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Briefing Paper

Work Programme on Electronic Commerce A Brief overview of its Evolution in the WTO

Summary

Following the Nairobi decision allowing WTO members to consider negotiating some “new issues”, electronic commerce has received renewed interest in trade debates over the past few months. The existing WTO work programme on e-commerce, which has deliberated in detail various aspects of the issue since it was launched in 1998, is likely to form the basis of any renewed WTO work on the matter. In order to inform the current debate and clarify what is at stake, this briefing paper reviews how e-commerce has been dealt with so far in the WTO and its relevant committees.

Introduction

The WTO 10th Ministerial meeting held in Nairobi, Kenya in December 2015, in its declaration provides that members would like to continue the efforts started in the context of the e-commerce work programme development with the emphasis on keeping electronic transmissions free of charge.¹ With the increasing interests in the development of the e-commerce domain, it has been understood to include the introduction of “new issues” of negotiations beyond those currently on the table. Although no such issues have been formally introduced in the aftermath of the Nairobi Conference, a number of areas have been suggested in several forums. For instance, the WTO Director-General in his speech at the World Trade Symposium in London² on the state of global trade, intimated that from his discussions with leading business personalities and WTO members, amongst the issues being suggested for inclusion in the main stream negotiations is electronic commerce.

From the foregoing, this note examines the issues of electronic commerce (e-commerce), reviewing how it has been dealt with so far in the WTO, so as to inform the current debate, on the work that has been undertaken and what is at stake in this regard.

In a broad sense, international electronic commerce (e-commerce) involves cross-border and/or cross-country transactions over the internet which generates substantial savings in transaction costs. The most important cost-saving aspect of e-commerce is reduction in travel, administration, communication and market search costs. In addition, e-commerce not only enables local producers to participate in global networks but also promotes possible new kinds of trade in services. While the growth of e-commerce is widely acknowledged, it imposes numerous integration challenges for the multilateral trading system.

Soon after the establishment of the WTO, members acknowledged the growth of e-commerce and its role in creating new trade opportunities. At the 2nd WTO Ministerial meeting it was decided to establish a comprehensive work programme to examine all trade-related issues with a bearing on global electronic commerce (including those to be identified by Members).³ It was also agreed that members would continue with the practice of not imposing customs duties on e-commerce.

Following the above Ministerial declaration, the WTO General Council (GC) in September 1998 adopted the work programme on e-commerce. For purposes of the programme, e-commerce was defined as “production, distribution, marketing, sale or delivery of goods and services by electronic means”.⁴ Four WTO Bodies were charged with carrying out the work programme, these were: The Council for Trade in Services; the Council for Trade in Goods; the Council for Trade Related aspects of Intellectual Property rights (TRIPs); and the Committee on Trade and Development. These bodies regularly report to the GC on their work, which in turn reports to the Ministerial Conference in this regard.

Review of the Work Programme

Drawing from reports of the above bodies, what follows, is a review of developments on the work programme on electronic commerce in the WTO since its inception, till the 10th WTO Ministerial Council meeting that provided for the possible consideration of other issues to be included in the ongoing negotiations.

Council for Trade Related Aspects of Intellectual Property Rights (TRIPs)

The Council for TRIPs was mandated to deliberate on the evolution of e-commerce with regard to

¹ WT/MIN(15)/42 WT/L/977

² See speech uplinked at https://www.wto.org/english/news_e/spra_e/spra126_e.htm

³ WT/MIN (98)/DEC/2 :

https://www.wto.org/english/thewto_e/minist_e/min98_e/ecom_e.htm

⁴ WT/L/274 The work programme on Electronic Commerce Adopted by General Council on 25th/09/1998

intellectual property rights. The issues for discussion included: the protection and enforcement of copyrights and related rights; protection and enforcement of trademarks; and new technologies as well as access to technology.⁵

It has been observed in the Council's work that creating a secure and legal framework for intellectual property rights enhances the process of developing e-commerce. In addition, more effort was needed in order to distinguish between which specific intellectual property rights' issues can be resolved by the right holders themselves, and which require certain governmental intervention on an international level⁶.

A number of discussions were held by the Council during the period 1998 till 2000. These included: issues of copyrights and related rights, with focus on the potential role of electronic networks in folklore-related rights and rights concerning traditional expression in general. Further, the WTO Secretariat, in response to Members' request prepared notes on the progress of work of the World Intellectual Property Organization (WIPO) concerning particularly the WIPO copyright treaty and the WIPO Performances and Phonograms treaty⁷. The Council therefore was briefed about ongoing work at WIPO concerning internet domain name process, and that on the law of trademarks as well as the implications of the internet use of trademarks on industrial designs and geographical indications⁸.

