



**X International Trade  
Negotiation Skills Course:  
*Intellectual Property Rights  
From Negotiation to Implementation***  
**March 14-23, 2007 • Miami,  
Florida**

Organized by



**SUMMIT OF THE AMERICAS CENTER**  
Latin American and Caribbean Center  
Florida International University  
Miami, Florida



**FIU**

FLORIDA INTERNATIONAL UNIVERSITY  
*Miami's public research university*

In association with



Center of Studies on Economic  
Integration and International Trade  
Buenos Aires, Argentina / Miami, Florida



## I. DESCRIPTION

The *X International Trade Negotiation Skills Course: Intellectual Property Rights* is a nine-day intensive training activity focused on Intellectual Property Rights (IPR) issues, their role within trade agreements and the significance of implementation of Intellectual Property Rights' commitments by countries.

The Intellectual Property Rights chapter has become an obligatory and key element within the trade negotiations agenda, both in multilateral (World Trade Organization – WTO) and regional (regional integration agreements, bilateral or plurilateral free trade agreements) trade agreements. In a globalized context, in which border protection measures progressively recede to give place to negotiation and implementation of trade rules and trade related disciplines in order to provide a uniform legal and institutional frame for business development at international scale, the establishment of homogeneous enforcement standards and effective compliance with Intellectual Property Rights is an issue both complex and conflictive due to the multiplicity of juxtaposed interests.

Several years after the 1994 World Trade Organization Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) – the fundamental multilateral agreement on the subject – many issues are still heatedly debated within civil society, the trade policy formulation processes and significantly within trade negotiations agendas. Those issues include whether to have “strong” or “weak” legal regimes on Intellectual Property Rights, their relation to economic development through foreign investment attraction and technology transfer, patents for pharmaceutical products, vegetal species, biotechnology, and the relation between Intellectual Property Rights protection and emergence of monopolistic behavior within markets.

Simultaneously, conflicts appear at the implementation level regarding commitments on Intellectual Property Rights protection in trade agreements, which are potential sources for disputes. Participants in this course will learn how to analyze and assess these variables in combination with the application of negotiating techniques in a three day simulation exercise, providing a solid base for further work on the field.

## II. OBJECTIVES

- Identify, explain and analyze the main concepts related with the protection of Intellectual Property Rights and their implementation within an international trade negotiations framework.
- Interpret and understand the impact of Intellectual Property Rights on trade policy formulation and national trade and investment prospects.
- Understand and clarify the scope of the implementation of the commitments made and its projection on a potential dispute.

## III. OUTLINE

The course consists in **three interrelated parts**. **The first** deals with the fundamentals of Intellectual Property Rights within the context of trade policy formulation and international trade agreements. **The second** covers the learning of trade negotiations techniques and its use at every stage in the negotiation processes and how its outcome can be determined. **The third** moves from theory to practice by means of a **simulation exercise on a WTO Dispute Settlement Panel regarding TRIPS compliance**. The simulation exercise is specifically designed so participants can practice their understanding and interpretation of the Intellectual Property Rights significance and their implementation within national trade policy framework, by developing their respective arguments and by the negotiation of compromised formulas, if any, in order to settle the dispute.



**WEDNESDAY, MARCH 14**  
**OPENING SESSION AND COURSE PRESENTATION**

- 08:00 AM PARTICIPANTS ACCREDITATION AND READING MATERIAL HAND OUT  
08:15 AM
- 08:15 AM WELCOME WORDS AND OPENING SESSION  
08:30 AM **CARL A. CIRA**, *DIRECTOR, SUMMIT OF THE AMERICAS CENTER (SOAC), FLORIDA INTERNATIONAL UNIVERSITY*
- 08:30 AM PARTICIPANTS INTRODUCTION. GENERAL EXPLANATION OF THE PROGRAM AND THE  
09:00 AM METHODOLOGY FOR INFORMATION ANALYSIS AND THE DISPUTE SETTLEMENT PANEL SIMULATION EXERCISE.  
**RODOLFO RÚA BOIERO**, *PRESIDENT, CENTER OF STUDIES ON ECONOMIC INTEGRATION AND INTERNATIONAL TRADE (INTEGRAL), DIRECTOR OF THE JOINT WORKING GROUP ON INTELLECTUAL PROPERTY, TRADE AND DEVELOPMENT.*

