacionadas con los acuerdos de cooperación económica de última generación;
- tengan una visión crítica sobre la amplia gama de temas normativos implicados en la Guerra Comercial actual;
- tomen y representen posiciones preestablecidas en simulación de debates regulatorios de comercio internacional;
- hagan proyecciones sobre el futuro del sistema de comercio internacional.

Prerequisitos

No existen formalmente requisitos previos

Competencias - Objetivos

Competencias

GENERALES

CGI03	Capacidad de resolución de problemas y toma de decisiones en un contexto internacional	
	RA1	Comprensión adecuada de los problemas planteados, identificando las cuestiones jurídicas y/o políticas sustanciales frente a las marginales, así como la secuencia que debe seguirse para su resolución.
	RA2	Utilización correcta de los conocimientos teóricos adquiridos para la resolución de los problemas o casos prácticos planteando, en su caso, diversas alternativas suficientemente razonadas y argumentadas desde los ámbitos político y jurídico.
CGI04	Capacidad de gestión de la información de fuentes diversas que integran el ámbito internacional	
	RA1	Capacidad para tratar la información: búsqueda y selección de la información necesaria, estableciendo conexiones e interrelaciones entre datos distintos.



	RA1	Conocimiento y manejo de distintos medios y fuentes para la obtención de la información: textos y manuales especializados, Internet, bases de datos, etc.
CGI06	Capacidad de comunicación oral y escrita en una segunda lengua	
	RA1	Comprensión de los textos escritos especializados en inglés
	RA2	Capacidad para redactar informes políticos y jurídicos en inglés.
	RA3	Capacidad para expresarse correctamente en esa lengua, utilizando un vocabulario preciso y adecuado al realizar presentaciones orales o participando en debates.
CGP10	Capacidad de liderazgo y trabajo en equipo multicultural	
	RA1	Capacidad de liderazgo y trabajo en equipo multicultural.
	RA2	Capacidad para valorar el trabajo propio y las aportaciones de los demás; realizar propuestas para el reparto del trabajo que optimice las capacidades de cada uno de los miembros del grupo.
	RA3	Respeto hacia las opiniones ajenas y búsqueda de fórmulas para la negociación y la obtención de una solución satisfactoria
CGP11	Reconocimiento y respeto a la diversidad y multiculturalidad	
	RA1	Capacidad para valorar la multiculturalidad en distintos ámbitos como un elemento enriquecedor para la sociedad e imprescindible para las relaciones internacionales.
	RA2	Conocimiento y respeto hacia otros contextos culturales, tomando conciencia de las implicaciones que ello puede tener en el ámbito de las relaciones políticas y en aplicación de las normas jurídicas y la resolución de controversias.
CGP12	Capacidad crítica y autocrítica en un entorno con múltiples variables	
	RA1	Capacidad de identificar, acotar y definir problemas reales de forma lógica y situarlos y estudiarlos de acuerdo a un marco analítico adecuado
	RA2	Capacidad de valorar críticamente los distintos enfoques y teorías y reflexionar de manera personal e independiente sobre diversos problemas.
CGS14	Capacidad para aprender y trabajar de forma autónoma	
	RA1	Capacidad de lectura y comprensión crítica de la bibliografía de referencia.
	RA2	Capacidad y destreza para llevar a cabo una investigación independiente.



CGS15	Capacidad de adaptación al cambio que caracteriza un entorno profesional internacional	
	RA1	Capacidad para aplicar los conocimientos adquiridos a otras realidades.
	RA2	Valorar los cambios como un aspecto positivo y aprender a gestionar los mismos.
ESPECÍFICAS		
CE05	Conocer la reforma de las principales instituciones internacionales y la redefinición de sus competencias.	
	RA1	Analizar detalladamente y comprender la complejidad de la creación de una estructura institucional comunitaria garante del funcionamiento de la UE y de la consecución de sus objetivos.
	RA2	Analizar en profundidad el ordenamiento jurídico comunitario y sus implicaciones prácticas a la hora de garantizar la primacía y, en su caso, la eficacia directa de estas normas comunitarias.
	RA3	Conocer los aspectos legales de la creación y funcionamiento de las Organizaciones Internacionales, tanto universales como regionales; así como los procesos de reforma precisos para su adecuación al fenómeno de la globalización.
CE06	Conocer y saber resolver los problemas de coexistencia entre los Ordenamientos Jurídicos de los Estados miembros y el Derecho de la Unión Europea	
	RA1	Conocimiento en profundidad de la interacción del Derecho Internacional Público y del Derecho de la Unión Europea, en particular, con otros ordenamientos jurídicos, identificando las principales consecuencias prácticas que ello conlleva (conflictos y mecanismos de solución de controversias, etc.).
	RA2	Apreciar la diversidad de los sistemas jurídicos como una fuente de riqueza, desarrollando las destrezas necesarias para el ejercicio de la profesión jurídica en un ámbito internacional.
CE07	Conocimiento especializado, mediante simulaciones, del funcionamiento práctico de las instituciones de la Unión Europea	
	RA1	Capacidad para comprender cuestiones políticas y jurídicas internacionales suscitadas por el funcionamiento de la UE y las OOI, utilizando los recursos necesarios para ello y valorando su alcance y conexiones con otras cuestiones
	RA2	Capacidad para identificar cuestiones políticas y jurídicas internacionales, en general, y del ámbito de la Unión Europea, en particular, a partir del planteamiento de hechos no estructurados.



CE08	Identificar y reconocer los problemas y desafíos de la seguridad internacional y la resolución de conflictos	
	RA1	Conocimiento avanzado del marco actual de las Relaciones Internacionales y de la agenda de la seguridad internacional, asimilando la actuación de los diversos actores estatales e internacionales.
	RA2	Identificar los rasgos esenciales de la política exterior y de seguridad de España.
	RA3	Analizar y plantear eventuales respuestas a algunos conflictos armados y crisis activas en nuestros días.
CE09	Conocer los principales autores, enfoques e ideas en el estudio de las relaciones internacionales	
	RA1	Analizar detalladamente la incidencia de los factores económicos actuales en la dinámica que preside las Relaciones Internacionales.
	RA2	Identificar la incidencia política de nuevos actores en las Relaciones Internacionales
	RA3	Conocer en profundidad el marco jurídico en el que se desenvuelven los nuevos actores.
CE10	Conocer los principales dilemas éticos presentes en los asuntos internacionales	
	RA1	Analizar en detalle los grandes desafíos éticos de los Asuntos Internacionales
	RA2	Conocimiento detallado de las implicaciones del concepto de ciudadanía mundial.
	RA3	Comprender y discernir los desafíos éticos de una sociedad multicultural.
	RA4	Conocer en profundidad la premisa de los Derechos Humanos en la dimensión internacional.
CE11	Conocer los principios de la política exterior y comercial de Estados Unidos	
CEO06	Conocer y comprender en profundidad el fenómeno de globalización política, con especial referencia a la gobernanza y democracia global	
	RA1	Comprensión de los retos y cambios que han supuesto, para los actores internacionales, el fenómeno de la globalización.
	RA2	Analizar las respuestas que los Estados en función de su desarrollo económico y político; la generación de códigos de autogobierno por las empresas en su camino hacia la globalización y la cesión del ejercicio de competencia soberanas estatales



		a favor de otras instancias.
	RA3	Analizar en profundidad la necesidad de arbitrar sistemas democráticos en los países en vías de desarrollo como garantía de su inserción en el proceso de globalización económica, jurídica y política.
CEO07	Conocimiento avanzado de la política de seguridad internacional, con especial referencia a la lucha antiterrorista y la cooperación penal en Europa.	
	RA1	Comprender los distintos elementos que integran la actual política de seguridad internacional de los Estados, con especial referencia a la lucha antiterrorista.
	RA2	Analizar los avances en materia de definición del terrorismo y la necesidad de cooperar a nivel internacional para combatirlo.
	RA3	Conocer en profundidad los instrumentos de coordinación policial y judicial existentes a nivel internacional, con especial relevancia en el ámbito europeo.
CEO08	Conocer en profundidad y comprender de manera avanzada el actual marco regulador del comercio internacional en el contexto de la Organización Mundial del Comercio	
	RA1	Comprender el actual marco regulador del comercio internacional, en el contexto que forman la Organización Mundial del Comercio y los Tratados que la integran (GATT, GATS, TRIPS, etc.).
	RA2	Analizar cuestiones relativas a la legalidad de los obstáculos al libre comercio de mercancías, servicios e inversiones; a la creación de medidas de defensa comercial (derechos anti-dumping y anti-subsidios); al arreglo pacífico de controversias en el marco de los paneles de la OMC o a la compatibilidad de las Organizaciones Internacionales regionales de integración económica con las reglas de la OMC.
CEO09	Conocimiento detallado de los aspectos estratégicos y culturales de la negociación y contratación internacional	
	RA1	Comprender los principales aspectos estratégicos y culturales que determinan el éxito de las negociaciones internacionales.
	RA2	Analizar los problemas técnicos que suscita la contratación internacional (e.g., redacción de contratos y cartas de intenciones; formularios internacionales de contratación; procesos de due diligence, etc.), con los elementos fundamentales de los contratos internacionales más habituales y con los diversos medios de prevención y resolución de los conflictos que pueden surgir en ese ámbito.
CEO10	Conocimiento especializado de la política migratoria y de asilo	
		Conocer los rasgos básicos de los fenómenos migratorios contemporáneos y las



RA1

políticas que los Estados instrumentan como respuesta a los mismos, presentando especial atención, de un lado, a la política legislativa sobre extranjería y asilo y, de otro, al caso español y europeo.

BLOQUES TEMÁTICOS Y CONTENIDOS

Contenidos – Bloques Temáticos

MODULO I. CLASE 1

Ultimate Generation Trade Agreements and Multilateral Trading System

In this module we will be covering current levels of trade liberalization achieved in the World Trade Organization, including the economic and political interests influencing pro and contra trade liberalization in the multilateral trading system. We will also analyze ultimate generation trade agreements (CPTPP, CETA and ChAFTA) and contrast their achievements with the lack of development in the multilateral trading system. Finally, we will discuss current interests of the United States related to ultimate generation trade agreements.

