

WORLD TRADE ORGANIZATION

WT/DS160/11
22 November 2000

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UNITED STATES – SECTION 110(5) OF THE US COPYRIGHT ACT

Surveillance of Implementation of Recommendations and Rulings

Appointment of Arbitrator under Article 21.3(c) of the Understanding on Rules and Procedures Governing the Settlement of Disputes

The following communication, dated 22 November 2000, from the Permanent Mission of the United States and the Permanent Delegation of the European Commission, to the Director-General, is circulated pursuant to Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*.

We refer you to the communication from the European Communities and its Member States, dated 23 October 2000 (WT/DS160/10), requesting binding arbitration under Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU") to determine the reasonable period of time for the United States of America to implement the recommendations and rulings of the Dispute Settlement Body ("DSB") in the matter *United States – Section 110(5) of the US Copyright Act* (WT/DS160), adopted on 27 July 2000.

The parties to the dispute, the United States and the European Communities, have agreed on an arbitrator, pursuant to footnote 12 to Article 21.3(c) of the DSU: Mr. Julio Lacarte-Muró. We are writing to request you to officially convey to Mr. Julio Lacarte-Muró our request that he act as arbitrator in this matter. We would also appreciate that, if he accepts, he be assisted in his functions as arbitrator under Article 21.3(c) of the DSU by the staff of the Appellate Body Secretariat.

With respect to the time-period for this binding arbitration, Article 21.3(c) of the DSU requires that the reasonable period of time for implementation be determined through binding arbitration within 90 days after the date of adoption of the recommendations and rulings of the DSB. As the DSB adopted its recommendations and rulings in this dispute on 27 July 2000, this 90-day period has expired. We, the parties to this dispute, have agreed to extend the period of time for this binding arbitration until 26 January 2001. We have agreed that the award of the arbitrator, made no later than 26 January 2001, shall be deemed to be the award of the arbitrator for the purposes of Article 21.3(c) of the DSU in determining the reasonable period of time for the United States to implement the recommendations and rulings of the DSB.

We are grateful for your assistance in this matter.