**INTELLECTUAL PROPERTY RIGHTS, INTERNATIONAL TRADE AND ECONOMIC DEVELOPMENT**

- 09:00 AM PRESENTATION YET TO BE DEFINED  
09:45 AM **CARL A. CIRA**, *SOAC*
- 09:45 AM INTELLECTUAL PROPERTY RIGHTS AND TRADE: THE ECONOMIC DIMENSION OF INTELLECTUAL PROPERTY RIGHTS  
**RODOLFO RÚA BOIERO**, *INTEGRAL*

**COFFEE BREAK – GROUP PHOTO SESSION**

**INTELLECTUAL PROPERTY RIGHTS IN THE MULTILATERAL CONTEXT - TRIPS AGREEMENT ANALYSIS**

- 11:15 AM THE AGREEMENT ON TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS (TRIPS)  
12:00 PM OF THE WORLD TRADE ORGANIZATION.  
**NORMA FÉLIX**, *INTEGRAL, COORDINATOR OF THE JOINT WORKING GROUP ON INTELLECTUAL PROPERTY, TRADE AND DEVELOPMENT, FORMER PRESIDENT OF THE NATIONAL INDUSTRIAL PROPERTY INSTITUTE, ARGENTINA.*
- 12:00 PM INTERNATIONAL STANDARDS IN INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT.  
1:15 PM **JACQUELINE MORALES**, *REPRESENTATIVE OF THE UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)*

**LUNCH**

- 02:30 PM AGREEMENT ON TRIPS: COPYRIGHTS AND RELATED RIGHTS.  
03:15 PM **FEDERICO VIBES**, *ALESINA & ASSOCIATES, BUENOS AIRES, ARGENTINA.*
- 03:15 PM AGREEMENT ON TRIPS: COPYRIGHTS AND RELATED RIGHTS, ISSUES OF CONFLICT  
04:00 PM **MICHAEL J. BUCHENHORN**, *LAWYER, EXPERT ON IPR ISSUES, MIAMI, USA.*

**COFFEE BREAK**

- 04:15 PM AGREEMENT ON TRIPS: INDUSTRIAL PROPERTY, ISSUES OF CONFLICT  
05:00 PM **NORMA FÉLIX**, *INTEGRAL*
- 5:00 PM TRIPS AGREEMENT AND PUBLIC HEALTH  
6:00 PM **NORMA FÉLIX AND LILIANA OTERO**, *COORDINATORS OF THE JOINT WORKING PROGRAM ON INTELLECTUAL PROPERTY, TRADE AND DEVELOPMENT, INTEGRAL*



THURSDAY, MARCH 15

**IMPLEMENTATION AND ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS PROTECTION**

- 9:00 AM THE PROTECTION OF TEST AND OTHER DATA – ELEMENTS OF AN EFFECTIVE LEGISLATION.  
10:00 AM **G. LEE SKILLINGTON**, *FORMER SENIOR COUNSEL IN THE OFFICE OF LEGISLATIVE AND INTERNATIONAL AFFAIRS, US PATENT AND TRADEMARK OFFICE (USPTO)*
- 10:00 AM IPR RIGHTS AND PIRACY  
11:00 AM **DIEGO STECCHI**, *LATIN AMERICA REGIONAL DIRECTOR, SALVATORE FERRAGAMO, MIAMI, US*

**COFFEE BREAK**

**CHAPTER OF INTELLECTUAL PROPERTY RIGHTS IN THE FREE TRADE AGREEMENTS WITH UNITED STATES**

- 11:15 AM THE IPR CHAPTER IN THE US-CHILE FREE TRADE AGREEMENT.  
12:00 PM **CÉSAR PARGA**, *CHIEF TRADE SPECIALIST, DEPARTMENT OF TRADE, TOURISM AND COMPETITIVENESS, ORGANIZATION OF AMERICAN STATES, WASHINGTON, US*
- 12:00 PM THE US- DR-CAFTA AND THE ANDEAN COUNTRIES NEGOTIATION PROCESS  
1:00 PM **CÉSAR PARGA**, *CHIEF TRADE SPECIALIST, DEPARTMENT OF TRADE, TOURISM AND COMPETITIVENESS, ORGANIZATION OF AMERICAN STATES, WASHINGTON, US*