By the end of this module, students will be able to:

1. Describe current levels of trade liberalization achieved in the World Trade Organization.
2. Analyze diverse economic and political interests influencing pro and contra trade liberalization through the multilateral trading system.
3. Categorize ultimate generation trade agreements.
4. Select key areas regulated in ultimate generation trade agreements.
5. Assess levels of trade liberalization achieved through ultimate generation trade agreements.
6. Contrast levels of trade liberalization in the World Trade Organization with ultimate generation trade agreements.

Discuss current interests of the United States related to ultimate generation trade agreements.

MODULO 2 – CLASES 2-3

Legal Institutions, Principles and Exceptions of Trade Liberalization

In this module we will be covering institutions and dispute resolution mechanisms of the World Trade Organization and ultimate generation trade agreements. We will also discuss the necessities and ways how to reform the institutions and dispute resolution mechanism of the World Trade Organization. We will also analyze how principles (MFN, national treatment) and exceptions (general and security) of trade liberalization are regulated and applied in the WTO and in CETA / USMCA (examples of ultimate generation trade agreements). Finally, we will also discuss how the US using the security exception to implement additional tariffs in the US steel and aluminum sectors generated Trade War in 2018.

By the end of this module, students will be able to:

1. Compare institutions and dispute resolution mechanisms of the World Trade Organization with



ultimate generation trade agreements.

2. Recommend changes in the institutions and dispute resolution mechanism of the World Trade Organization.
3. Distinguish between two principles of trade liberalization: most-favored nation and national treatment, applying case law.
4. Explain application of trade liberalization principles in ultimate generation trade agreements.
5. Contrast general exceptions with security exceptions, applying case law.
6. Debate the practice of the United States using security exceptions in the Trade War.

Use legal principles and exceptions to resolve hypothetical situation.

MODULO 3 – CLASES 4-5

Protective Trade Measures (Safeguards, Anti-dumping, Countervailing of Subsidies) versus Trade War

In this module we will be covering protective trade measures available in the multilateral trading system. Advantages and disadvantages of current safeguards regulation in the World Trade Organization are analyzed. The current US practice applying anti-dumping and countervailing measures is also discussed. Students are also encouraged to predict possible subsidy related legal conflicts of COVID-19 rescue packages and follow-up national economic policies. Finally, the on-going Trade War is analyzed, including the 5 battles and the preliminary phase one agreement between the United States and China. It is clearly stated out that the Trade War is the result of the diminishing trust in the multilateral trading system (WTO), particularly from the part of the US (one of the most important founding father of the multilateral trading system).

By the end of this module, students will be able to:

1. Compare advantages and disadvantages of current safeguards regulation in the World Trade Organization.
2. Assess the application of safeguards regulation in the Trade War.
3. Discuss the current United States practice in applying anti-dumping and countervailing measures.
4. Predict possible subsidy related legal conflicts of COVID-19 rescue packages and follow-up national economic policies.
5. Distinguish between five different battles of the Trade War.
6. Debate the phase one agreement between the United States and China.

Role-play affected sectoral interests by the Trade War in the United States and China

MODULO 4 – CLASES 6-7

Trade in Services, Investment, Intellectual Property Rights

In this module we will be covering regulation of cross-border trade in services and investment in ultimate generation trade agreements. We will analyze advantages and disadvantages of negative lists and ratchet clauses of this regulation. Special interest is given to the affectation of public services, as well as the current debate on conflict resolution mechanisms in foreign direct investment. We will also discuss intellectual property and foreign direct investment related conflicts of the Trade War and will make reflections on the growing concerns regarding incoming Chinese investment in the US. We will consider multilateral regulatory



reform options to better tackle services, investment and intellectual property related trade conflicts.

By the end of this module, students will be able to:

1. Contrast regulation of cross-border trade in services with regulation of investment in ultimate generation trade agreements.
2. Debate advantages and disadvantages of negative lists and ratchet clauses, especially related to public services.
3. Assess current debate on conflict resolution mechanisms in foreign direct investment.
4. Analyze interests of the United States in negotiating protection of intellectual property rights in trade agreements.
5. Identify intellectual property and foreign direct investment related conflicts of the Trade War.
6. Discuss current position of the United States on Chinese investment.

Devise multilateral regulatory options to tackle services, investment and intellectual property related trade conflict.

MODULO 5 – CLASE 8

Regulatory Cooperation, Public Procurement, Competition, Environment, Labor

In this module we will be covering the concerns regarding regulatory cooperation in ultimate generation trade agreements. We will discuss antitrust related basic considerations comparing national solutions with the necessities of the global market. Finally, we will close our module, as well as our course, making reflections on global greening and global fair labor tendencies confronting these social realities with existing international trade regulations, where these regulations seem to lag behind.

By the end of this module, students will be able to:

1. Analyze advantages and disadvantages of regulatory cooperation in ultimate generation trade agreements.
2. Discuss current position of the United States on opening the public procurement market for foreign participants.
3. Restate antitrust related basic considerations for the purposes of the global market.
4. Analyze regulation of trade and environment in ultimate generation trade agreements.
5. Contrast global greening tendencies of the economy with existent trade related environmental regulations.
6. Analyze regulation of trade and labor in ultimate generation trade agreements.

Contrast global fair labor tendencies with existent trade related labor regulations.

BIBLIOGRAFÍA Y RECURSOS

Bibliografía Básica



MODULO 1 - CLASE 1

Ultimate Generation Trade Agreements and Multilateral Trading System

1. **Professor Ildikó Szegedy-Maszák's power point presentations:**

1.1 WTO history-sources of law

1.2 WTO Doha

1.3 CPTPP

1.4 CETA

1.5 ChAFTA

https://www.dropbox.com/sh/ef3dv0xmgi1dbbu/AAC140b4uI9ph7eJF3y_Lhzoa?dl=0

2. **McKinsey&Company: Five hidden ways that globalization is changing (2019)**

<https://www.mckinsey.com/featured-insights/innovation-and-growth/five-hidden-ways-that-globalization-is-changing>

3. **ICTSD: WTO, IMF, World Bank Chiefs Call for Backing Trade, Domestic Adjustment Policies (2017)**

<http://www.ictsd.org/bridges-news/bridges/news/wto-imf-world-bank-chiefs-call-for-backing-trade-domestic-adjustment>

4. **Anabel González (PIIE): A memo to trade ministers on how trade policy can help fight COVID-19 (2020)**

<https://www.piie.com/blogs/trade-and-investment-policy-watch/memo-trade-ministers-how-trade-policy-can-help-fight-covid>

5. **Congressional Research Service: US-Japan Trade Agreement Negotiations (2020)**

<https://crsreports.congress.gov/product/pdf/IF/IF11120>

6. **Mary E. Lovely and Jeffrey J. Schott (PIIE): The USMCA: New, Modestly Improved, but Still Costly (2019)**

<https://www.piie.com/blogs/trade-and-investment-policy-watch/usmca-new-modestly-improved-still-costly>

MODULO 2 – CLASES 2-3

Legal Institutions, Principles and Exceptions of Trade Liberalization

1. **Professor Ildikó Szegedy-Maszák's power point presentations:**

1.1 WTO structure and functioning

1.2 WTO dispute settlement



- 1.3 FTA dispute settlement
- 1.4 MFN, national treatment
- 1.5 General and security exceptions

<https://www.dropbox.com/sh/wt6htxmodfessen/AACgGjOQpa9wRwQU9WZiv28Ha?dl=0>

2. **WTO Cases**

- 1. Colombia-Textiles
- 2. Japan-Alcoholic Beverages
- 3. Brazil-Retreaded Tires
- 4. US-Gasoline
- 5. US-Shrimp
- 6. Russia-Transit

<https://www.dropbox.com/sh/17b511rftg2zoge/AADghYqc4zyA8H8oRIm8HGtma?dl=0>

3. **Sections I., II., III., XX., XXI. of GATT**

https://www.wto.org/english/docs_e/legal_e/gatt47.pdf

Sections 1.4-1.10, 2.1-2.13, 26.1-26.6, 28.1-28.3, 28.6, 29.1-29.19 of CETA

https://ec.europa.eu/trade/policy/in-focus/ceta/ceta-chapter-by-chapter/index_en.htm

Sections 1.1-1.4, 2.1-2.17, 30.1-30.6, 31.1-31.19, 32.1-32.3 of USMCA

<https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between>

4. **Reade Pickert and Bryce Baschuk: Will Trump Finally Turn His Trade Guns on the WTO? (2018)**

<https://www.bloomberg.com/news/articles/2018-06-29/will-trump-finally-turn-his-trade-guns-on-the-wto-quicktake>

5. **Chad P. Bown and Soumaya Keynes: Why did Trump end the WTO's Appellate Body? Tariffs. (PIIE) (2020)**

<https://www.piie.com/blogs/trade-and-investment-policy-watch/why-did-trump-end-wtos-appellate-body-tariffs>

6. **Department of Commerce - Fact Sheet: Section 232 Investigations: The Effect of Imports on the National Security**

<https://www.commerce.gov/news/fact-sheets/2017/04/fact-sheet-section-232-investigations-effect-imports-national-security>

7. **Secretary Ross Releases Steel and Aluminum 232 Reports in Coordination with White House (2018)**

<https://www.commerce.gov/news/press-releases/2018/02/secretary-ross-releases-steel-and-aluminum-232-reports-coordination>

8. **Chad P. Bown (PIIE): Trump's Steel and Aluminum Tariffs Are Counterproductive. Here Are 5 More Things You Need to Know (2018)**

<https://piie.com/blogs/trade-investment-policy->



[watch/trumps-steel-and-aluminum-tariffs-are-counterproductive-here-are?utm_source=update-newsletter&utm_medium=email&utm_campaign=2018-03-12](https://www.comillas.edu/watch/trumps-steel-and-aluminum-tariffs-are-counterproductive-here-are?utm_source=update-newsletter&utm_medium=email&utm_campaign=2018-03-12)

9. William Alan Reinsch and Jack Caporal: The WTO's First Ruling on National Security: What Does It Mean for the United States? (2019)

<https://www.csis.org/analysis/wtos-first-ruling-national-security-what-does-it-mean-united-states>

MODULO 3 – CLASES 4-5

Protective Trade Measures (Safeguards, Anti-dumping, Countervailing of Subsidies) versus Trade War