On trademarks, the Secretariat note expounded on the connections between trademark and internet use (in particular their territorial nature, their protection, and their connection with internet domain names). Furthermore, on the issue of new technologies and access to technology, discussions were held on the role intellectual property rights play in the promotion of technological development in connection with electronic communications network, which facilitates access to technology. The

Council was also updated on the work program of WIPO on global network and intellectual property services⁹. A number of issues were discussed concerning the enforcement of intellectual property rights on a territorial basis with the growth of use of global electronic networks. The Council agreed that there should be more studies on intellectual property rights in order to better understand the mechanisms of the various issues involved, of course with the continuing work of the WIPO and other inter-governmental organizations dealing with these issues.

In the period 2002-2003, there were further developments with regard to the work programme on e-commerce in the Council for TRIPs, following a 2002 General Council directive to continue work and keep track of WIPO and other intergovernmental organizations in this regard, so as to report to Ministerial Council meetings.¹⁰

Concerning transfer of technology to least-developed countries, developed country members provided information on their implementation of Article 66.2 of the TRIPs agreement available for the TRIPs council meeting in November 2002¹¹. Moreover, in its meeting in the following year (February 2003), the TRIPs Council put in place a mechanism for the implementation of Article 66.2 in line with the WTO Doha ministerial conference.

The Council also addressed other topics such as the role of IP protection in the transfer of technology. It also addressed the role of information and communications technologies' potential to facilitate worldwide access to technological information contained in patent document, as a way of improving intellectual property offices' efficiencies in this regard¹². Later the transmission over the internet of communication on public works was addressed in the panel report on *United States – Section 110(5) of the Copyright Act*. 24¹³.

⁵ WT/L/274 (30 September 1998)

⁶ IP/C/18 (30 July 1999)

⁷ *ibid*

⁸ *ibid*

⁹ *ibid*

¹⁰ IP/C/W/128/Add.1 (15 May 2003)

¹¹ *ibid*

¹² *ibid*

¹³ *ibid*

Council for Trade in Services

The Council for Trade in Services (CTS), with regard to the work programme on e-commerce was mandated to deal with the treatment of electronic commerce within the GATS legal framework. The issues to be considered were: scope (within modes of services supply); Most Favoured Nation (MFN) and National Treatment; transparency; increasing participation of developing countries; domestic regulation; standards and recognition; competition; protection of privacy and public morals; and the prevention of fraud; as well as market-access commitments on electronic supply of services (including commitments on basic and value added telecommunications services and on distribution services); access to and use of public telecommunications transport networks and services; customs duties; and classification issues¹⁴.

The scope of deliberating on the above issues was in the context of the four modes of services supply as provided for in the GATS, i.e. cross border supply, consumption abroad, commercial presence, and movement of natural persons¹⁵.

The CTS in the period 1998-1999 recognized that it is possible for services to be supplied electronically under any of the four modes of supply mentioned above, but that there was a problem of distinguishing between supply under the first two modes in the case of e-commerce. There was divergence amongst Members on this issue and it was decided to reserve it for further deliberations¹⁶. At the heart of it, was the need for clarity on whether the GATS applies to all products delivered electronically and that such products are in fact services. Some delegations were of the view that it is not clear whether such products can be considered as services and therefore one cannot know if GATS rules would apply to them hence requiring further

discussions¹⁷.

Concerning the MFN issue, the main question discussed was whether services which are electronically delivered (and those delivered in different ways) should be considered as similar services or what is referred to as “like services”. However, the “likeness” issue is unresolved in both the GATS and GATT rendering it to be examined on a case-by-case basis¹⁸.

Regarding transparency, it was generally agreed that GATS in this regard also apply to electronically supplied services as well¹⁹. Furthermore, on the issue of increasing participation of developing countries, the CTS proposed the need for more liberal markets and gaining more technology access that would enable better integration of these set of countries in e-commerce trade²⁰. Issues of domestic regulation, standards, and recognition have also been discussed in some detail, with a recommendation that GATS provisions in this regard also apply to the supply of services electronically²¹.

