

**CANADA - TERM OF PATENT PROTECTION**

Constitution of the Panel Established  
at the Request of the United States

Note by the Secretariat

1. At its meeting on 22 September 1999, the DSB established a Panel pursuant to the request by the United States (WT/DS170/2), in accordance with Article 6 of the DSU (WT/DSB/M/68).

2. At that meeting, the parties to the dispute agreed that the Panel should have standard terms of reference. The terms of reference are the following:

"To examine, in light of the relevant provisions of the covered agreements cited by the United States in document WT/DS170/2, the matter referred to the DSB by the United States in that document and to make such findings as will assist the DSB in making the recommendations or in giving the rulings provided for in those agreements."

3. On 13 October 1999, the United States made a request, pursuant to paragraph 7 of Article 8 of the DSU, to the Director-General to determine the composition of the Panel. Paragraph 7 of Article 8 provides:

"If there is no agreement on the panelists within 20 days after the date of the establishment of a panel, at the request of either party, the Director-General, in consultations with the Chairman of the DSB and the Chairman of the relevant Council or Committee, shall determine the composition of the panel by appointing the panelists whom the Director-General considers most appropriate in accordance with any relevant special or additional rules of procedures of the covered agreement or covered agreements which are at issue in the dispute, after consulting with the parties to the dispute. The Chairman of the DSB shall inform the Members of the composition of the panel thus formed no later than 10 days after the date the Chairman receives such a request."

4. On 22 October 1999, the Director-General composed the Panel as follows:

Chairperson: Stuart Harbinson  
Members: Sergio Escudero  
Alberto Heimler.

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