1. Professor Ildikó Szegedy-Maszák's power point presentations:

- 1.1 Safeguards
- 1.2 Antidumping
- 1.3 Subsidies
- 1.4 US Import Relief Regulation
- 1.5 Trade War and Globalization

https://www.dropbox.com/sh/xjksqu6zyhf5geg/AAB_tNqxdbfbsrKFJ6TmJsda?dl=0

2. WTO Cases

1. US-Steel
2. Australia-A4 copypaper
3. EU-Large Civil Aircrafts
4. Trade War WTO cases (EU-Additional Duties, US-Steel and Aluminum)

<https://www.dropbox.com/sh/3klcq5kntrdq7cg/AAD8AaXO6K9znMtQBliB1-u6a?dl=0>

3. Sections VI., XVI., XIX. of GATT

https://www.wto.org/english/docs_e/legal_e/gatt47.pdf

Sections 3.1-3.7, 7.1-7.9 of CETA

https://ec.europa.eu/trade/policy/in-focus/ceta/ceta-chapter-by-chapter/index_en.htm

Sections 10.1-10.18 of USMCA

<https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between>

4. Elizabeth Becker: U.S. Tariffs on Steel Are Illegal, World Trade Organization Says (2003)

<https://www.nytimes.com/2003/11/11/business/us-tariffs-on-steel-are-illegal-world-trade-organization-says.html>

5. Phil Levy: Dumping, Cheating And Illegality: Trump Misleads The Public On Steel Tariffs (2018)



<https://www.forbes.com/sites/phillevy/2018/03/12/dumping-cheating-and-illegality-trump-misleads-the-public-on-steel-tariffs/#3f5d9aff69a2>

6. **USITC: Understanding Antidumping & Countervailing Duty Investigations, Antidumping and Countervailing Duty Laws Under the Tariff Act of 1930**

https://www.usitc.gov/press_room/usad.htm

7. **Chad P. Bown :The 2018 US-China Trade Conflict After 40 Years of Special Protection (2019)**

<https://piie.com/publications/working-papers/2018-us-china-trade-conflict-after-40-years-special-protection>

8. **Bryce Baschuk: WTO Issues Mixed Ruling Over U.S. Duties for Cheap Chinese Goods (2019)**

<https://www.bloomberg.com/news/articles/2019-07-16/wto-issues-mixed-ruling-over-u-s-duties-for-cheap-chinese-goods>

9. **Alex Wayne, Jenny Leonard, and Shawn Donnan: Trump Targets China Over WTO 'Developing Nation' Crackdown (2019)**

<https://www.bloomberg.com/news/articles/2019-07-16/wto-issues-mixed-ruling-over-u-s-duties-for-cheap-chinese-goods>

10. **Chad P. Bown and Melina Kolb: Trump's Trade War Timeline: An Up-to-Date Guide (2020)**

<https://www.piie.com/sites/default/files/documents/trump-trade-war-timeline.pdf>

11. **Chad P. Bown and Eva (Yiwen) Zhang (PIIE): First Tariffs, Then Subsidies: Soybeans Illustrate Trump's Wrongfooted Approach on Trade (2018)**

<https://piie.com/blogs/trade-investment-policy-watch/first-tariffs-then-subsidies-soybeans-illustrate-trumps>

12. **Chad P. Bown (PIIE): Unappreciated hazards of the US-China phase one deal (2020)**

<https://www.piie.com/blogs/trade-and-investment-policy-watch/unappreciated-hazards-us-china-phase-one-deal>

MODULO 4 – CLASES 6-7

Trade in Services, Investment, Intellectual Property Rights

1. **Sections 8.1-8.17, 9.1-9.7, 20.1-20.30 (this is the IPR section just browse it through to get the structure) of CETA**

https://ec.europa.eu/trade/policy/in-focus/ceta/ceta-chapter-by-chapter/index_en.htm

Sections 14.1-14.17, 15.1-15.12, 20.1-20.77 (this is the IPR section just browse it through to get the structure) of USMCA

<https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada->



- [agreement/agreement-between](#)
2. **David. A. Gantz: USMCA Provisions on Intellectual Property, Services, and Digital Trade (RICE University Baker Institute REPORT 01.17.20) (2020)**
<https://www.bakerinstitute.org/media/files/files/2ead146a/bi-report-011720-mex-usmca.pdf>
 3. **Making Sense of CETA: CHAPTER 3 - Public Services under Threat (by Roeline Knottnerus, Transnational Institute with Scott Sinclair, CCPA); CHAPTER 4 - Trade in Services (by PowerShift e.V. and CCPA) (2016) pp 27-37.**
<https://www.tni.org/files/publication-downloads/making-sense-of-ceta-2018.pdf>
 4. **David. A. Gantz: The United States-Mexico-Canada Agreement: Settlement of Disputes (RICE University Baker Institute REPORT 05.02.19) (2019)**
<https://www.bakerinstitute.org/media/files/files/d14a5a86/bi-report-050219-mex-usmca-3.pdf>
 5. **Paul Panckhurst: How China Is Opening Up to Foreign Finance Firms (2018)**
<https://www.bloomberg.com/news/articles/2017-11-10/how-china-is-opening-up-to-foreign-finance-firms-quicktake-q-a>
 6. **Cathy Chan: China's Opening to Wall Street Comes With Caveats: QuickTake (2018)**
<https://www.bloomberg.com/news/articles/2018-04-25/china-s-opening-to-wall-street-comes-with-caveats-quicktake>
 7. **CMS: Implementing Regulations of the Foreign Investment Law of the People's Republic of China and Supporting Documents took Effect (2020)**
https://www.cms-china.info/insight/2020_China/01_Corporate/Newsletter_Corporate.html
 8. **Wiley: U.S. Senate and House of Representatives Agree on Final CFIUS Bill; Likely Passage This August (2018)**
<https://www.wileyrein.com/newsroom-articles-4847.html>
 9. **Minyuan Zhao: China's intellectual property rights policies: A strategic view, Journal of International Business Policy (2020)**
<https://link.springer.com/article/10.1057/s42214-019-00046-5>

MODULO 5 – CLASE 8

Regulatory Cooperation, Public Procurement, Competition, Environment, Labor

1. **Sections 17.1-17.4, 19.1-19.19 (this is the Public Procurement section just browse it through to get the structure), 21.1.-21.9, 23.1-23.11, 24.1-24.16 of CETA**
https://ec.europa.eu/trade/policy/in-focus/ceta/ceta-chapter-by-chapter/index_en.htm
Sections 13.1-13.21 (this is the Public Procurement section just browse it through to get the structure), 21.1-21.7, 23.1-23.17, 24.1-24.32, 28.1-28.20 of USMCA
<https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada->



[agreement/agreement-between](#)

2. **Making Sense of CETA: CHAPTER 6 - More cooperation for less regulation (Max Bank, LobbyControl with Ronan O' Brien and Lora Verheecke, Corporate Europe Observatory) (2016) pp 43-47.**

<https://www.tni.org/files/publication-downloads/making-sense-of-ceta-2018.pdf>

3. **David. A. Gantz: The USMCA: Updating NAFTA by Drawing on the Trans-Pacific Partnership (RICE University Baker Institute REPORT (02.21.20) (2020)**

<https://www.bakerinstitute.org/media/files/files/8c6c8de7/bi-report-061620-mex-usmca-10.pdf>

4. **XINHUA: China's 2018 government procurement up 11.7% (2019)**

http://www.xinhuanet.com/english/2019-09/08/c_138374596.htm

5. **Jean Heilman Grier: China: Revising Tendering and Bidding Law (2020)**

<https://trade.djaghe.com>

6. **Jean Heilman Grier: China's New GPA Offer: Enhances Accession Prospects (2019)**

<https://trade.djaghe.com/?p=6073>

7. **David. A. Gantz: The U.S.-Mexico-Canada Agreement: Labor Rights and Environmental Protection (RICE University Baker Institute REPORT (06.13.19) (2020)**

<https://www.bakerinstitute.org/files/14432/>



Bibliografía Complementaria

MODULO 1 - CLASE 1

Ultimate Generation Trade Agreements and Multi Trading System

1. Christopher F. Corr, Francisco de Rosenzweig, William Moran, Samuel David Scoles, and CPTPP Enters into Force: What Does it Mean for Global Trade? (2019)

<https://www.whitecase.com/publications/alert/cptpp-enters-force-what-does-it-mean-global-trad>

2. Heng Wang: An Assessment of the ChAFTA and Its Implications: A Work-in-Progress Type Innovations?

https://www.researchgate.net/publication/330211754_An_Assessment_of_the_ChAFTA_and_Its_in-Progress_Type_FTA_with_Selective_Innovations

3. European Parliament: CETA implementation – SMEs and regions in focus (2019)

[https://www.europarl.europa.eu/RegData/etudes/IDAN/2019/644179/EPRS_IDA\(2019\)644179_EN.p](https://www.europarl.europa.eu/RegData/etudes/IDAN/2019/644179/EPRS_IDA(2019)644179_EN.p)

MODULO 2 – CLASES 2-3

Legal Institutions, Principles and Exceptions of Trade Liberalization

1. Tetyana Payosova, Gary Clyde Hufbauer, and Jeffrey J. Schott: The Dispute Settlement Crisis in the World Trade Organization: Causes and Cures (2018)

<https://piie.com/system/files/documents/pb18-5.pdf>

2. Shawn Donnan: Tariffs Are Starting to Look Like the Goal, Not a Tool, for Trump (2019)

<https://www.bloomberg.com/news/articles/2019-05-14/trump-s-tariffs-start-to-look-like-goal-and-no>

MODULO 3 – CLASES 4-5

Protective Trade Measures (Safeguards, Anti-dumping, Countervailing of Subsidies) versus Trade War



1. **European Commission: MEMO/03/225 US Steel Safeguard Measures: Questions & Answers (**
http://europa.eu/rapid/press-release_MEMO-03-225_en.htm

2. **Enda Curran and Andrew Mayeda: How the U.S.-China Trade War Reached a Turning Point (2**
<https://www.bloomberg.com/news/articles/2019-03-27/how-u-s-china-trade-war-has-reached-a-turn>

3. **WTO: Panels established to review US steel and aluminium tariffs, countermeasures on US ir**
https://www.wto.org/english/news_e/news18_e/dsb_19nov18_e.htm

4. **Rich Miller: Lessons Learned—and Forgotten—from the Last Trade War (2018)**
<https://www.bloomberg.com/news/articles/2018-07-27/lessons-learned-and-forgotten-from-last-trad>

5. **Chad P. Bown and Mary E. Lovely (PIIE): Trump's phase one deal relies on China's state**
(2020)
<https://www.piie.com/blogs/trade-and-investment-policy-watch/trumps-phase-one-deal-relies-chinas-enterprises>

MODULO 4 – CLASES 6-7

Trade in Services, Investment, Intellectual Propere

1. **Professor Ildikó Szegedy-Maszák´s power point presentations:**

- 1.1 Trade in Services WTO
- 1.2 Trade in Services FTA
- 1.3 Investment WTO
- 1.4 Investment FTA
- 1.5 Intellectual Property WTO
- 1.6 Intellectual Property FTA
- 1.7 CETA Impact Services
- 1.8 CETA Financial Services
- 1.9 Global Value Chains and Services

https://www.dropbox.com/sh/p7rjkh4fs1gn2yk/AACVZBqbejMJIWyd9_ptxmjCa?dl=0



2. **Making Sense of CETA: CHAPTER 1 - Investment protection and dispute settlement in CETA** Canadian Centre for Policy Alternatives (CCPA) (2016) pp 13-21.