In case of competition, there was a general view that it would be easier for small service suppliers to enter the arena of e-commerce given the expansion of the sector as well as the fact that all suppliers will have the same internet space. It was however observed that the restrictive activities of big businesses along with monopolies may create obstacles to e-commerce²². Furthermore, it has also been noted that the protection of privacy and public morals and the prevention of fraud should apply although such objectives should not be fulfilled in a more trade restrictive manner²³.

On the issue of market-access commitments on electronic supply of services, the CTS has in its work observed that means of delivery or commitments by members do not matter, rather they only permit the electronic supply of services²⁴. Besides, national

¹⁴ WT/L/274 (30 September 1998)

¹⁵ S/C/W/68 (16 November 1998)

¹⁶ S/L/74 (27 July 1999)

¹⁷ *ibid*

¹⁸ *ibid*

¹⁹ *ibid*

²⁰ *ibid*

²¹ *ibid*

²² *ibid*

²³ *ibid*

²⁴ *ibid*

treatment commitments were considered to also cover the electronic supply of services, and it has been acknowledged that the Annex on Telecommunications applies to access to and use of internet network²⁵.

With regard to customs duties, there are conflicting views with some members asserting that such duties on electronic transmissions could affect e-commerce while others opine that this issue is not relevant in the context of e-commerce. There were also conflicting arguments on current standstill on custom duties although it is acknowledged that the extension of the standstill is a political decision to be determined by the Ministerial council²⁶.

In 2012, the United States of America and European Union's submissions on a number of trade principles that could enhance network and develop e-commerce were discussed by the CTS. Later, in 2013, the CTS also considered a submission by the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu entitled "Protection of Personal Information and the Development of Electronic Commerce". It was then decided that a workshop be held in order to examine services-related issues for the development of e-commerce. The workshop took place in the same year with experts from international organizations, the private sector, government ministries and regulatory agencies facilitating. Members found the event useful in advancing the work programme since it elaborated in detail on the substantive issues²⁷.

Committee for Trade and Development

The Committee for Trade and Development (CTD) work on e-commerce deals with development consequences of the sector, focusing on developing countries and their various financial, economic, and development needs. In 1998, the CTD was mandated to deal with the following issues in this

regard:

- Effects of electronic commerce on the trade and economic prospects of developing countries, notably of their small and medium-sized enterprises (SMEs), and means of maximizing possible benefits accruing to them;
- Challenges to and means of enhancing the participation of developing countries in electronic commerce, in particular as exporters of electronically delivered products including the issue of improved access to infrastructure and transfer of technology, as well as movement of natural persons;
- Use of information technology in the integration of developing countries in the multilateral trading system;
- Implications for developing countries of the possible impacts of electronic commerce on the traditional means of distribution of physical goods; and
- Financial implications of electronic commerce for developing countries²⁸.

In the 2011 Ministerial Decision on E-commerce the General Council was directed to shed more light and to focus more on the development dimension of e-commerce, which instigated the CTD to pursue further initiatives. A workshop was held in 2013 on the theme "e-commerce, development, and SMEs". This workshop was addressed by a number of professionals from different domains (Inter Governmental Organisations, business, civil society, and academia). The event also afforded representatives of the SMEs and regulators of developing countries and LDCs to share experiences on e-commerce²⁹. Issues addressed included the links connecting e-commerce with custom clearance as well as trade facilitation and aid for trade. Developing countries and LDCs were cautioned to

²⁵ *ibid*

²⁶ *ibid*

²⁷ WT/GC/W/676 (11 November 2013)

²⁸ WT/COMTD/W/51 (23 November 1998)

²⁹ *supra* note 27

be aware of the challenges arising from by e-commerce in order to harness the opportunities it provides, this would necessitate aiding SMEs towards accessing domestic and international markets.

Assisting least-connected countries (LCCs) was also emphasized in this workshop, as well as the importance of the variety of tools on the internet, which are mostly free of charge, and can be used by SMEs in a very helpful way.³⁰ However, such as infrastructure problems and lack of regular electricity supply which requires upgrading power grids remain to be addressed, in order for most developing and LDCs to harness benefits from e-commerce. Moreover, there are still difficulties in distribution processes of the electronically bought products with the common lack of electronic payment systems in the developing countries as well as lack of high speed cables³¹. It was further noted that to overcome the problems and challenges of e-commerce there has to be an entrepreneurial spirit³².