**LUNCH**

**DISPUTE SETTLEMENT REGIME IN THE MULTILATERAL CONTEXT**

- 2:30 PM DISPUTE SETTLEMENT AS AN INSTRUMENT IN TRADE AGREEMENTS NEGOTIATIONS. THE  
3:30 PM MULTILATERAL SYSTEM AND POST DOHA ANALYSIS ASPECTS. NATIONAL ORGANIZATION AND TRAINING.  
**ELENA DI VICO**, *VICE-PRESIDENT OF INTEGRAL HONORARY COUNCIL, FORMER PRESIDENT OF THE NATIONAL FOREIGN TRADE COMMISSION, ARGENTINA*
- 3:30 PM DISPUTE SETTLEMENT IN THE WTO. SPECIAL GROUPS, EXPERT GROUPS, APPELLATE BODY.  
4:00 PM **ELENA DI VICO**, *INTEGRAL*

**COFFEE BREAK**

- 4:15 PM PROCEDURES GOVERNING THE DISPUTE SETTLEMENT. SPECIAL PROCEDURE FOR DEVELOPING  
5:00 PM COUNTRIES. TERMS.  
**ELENA DI VICO**, *INTEGRAL*
- 5:00 PM RELEVANT ISSUES OF A DISPUTE SETTLEMENT PROCESS. EXPEDITED ARBITRATION  
6:00 PM PROCESSES. ARBITRATION FOR IMPLEMENTATION.  
**ELENA DI VICO**, *INTEGRAL*

*NOTE: AT THE END OF THE DAY PARTICIPANTS RECEIVE A QUESTIONNAIRE ON THE ISSUES COVERED, ANSWERS WILL BE DISCUSSED DURING FRIDAY MARCH 15, AFTERNOON SESSION.*



**FRIDAY, MARCH 16**  
**NEGOTIATION TECHNIQUES**

9:00 AM  
11:00 AM

**GOING TO THE MOVIES – NEGOTIATION TECHNIQUES.** SELECTED MOVIES SCENES ILLUSTRATING NEGOTIATIONS SITUATIONS; ITS USE IN THE LEARNING OF NEGOTIATION TECHNIQUES, NEGOTIATION PHASES, STRATEGY AND TACTICS, BASIC NEGOTIATION PRINCIPLES AND CONDUCTS. /  
**RODOLFO RÚA BOIERO, LILIANA OTERO AND CARLOS RESTAINO, PRESIDENT OF INTEGRAL HONORARY ADVISORY COUNCIL**

**COFFEE BREAK**

11:15 AM  
1:00 PM

**GOING TO THE MOVIES – NEGOTIATION TECHNIQUES.** (CONTINUATION)

**LUNCH**

2:30 PM  
3:15 PM

**GOING TO THE MOVIES – NEGOTIATION TECHNIQUES.** (CONTINUATION)

**CONCEPTUAL REVIEW AND SIMULATION EXERCISE PRESENTATION**

3:15 PM  
4:00 PM

INTELLECTUAL PROPERTY - REVIEW OF THE MAIN CONCEPTS: ANALYSIS AND DEBATE.  
**PANEL CONDUCTED BY NORMA FÉLIX, RODOLFO RÚA BOIERO AND LILIANA OTERO, INTEGRAL**

**COFFEE BREAK**

4:15 PM  
5:00 PM

INTELLECTUAL PROPERTY - REVIEW OF THE MAIN CONCEPTS: ANALYSIS AND DEBATE.  
*CONTINUATION*

4:15 PM  
6:30 PM

**SIMULATION EXERCISE PRESENTATION:** WTO DISPUTE SETTLEMENT PANEL ON INTELLECTUAL PROPERTY RIGHTS. CASE EXPLANATION. METHODOLOGICAL DESCRIPTION, GUIDELINES. ELEMENTS FOR DEVELOPING PARTIES' ARGUMENTS.  
**ELENA DI VICO, RODOLFO RÚA BOIERO, LILIANA OTERO, INTEGRAL**

