

## รายการอ้างอิง

### ภาษาไทย

จุมพต สายสุนทร. กฎหมายระหว่างประเทศ เล่ม 1. กรุงเทพมหานคร : สำนักพิมพ์วิญญูชน, 2543.

จุมพต สายสุนทร. กฎหมายระหว่างประเทศ เล่ม 3. กรุงเทพมหานคร : สำนักพิมพ์วิญญูชน, 2543.

ดำรง ธรรมารักษ์. ความรู้เบื้องต้นเกี่ยวกับกฎหมายระหว่างประเทศ : นักพิมพ์จุฬาลงกรณ์มหาวิทยาลัย, 2539.

นพนิตี สุริยะ. กฎหมายระหว่างประเทศ. กรุงเทพฯ : สำนักพิมพ์วิญญูชน จำกัด, 2543.

ประชุม โฉมฉาย ศจ. หลักกฎหมายโรมันเบื้องต้น. กรุงเทพมหานคร : บริษัทโรงพิมพ์เดือนตุลา จำกัด, 2541.

ประสิทธิ์ เอกบุตร. กฎหมายระหว่างประเทศ เล่ม 1: สนธิสัญญา : คณะนิติศาสตร์ มหาวิทยาลัยธรรมศาสตร์, แก้ไขเพิ่มเติมครั้งที่ 2, 2538.

พรชญา ลัพพรกรณ์. ประสิทธิภาพของกระบวนการระงับข้อพิพาทแอกต์กับการค้าระหว่างประเทศปัจจุบัน. วิทยานิพนธ์ปริญญาโทบริหารธุรกิจ ภาควิชานิติศาสตร์ บัณฑิตวิทยาลัย จุฬาลงกรณ์มหาวิทยาลัย, 2539.

ทัชชมัย ฤกษ์สุด. แอกต์และองค์การการค้าโลก (WTO). กรุงเทพมหานคร : สำนักพิมพ์วิญญูชน, ธันวาคม 2544.

ศักดิ์ดา ธนิตกุล และ วราภา วรพิชโยทัย. "WTO กับนโยบายการแข่งขัน: คดี Kodak – Fuji." วารสารกฎหมาย. (กันยายน 2542): 33-50.

สมพงศ์ ชูมาก. กฎหมายระหว่างประเทศแผนกคดีเมือง. กรุงเทพฯ : สำนักพิมพ์จุฬาลงกรณ์มหาวิทยาลัย, 2542.

อรรถพร จรจรัส. ทางปฏิบัติในการแก้ไขเปลี่ยนแปลงสนธิสัญญาของไทย. วิทยานิพนธ์ปริญญาโทบริหารธุรกิจ ภาควิชานิติศาสตร์ บัณฑิตวิทยาลัย จุฬาลงกรณ์มหาวิทยาลัย, 2539.

## ภาษาอังกฤษ

- Abbott, Frederick M. "Non-Violation Nullification or Impairment Causes of Action under the TRIPS Agreement and the Fifth Ministerial Conference: A Warning and Reminder." Occasional Paper 11. Quaker United Nation Office (July 2003).
- Agreement on Trade-Related Aspects of Intellectual Property Rights
- Bagchi, Aditi. "Compulsory Licensing and the Duty of Good Faith in TRIPS." Stanford Law Review. 55 (May 2003).
- Bagwell, Kyle, Mavroidis Petros C., and Stager Robert W." It's a Question of Market Access." American Journal of International law. 96, 1, (January 2002).
- Berendson, Betty. "Non-Violation Complaints under the TRIPS Agreement : Time to Let Go." Comment, Available from: [www.ictsd.org](http://www.ictsd.org)
- Bogdandy, Armin von. "The Non-Violation Procedure of Article XXIII: 2 GATT-Its Operational Rationale." Journal of World Trade. 26, 4, (August 1992): 95-111.
- Brownlie, Ian. Principles of Public International Law. Forth Edition, Clarendon Press, Oxford, 1979
- Cheng, Bin. General Principles of Law as applied by International Courts and Tribunals. Cambridge Grotius Publications, 1987.
- Cho, Sunjoon, "GATT Non-Violation Issues in the WTO Framework: Are They the Achilles' Heel of the Dispute Settlement?", Harvard International Law Journal, 39, 2, (1999).
- Chua, Adrian T. L. "Reasonable Expectations and non-Violation Complaints in GATT/WTO Jurisprudence." Journal of World Trade. 3, 2, (April 1998), pp. 27-50.
- Communication from Australia. "Non-Violation Under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS): Discussion Paper.", IP/C/W/212, 27 September 2000.
- Communication from Canada. "Preparations for the 1999 Ministerial Conference: Proposals Regarding the TRIPS Agreement.", WT/GC/W/282, 6 August 1999.