The Council for Trade in Goods

The Council for Trade in Goods (CTG) on e-commerce is with regard to provisions of the General Agreement on Trade and Tariff (GATT) as well as trade agreements covered under Annex 1A of the WTO Agreement, and the approved work program. The issues examined by CTG contained: market access for and access to products related to electronic commerce; valuation issues arising from the application of the agreement on implementation of Article VII of the GATT 1994; issues arising from the application of the Agreement on Import Licensing Procedures; customs duties and other duties and charges as defined under Article II of GATT 1994; standards in relation to electronic commerce; rules of origin issues; and classification issues³³.

It was stated in the discussions of 1999 that the market access commitments for products related to electronic commerce were laid out in the existing schedules of Members.³⁴ Furthermore, obligations on tariff bindings were said by many members to be unchanged with trade by electronic means. Two other delegations stated that the question of access to products in question was under the purview of each and every country itself.³⁵ On valuation issues, it was stated that electronic payments for imported goods can cause problems in the valuations of the goods if domestic banks were not involved in the transactions.³⁶ Moreover, issues arising from the application of the Agreement in Import Licensing Procedures were brought up for discussions where there was an agreement that only after the clarification of the character of electronically transmitted data that possible issues can be further discussed.³⁷

Several delegations seemed to agree on the point that goods marketed electronically but delivered physically are subject to regular WTO commitments like custom duties. On the other hand, many other delegations said that custom duties and other duties would be possible if the electronic transmissions were considered as goods.³⁸

With respect to standards in relation to electronic commerce, the issue of promoting international standardization relevant to e-commerce was brought up with the emphasis that measures to insure standards should never become trade barriers themselves.³⁹ Other delegations further stated that excessive government regulation with many standards can hinder technological development, where a balance is needed.⁴⁰

Delegations also considered tracing the origin of electronic transmissions would create difficulties, hence many doubts when it comes to rules of origin in the context of e-commerce.⁴¹ Furthermore,

³⁰ WT/COMTD/W/198 (27 June 2013)

³¹ *ibid*

³² *ibid*

³³ WT/L/274 (30 September 1998)

³⁴ G/C/W/158 (26 July 1999)

³⁵ *ibid*

³⁶ *ibid*

³⁷ *ibid*

³⁸ *ibid*

³⁹ *ibid*

⁴⁰ *ibid*

⁴¹ *ibid*

regarding classification issues, one delegation argued that the classification of goods generally relied on the distinguishing physical characteristics of the product.⁴²

More recent discussions (2013) mainly revolved around keeping the delivery of digital products free of custom duties, as well as examining the link between e-commerce and development and how e-commerce can be used as a factor in reducing poverty in developing countries and LDCs. Over the years, members have consistently expressed their support towards enhancing the work program and hosted two new workshops sponsored under both the CTD and the CTS, which ended up with insightful ideas on several issues such as some non-tariff barriers in e-commerce⁴³.

Conclusions

Since its inception in 1998, the WTO work programme on e-commerce has deliberated in detail on several issues concerning the sector, in the way of specialised committees of CTRIPs, CTS, CTD, and CTG that were mandated with this task. This important work is therefore a basis for taking forward any negotiations on e-commerce, should the issue be formally introduced for WTO negotiations. A table and annex summarising the issues covered in the various mandated WTO committees follows.

⁴² *ibid*

⁴³ *supra* note 27

Appendix A: Overview of the Work Programme on Electronic Commerce

Council for Trade in Services			
Objective	Programme adopted in 1998	Progress since 1999	Progress in 2012-2013
To examine and report on the treatment of electronic commerce in the GATS legal framework	<p>Issues to be considered under the programme were as follows:</p> <ul style="list-style-type: none"> • Scope: four modes (cross border supply, consumption abroad, commercial presence, presence of natural persons) • Most Favoured Nation (MFN) and National Treatment • Transparency • Increasing participation of developing countries • Domestic regulation • Standards and recognition • Competition • Protection of privacy and public morals • Prevention of fraud • Market access commitments on electronic supply of services 	<p>Scope: It was agreed upon that it is possible for services to be supplied electronically under any of the four modes. However, there was a need for clarification on whether the GATS applies here, hence if they can be considered as services or not. Delegations on this matter were not unanimous, hence requiring further discussions.</p> <p>MFN: The concern here was whether to consider electronically delivered services and those delivered in different ways as 'like services'. 'likeness issue' went unresolved by both GATS and GATT, making it a case by case issue.</p> <p>Transparency: It was agreed in this regard that GATS applies to electronically supplied services. Besides, CTS urged the need of more liberal markets and technology access to boost the developing world's participation. Finally, GATS provisions in this regard were seen to apply too on issues of domestic regulation, standards, and recognition.</p> <p>Competition: General view that it will be easier for small service suppliers to enter e-commerce arena where all suppliers have same internet space. However, it was also recognized that some big businesses and monopolies might practice restrictive activities causing obstacles.</p> <p>Market access commitments: CTS noted that means of delivery or commitments do not matter. Also, national treatment commitments were seen to cover the electronic supply of services.</p> <p>Custom duties: Conflicting views on whether such duties affect e-commerce or are irrelevant; and on current standstill on custom duties.</p> <p>Finally, the protection of privacy and public morals as well as the prevention of fraud were decided to be applied.</p>	<p>United States of America and European Union submitted a number of trade principles to enhance network and develop e-commerce, which were discussed by the CTS.</p> <p>A workshop was held to examine services-related issues for e-commerce development with experts from IOs, private sector, government ministries, and regulatory agencies. The workshop was considered very useful and fruitful where it elaborated more on substantive issues.</p>