**SATURDAY, MARCH 17**  
**ROLE PLAYING EXERCISE: WTO DISPUTE SETTLEMENT PANEL ON INTELLECTUAL PROPERTY RIGHTS – ASSIGNMENT OF ROLES ; WORK DAY FOR STUDYING AND DEVELOPING PARTIES' ARGUMENTS.**

THE DAY IS DEDICATED TO THE STUDY OF THE CASE, A DISPUTE SETTLEMENT PANEL WITHIN THE WTO, OF A MEMBER'S COMPLAINT AGAINST OTHER MEMBER ALLEGING TRIPS NON COMPLIANCE BY FAILURE TO HARMONIZE ITS NATIONAL LEGISLATION WITH TRIPS OBLIGATIONS. PARTICIPANTS FAMILIARIZE THEMSELVES WITH THE SIMULATION EXERCISE, AND BASED ON THE INFORMATION MADE AVAILABLE, IDENTIFY THE ELEMENTS FOR DEVELOPING THEIR STRATEGY AND THE CORNERSTONE OF THE POSITIONS TO BE SUSTAINED IN THE DISPUTE. DURING THIS SESSION PARTICIPANTS ELABORATE THEIR ARGUMENTS THAT WILL VALIDATE THEIR PRESENTATIONS IN FRONT OF THE PANEL SPECIAL GROUP ACCORDING TO THE GIVEN ROLE, WHICH THEY HAVE TO HAND OUT BY THE END OF THE DAY TO THE COACHERS. TRAINERS WILL BE AVAILABLE DURING THE DAY FOR CONSULTATION. .



**MONDAY, MARCH 19**  
**INTELLECTUAL PROPERTY RIGHTS: IMPLEMENTATION AND RELATION WITH**  
**OTHER TRADE AGREEMENTS CHAPTERS**

- 09:00 AM BIODIVERSITY, INDUSTRIAL PROPERTY AND FREE TRADE  
10:00 AM **ANA MARIA FRIERI**, *PARTNER OLARTE RAISBECK AND FRIERI LTD., BOGOTA, COLOMBIA*
- 10:00 AM PIRACY IN VEGETAL OBTENTIONS AND APPLIED TECHNOLOGIES  
11:00 AM **VICTORIA SERIGÓS**, *VEGETAL OBTENTIONS PROTECTION REGISTRY ASSOCIATION, BUENOS AIRES, ARGENTINA*

**COFFEE BREAK**

- 11:15 AM INTERNATIONAL INTELLECTUAL PROPERTY TREATIES: STATE OF IMPLEMENTATION IN LATIN  
12:00 PM AMERICA.  
**MARCELO DI PIETRO**, *VICE DIRECTOR OF THE ECONOMIC DEVELOPMENT BUREAU FOR LATIN AMERICA AND THE CARIBBEAN, WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) GENEVA, SWITZERLAND,*
- 12:00 PM THE PROPOSAL FOR SUSTAINABLE DEVELOPMENT AGENDA,  
1:00 PM **MARCELO DI PIETRO**, *WIPO*

**LUNCH**

**SPECIAL SESSION AT SQUIRE, SANDERS & DEMPSEY LLP OFFICE**

- 02:00 PM DEPARTURE TO SQUIRE, SANDERS & DEMPSEY LLP OFFICE
- 2:30 PM INTELLECTUAL PROPERTY RIGHTS AND COMPETITION POLICY.  
4:00 PM **SHANKER SINGHAM**, *PARTNER, INTERNATIONAL TRADE AND COMPETITION POLICY GROUP., SQUIRE, SANDERS & DEMPSEY LLP*
- 4:15 PM COMMUNICATIONS CAPACITY AND PRESS RELATIONS  
5:30 PM **RODOLFO RÚA BOIERO**, *PRESIDENT, INTEGRAL*
- 5:30 PM COCKTAIL SPONSORED BY SQUIRE, SANDERS & DEMPSEY LLP  
7:30 PM
- 7:30 PM RETURN TO HOTEL



**TUESDAY, MARCH 20**  
**SIMULATION EXERCISE: SPECIAL GROUP FIRST MEETING WITH DEMANDING PARTY, THE PARTY DEMANDED AGAINST AND THIRD PARTIES.**

09:00 AM SPECIAL GROUP FIRST MEETING, PRESENTATION OF THE DEMANDING PARTY, THE  
11:00 AM PARTY DEMANDED AGAINST AND THIRD PARTIES.

