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not 'designated nationals'. Therefore, as we stated earlier, treatment that is inherently less favourable persists."¹

2. In *US – Section 211 Appropriations Act*, the Appellate Body dismissed an argument that certain discriminatory treatment applied to the nationals of one other Member was offset in practice by another measure that could provide unfavourable treatment to the nationals of all other countries:

"The fact that Section 515.201 of Title 31 CFR *could* also apply to a non-Cuban foreign national does not mean, however, that it would offset *in each and every case* the discriminatory treatment imposed by Sections 211(a)(2) and (b) on Cuban original owners."²

3. In *US – Section 211 Appropriations Act*, the Appellate Body applied to trade names its findings with regard to trademarks in respect of Article 4 of the TRIPS Agreement.³

4. In *EC – Trademarks and Geographical Indications (US)* the Panel examined each aspect of the Regulation at issue that was the subject of an MFN claim in terms of the definition of "protection" of intellectual property set out in footnote 3:

"The MFN treatment obligation in Article 4 of the TRIPS Agreement applies 'with regard to the protection of intellectual property'. Footnote 3 provides an inclusive definition of the term '