Communication from Canada, the Czech Republic, the European Communities and their members States, Hungary and Turkey. "Non-Violation Complaints Under the Agreement-Suggested Issues for Examination of Scope and Modalities Under Article 64.3 of the TRIPS Agreement." IP/C/W/191, 22 June 2000.

Communication from the United States of America. "Scope and Modalities of Non-Violation Complaints Under the TRIPS Agreements.", IP/C//194, 17 July 2000.

Darvey William J. "Has the WTO Dispute Settlement System Exceeded Its Authority?." Journal of International Economic Law. (2001):79-110.

David Lee Bron Symposium: "The Boundaries of the WTO" The American Journal of International Law. 96 (2002).

Durling, James P. and Lester, Simon N. "Original Meanings and The Film Dispute: The Draft History, Textual Evolution, and Application of the Non-Violation Nullification or Impairment Remedy." George Washington Journal of International Law Economic. 32 (1999).

General Agreement on Tariff and Trade 1994

General Agreement on Trade in Services

Horn, Henrik . "Remedies in the WTO Dispute Settlement System and Developing Country Interests." Institution for International Economic Studies, Stockholm University Centre for Economic

Hudec, Robert E."A WTO Perspective on Private Anti-Competitive Behavior in World Markets." New England Law Review, 34 (1999).

Hudec, Robert E. The GATT Legal System and World Trade Diplomacy. Second Edition, U.S.A: Butterworth Legal Publishers, 1990.

Hudec, Robert E. Enforcing International Trade Law: The Evolution of the Modern GATT Legal System. Butterworth Legal Publishers, 1993.

Jackson, John H. World Trade and the Law of GATT. The Bobbs-Merrill (1969).

Jackson, John H. "Dispute Settlement in the WTO: Policy and Jurisprudential Considerations." Research Seminar in International Economics: Discussion Paper No. 419. (February 9, 1998).

- Jeon, Chan-Keuk. Analysis and Prospect of Non-Violation Complaint in GATT/WTO Dispute Settlement System. Graduate School, Seoul National University, August 2001.
- Komuro, Norio. "Kodak-Fuji Film Dispute and the WTO Panel Ruling." Journal of World Trade, October (1998):161-217
- Liu, Chengwei. "An Analysis of the DSU in Positivism", WTO Dispute Settlement Mechanism, Available from: [www.law-lib.com](http://www.law-lib.com)
- Marceau Gabrielle. "WTO Dispute Settlement and Human Rights" EJIL (2002).
- Note by Secretariat. "Meeting of 5 April 1990.", GATT Doc. No. MTN.GNG/NG13/19 (May 28, 1990).
- Note by the Secretariat. "Meeting of 6-7 June 1990.", GATT Doc. No. MTN.GNG/NG13/20 (June 14, 1990)
- Note by the Secretariat: Council for Trade-Related Aspects of Intellectual Property Rights. "Non-Violation Complaints and the TRIPS Agreements.", IP/C/W/124, 28 January 1999
- Note by the Secretariat: Council for Trade-Related Aspects of Intellectual Property Rights. "Non-Violation Complaints and the TRIPS Agreements.", IP/C/W/124, 28 January 1999
- Note by the Secretariat: Council for Trade-Related Aspects of Intellectual Property Rights. "Non-Violation and Situation Nullification or Impairment under the TRIPS Agreement.", IP/C/W/385, 30 October 2002
- Note by the Secretariat: Council for Trade-Related Aspects of Intellectual Property Rights. "Non-Violation and Situation Complaints.", , IP/C/W/349, 19 June 2002
- Note by the Secretariat: Negotiating Group on Dispute Settlement, Meeting of 28 September 1989, MTN.GNG/NG13/16, 13 November 1989
- O' Connor, J.F. Good Faith in International Law. Dartmouth, 1931.
- Pauwelyn, Joost. "The Role of Public International Law in the WTO: How far Can We Go?." American Journal of International Law. 95, 3, (July 2001).