<https://www.tni.org/files/publication-downloads/making-sense-of-ceta-2018.pdf>

MODULO 5 – CLASE 8

Regulatory Cooperation, Public Procurement, Competition, Environment, Labor

1. **Professor Ildikó Szegedy-Maszák's power point presentations:**

1. Public Procurement
2. Competition
3. Environment
4. Labor Rights
5. Labor Mobility

<https://www.dropbox.com/sh/8xwis2smghuu4c/AACDUZGfmkPpE5Bnh384yIXXa?dl=0>

METODOLOGÍA DOCENTE

Aspectos metodológicos generales de la asignatura

Los temas se desarrollan en clase como resultado de conversaciones continuas con los estudiantes, estas discusiones se fundamentan en lecturas y ejercicios previamente asignados. Las clases son prácticas y se basan en casos. Las tendencias actuales se analizan también utilizando datos estadísticos sectoriales.

RESUMEN HORAS DE TRABAJO DEL ALUMNO

HORAS PRESENCIALES	
Clases magistrales. Consistente en la exposición de los contenidos de la asignatura de forma clara y estructurada por parte del profesor. El objetivo principal de esta actividad es presentar e introducir a los alumnos en el contenido de los distintos bloques temáticos, de forma que puedan abordar el estudio de los mismos y desarrollar los trabajos propuestos.	
40.00	
HORAS NO PRESENCIALES	
Trabajos monográficos de carácter práctico que estimulen la reflexión personal de los estudiantes.	
80.00	
CRÉDITOS ECTS: 4,0 (120,00 horas)	

EVALUACIÓN Y CRITERIOS DE CALIFICACIÓN



Calificaciones

MODULO 1 - CLASE 1

Ultimate Generation Trade Agreements and Multilateral Trading System

1. Ultimate Generation Trade Agreements Group Presentation

Module 1 discusses trade liberalization through ultimate generation trade agreements, including key areas of regulation and levels of trade liberalization achieved.

As multilateral trade talks stalled in the World Trade Organization, countries turned towards bilateral and regional trade negotiations to develop their trade liberalization agenda. The US was an early champion with NAFTA and also played a crucial role in the negotiations of TPP (precursor of CPTPP). Currently, the European Union and Canada represents the most progressive trade liberalization positions through their participation in ultimate generation trade agreements. These trade agreements cover much broader topics than traditional trade talks. Cross-border trade in services, Investment, IPRs, Public Procurement, Electronic Trade, Subsidies, Regulatory Cooperation, Trade and Competition, Trade and Environment, and Trade and Labor. Trade liberalization particularly agricultural products is another highly debated negotiation topic.

Before class session 1:

- Please work in three break-out groups and prepare a 10-minute presentation per group (power point, prezi, video or any other method of your choice is welcome). You can sign up to any one of the following break-out groups based on your personal interest (up to a maximum three students can participate in each one break-out group):

Group 1 works on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)

Group 2 works on the EU-Canada Comprehensive Economic and Trade Agreement (CETA);

Group 3 works on the China-Australia Free Trade Agreement (ChAFTA).

This is your choice on which particular issues of the assigned ultimate generation trade agreement you wish to focus your attention. Please discuss possible advantages and disadvantages, as well as, your assessment on the trade liberalization achieved through the assigned ultimate generation trade agreement.

- Please upload your presentation per each break-out group through Moodle.

During class session 1:

- Please share your 10-minute presentation as per break-out group with your fellow students.
- Please participate in a 10-minute class discussion on each assigned ultimate generation trade agreement raising and answering questions.

CPTPP, CETA and ChAFTA power point presentations in Module 1 obligatory readings and Module 1 Optional Materials on ultimate generation trade agreements provide detailed information to facilitate your participation in the Ultimate Generation Trade Agreements Group Presentation exercise.

It is a graded exercise to discuss major characteristics of assigned ultimate generation trade agreements. Exercise represents 10% of the final grade. Grading rubric:



Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	65 Points Students discuss advantages and disadvantages, and assessment on the trade liberalization achieved by assigned ultimate generation trade agreement	40 Points Students discuss advantages and disadvantages of assigned ultimate generation trade agreement	20 Points Students discuss advantages of assigned ultimate generation trade agreement	0 Points Students do not discuss either advantages and disadvantages, or assessment on the trade liberalization achieved by assigned ultimate generation trade agreement	65
Sources	30 Points Students use 3 academic sources	20 Points Students use 2 academic sources	10 points Students use 1 academic source	0 points Students do not use any academic sources	30
Length	5 Points Material is enough for a 10-minute presentation in length		0 Points Material is not enough for a 10-minute presentation in length		5
Total Points: 100					

2. Module 1 –Trade Agreements and WTO regulatory topics Quiz

Through the Trade Agreements and WTO regulatory topics Quiz you are revising key concepts discussed in Module 1. It is an open book exercise of three open-end questions. You can easily answer this Quiz based on your Module 1 obligatory readings. Each answer is expected to be between 200-250 words. You can have many attempts as you feel necessary. Your very last upload is graded. Please present your Quiz within 10 days after Session 1. Written comments will be provided on your work.

It is a graded exercise and represents 5% of the final grade. Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	45 Points Student answers	30 Points Student answers	15 Points Student answers	0 Points Student does not	45



	all three questions correctly	two questions correctly	one question correctly	answer any questions correctly
Length	5 Points		0 Points	5
	Answers are 200-250 words in length		Answers are not 200-250 words in length	
Total Points: 50				

Please answer the following three open-end questions:

1. Please explain two agricultural sector related specific items of the Doha WTO Agenda, please include reasons of your choice.
2. Please explain two specific examples of liberalization of services in ChAFTA, please include reasons of your choice.
3. Please explain one potential advantage and one potential problem or conflict resulting from implementation of USMCA.

MODULO 2 – CLASES 2-3

Legal Institutions, Principles and Exceptions of Trade Liberalization

1. WTO Principles and Exceptions Hypothetical Case

Module 2 introduces principles (MFN, national treatment) and exceptions (general and security) of trade liberalization in the WTO.

MFN (most-favored nation) and national treatment are the underlying principles of trade liberalization. MFN provides equal treatment between third country products and services. National treatment prohibits discrimination between national and imported products and services. These principles are limited in nature and scope as established in GATT and GATS. Furthermore, the WTO system recognizes that parties can face special circumstances (regulatory necessities) when they are obliged to divert from the multilateral rules to attend to public interest. For this reason, general and security exceptions are introduced in the multilateral trade regulation. The main purpose of the multilateral trading system is trade liberalization, therefore these exceptions (general and security) are narrowly interpreted, as any exception applied is a trade barrier in effect.

Before class session 3:

- Please work in three break-out groups and prepare a 1000-word hypothetical case analysis per group. You can work in any break-out group of your choice (up to a maximum three students can participate in any one break-out group). The same hypothetical case is analyzed in the three groups.
- Please identify legal problems and use WTO regulation including WTO cases to analyze legal problems. Your analysis is expected to be party neutral, although you must be prepared to represent any one of the three countries involved in the hypothetical case during the class session.
- Please upload your hypothetical case per each break-out group through Moodle.

During class session 3:

- Please represent one of the three involved countries in your break-out group. Please present your



arguments from the standpoint of that particular country. You will have 10 minutes to prepare your arguments in your break-out group and 10 minutes (per break-out group) for your presentation. You choose the country you wish to represent during class session.

- Please participate in a 15-minute class discussion to review hypothetical case findings.

Principles and Exceptions power point presentations, WTO cases and WTO treaty sections in Module 2 obligatory readings provide detailed information to facilitate your participation in the WTO Principles and Exceptions Hypothetical Case exercise.

It is a graded exercise to discuss WTO trade liberalization principles and exceptions. Exercise represents 10% of the final grade. Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	65 Points Students identify legal problems, use WTO regulation, and include WTO cases	40 Points Students identify legal problems and use WTO regulation	20 Points Students identify legal problems	0 Points Students do not identify legal problems, do not use WTO regulation, and do not include any WTO cases	65
Sources	30 Points Students use 6 WTO cases	20 Points Students use 4 WTO cases	10 points Students use 2 WTO cases	0 points Students do not use any WTO cases	30
Length	5 Points Hypothetical case analysis is 1000-words in length		0 Points Hypothetical case analysis is not 1000-words in length		5
Total Points: 100					

Please analyze the following WTO Principles and Exceptions Hypothetical Case:

World stainless steel production grew by 40% in the last 10 years, while growth in demand is lagging behind. Major stainless-steel producing countries decided to implement different public policies to support their sectors.

India applies minor excise tax exemption to stainless-steel sheets and stainless-steel pipes, only if locally produced in India. Companies in India need to obtain a special government permit if they use more than 30% imported stainless-steel sheets (versus national origin) in auto parts production. India imports stainless-steel sheets from the US.

India considers that tax exemptions and the special government permit are necessary to implement an important energy-efficiency modernization project in the stainless-steel sector that results in enhanced



protection of the environment.

The US imposed an additional 45% of ad-valorem tariff on all imported stainless-steel products, above the WTO maximum MFN rate (as established in the WTO by the US). The US considers that increased imports of stainless steel products causes damage to national producers. The US also considers that stainless-steel production is a national security interest.

