
Based on

WHERE WTO AND UNESCO CONVENTION ON CULTURAL DIVERSITY AND INTELLECTUAL PROPERTY RIGHTS MEET
Christophe Germann’s chapter “China Meets Hollywood at WTO: Janus’ Faces of Freedom” in the book “China’s Influence on Non-Trade Concerns in International Economic Law” provides an intriguing account of the interplay between the UNESCO Convention on cultural diversity, intellectual property rights regime and WTO’s case-law. Moreover, Christophe Germann is astonishingly able to shed light also on the broader picture, illustrating the impact and the role of culture in a State and (not only) inter-State relations. Culture might serve as a tool to stabilize the power of the ruling class. Such a situation might be an outcome of a power concentrated in the hands of a handful of the most influential industry players, using their vast marketing and financial leverage to dictate their cultural preferences even in democratic market economies. It is important to note that these issues might be addressed by the means of WTO law – including also the TRIPs agreement, regulating the regime of intellectual property rights – which due to its binding nature represents a more powerful framework than the one of UNESCO, relying mostly on non-binding instruments. For instance, the framework of intellectual property rights might be utilized to provide more space to breathe to authors and artists with less marketing resources by the means of variable geometry in the duration of copyright protection. By applying this approach, works with higher marketing investments would enjoy shorter duration of copyright protection and vice versa. Apart from the discussion about the progressive use and interpretation of relevant provisions of WTO documents, the chapter demonstrates that the WTO has become also a battlefield between States in cases concerning culture or culture-related issues. The WTO case-law underlines the importance of a careful interpretation and application of relevant legal documents, as it might strengthen the freedom of expression. Author’s focus on China and multiple comparisons to the United States offer a valuable insight concerning broader, possibly also geopolitical, implications of this topic. Taken together, this chapter identifies a topic with a potential of playing more important role in the near future, associated with the rise of China as an emerging world power capable of disrupting the state of the world, as we know it today.
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To collaborate with Government, Civil society and business community to balance the excess of globalization with Non Trade Concerns.

**OUR GOALS**

To influence policymakers, to raise awareness over Non Trade Concerns, to encourage stakeholder participation, and to disseminate gLAWcal’s publication results.

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