- Petersmann, Ernst-Ulrich . International Trade Law and the GATT/WTO Dispute Settlement System. Kluwer Law International, 1997, pp. 143-181.
- Petersmann, Ernst-Ulrich . The GATT/WTO Dispute Settlement System: International Law, International Organizations and Dispute Settlement. Kluwer Law International, 1997.
- Petersmann, Ernst-Ulrich." The Dispute Settlement system of the World Trade Organization and the Evolution of the GATT Dispute Settlement System Since 1948. Common Market Law Review 31 (1994): 1157-1244.
- Petersmann, Ernst-Ulrich."Violation-Complaints and Non- Violation Complaints in Public International Trade Law." German Yearbook International Law. 32, (1991).
- PrieB, Han – Joachim and Pitscha, Christian s."Recent Developments within the WTO: Korea - Measures Affecting Government Procurement." News and Analysis Proposal from Cuba, The Dominican Republic, Egypt, Indonesia, Malaysia and Pakistan. "Non-Violation Nullification or Impairment Under The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), IP/C/W/141, 29 April 1999.
- Raghavan, Chakravarthi. "Panel Expand Scope of Non-Violation Complaints." Available from: [www.twinside.org.sg](http://www.twinside.org.sg)
- Report of Appellate Body. "India-Patent Protection for Pharmaceutical and Agricultural Chemical Products", World Trade Organization, WT/DS50/AB/R, 1997.
- Report of Appellate Body. "EC – Measures Affecting Asbestos and Asbestos-Containing Products." WT/DS/35/AB/R
- Report of Panel. "European Economic Community – Payments and Subsidies Paid to Processors and Procedures of Oilseeds and Related Animal-Feed Proteins." 25 January 1990, GATT BISD/86, 1991.
- Report of Panel. "Australian Subsidy on Ammonium Sulphate"., April 3, 1950, GATT BISD/188, 1952.
- Report of Panel. "Uruguayan Recourse.", November 16, 1962, GATT BISD/95, 1963.

Report of Panel. "EEC – Production Aids Granted on Canned Peaches, Canned Pears, Canned Fruit Cocktail and Dried Grapes, February 20, 1985, GATT Doc. L/5778, CW/476

Report of Panel. "European Community – Tariff Treatment of Citrus Products from Certain Mediterranean Countries, February 7, 1985, GATT Doc. L/5776

Report of Panel. "Japan-Trade in Semi-Conductors", L/6309-35S/116), Adopted 4 May 1988.

Report of Panel. "Treatment by German of Import of Sardines." Adopted by the Contracting Parties on 31 October 1952 (BISD/53)

Report of Panel. "German Import Duties on Strach and Potato Flour." Noted by the Contracting Parties on 16 February (W.9/178-3S/77)

Report of the Panel. "Korea – Measure Affecting Government Procurement.", WT/DS163/R, 1 May 2000.

Report of Panel. "United States – Restrictions on The Importation of Sugar and Sugar-Containing Products Applied under The 1955 Waiver and Under The Headnote to the Schedule of Tariff Concession." adopted on 7 November 1990 (L/6631-37S/228)

Report of Panel. "Japan – Measures Affecting Consumer Photographic Film and Paper, March 31, 1998. WT/DS44/R

Roessler, Frieder. "Should Principles of Competition Policy be Incorporated into WTO Law Through Non-Violation Complaints?." Journal of International Economic Law (1999).