India and various EU countries export stainless-steel products to the US. India and the European Union decided to retaliate. India banned all bourbon imports from the US, arguing human health concerns. The European Union imposed an additional 20% ad-valorem tariff on all imported stainless-steel products from the US remain within the WTO maximum MFN rate (as established in the WTO by the EU).

2. Module 2 – WTO Principles and Exceptions Quiz

Through the WTO Principles and Exceptions Quiz you are revising key concepts discussed in Module 2. It is an open book exercise of three open-end questions limited to the topic of Principles and Exceptions in WTO. You can easily answer this Quiz based on your Module 2 obligatory readings. Each answer is expected to be between 200-250 words. You can have as many attempts as you feel necessary. Your very last upload is graded. Please present your Quiz within 10 days after session 3. Written comments will be provided on your work. It is a graded exercise and represents 5% of the final grade.

Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	45 Points Student answers all three questions correctly	30 Points Student answers two questions correctly	15 Points Student answers one question correctly	0 Points Student does not answer any questions correctly	45
Length	5 Points Answers are 200-250 words in length		0 Points Answers are not 200-250 words in length		5
Total Points: 50					

Please answer the following three open-end questions:

1. Please explain the three-step-test of the principle of Most Favored Nation.
2. Please explain the difference between the application of GATT article III paragraph 2 first sentence and second sentence, using the Japan-Alcoholic Beverages II case.
3. Please explain the two-step-test of the application of GATT Article XX.

MODULO 3 – CLASES 4-5

Protective Trade Measures (Safeguards, Anti-dumping, Countervailing of Subsidies) versus Trade War



1. Trade War Phase One Agreement Debate

Module 3 discusses the Trade War and debates the phase one agreement between the United States and China.

The US and Chinese administrations got to a very limited phase one agreement in the Trade War early 2020. Nevertheless, the terms of the agreement are highly questionable, not only of practicality but as of economic viability. The bulk of the questions why the Trade War was initiated in the first hand are not treated. The agreement is practically limited to Chinese obligations to substantially (aprox 40%) increase imports of US products. Agricultural products is an important target as well as crude oil and liquified gas. The COVID-19 world economic crisis seems to further jeopardize this very fragile agreement.

Before class session 5:

- Please work in three break-out groups and prepare a 1000-word position paper. You can sign up to one of the following break-out groups based on your personal interest (up to a maximum two students can participate in any one break-out group):

Group 1 US steel sector;

Group 2 US agricultural sector;

Group 3 US tech sector;

Group 4 US Trade Representative.

This is your choice on which particular interests of the assigned sector you wish to focus your attention on. Please discuss possible advantages and disadvantages, as well as, your proposal as sectoral representative to the US Trade Representative regarding the phase one agreement between the United States and China. If you are in the role of the US Trade Representative focus your position paper on the advantages and possible further works to be done (sell the deal).

- Please upload your position paper per each break-out group through Moodle.

During class session 5 please participate in the Phase-One Debate:

- US Trade Representative initiates debate (2 minutes);
- Present your group position in 5 minutes to the US Trade Representative (Group 1-3);
- Cross-question between all four groups;
- US Trade Representative draws conclusions (3 minutes).

Trade War and Globalization Power point presentation and Articles in Module 3 obligatory readings and Module 3 Optional Materials on phase one-deal provide detailed information to facilitate your participation in the Trade War Phase One Agreement Debate exercise.

It is a graded exercise to role-play affected sectoral interests by the Trade War in the United States and China. Exercise represents 10% of the final grade. Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	65 Points	40 Points	20 Points	0 Points	65



	Students discuss possible advantages and disadvantages, as well as present proposal regarding phase one agreement	Students discuss possible advantages and disadvantages of phase one agreement	Students discuss possible advantages of phase one agreement	Students do not discuss possible advantages or disadvantages, neither present proposal regarding phase one agreement	
Sources	30 Points Students use 3 academic sources	20 Points Students use 2 academic sources	10 points Students use 1 academic source	0 points Students do not use any academic sources	30
Length	5 Points Trade war debate position paper is 1000-words in length		0 Points Trade war debate position paper is not 1000-words in length		5
Total Points: 100					

2. Module 3 – Trade War Battles Quiz

Through the Trade War Battles Quiz you are revising the 5 big battles of the Trade War discussed in Module 3. This is an open book exercise of three open-end questions limited to the topic of the Trade War battles. You can easily answer this Quiz based on your Module 3 obligatory readings. Each answer is expected to be between 200-250 words. You can have as many attempts as you feel necessary. Your very last upload is graded. Please present your Quiz within 10 days after Session 5. Written comments will be provided on your work.

It is a graded exercise and represents 5% of the final grade. Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	45 Points Student answers all three questions correctly	30 Points Student answers two questions correctly	15 Points Student answers one question correctly	0 Points Student does not answer any questions correctly	45
Length	5 Points Answers are 200-250 words in length		0 Points Answers are not 200-250 words in length		5

Total Points: 50



Please answer the following three open-end questions:

1. Please explain the major findings of the Section 232 national security investigation in the US steel sector in 2018. Please include reasons, why the US chooses to argue national security.
2. Please explain two specific examples of Trade War retaliation in the agricultural sector. Please include reasons, why this particular sector is affected by retaliation.
3. Please explain two specific mechanisms of Chinese IPR violations argued by the US in Battle No 3 of Trade War.

MODULO 4 – CLASES 6-7

Trade in Services, Investment, Intellectual Property Rights

1. IPRs / FDI Group Practical Case Study with Group Peer Review

Module 4 discusses intellectual property and foreign direct investment related conflicts of the Trade War and makes reflections on the current position of the United States on how to treat incoming Chinese investment in the US.

The lack of proper protection of intellectual property rights in China, as well as forced technology transfer related to foreign direct investment are in the heart of the Trade War between the US and China. The major trade sanctions in place are based on these particular allegations. Additionally, concerns are mounting in the US regarding national security concerns of Chinese investment in key US sectors, especially, once state-owned enterprises are behind these investments. Chinese presence through the US financial sector (investment funds, pension funds and the stock exchanges) is also under growing scrutiny. Nevertheless, it is not only the US that is worried about these issues. The European Union has expressed a harsh stance on China and European security regulation of foreign direct investment is in the pipeline.

Before class session 7:

- Please work in two break-out groups and prepare a 1000-word case analysis per group. You can work in any break-out group of your choice (up to a maximum four students can participate in any one break-out group). The same practical case is analyzed in the two groups.
- Please advise your US client (of the case) on the possible investment risks it can face in China and legal considerations its Chinese partner must be aware of when investing in the US.
- Please upload your case per each break-out group through Moodle.

During class session 7:

- Please review and make comments (peer review) in your break-out group of the case study presented by the other group.
- Please participate in a 30-minute class discussion to revise case findings.

Articles in Module 4 obligatory readings on IPRs and FDI provide detailed information to facilitate your participation in the IPRs / FDI Group Case Study with Group Peer Review exercise.

It is a graded exercise to discuss IPRs / FDI related problems in practice. Exercise represents 10% of the final grade. Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria
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					Points
Content	65 Points Students advise US client on possible IPRs and investment risks it can face in China and the legal considerations its Chinese partner must be aware of when investing in the US	40 Points Students advise US client on possible IPRs and investment risks it can face in China	20 Points Students advise US client on possible IPR-risks it can face in China	0 Points Students do not advise US client either on possible IPRs and investment risks it can face in China or the legal considerations its Chinese partner must be aware of when investing in the US	65
Sources	30 Points Students use 3 academic sources	20 Points Students use 2 academic sources	10 points Students use 1 academic source	0 points Students do not use any academic sources	30
Length	5 Points Practical case analysis is 1000-words in length		0 Points Practical case analysis is not 1000-words in length		3

Total Points: 100

Please analyze the following IPRs / FDI Group Practical Case:

Your client is NANOBI, a US company building nanostructures using bio principles from synthetic biology. NANOBI cooperates with Foundry at the Broad Institute of MIT and Harvard. NANOBI is protecting its inventions through patent (registered in the US) and industrial secret. NANOBI would like to enter into the Chinese market of personalized medicines and cell therapies. XFNANO, Nanjing based company offered to establish a joint venture with NANOBI in Shanghai. The deal includes that XFNANO becomes 30% owner of NANOBI appointing one of the five NANOBI board members in the US. NANOBI has concerns about the convenience of the deal because of potential legal risks present in China and in the US. NANOBI is seeking out to your advice, what to be aware of when revising XFNANO's offer.

2. Module 4 – Services, Investment, IPRs Quiz

Through the Services, Investment, IPRs Quiz you are revising key concepts of the three most important regulatory areas of ultimate generation trade agreements discussed in Module 4. It is an open book exercise with three open-end questions limited to the topic of services, investment and IPRs. You can easily answer this Quiz based on your Module 4 obligatory readings. Each answer is expected to be between 200-250 words. You can have as many attempts as you feel necessary. Your very last upload is graded. Please present your Quiz within 10 days after Session 7. Written comments will be provided on your work.



It is a graded exercise and represents 5% of the final grade. Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	45 Points Student answers all three questions correctly	30 Points Student answers two questions correctly	15 Points Student answers one question correctly	0 Points Student does not answer any questions correctly	45
Length	5 Points Answers are 200-250 words in length		0 Points Answers are not 200-250 words in length		5
Total Points: 50					

Please answer the following three open-end questions:

1. Please explain one specific example of negative list with ratchet in USMCA cross-border service regulation and one specific example in USMCA investment regulation.
2. Please explain two specific novelties in USMCA regarding investment dispute resolution.
3. Please explain two specific examples of US position regarding patent protection, which usually generate debate in trade agreement negotiations.

MODULO 5 – CLASE 8

Regulatory Cooperation, Public Procurement, Competition, Environment, Labor

1. Environment / Labor Group Research

Module 5 discusses global greening and global fair labor tendencies confronting these social realities with existing international trade regulations.

Global greening and global fair labor are fundamental building blocks of our society to create sustainable future for the next generations. International trade regulations are seriously lagging behind in these fields. Traditionally, international trade regulation had very limited view on environment and labor, where a restrictive rule was considered as potential trade barrier. International environmental and labor norms are a source of WTO law. Furthermore, even ultimate generation trade agreements limit their action to a language of good intentions with no traditional dispute resolution and trade sanctions available in these cases (CET). USMCA seems to bring new possibilities in the field of labor disputes.

