

DIGITAL DISPUTE SETTLEMENT REGISTRY DATABASE

Presentation at
TRADE DATA DAY SEMINAR

WTO
16 January 2013

OVERVIEW

- Database on dispute settlement
- Digital dispute settlement registry (DDSR)
 - Serves 3 purposes
 - (i) a secure electronic registry for filing and serving dispute settlement (DS) documents
 - (ii) an electronic storage facility for all DS records
 - (iii) research facility

RESEARCH FACILITY

- ▣ Searchable digital record for all WTO disputes
- ▣ Sophisticated searches on
 - Claims addressed in panels, appeals
 - Agreements considered
 - Key words (national treatment, jurisdiction)
 - Procedural rulings
 - Panelists-specific data (i.e., which agreements)
 - Multi-Member queries

WHAT IS NEW?

- Now: Documents on Line and Dispute Settlement Gateway
- Current information is limited to what was in the Request for Consultations but does not reflect how a dispute evolves through the different phases
 - Claims are dropped at panel stage
 - Appeal covers narrower elements
 - Retaliation arbitrations

WHAT'S NEW?

- ▣ Track particular products or services – how have they been dealt with in disputes (eventually relate to I-TIP database)
- ▣ Limit search to a particular type of proceeding – panel phase, appellate phase, compliance phase, reasonable period of time arbitration
- ▣ Panelists: for example, which have served on panels addressing Article XX of the GATT

WHAT'S NEW?

- ▣ Members will have Member specific data about their own disputes
 - Calendar of upcoming filing deadlines
 - Hearing dates
 - Submissions filed in previous disputes
 - Exhibits filed

COMPREHENSIVE DATA

- ▣ 455 disputes in 18 years of WTO
- ▣ 100 Members have participated (developed, developing) = 63% Membership
- ▣ About 250 different people have served as panelist from over 50 countries

COMPREHENSIVE DATA

Possible queries:

- 67 disputes involved preliminary rulings
- Only 1 dispute conducted completely in Spanish
- *Amicus curiae* briefs received in 35 disputes
- Open hearings before 11 panels

WHAT IS NOT NEW?

- ▣ Confidentiality: as before
 - No access to documents cannot access under current DS rules

PAST RECORDS

- Scanning and cataloguing
- About 250,000 pages scanned so far
- Have completed:
 - just over 1/2 panel records not appealed
 - Close to 1/3 panel records of appealed cases
 - About 2/3 appellate records
- Will start uploading soon and will take 1 year???
- New disputes – information added automatically as serve documents on line

PROCESS

- ▣ Developed in consultation with Members
- ▣ Working group established mid-2011
- ▣ Met several times to address issues such as access, security, content
- ▣ Demonstration at last MC (December 2011)
- ▣ Progress reports at DSB meetings

NEXT STEPS

- ▣ Now testing system that was delivered last month
- ▣ Continue scanning and cataloguing
- ▣ Uploading scanned material starting in next few months
- ▣ “Live” test period for digital registry later in 2013?
- ▣ Research facility will go live once data uploaded