Sources: WT/L/274 (30 September 1998), S/C/W/68 (16 November 1998), S/L/74 (27 July 1999)

Council for Trade in Goods

Objective	Programme adopted in 1998	Progress since 1999	Progress in 2012-2013
<p>To examine and report on aspects of electronic commerce relevant to the provisions of GATT 1994, the multilateral trade agreements covered under Annex 1A of the WTO Agreement, and the approved work programme.</p>	<p>Issues to be considered under the programme were as follows:</p> <ul style="list-style-type: none"> • Market access for and access to products related to electronic commerce • Valuation issues arising from the application of the agreement on implementation of Article VII of the GATT 1994 • Issues arising from the application of the Agreement in Import Licensing Procedures • Customs duties and other duties and charges as defined under Article II of GATT 1994 • Standards in relation to electronic commerce • Rules of origin issues • Classification issues 	<p>Market access: Several delegations stated that the market access commitments for products related to electronic commerce were laid out in the existing schedules of Members. Obligations on tariff bindings were said by many members to be unchanged with trade by electronic means. Besides, two delegations stated that the question of access to products in question was under the purview of each and every country itself.</p> <p>Valuation issues: It was stated that electronic payments for imported goods can cause problems in the valuations of the goods if domestic banks were not involved in the transactions.</p> <p>Issues arising from the application of the Agreement in Import Licensing Procedures: There was an agreement that only after the clarification of the character of electronically transmitted data that possible issues can be further discussed.</p> <p>Custom duties: Several delegations seemed to agree on the point that goods marketed electronically but delivered physically are subject to regular WTO commitments like custom duties. On the other hand, many other delegations said that custom duties and other duties would be possible if the electronic transmissions were considered as goods.</p> <p>Standards in relation to electronic commerce: The issue of promoting international standardization relevant to e-commerce was brought up with the emphasis that measures to insure standards should never become trade barriers themselves. Other delegations further stated that excessive government regulation with many standards can hinder technological development, where a balance is needed.</p> <p>Rules of origin issues: Delegations considered tracing the origin of electronic transmissions would create difficulties, hence many doubts when it comes to rules of origin in the context of e-commerce.</p> <p>Classification issues: One delegation argued that the classification of goods generally relied on the distinguishing physical characteristics of the product.</p>	<p>CTG discussions were mainly revolving around keeping the delivery of digital products free of custom duties.</p> <p>The link between e-commerce and development was also brought up, in an attempt to prove how e-commerce can play a role in reducing poverty in developing countries and LDCs.</p> <p>Members further supported the work programme and hosted two workshops which resulted in insightful ideas on for example some non-tariff barriers in e-commerce.</p>

Sources: WT/L/274 (30 September 1998), G/C/W/158 (26 July 1999), WT/GC/W/676 (11 November 2013)