Before class session 8:

- Please work in two break-out groups and prepare a 15-minute presentation per group (power point, pre-recorded video or any other method of your choice is welcome). You can sign up to any one of the following break-out groups based on your personal interest (up to a maximum four students can participate in any of the groups).



break-out group):

Group 1 - global greening tendencies versus USMCA environmental regulation;

Group 2 - global fair labor tendencies versus USMCA labor regulation.

This is your choice on which particular issues you wish to focus your attention. Please implement independent research and try to choose and discuss an important problem area of greening / fair labor. Please also make sure to review the political debate (in and out of Congress) on the particular USMCA regulation you are dealing with.

- Please upload your presentation per each break-out group through Moodle.

During class session 8:

- Please share your 15-minute presentation as per break-out group with your fellow students.
- Please participate in a 10-minute class discussion on each regulatory topic.

USMCA sections in Module 5 obligatory readings provide detailed information to initiate your independent research of the Environment / Labor Group Research exercise.

It is a graded exercise to contrast greening / fair labor tendencies with USMCA trade regulation. Exercise represents 10% of the final grade.

Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	65 Points Students choose an important problem area of greening / fair labor, review political debate in Congress, and debate out of Congress on the particular USMCA regulation	40 Points Students choose an important problem area of greening / fair labor, and review political debate in Congress on the particular USMCA regulation	20 Points Students choose an important problem area of greening / fair labor	0 Points Students do not choose an important problem area of greening / fair labor, do not review political debate in Congress, either debate out of Congress on the particular USMCA regulation	65
Sources	30 Points Students use 6 academic sources	20 Points Students use 4 academic sources	10 points Students use 2 academic sources	0 points Students do not use any academic sources	30
Length	5 Points		0 Points		5



Material is enough for a 15-minute presentation in length

Material is not enough for a 15-minute presentation in length

Total Points: 100

FINAL ASSESSMENT GROUP INNOVATION PROJECT

DURANTE LAS DOS SEMANAS SIGUIENTES DESPUES DE CLASE 8

Overview

The goal of this project is to put into practice all what we learnt during our course. We are looking forward to generating a space for a dynamic group work where you can dream, create, test your ideas thus be innovative. You are requested through our hypothetical investment case to present a business idea and win the USD 10 millions offered by our hypothetical investor Mrs Goodwill. Mrs Goodwill has clear ideas what she prefers and what not. She asks for various elements discussed during our course to be present in your proposal: 1) direct investment in Canada from the US (taking advantage of USMCA); 2) cross-border services in Spain from Canada using Canadian investment (taking advantage of CETA); 3) IPRs (taking advantage of USMCA and CETA protection); 4) public procurement in Spain (taking advantage of CETA); 5) corporate social responsibility (being green and labor friendly). Innovation is aiming to resolve through new ideas a necessity / problem detected. Therefore, we are looking for a business idea. Please use public information available regarding Canadian and Spanish markets. The key is the idea and its legal viability. You do not need to prove financial viability.

ACTIVIDADES DE EVALUACIÓN

MODULO 1 - CLASE 1

Ultimate Generation Trade Agreements and Multilateral Trading System

1. Ultimate Generation Trade Agreements Group Presentation

Module 1 discusses trade liberalization through ultimate generation trade agreements, including key areas regulation and levels of trade liberalization achieved.

As multilateral trade talks stalled in the World Trade Organization, countries turned towards bilateral and regional trade negotiations to develop their trade liberalization agenda. The US was an early champion with NAFTA and also played a crucial role in the negotiations of TPP (precursor of CPTPP). Currently, the European Union and Canada represents the most progressive trade liberalization positions through their participation in ultimate generation trade agreements. These trade agreements cover much broader topics than traditional trade talks. Cross-border trade in services, Investment, IPRs, Public Procurement, Electronic Trade, Subsidies, Regulatory Cooperation, Trade and Competition, Trade and Environment, and Trade and Labor. Trade liberalization



particularly agricultural products is another highly debated negotiation topic.

Before class session 1:

- Please work in three break-out groups and prepare a 10-minute presentation per group (power point, prezi, video or any other method of your choice is welcome). You can sign up to any one of the following break-out groups based on your personal interest (up to a maximum three students can participate in any one break-out group):

Group 1 works on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)

Group 2 works on the EU-Canada Comprehensive Economic and Trade Agreement (CETA);

Group 3 works on the China-Australia Free Trade Agreement (ChAFTA).

This is your choice on which particular issues of the assigned ultimate generation trade agreement you wish to focus your attention. Please discuss possible advantages and disadvantages, as well as, your assessment on the trade liberalization achieved through the assigned ultimate generation trade agreement.

- Please upload your presentation per each break-out group through Moodle.

During class session 1:

- Please share your 10-minute presentation as per break-out group with your fellow students.
- Please participate in a 10-minute class discussion on each assigned ultimate generation trade agreement raising and answering questions.

CPTPP, CETA and ChAFTA power point presentations in Module 1 obligatory readings and Module 1 Optional Materials on ultimate generation trade agreements provide detailed information to facilitate your participation in the Ultimate Generation Trade Agreements Group Presentation exercise.

It is a graded exercise to discuss major characteristics of assigned ultimate generation trade agreements. Exercise represents 10% of the final grade. Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	65 Points	40 Points	20 Points	0 Points	65
	Students discuss advantages and disadvantages, and assessment on the	Students discuss advantages and disadvantages of assigned ultimate	Students discuss advantages of assigned ultimate generation trade	Students do not discuss either advantages and disadvantages, or	



	trade liberalization achieved by assigned ultimate generation trade agreement	generation trade agreement	trade agreement	assessment on the trade liberalization achieved by assigned ultimate generation trade agreement	
Sources	30 Points Students use 3 academic sources	20 Points Students use 2 academic sources	10 points Students use 1 academic source	0 points Students do not use any academic sources	30
Length	5 Points Material is enough for a 10-minute presentation in length		0 Points Material is not enough for a 10-minute presentation in length		5
Total Points: 100					
<p>2. Module 1 –Trade Agreements and WTO regulatory topics Quiz</p> <p>Through the Trade Agreements and WTO regulatory topics Quiz you are revising key concepts discussed Module 1. It is an open book exercise of three open-end questions. You can easily answer this Quiz based your Module 1 obligatory readings. Each answer is expected to be between 200-250 words. You can have many attempts as use feel necessary. Your very last upload is graded. Please present your Quiz within 10 d after Session 1. Written comments will be provided on your work.</p> <p>It is a graded exercise and represents 5% of the final grade. Grading rubric:</p>					
Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	45 Points Student answers all three questions correctly	30 Points Student answers two questions correctly	15 Points Student answers one question correctly	0 Points Student does not answer any questions correctly	45
Length	5 Points Answers are 200-250 words in length		0 Points Answers are not 200-250 words in		5



length

Total Points: 50

Please answer the following three open-end questions:

1. Please explain two agricultural sector related specific items of the Doha WTO Agenda, please include reasons of your choice.
2. Please explain two specific examples of liberalization of services in ChAFTA, please include reasons of your choice.
3. Please explain one potential advantage and one potential problem or conflict resulting from implementation of USMCA.

MODULO 2 – CLASES 2-3

Legal Institutions, Principles and Exceptions of Trade Liberalization

1. WTO Principles and Exceptions Hypothetical Case

Module 2 introduces principles (MFN, national treatment) and exceptions (general and security) of trade liberalization in the WTO.

MFN (most-favored nation) and national treatment are the underlying principles of trade liberalization. MFN provides equal treatment between third country products and services. National treatment prohibits discrimination between national and imported products and services. These principles are limited in nature and are established in GATT and GATS. Furthermore, the WTO system recognizes that parties can face special circumstances (regulatory necessities) when they are obliged to divert from the multilateral rules to attend to public interest. For this reason, general and security exceptions are introduced in the multilateral trade regulation. The main purpose of the multilateral trading system is trade liberalization, therefore these exceptions (general and security) are narrowly interpreted, as any exception applied is a trade barrier in effect.

Before class session 3:

- Please work in three break-out groups and prepare a 1000-word hypothetical case analysis per group. You can work in any break-out group of your choice (up to a maximum three students can participate in any one break-out group). The same hypothetical case is analyzed in the three groups.
- Please identify legal problems and use WTO regulation including WTO cases to analyze legal problems. Your analysis is expected to be party neutral, although you must be prepared to represent any one of the three countries involved in the hypothetical case during the class session.
- Please upload your hypothetical case per each break-out group through Moodle.



During class session 3:

- Please represent one of the three involved countries in your break-out group. Please present your arguments from the standpoint of that particular country. You will have 10 minutes to prepare your arguments in your break-out group and 10 minutes (per break-out group) for your presentation. You can choose the country you wish to represent during class session.
- Please participate in a 15-minute class discussion to review hypothetical case findings.

Principles and Exceptions power point presentations, WTO cases and WTO treaty sections in Module 2 obligatory readings provide detailed information to facilitate your participation in the WTO Principles and Exceptions Hypothetical Case exercise.

It is a graded exercise to discuss WTO trade liberalization principles and exceptions. Exercise represents 10% of the final grade. Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	65 Points Students identify legal problems, use WTO regulation, and include WTO cases	40 Points Students identify legal problems and use WTO regulation	20 Points Students identify legal problems	0 Points Students do not identify legal problems, do not use WTO regulation, and do not include any WTO cases	65
Sources	30 Points Students use 6 WTO cases	20 Points Students use 4 WTO cases	10 points Students use 2 WTO cases	0 points Students do not use any WTO cases	30
Length	5 Points Hypothetical case analysis is 1000-words in length		0 Points Hypothetical case analysis is not 1000-words in length		5
Total Points: 100					



Please analyze the following WTO Principles and Exceptions Hypothetical Case:

World stainless steel production grew by 40% in the last 10 years, while growth in demand is lagging behind. Major stainless-steel producing countries decided to implement different public policies to support their sectors.

India applies minor excise tax exemption to stainless-steel sheets and stainless-steel pipes, only if locally produced in India. Companies in India need to obtain a special government permit if they use more than 30% imported stainless-steel sheets (versus national origin) in auto parts production. India imports stainless-steel sheets from the US.