Ruessmann, Laurent . "The Place of Legitimate Expectations in the General Interpretation of the WTO Agreements" Institute for International Law, Working Paper No 36 – December 2002.

Schachter, Oscar. International Law in Theory and Practice. Marinus Nij Hoff Publishers, (1991)

Schlechtriem Peter. "Good Faith in German Law and in International Uniform Law."

Available from: [www.cnr.it/CRDCS/schlechtriem.htm](http://www.cnr.it/CRDCS/schlechtriem.htm)

Shimizu, Alio. "Analysis of GATT Non-Violation Cases." Selected GATT/WTO Panel

Report, Summaries and Commentaries Volume 3, April 1997 Fair Trade Center,  
Tokyo

Special Distribution Negotiating Group on Dispute Settlement. "Non-Violation Complaints

Under GATT Article XXIII:2." Note by Secretariat, MTN.GNG/NG13/W/31, 14 July  
1989.

Steger, Debra P. "Afterword: The "Trade and..." Conundrum-A Commentary." The

American Journal of International Law, 63 (2002).

Stilwell, Matthew and Turek, Elizabeth, "Non-Violation Complaints and The TRIPS

Agreement: Some Considerations for Members", South Centre, Available from:  
[www.southcentre.org](http://www.southcentre.org)

Submission by the African Group, Barbados, Bolivia, Brazil, Cuba, Dominican Republic,

Ecuador, Honduras, India, Indonesia, Jamaica, Pakistan, Paraguay, Philippines,  
Peru, Sri Lanka, Thailand and Venezuela. "TRIPS and Public Health". IP/C/W/296,  
29 June 2001.

Stewart, Terence P. The GATT Uruguay Round: A Negotiating History (1982-1992).

Kluwer Law and Taxation Publishers, 1993.

Sun, Haochen. "TRIPS and Non-Violation Complaint." From a Public Health

Perspective, (2002).

The Fifth Ministerial Conference (Cancun Ministerial Conference), 10-14 September

2003.

The Hon. Sir Robert Megarry. Snell's Principles of Equity. London Sweet & Maxwell,

1973.

Trachtman, Joel P. "The Domain of WTO Dispute Resolution." Harvard International Law

Journal. (Spring 1999).

Understanding on Rules and Procedures Governing the Settlement of Disputes

UK Public Sector Law Developments. "Legitimate Expectation – The Confusion continues." Rowe & Maw, Available from:  
[www.island.lk/2001/09/14/feature01.html](http://www.island.lk/2001/09/14/feature01.html)

Vienna Convention on the Law of Treaties, May 23, 1969.

Woolcock, Stephen. "International Competition Policy and the World Trade Organization." Paper for the LSE Global Dimensions/Federal Trust Forum on the "Singapore Issue" in the WTO March 25-27 the London School of Economics

World Trade Organization. Analytical Index: Guide to GATT Law and Practice, Volume 2, Article XXII-XXXVIII. Geneva, 1995.

WTO Analytical Index (2003, Available from: [www.wto.org](http://www.wto.org))





## ประวัติผู้เขียนวิทยานิพนธ์

นางปาริชาติ โมโนยกุล เกิดวันที่ 29 พฤษภาคม 2516 ที่ลำปาง สำเร็จการศึกษานิติศาสตรบัณฑิต จากมหาวิทยาลัยธรรมศาสตร์ ปีการศึกษา 2537, ประกาศนียบัตรบัณฑิตทางกฎหมายธุรกิจ มหาวิทยาลัยธรรมศาสตร์ ปีการศึกษา 2541 เข้าศึกษาต่อหลักสูตรปริญญาวิทยาศาสตรมหาบัณฑิต สาขากฎหมายระหว่างประเทศ ปีการศึกษา 2543 ประสบการณ์การทำงาน ในปี 2540 ถึงปัจจุบัน ประกอบวิชาชีพทนายความที่ปรึกษา บริษัทดิลลิโก้ แอนด์ กิบบินส์ อินเตอร์เนชั่นแนล จำกัด