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Antigua treated unfairly in WTO ruling: Mendel

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by Patricia Campbell

Antigua and Barbuda yesterday saw its hopes of claiming US\$3.4 billion per year from the United States shattered, as a World Trade Organisation (WTO) panel ruled that only compensation in the value of US\$21 million per year could be recouped.

The long awaited ruling has dashed the hopes of the remote gambling industry that the WTO panel would send a strong message to the US and force that country to relax its restrictions on remote gambling.

Mark Mendel, Antigua and Barbuda's attorney at the WTO, expressed grave disappointment at the amount of trade sanctions awarded, saying that Antigua and Barbuda was "poorly treated" in the matter.



According to Mendel, the US \$21 million in annual compensation will continue until the US brings its laws into compliance with an earlier ruling by the WTO's Dispute Settlement Body. That ruling essentially called on the US to allow fair market access to online gambling companies.

"The bright side here is that although it's not even close to what we're entitled to and it has really shocked me in many ways, \$21 million a year will add up and I'm getting the impression really from early press responses that American intellectual property interests are concerned about any legitimate suspension of intellectual property rights. So, it could very well prove to be that the number is not nearly as important as the retaliation," he told the Antigua Sun yesterday.

Mendel explained that yesterday's ruling has opened the path for Antigua and Barbuda to move forward with its threat of suspending some US intellectual property rights within its borders.

"What it means is that intellectual property rights of US copyright holders do not apply to Antigua," he said.

He explained that whether this means that copyrights on DVDs, CDs, software or whatever other intellectual property will be disregarded and precisely how the compensation can be gained is up to the Antiguan and Barbudan government.

Mendel acknowledged, at the same time, that the government would have to find a way of limiting the amount that is gained every year to the 21 million.

Mendel told the SUN that he believes the suspension of any intellectual property rights is enough of a problem to powerful interests in the US that America may yet receive enough pressure internally to join Antigua and Barbuda at the negotiating table and reach a mutually acceptable settlement.

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