India considers that tax exemptions and the special government permit are necessary to implement an important energy-efficiency modernization project in the stainless-steel sector that results in enhanced protection of the environment.

The US imposed an additional 45% of ad-valorem tariff on all imported stainless-steel products, above the WTO maximum MFN rate (as established in the WTO by the US). The US considers that increased imports of stainless-steel products causes damage to national producers. The US also considers that stainless-steel production is a national security interest.

India and various EU countries export stainless-steel products to the US. India and the European Union decided to retaliate. India banned all bourbon imports from the US, arguing human health concerns. The European Union imposed an additional 20% ad-valorem tariff on all imported stainless-steel products from the US remaining within the WTO maximum MFN rate (as established in the WTO by the EU).

2. Module 2 – WTO Principles and Exceptions Quiz

Through the WTO Principles and Exceptions Quiz you are revising key concepts discussed in Module 2. It is an open book exercise of three open-end questions limited to the topic of Principles and Exceptions in WTO. You can easily answer this Quiz based on your Module 2 obligatory readings. Each answer is expected to be between 200-250 words. You can have as many attempts as you feel necessary. Your very last upload is graded. Please present your Quiz within 10 days after session 3. Written comments will be provided on your work. It is a graded exercise and represents 5% of the final grade.

Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	45 Points Student answers all three questions correctly	30 Points Student answers two questions correctly	15 Points Student answers one question correctly	0 Points Student does not answer any questions correctly	45



Length	5 Points Answers are 200-250 words in length	0 Points Answers are not 200-250 words in length	5
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Total Points: 50

Please answer the following three open-end questions:

1. Please explain the three-step-test of the principle of Most Favored Nation.
2. Please explain the difference between the application of GATT article III paragraph 2 first sentence and second sentence, using the Japan-Alcoholic Beverages II case.
3. Please explain the two-step-test of the application of GATT Article XX.

MODULO 3 – CLASES 4-5

Protective Trade Measures (Safeguards, Anti-dumping, Countervailing of Subsidies) versus Trade War

1. Trade War Phase One Agreement Debate

Module 3 discusses the Trade War and debates the phase one agreement between the United States and China

The US and Chinese administrations got to a very limited phase one agreement in the Trade War early 2020. Nevertheless, the terms of the agreement are highly questionable, not only of practicality but as of economic viability. The bulk of the questions why the Trade War was initiated in the first hand are not treated. The agreement is practically limited to Chinese obligations to substantially (aprox 40%) increase imports of US products. Agricultural products is an important target as well as crude oil and liquified gas. The COVID-19 world economic crisis seems to further jeopardize this very fragile agreement.

Before class session 5:

- Please work in three break-out groups and prepare a 1000-word position paper. You can sign up to any one of the following break-out groups based on your personal interest (up to a maximum two students can participate in any one break-out group):

Group 1 US steel sector;

Group 2 US agricultural sector;

Group 3 US tech sector;

Group 4 US Trade Representative.



This is your choice on which particular interests of the assigned sector you wish to focus your attention. Please discuss possible advantages and disadvantages, as well as, your proposal as sector representative to the US Trade Representative regarding the phase one agreement between the United States and China. If you are in the role of the US Trade Representative focus your position paper on advantages and possible further works to be done (sell the deal).

- Please upload your position paper per each break-out group through Moodle.

During class session 5 please participate in the Phase-One Debate:

- US Trade Representative initiates debate (2 minutes);
- Present your group position in 5 minutes to the US Trade Representative (Group 1-3);
- Cross-question between all four groups;
- US Trade Representative draws conclusions (3 minutes).

Trade War and Globalization Power point presentation and Articles in Module 3 obligatory readings and Module 4 Optional Materials on phase one-deal provide detailed information to facilitate your participation in the Trade War Phase One Agreement Debate exercise.

It is a graded exercise to role-play affected sectoral interests by the Trade War in the United States and China. Exercise represents 10% of the final grade. Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	65 Points Students discuss possible advantages and disadvantages, as well as present proposal regarding phase one agreement	40 Points Students discuss possible advantages and disadvantages of phase one agreement	20 Points Students discuss possible advantages of phase one agreement	0 Points Students do not discuss possible advantages or disadvantages, neither present proposal regarding phase one agreement	65
Sources	30 Points Students use 3 academic sources	20 Points Students use 2 academic sources	10 points Students use 1 academic source	0 points Students do not use any academic sources	30
Length	5 Points			0 Points	5



Trade war debate position paper is 1000-words in length	Trade war debate position paper is not 1000-words in length
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Total Points: 100

2. Module 3 – Trade War Battles Quiz

Through the Trade War Battles Quiz you are revising the 5 big battles of the Trade War discussed in Module 3. This is an open book exercise of three open-end questions limited to the topic of the Trade War battles. You can easily answer this Quiz based on your Module 3 obligatory readings. Each answer is expected to be between 200-250 words. You can have as many attempts as you feel necessary. Your very last upload is graded. Please present your Quiz within 10 days after Session 5. Written comments will be provided on your work.

It is a graded exercise and represents 5% of the final grade. Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	45 Points Student answers all three questions correctly	30 Points Student answers two questions correctly	15 Points Student answers one question correctly	0 Points Student does not answer any questions correctly	45
Length	5 Points Answers are 200-250 words in length		0 Points Answers are not 200-250 words in length		5

Total Points: 50

Please answer the following three open-end questions:

1. Please explain the major findings of the Section 232 national security investigation in the US steel sector in 2018. Please include reasons, why the US chooses to argue national security.
2. Please explain two specific examples of Trade War retaliation in the agricultural sector. Please include reasons, why this particular sector is affected by retaliation.
3. Please explain two specific mechanisms of Chinese IPR violations argued by the US in Battle No 3 of the Trade War.



Trade War.

MODULO 4 – CLASES 6-7

Trade in Services, Investment, Intellectual Property Rights

1. IPRs / FDI Group Practical Case Study with Group Peer Review

Module 4 discusses intellectual property and foreign direct investment related conflicts of the Trade War and makes reflections on the current position of the United States on how to treat incoming Chinese investment the US.

The lack of proper protection of intellectual property rights in China, as well as forced technology transfer related to foreign direct investment are in the heart of the Trade War between the US and China. The major trade sanctions in place are based on these particular allegations. Additionally, concerns are mounting in the regarding national security concerns of Chinese investment in key US sectors, especially, once state-owned enterprises are behind these investments. Chinese presence through the US financial sector (investment funds, pension funds and the stock exchanges) is also under growing scrutiny. Nevertheless, it is not only the worried about these issues. The European Union has expressed a harsh stance on China and European security regulation of foreign direct investment is in the pipeline.

Before class session 7:

- Please work in two break-out groups and prepare a 1000-word case analysis per group. You can work any break-out group of your choice (up to a maximum four students can participate in any one break-out group). The same practical case is analyzed in the two groups.
- Please advise your US client (of the case) on the possible investment risks it can face in China and legal considerations its Chinese partner must be aware of when investing in the US.
- Please upload your case per each break-out group through Moodle.

During class session 7:

- Please review and make comments (peer review) in your break-out group of the case study presented the other group.
- Please participate in a 30-minute class discussion to revise case findings.

Articles in Module 4 obligatory readings on IPRs and FDI provide detailed information to facilitate your participation in the IPRs / FDI Group Case Study with Group Peer Review exercise.

It is a graded exercise to discuss IPRs / FDI related problems in practice. Exercise represents 10% of the final grade. Grading rubric:



Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	65 Points Students advise US client on possible IPRs and investment risks it can face in China and the legal considerations its Chinese partner must be aware of when investing in the US	40 Points Students advise US client on possible IPRs and investment risks it can face in China	20 Points Students advise US client on possible IPR-risks it can face in China	0 Points Students do not advise US client either on possible IPRs and investment risks it can face in China or the legal considerations its Chinese partner must be aware of when investing in the US	65
Sources	30 Points Students use 3 academic sources	20 Points Students use 2 academic sources	10 points Students use 1 academic source	0 points Students do not use any academic sources	30
Length	5 Points Practical case analysis is 1000-words in length		0 Points Practical case analysis is not 1000-words in length		3
Total Points: 100					

Please analyze the following IPRs / FDI Group Practical Case:

Your client is NANOBI, a US company building nanostructures using bio principles from synthetic biology. NANOBI cooperates with Foundry at the Broad Institute of MIT and Harvard. NANOBI is protecting its inventions through patent (registered in the US) and industrial secret. NANOBI would like to enter into the Chinese market of personalized medicines and cell therapies. XFNANO, Nanjing based company offered to establish a joint venture with NANOBI in Shanghai. The deal includes that XFNANO becomes 30% owner of NANOBI appointing one of the five NANOBI board members in the US. NANOBI has concerns about the convenience of the deal because of potential legal risks present in China and in the US. NANOBI is seeking out to your advice, what to be aware of when revising XFNANO's offer.



2. Module 4 – Services, Investment, IPRs Quiz

Through the Services, Investment, IPRs Quiz you are revising key concepts of the three most important regulatory areas of ultimate generation trade agreements discussed in Module 4. It is an open book exercise with three open-end questions limited to the topic of services, investment and IPRs. You can easily answer this Quiz based on your Module 4 obligatory readings. Each answer is expected to be between 200-250 words. You can have as many attempts as you feel necessary. Your very last upload is graded. Please present your Quiz within 10 days after Session 7. Written comments will be provided on your work.

It is a graded exercise and represents 5% of the final grade. Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	45 Points Student answers all three questions correctly	30 Points Student answers two questions correctly	15 Points Student answers one question correctly	0 Points Student does not answer any questions correctly	45
Length	5 Points Answers are 200-250 words in length		0 Points Answers are not 200-250 words in length		5

Total Points: 50

Please answer the following three open-end questions:

1. Please explain one specific example of negative list with ratchet in USMCA cross-border service regulation and one specific example in USMCA investment regulation.
2. Please explain two specific novelties in USMCA regarding investment dispute resolution.
3. Please explain two specific examples of US position regarding patent protection, which usually generate debate in trade agreement negotiations.

MODULO 5 – CLASE 8

Regulatory Cooperation, Public Procurement, Competition, Environment, Labor



1. Environment / Labor Group Research

Module 5 discusses global greening and global fair labor tendencies confronting these social realities with existing international trade regulations.

