

International Trade Practice

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Highlights of the 2025-2026 Edition

International Trade Practice is a comprehensive guide for navigating the complex landscape of international trade law and dispute resolution. Covering a wide range of topics, this resource helps readers stay up-to-date on the latest developments and best practices in the field.

Key topics covered in this work include: Section 337 Enforcement & Intellectual Property Protection; Antidumping Law & Investigations; Countervailing Duties & Subsidies; Trade Remedies & Safeguards; Administrative Protective Orders & Procedural Matters; International Trade Dispute Resolution; and National Security Import Restrictions.

Updates to this 2025-2026 Edition of *International Trade Practice* include:

- New section covering Alternatives and Complements to Section 337 (See § 2:15)
- Analysis of the current trend requiring patentees to prove commercial success stems from claimed invention rather than external factors such as marketing, pricing, or discounts. (See § 3:14)
- Summaries of recent judicial review cases of ITC decisions such as: *Philip Morris Products S.A. v. ITC*; *Wuhan Healthgen Biotech v. ITC*; and *Lashify, Inc. v. ITC* (See § 11:15)
- Discussion of *Marmen Inc. v. United States*, in which the Federal Circuit rejected the Commerce Department's differential pricing methodology when statistical test assumptions were not properly verified. (See § 15:4)
- Significant revisions to Chapter 24 on Substantive Issues in Countervailing Duty Investigations, including the addition of 2 new sections covering Other Specificity Exceptions and Transnational Subsidies (See §§ 24:5 and 24:15)
- The addition of important, more recent holdings impacting the standard of review and agency decisions such as *Kisor v. Wilkie* and *Loper Bright Enterprises v. Raimondo* (See § 30:1)
- Coverage of recent litigation surrounding the extension of the steel and aluminum tariffs imposed through Section 232 authority, including *Transpacific Steel LLC v. United States* and *PrimeSource Building Products v. United States* (See § 42:2)

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Matthew McCullough
June 2025

I acknowledge with great appreciation, affection and respect the roles played by Harvey Kaye as a pioneer of ITC practice, as a founding and long time author of the section 337 portion of International Trade Practice and as a good friend and colleague. He set a foundation for those of us who follow him in the practice and scholarship. I will reach back over and over for his wisdom and wit as I continue to update his work.

Jerry Cohen
June 2025



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