**COFFEE BREAK**

11:15 SPECIAL GROUP FIRST MEETING, PRESENTATION OF THE DEMANDING PARTY, THE  
12:00 PARTY DEMANDED AGAINST AND THIRD PARTIES

**LUNCH**

02:00 PM PREPARATION OF PARTIES' QUESTIONS. EACH PARTY PREPARES THE QUESTIONS TO  
04:00 PM POSE TO THE OTHER PARTIES ACCORDING TO THE PRESENTATIONS MADE.

**COFFEE BREAK**

04:15 PM SPECIAL GROUP MEETING, REPLY SESSION TO THE QUESTIONS OF THE OTHER PARTIES.  
06:00 PM

**WEDNESDAY, MARCH 21**  
**SIMULATION EXERCISE: SPECIAL GROUP SECOND AND THIRD MEETING WITH DEMANDING PARTY, THE PARTY DEMANDED AGAINST AND THIRD PARTIES.**

09:00 AM SPECIAL GROUP SECOND MEETING. THE SPECIAL GROUP QUESTIONS THE PARTIES. PARTIES  
11:00 AM REPLY – TO THE DEGREE POSSIBLE – DURING THE MEETING. QUESTIONS BETWEEN PARTIES  
ARE ALLOWED UNDER THE SPECIAL GROUP SUPERVISION.

**COFFEE BREAK**

11:15 AM SPECIAL GROUP SECOND MEETING. SAME PROCESS CONTINUES.  
1:00 AM

**LUNCH**

02:00 PM PREPARATION OF PARTIES' FINAL ALLEGATION. EACH PARTY PREPARES ITS FINAL  
04:00 PM ALLEGATION FOR SUBMISSION TO THE SPECIAL GROUP.

**COFFEE BREAK**

04:15 PM SPECIAL GROUP THIRD MEETING, PARTIES FINAL ALLEGATION PRESENTATIONS. QUESTIONS  
06:00 PM BY THE SPECIAL GROUP.



**THURSDAY, MARCH 22**  
**SIMULATION EXERCISE: SPECIAL GROUP FOURTH MEETING WITH DEMANDING PARTY, THE PARTY DEMANDED AGAINST AND THIRD PARTIES.**

09:00 AM      PREPARATION BY THE PARTIES OF RESPONSES TO THE QUESTIONS POSED BY THE SPECIAL  
 11:00 AM      GROUP.

**COFFEE BREAK**

11:15 AM      SPECIAL GROUP FOURTH MEETING. PARTIES RESPOND TO THE QUESTIONS MADE BY THE  
 1:00 AM      SPECIAL GROUP IN THE THIRD MEETING.

**LUNCH**

02:00 PM      SPECIAL GROUP DELIBERATION: PRESENTATION OF CONSIDERATIONS AND PROPOSED DRAFT  
 04:00 PM      DECISION TO THE PARTIES..

**COFFEE BREAK**

04:15 PM      PARTIES' ANALYSIS AND COMMENTS ON PROPOSED DRAFT DECISION BY THE PARTIES.  
 06:00 PM

**FRIDAY, MARCH 23**  
**DECISION PROJECT ASSESSMENT AND COURSE CLOSURE**

08:00 AM      DEPARTURE FOR FLORIDA INTERNATIONAL UNIVERSITY

09:00 AM      PRESENTATION OF OUTCOMES OF PANELS ON WHICH THE CASE STUDY IS BASED. COMMENTS.  
 10:00 AM      *INTEGRAL TRAINING TEAM*

10:00 AM      PRESS CONFERENCE – *INTEGRAL TRAINING TEAM– PARTICIPANTS*  
 11:00 AM

**COFFEE BREAK**

11:15 AM      EXERCISE GENERAL ASSESSMENT BY PARTICIPANTS. PRIORITIES, EXPECTATIONS VS. OUTCOME.  
 12:45 PM      PRESENTATION BY EACH PARTY IN ACCORDANCE TO THEIR ROLE – *INTEGRAL TRAINING TEAM - PARTICIPANTS*

12:45 PM      **CERTIFICATE CEREMONY CONFERRAL**  
 01:00 PM

**CLOSURE LUNCH**

01:00 PM  
 03:00 PM