Council for Trade Related Aspects of Intellectual Property Rights

Objective	Programme adopted in 1998	Progress since 1999	Progress in 2002 – 2003
<p>To examine and report on the intellectual property issues arising in the connection with electronic commerce.</p>	<p>Issues to be considered under the programme were as follows:</p> <ul style="list-style-type: none"> • The protection and enforcement of copyrights and related rights • Protection and enforcement of trademarks • New technologies and access to technology 	<p>The protection and enforcement of copyrights and related rights: The council recognized that it is essential to create a secure legal framework for intellectual property rights to enhance the process of developing e-commerce. Furthermore, the Council worked hand in hand with the progress and ongoing work of WIPO especially on the WIPO copyright treaty and WIPO Performances and Phonograms treaty.</p> <p>Protection and enforcement of trademarks: The Secretariat note demonstrated the links between trademark and internet use, focusing on their territorial nature, their protection, and connection with internet domains.</p> <p>New technologies and access to technology: Discussions were made on the role intellectual property rights play in the promotion of technological development in connection with electronic communications network, which facilitates access to technology.</p>	<p>The General Council directed TRIPs to continue working and keeping track of WIPO and other intergovernmental organizations, with reporting to Ministerial Council meetings.</p> <p>Concerning transfer of technology to LDCs, the developed countries provided information on their implementation of Article 66.2 of the TRIPs agreement available for the TRIPs Council.</p> <p>Later, the TRIPs council set the mechanism of implementation of that Article in line with the Doha Ministerial Conference.</p> <p>Other topics addressed were the role of IP protection in technology transfer, and the role of information and communications technologies' potential to facilitate worldwide access to technological information contained in patent document.</p>

Sources: WT/L/274 (30 September 1998), IP/C/18 (30 July 1999), IP/C/W/128/Add.1 (15 May 2003)

Committee for Trade and Development

Objective	Programme adopted in 1998	Progress in 2011 - 2013
<p>To examine and report on the development implications of electronic commerce, taking into account the economic, financial, and development needs of developing countries.</p>	<p>Issues to be considered under the programme were as follows:</p> <ul style="list-style-type: none"> • Effects of electronic commerce on the trade and economic prospects of developing countries, notably of their SMEs, and means of maximizing possible benefit accruing to them • Challenges and means of enhancing the participation of developing countries in electronic commerce, in particular as exporters of electronically delivered products including the issue of improved access to infrastructure and transfer of technology, as well as movement of natural persons • Use of information technology in the integration of developing countries in the multilateral trading system • Implications for developing countries of the possible impacts of electronic commerce on the traditional means of distribution of physical goods • Financial implications of electronic commerce for developing countries 	<p>Following demands to shed light more on the development dimension of e-commerce, the General Council mandated CTD to pursue further initiatives.</p> <p>A workshop was held by a number of professionals from different domains, where representatives of SMEs and regulators of developing countries and LDCs shared experience on e-commerce.</p> <p>From the issues addressed in this workshop were the links between e-commerce and custom clearance, and trade facilitation and aid for trade. Besides, the developing countries were cautioned about the challenges they might face from e-commerce.</p> <p>This workshop also addressed the importance of assisting LCCs, as well as the importance of the variety of tools on the internet which can be helpful since many are free of charge.</p> <p>However, difficulties faced by developing countries in the context of distribution processes and speed cables were not met by solutions, suggesting further discussions.</p>

Sources: WT/COMTD/W/51 (23 November 1998), WT/GC/W/676 (11 November 2013), WT/COMTD/W/198 (27 June 2013)

Appendix B: E-commerce Work Programme Responsibilities

WTO Subsidiary Bodies	Areas of responsibilities
GATT Council	E-commerce related to the GATT: market access, customs valuation, import license procedures, customs duties, technical standards, rules of origin, and classification. E-commerce related to other WTO agreements affecting trade in goods: Agreement on Technical Barriers to Trade, Agreement on Anti-dumping, and Agreement on Rules of Origin.
GATS Council	The treatment of e-commerce in the GATs legal framework: scope (incl. modes of supply), domestic regulation, competition, protection of privacy and public morals and prevention of fraud, market access and national treatment commitments on electronic supply of services, access to and use of public telecommunications transport networks and services, customs duties, and classification.
TRIPS Council	Intellectual property issues associated with e-commerce: protection and enforcement of copyright and trademarks, and new technologies and the access to technology.
CTD	Aspects of development relevant to e-commerce: effects of e-commerce on trade and economic prospects of developing countries (i.e., SMEs), challenges/solutions to enhancing participation of developing countries as exporters of electronically delivered products (incl. the role of improved access to infrastructure, transfer of technology and the movement of natural persons); use of IT to integrate developing countries into the multilateral trading system, impact of e-commerce on traditional means of distributing physical goods, and financial implications of e-commerce.

Source: WTO General Council, *Work Programme on Electronic Commerce*, WT/L/274 (30 Sept. 1998).

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37-39, Rue de Vermont, 1202 Geneva, Switzerland
geneva@cuts.org • www.cuts-geneva.org
Ph: +41 (0) 22 734 60 80 | Fax:+41 (0) 22 734 39 14 | Skype: cuts.grc