

FOREWORD

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Welcome to the first Annual Survey on the Law of the WTO by the *Richmond Journal of Global Law and Business*. This issue presents an annual discussion on interesting and different perspectives regarding the governing laws of the WTO and the impact these laws have on other areas of law and business. When initially presented with the option to choose an area of international law and business to focus on annually, the decision was not an easy one. The World Trade Organization (“WTO”) was eventually selected as it is relevant to almost the entirety of world trade and the industries and nations associated therewith. Possessing 153 members at the present time, and continuing to grow in size, the WTO has governing documents, committees, a dispute resolution system, and a plethora of other facets which combine to form an efficient and powerful presence in the international scene.

In addition to the general subject area of the WTO, this issue also holds the winning piece from the first ever Daniel T. Murphy Student Writing Competition. This competition aims to take the broad topic of the WTO and present an annual national writing competition for law students that focuses on a different aspect of the WTO each year. For its inaugural year, the competition’s subject material was the dispute resolution system of the WTO. This competition takes its name from Professor Daniel T. Murphy of the University of Richmond’s T.C. Williams School of Law. Professor Murphy has been a cornerstone of international law at T.C. Williams for thirty-three years and he currently serves as the Director of International Studies and Advisor to the *Richmond Journal of Global Law and Business*. During his tenure he has also served as both Associate and Acting Dean of the law school.

Included in this issue are four articles, each of which discusses a different aspect of the WTO. The first of these, by Annette Kur, examines the notion of “limitations and exceptions” in the structure of intellectual property rights, focusing on the frequently employed three-step test. Second is a piece by Wen-chen Shih addressing two types of legal controversies which arise in the context of disputes between GATT/WTO and trade-related environmental measures: substantive legal provision differences and jurisdiction conflicts. Third, GAO, Pengcheng addresses the intricate and complicated relationship between international human rights and the WTO. Finally, in the winning submission to the Daniel T. Murphy Student Writing Competition, Darya Haag addresses the safety of intellectual property rights

in the hands of the WTO's dispute resolution system by discussing a recent dispute between the United States and China.

I would like to thank McGuireWoods LLP for their sponsorship of the Daniel T. Murphy Student Writing Competition. Additionally, this issue would not have been possible without the continual assistance of the 2008-2009 Editorial Board and Associates of the *Richmond Journal of Global Law and Business* and the guidance of Faculty Adviser Professor Daniel T. Murphy.

I encourage you to read this issue and I hope it spurs further interest in the WTO and the future issues presented by the *Richmond Journal of Global Law and Business*.

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