Global greening and global fair labor are fundamental building blocks of our society to create sustainable future for the next generations. International trade regulations are seriously lagging behind in these fields. Traditionally, international trade regulation had very limited view on environment and labor, where a restrictive rule was considered as potential trade barrier. International environmental and labor norms are a source of WTO law. Furthermore, even ultimate generation trade agreements limit their action to a language of good intentions with no traditional dispute resolution and trade sanctions available in these cases (CETA, USMCA seems to bring new possibilities in the field of labor disputes.

Before class session 8:

- Please work in two break-out groups and prepare a 15-minute presentation per group (power point, pre-recorded video or any other method of your choice is welcome). You can sign up to any one of the following break-out groups based on your personal interest (up to a maximum four students can participate in any one break-out group):

Group 1 - global greening tendencies versus USMCA environmental regulation;

Group 2 - global fair labor tendencies versus USMCA labor regulation.

This is your choice on which particular issues you wish to focus your attention. Please implement independent research and try to choose and discuss an important problem area of greening / fair labor. Please also make sure to review the political debate (in and out of Congress) on the particular USMCA regulation you are dealing with.

- Please upload your presentation per each break-out group through Moodle.

During class session 8:

- Please share your 15-minute presentation as per break-out group with your fellow students.
- Please participate in a 10-minute class discussion on each regulatory topic.

USMCA sections in Module 5 obligatory readings provide detailed information to initiate your independent research of the Environment / Labor Group Research exercise.

It is a graded exercise to contrast greening / fair labor tendencies with USMCA trade regulations. Exercise represents 10% of the final grade.



Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	65 Points Students choose an important problem area of greening / fair labor, review political debate in Congress, and debate out of Congress on the particular USMCA regulation	40 Points Students choose an important problem area of greening / fair labor, and review political debate in Congress on the particular USMCA regulation	20 Points Students choose an important problem area of greening / fair labor	0 Points Students do not choose an important problem area of greening / fair labor, do not review political debate in Congress, either debate out of Congress on the particular USMCA regulation	65
Sources	30 Points Students use 6 academic sources	20 Points Students use 4 academic sources	10 points Students use 2 academic sources	0 points Students do not use any academic sources	30
Length	5 Points Material is enough for a 15-minute presentation in length	0 Points Material is not enough for a 15-minute presentation in length			5

Total Points: 100

FINAL ASSESSMENT GROUP INNOVATION PROJECT

DURANTE LAS DOS SEMANAS SIGUIENTES DESPUES DE CLASE 8

Overview

The goal of this project is to put into practice all what we learnt during our course. We are looking forward generating a space for a dynamic group work where you can dream, create, test your ideas thus be innovative. You are requested through our hypothetical investment case to present a business idea and win the USD



millions offered by our hypothetical investor Mrs Goodwill. Mrs Goodwill has clear ideas what she prefers and what not. She asks for various elements discussed during our course to be present in your proposal: 1) direct investment in Canada from the US (taking advantage of USMCA); 2) cross-border services in Spain from Canada using Canadian investment (taking advantage of CETA); 3) IPRs (taking advantage of USMCA and CETA protection); 4) public procurement in Spain (taking advantage of CETA); 5) corporate social responsibility (being green and labor friendly). Innovation is aiming to resolve through new ideas a necessity / problem detected. Therefore, we are looking for a business idea. Please use public information available regarding Canadian and Spanish markets. The key is the idea and its legal viability. You do not need to prove financial viability.

Learning Outcomes

By the end of this project, students will be able to:

1. Examine current business realities in the United States, Canada and Spain.
2. Determine international trade opportunities based on trade regulation (CETA, USMCA).
3. Invent business idea based on identified international trade opportunities.

Project Checklist

Your tasks for this module are:

1. Watch Group Innovation Project introduction video
2. Set up your three break-out groups.
3. Start designing your innovation project in your break-out groups working towards your innovation project portfolio.
4. Participate in consultation session (one week after session 8) with your professor to talk about your project developments.
5. Keep on designing your innovation project in your break-out groups.
6. Handle in through Moodle your innovation project presentation. Base your presentation on your innovation project portfolio under construction.
7. Participate in consultation session (10 days after session 8) and present your innovation project to your fellow students and professor. Make suggestions on the innovation project of the other break-out groups.
8. Finish all details of your innovation project portfolio in your break-out groups.
9. Handle in through Moodle your innovation project portfolio (one per break-out group) (two weeks after session 8).

Hypothetical Investment Case

Mrs. Goodwill is a venture capitalist. She decided to invest USD 10 millions in the most innovative new project in the market. Mrs. Goodwill is looking for a US company interested in investing in Canada and also operating in Spain. She would like to take advantage of USMCA and CETA provisions. Mrs. Goodwill would like the company to directly invest in Canada. She wishes the US company to provide cross-border services in Spain using its Canadian investment. Mrs. Goodwill wants the winning project to show an important use of own IP. She thinks that the future is in intellectual property. Mrs. Goodwill considers that contracting with the state is a good business. She wishes the winning project to participate in public procurement in Spain. Finally, Mrs. Goodwill thinks that corporate social responsibility is a fundamental issue. The winning project must be green and labor friendly. BE PASSIONATE, DREAM BIG, HAVE FUN THIS IS TO BE CREATIVE. WHEN YOU ARE CREATIVE



YOUR RESULT IS INNOVATIVE.

Assignments

1. Innovation Project Portfolio

Please design innovation projects in three break-out groups of your choice to win Mrs. Goodwill's venture capital. The central elements of your Group Innovation Project are 1) your business idea; and 2) its justification based on USMCA and CETA regulations and US, Canadian and Spanish market realities.

It is suggested designing your Group Innovation Project in four steps:

1. Draw up the core business of your US parent company;
2. Add foreign direct investment and cross-border services elements in Canada and Spain;
3. Add IPRs in Canada and Spain; and public procurement activities in Spain;
4. Double check that your companies are green and labor friendly.

The Innovation Project Portfolio is the central file through which you present your complete Group Innovation Project (one portfolio per break-out group). Please use texts, bullets, drawings, images, videos etc - your portfolio should have an innovative presentation.

Please use the following Innovation Project Portfolio Checklist to make sure that you think of all major project elements:

1. Present the US parent company - name, logo, seat, history, activities, business profile - including sales sector, production and / or services provided, presence in US and worldwide, e-commerce activities, organizational structure, office / factory / retail spaces, workforce etc.
2. Present sub-sector in Canada where investment is planned - detailed presentation of business reality, existing companies, justification of chosen sector.
3. Describe foreign direct investment to be made in Canada - please check out USMCA regulation.
4. Present company resulting from foreign direct investment in Canada - name, logo, seat, activities, business profile - including production and / or services to provide, e-commerce activities, organizational structure, office / factory / retail spaces required, workforce.
5. You can suggest establishing a new company, invest in an existing company (including to buy an existing company).
6. Describe cross-border services to be provided from Canada to Spain - please check out CETA regulation.
7. Describe financing of your investment - Mrs. Goodwill's money plus your share plus other investors, bond issue, loans, venture capital etc.
8. IPRs and public procurement elements are also important:

- take advantage of your already existing IPR or buy / develop new one (please check out IPR)



protection clauses in USMCA and CETA);

- contract with the state in Spain through your Canadian investment, taking advantage of CETA.

9. Your winning business is green and labor responsible.
10. Your communication strategy is fresh and crisp.
11. Present what you want to achieve with your business in three years.

Before first consultation session:

- Please start drawing up in your break-out groups your Innovation Project Portfolio.

During first consultation session:

- Please participate in class session to consult on your Group Innovation Project developments with your professor.

Before hand-in final deadline (two weeks after session 8):

- Please add last touches in your break-out group to your Innovation Project Portfolio.
- Please handle in through Moodle your Innovation Project Portfolio.

It is a graded exercise and represents 30% of the final grade. Grading rubric:

Criteria	Full Marks	Partial Marks	Partial Marks	No Marks	Total Criteria Points
Content	230 Points Students draw up the core business of US parent company; add foreign direct investment and cross-border services elements in Canada and Spain; add IPRs in Canada and Spain, as well as public procurement activities in Spain;	180 Points Students draw up the core business of US parent company; add foreign direct investment and cross-border services elements in Canada and Spain; add IPRs in Canada and Spain, as well as public procurement activities in Spain.	80 Points Students draw up the core business of US parent company	0 Points Students do not draw up the core business of US parent company; do not add foreign direct investment and cross-border services elements in Canada and Spain, or IPRs in Canada and Spain, or public procurement activities in Spain;	230



	and check that companies are green and labor friendly			do not check that companies are green and labor friendly	
Sources	50 Points Students use 10 academic sources	30 Points Students use 7 academic sources	15 points Students use 5 academic sources	0 points Students do not use any academic sources	50
Presentation	20 Points Students use texts, bullets, drawings, images, videos etc. – the portfolio has an innovative presentation		0 Points Students do not use texts, bullets, drawings, images, videos etc. – the portfolio does not have an innovative presentation		20
Total Points: 300					

2. Innovation Project Presentation

The Innovation Project Presentation is a preparatory exercise to revise your Group Innovation Project (under construction) and receive comments from your fellow students and your professor (one presentation per break-out group). You can use any presentation format of your choice (power point, prezi etc). It is recommended to base your presentation on your Innovation Project Portfolio.

Before second consultation session:

- Please prepare the presentation in your break-out groups.

During second consultation session:

- Please participate in class session and present your Group Innovation Project to your fellow students and your professor. Each break-out group has 20 minutes to present.
- Please make suggestions on all other innovation projects in a 20 minute per innovation project free conversation.
- Please vote (through secret poll) on the winning Group Innovation Project.

It is a non-graded exercise to generate peer review of your group innovation project.

En cumplimiento de la normativa vigente en materia de **protección de datos de carácter personal**, le informamos y recordamos que puede consultar los aspectos relativos a privacidad y protección de datos [que ha aceptado en su matrícula](#) entrando en esta web y pulsando "descargar"

[https://servicios.upcomillas.es/sedelectronica/inicio.aspx?csv=02E4557CAA66F4A81663AD10CED66792](https://servicios.upcomillas.es/sedeelectronica/inicio.aspx?csv=02E4557CAA66F4A81663AD10CED66792)



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