International Trade Law and Law of the World Trade Organization
Course Syllabus

Author Dr. Daria S. Boklan, Ph.D., Professor, Department of General and Interbranch Legal Disciplines (dboklan@hse.ru)

ETC
Contact hours 40
Self-study hours 188
Year of study 1
Format of course learning Without use of online-course

1. Course Description

a. Title of a Course

International Trade Law and Law of the World Trade Organization

b. Pre-requisites

Elementary familiarity with international law is presumed. No prior familiarity with WTO Law is necessary.
c. **Course Type** (compulsory, elective, optional)

Compulsory

d. **Abstract**

*International Trade Law and Law of the World Trade Organization* is a compulsory course to be taught in English. A good command of legal English is required. The course aims to familiarize the students with the main trends in development of contemporary trade law and law of the WTO, specifics of trade regulation in international trade system, and the main rules on resolving trade disputes in the WTO dispute settlement mechanism. The course will also analyze the WTO covered agreements, jurisprudence of the WTO Dispute Settlement Body, and their interrelation with the regional trade agreements. Thus, the course will include elements of general international law, international trade law and law of the integration organizations. It is, therefore, desirable, that the students have already studied the course of “General international Law”.

The target audience is both students of the Faculty of Law of the HSE and foreign students. The course is taught in English.

2. **Learning Objectives**

Main purpose of the course is to make students able to use norms of law of the World Trade Organization (WTO), make legal research and solve cases in this field. The course’s objectives are numerous but its main purpose is to provide students with the necessary tools to understand and analyze the nature, role and effects of the WTO law, regulation, proceedings and decision-making. To that end, the first sessions will lay the necessary grounds, that is, introduce historical aspects of the establishment of the WTO, emergence of the WTO law, its general principles, main actors and an overview of general institutional design.

After the necessary introductory sessions, we will look at the production and implementation of the WTO law; the WTO institutions; general access to the WTO dispute settlement system; WTO membership and decision-making; institutional structure of the WTO. Largely, half of the course is dedicated to WTO law and regulation of various trade aspects, such as trade in goods, trade in services, non-tariff barriers and trade related aspects of intellectual property rights.

3. **Learning Outcomes**

Knowledge and understanding:
demonstrate general knowledge and understanding of basic notions of WTO institutions and WTO law;
- demonstrate extensive knowledge and understanding of WTO principles of trade in goods, trade in services, non-tariff barriers and trade related aspects of intellectual property rights, etc.

Skills and abilities:

- demonstrate the ability to find, select and evaluate WTO law, as well as WTO case law;
- demonstrate a solid understanding of the WTO decision-making process, in particular in the WTO dispute settlement mechanism.

Students should gain the following competences:

- ability to work with information (search, evaluate, use information, necessary for fulfillment of scientific and professional tasks, from various sources, including application of the systematic approach);
- ability to carry out professional activities in WTO and international setting;
- ability to search, analyze, and work with legally relevant information by using the juridical, comparative and other specific methods;
- ability to describe legal problems and situations in the field of WTO law;
- ability to work with and interpret primary operative tests.

4. Course Plan

Topic 1.
Legal status of the WTO

1. WTO – the successor of the GATT.
2. The origins of the WTO.
3. Objectives and functions of the WTO.
4. Membership of the WTO.
5. Structure of the WTO.
6. Decision-making in the WTO.

Topic 2.
The Law of the WTO and its sources

1. The Marrakesh Agreement establishing the World Trade Organization.
2. Sources of WTO law.
3. Interpreting of WTO law.
4. WTO law and international law.
5. WTO law and preferential trade agreements.
6. WTO and national law.

**Topic 3.**
**WTO dispute settlement**

1. Understanding of Rules and Procedures Governing the Settlement of Disputes: basic principles.
2. Jurisdiction of the WTO Dispute Settlement Body.
3. Access to the WTO dispute settlement system.
5. Future challenges to WTO dispute settlement.

**Topic 4.**
**Most-favoured-nation treatment (MFN) and national treatment (NT)**

1. MFN under GATT.
2. MFN under GATS.
3. NT under GATT.
4. NT under GATS.

**Topic 5.**
**General and security exceptions**

1. General exceptions under the GATT.
2. General exceptions under the GATS.
3. Security exceptions under the GATT and the GATS.

**Topic 6.**
**Safeguard measures**

1. Anti-dumping measures.
2. Countervailing measures.
3. Special safeguard measures.

**Topic 7.**
**Trade in services**
1. Scope of application of the General Agreement on Trade in Services (GATS).
2. General obligations under the GATS.
3. The Modes of Supply.
4. Market access under the GATT.
5. National treatment under the GATT.
6. Specific commitments under the GATS.

Topic 8.
Intellectual property rights

2. Scope of application of the TRIPS Agreement.
3. General provisions and basic principles of the TRIPS Agreement.
4. Substantive protection of intellectual property rights.

5. Reading List

a. Required


b. Optional


6. Grading System

Grading in this course will be based on three types of work product:

(1) Attendance, active participation and in-class discussion
(2) One in-class presentation
(3) Written assignment

7. Guidelines for Knowledge Assessment
- **Attendance, active participation and in-class discussion: 20%**
Each student is expected to attend all the sessions having gone through and thought about the assigned material, including the questions and any problems in the text/ judgment/ video, podcast, etc. that are assigned, and actively participate in class discussions, ask questions and make analytical comments about the assignments. Sessions will be structured as a mix of lectures, seminars, and participative workshops in order to stimulate class discussion: the participants are expected to cover the assigned materials in advance for each class.

- **Oral presentation (with or without PowerPoint or other support materials): 40%**
This assessment component includes a 10-minute in-class presentation during one of the classes that serves to help steering the discussion of the relevant topic. Tentative topics per each session are presented further in the syllabus.

- **Written assignment: 40%**
Written exam by the end of the course.

---

8. **Methods of Instruction**

The course notes contain required and further reading materials and you are also invited to do your own research using the library and electronic resources. Students are expected to do 27-28 academic hours of reading, researching and preparation per week. Classes will be structured as participative workshops in order to stimulate class discussion. Students are expected to read the materials indicated prior to each seminar.

Use of interactive educational technologies, including:
- socratic method; but also
- interactive seminars;
- participative workshops;
- group discussion;
- brainstorming sessions.

9. **Special Equipment and Software Support** (if required):

Access to internet and computer-based drafting equipment.