



- [Local](#)
- [Regional](#)
- [Special Feature](#)
- [Opinion](#)
- [Columnists](#)
- [Sports](#)
- [Community Calendar](#)
- [Entertainment](#)
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Finance minister says WTO ruling flawed

Monday December 24 2007

Mixed emotions came from the government last week following the award granted by a panel of WTO arbitrators in the dispute with the US over Internet gambling services

The panel ruled that Antigua and Barbuda could apply trade sanctions through the suspension of US intellectual property rights, but limited Antigua and Barbuda's annual damages to US \$21 million (EC \$56.7 million).

"This amount will remain in place until the US comes in compliance with the rulings and recommendations of the WTO's Dispute Settlement Body, or until it reaches a mutually agreed settlement with Antigua and Barbuda under Article 21 of the GATS agreement," a statement from the government clarified.



Minister of Finance Dr. Errol Cort noted that the government was pleased, but at the same time disappointed with certain aspects of the decision.

"Although we are pleased that the extraordinary sanction of the suspension of intellectual property rights protection for US interests has been given to us –only the second such authorisation in WTO history –we are disappointed with the segment of the decision limiting our annual compensation to such a mere fraction of our industry's lost revenues," Minister Cort said.

The minister further observed that the objective of this process is not to actually apply sanctions, but to encourage the United States government to negotiate with his government towards a fair and mutually satisfactory resolution of the dispute.

"Despite the size of the award, the value of WTO-sanctioned suspension of intellectual property rights should not be underestimated. We think that this decision, as terribly flawed as it may be, should still have the desired result of getting the US to sit down with us and seek an amicable resolution to our disagreement. In this regard, we look forward to meeting with the US delegation in the very near future in an effort to have this matter fully resolved," the minister said.

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[top](#)

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