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## *Opening World Markets*

### International Trade, Investment and Market Access

A major focus of our practice is to help companies access and further open foreign markets in which they want to do business. Our interdisciplinary approach is anchored by a deep understanding of the relationships among international trade and investment rules, domestic law, and global policy and politics, and it is guided by years of experience in and outside of government.

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## *Experience*

### **STRATEGIES TO ADDRESS MARKET ACCESS RESTRICTIONS**

We have helped businesses in a wide variety of sectors successfully address foreign government measures that impede their ability to export, invest and otherwise operate internationally. We have:

- Advised a leading PC manufacturer with respect to potentially onerous foreign government requirements to pre-install particular software.
- Advised a leading video game company regarding Chinese government threats to revoke licenses to operate.
- Assisted a US telecommunications company in a successful effort to ease proposed Indian regulations, taken in the name of national security, that would have greatly impeded the ability to offer cross-border services.
- Advised a major high-tech company on a successful government strategy and negotiation of a high-profile and politically sensitive IPR dispute with a foreign competitor.
- Devised and implemented a US and China strategy for a major US agribusiness to successfully avert implementation of a proposed technical barrier to trade in China.
- Persuaded the European Union, on behalf of EU importers and foreign exporters, to abandon plans to change its import regime for an agricultural product.
- Assisted a US trade association in lifting an import ban on its members' products.
- Secured the removal of a BSE ('mad cow' disease) import ban for a trade association client.
- Provided strategic advice for a major insurance company to secure business objectives in light of China's WTO commitments.
- Provided WTO and government relations advice to an industry association with respect to non-tariff barriers to fertilizer trade.
- Obtained approval of China's State Council for an investment by a major consumer products company in convertible debt issued by a Chinese producer.
- Advised an express courier joint venture on ways to overcome a postal monopoly in an Asian country.

### **WTO AND OTHER TRADE ENFORCEMENT ACTIONS**

Our WTO dispute settlement experience is unique and broadly recognized. Our team, which includes a former presiding member of the WTO Appellate Body and experienced WTO litigators, has more than 30 years' experience in GATT/WTO dispute settlement proceedings and has been involved in more than 100 cases representing both companies and WTO member governments.

We have:

- Represented Boeing in connection with the successful US challenge to European subsidies to large civil aircraft (the largest WTO case in history), as well as in the counter-suit by the EU challenging alleged US subsidies.
- Secured a victory for the Information Technology Industry Council in challenging European duties on imported high-tech products contrary to the Information

#### Technology Agreement.

- Represented a US trade association in the compliance phase of the WTO case challenging Chinese restrictions on import and distribution of publications and audio-visual products.
- Represented a G8 government in WTO complaints against Chinese Raw Material Export Restraints, China's IPR Regime, and China's Import Regime for auto parts.
- Represented a G8 government in a challenge to India's Additional and Extra-Additional Duty System.
- Represented the Government of Canada in the appeal of a NAFTA panel proceeding to the NAFTA Extraordinary Challenge Committee, and representation of the government in an appeal to the US Court of Appeals for the Federal Circuit challenging the constitutionality of NAFTA Chapter 19.
- Advised one of the governments challenging the EU's biotech regime and the coalition of US agricultural and industrial groups in the preparation of a subsequent WTO case challenging EU regulations on traceability and labeling of biotech products.
- Represented the Andean Community in the WTO Generalized System of Preferences case.
- Advised a G8 government in the WTO dispute concerning the Canadian Wheat Board marketing regime.
- Advised a consortium of US companies during the WTO challenge to the Foreign Sales Corporation tax regime and advised another company on issues relating to EU retaliation.

#### PROTECTING INTELLECTUAL PROPERTY

WilmerHale is specially positioned to help with global intellectual property (IP) challenges, bringing to bear lawyers ranked as among the best in the world in the areas of core IP, IP litigation and international trade, with global experience in navigating the complex legal, business and public policy aspects of international IP. Apart from our general [IP litigation and counseling practice](#) and [US Section 337 practice](#), our lawyers also help companies and industries to:

- Secure protection for their IP in jurisdictions around the world—for instance, preparing and prosecuting patents under the Patent Cooperative Treaty and working with seasoned patent lawyers in multiple jurisdictions.
- Resolve protection and enforcement disputes before administrative agencies and courts around the world—either directly (in those jurisdictions where we can appear) or in coordination with local counsel.
- Improve foreign government enforcement of IP—including by devising legal and public policy strategies, working directly with foreign governments (including in difficult developing markets like China and India) and enlisting US and EU government support and action.
- Resist foreign government efforts to force technology transfer.
- Develop global public policy, legal and government affairs strategies to protect and strengthen IP-related provisions in global, regional and bilateral trade and other international agreements.
- Shape the formulation and implementation of government policies, national legislation and international rules regarding IP—including counseling on

implementation of the WTO Agreement on Trade-Related Intellectual Property Rights (TRIPS) and development of relevant national legislation.

- Ensure enforcement of governments' international IP commitments—including under TRIPS.